

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 280**  
**February 24, 2010**  
**4:30 P.M.**

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| <b>Tammie Keplinger</b> | <p><b>1. Petition No. 2009-050 by Mt. Tabor Community Development Corporation</b> for a change in zoning of approximately 1.89 acres located on Sardis Road across from Wilby Drive from R-3 to INST(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"><li>1. The petitioner added a note stating the dedication of the property for greenway purposes will occur prior to issuance of building permits.</li><li>2. In light of there being no set timeframe for design and construction of the greenway, or available funding, the petitioner has responded to the request for information about how the open space, greenway, greenway access and elevation near what appears to be the creek line will co-exist by providing the following language on the site plan (with input from the Mecklenburg Parks and Recreation Department staff):<ol style="list-style-type: none"><li>a) The petitioner and county agree to allow a connection from the petitioner's property to the greenway access trail in the future. Construction of the petitioner's private access trail will occur at the same time or after the county's construction of the greenway access trail. The construction of the private access trail will be designed and built in strict accordance with ADA and ANSI codes and standards.</li><li>b) The county will build the greenway access trail at some point in the future as funding allows.</li><li>c) The petitioner would be provided a point to connect onto the county trail that would enable the clients of the petitioner access.</li><li>d) The petitioner agrees to work with the county for this future connection.</li><li>e) Any necessary cooperative agreements required by the county will be pursued when design and construction is anticipated.</li></ol></li><li>3. The petitioner added language to the site plan stating that the purpose of the 12-foot gravel drive for dry land access is to provide for the ability to access a habitable building during a flood condition, and that the ordinance requires that a site provide a dryland access point at the highest point on the property when flood conditions prevent the driveway from being used.</li><li>4. The petitioner revised the site plan to show the drainage easement (per deed) and to show that the parking area appears to be outside of the drainage easement. The petitioner has provided language on the site that clarifies what the adjacent note regarding "future conditions flood fringe elevation" means and states that it is the elevation by which the parking and building need to be referenced. The parking and building have minimum criteria that use this elevation (a completed and approved flood study established the elevation).</li><li>5. The petitioner added a note to the site plan stating that any modifications to the site plan will be in accordance with Section 6.2 of the City of Charlotte Zoning Ordinance.</li><li>6. The petitioner amended Note 8.1 to read "...shielded with full cut off fixtures..."</li><li>7. The petitioner confirmed with staff that no structures are associated with the proposed water quality features.</li></ol> |
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| <p><b>Tammie Keplinger</b></p> | <p><b>2. Petition No. 2010-011 by Steele Creek (1997) Limited Partnership</b> for a change in zoning of approximately 82.60 acres located on the south side of Dixie River Road and north of Steele Creek Road from R-3, BP (CD), CC and O-2(CD) all in the (LLWPA) to CC SPA, CC and I-1 (CD) all in the (LLWPA).</p> <p>Attachment 14</p> <p><b>The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The site plan has been modified to show the road section AA shows on-street parking located on both sides of the public street, reflecting an office/commercial street wide section with 13-foot wide lanes with an additional seven feet to face of curb for parking.</li> <li>2. The internal private roadways have been modified to include a six-foot wide sidewalk, separated from the curb by an eight-foot wide planting strip on both sides of the roadway when buildings are located up to roadway.</li> <li>3. The conditional rezoning transportation improvement notes for this petition include the most recent mitigation requirements as discussed in the meeting with the petitioner held on January 19, 2010. The revised site plan reflects the following changes: <ol style="list-style-type: none"> <li>a) The petitioner provided through lane transition on New Dixie River Drive at Access "C".</li> <li>b) The petitioner added a northbound left turn lane on Trojan Drive with 150 feet storage with appropriate tapers at Access "A".</li> <li>c) Petitioner provided three egress lanes exiting the site at the future signalized Access "C" location.</li> <li>d) The language in the conditional notes has been modified as follows: "when traffic signal control is justified by CDOT, all associated costs will be either shared between the petitioner and others; or solely the responsibility of the petitioner if others are not ready to develop". The petitioner at their discretion may elect to construct the signal with steel posts and mast arms at no additional costs to others.</li> <li>e) The petitioner reduced the construction phasing of New Dixie River to two phases versus three.</li> <li>f) A note has been added stating the New Dixie River roadway construction from Berewick Commons Parkway to Sandhaven Way and the installation of a new traffic signal at New Dixie River Road and Sandhaven Way will occur and be in place prior to issuance of a final certificate of occupancy for more than 20,000 square feet of allowed uses on Parcel D or more than 420,000 square feet of allowed use on Parcel C.</li> <li>g) A note has been included indicating that when the petitioner designs and constructs the extension of Berewick Commons Parkway through Parcel C, including stubbing the street to tax parcel 199-241-22, the stub street to tax parcel 199-241-22 will be designed and constructed as is customary through the City of Charlotte's subdivision process. The petitioner will design the stub street during the subdivision process in plan and profile using the latest city topography available from Berewick Commons Parkway to Trojan Drive to determine the most cost effective street connection. In addition, the petitioner will cooperate with the City during the final design of the extension of the stub street by others from Parcel C to Trojan Drive.</li> <li>h) A note has been added that the petitioner will construct the westbound approach at Access "F" with one ingress lane and two egress lanes as an exclusive left and right turn lanes.</li> <li>i) A note has been added that the petitioner will construct the northbound approach at Access "I" with one ingress lane and two egress lanes as an exclusive left and right turn lanes.</li> <li>j) The petitioner included the <u>Right of Way Acquisition</u> paragraph to align with</li> </ol> </li> </ol> |
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|                  | <p>the City's current real estate acquisition policy to read as follows: It is possible that the Petitioner will have to acquire off-site right-of-way to complete some of these <u>roadway</u> improvements. If <u>after three reasonable efforts have been made</u> by the Petitioner to acquire such right-of-way on market rate terms, such efforts to be expended for a period of 60 days, the Petitioner has not been successful, the City of Charlotte will assist in the acquisition of right-of-way in accordance with its standard policies. In such event, the Petitioner will reimburse the City for costs associated with this right-of-way acquisition.</p> <p>k) The petitioner will remove the dimensions on street cross-sections that must comply with CDOT and Subdivision standards.</p> <p>4. The petitioner reflected proposed zoning in Parcels A and B as CC.</p>  |
|                  | <p>3. <b>Petition No. 2010-012 by Sree Hotels, LLC</b> for a change in zoning of approximately 0.32 acres located on the west side of Little Rock Road between Interstate 85 and Keeter Drive from I-2 to I-1.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p> <p><b>Update: This is a conventional petition with no associated site plan and no outstanding issues.</b></p>   |
| Tammie Keplinger | <p>4. <b>Petition No. 2010-013 by Roger and Perina Stewart</b> for a UR-3(CD) site plan amendment for approximately 0.68 acres located at the north intersection of Belmont Avenue and Allen Street.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> <p><b>Update: The following outstanding issue has been addressed:</b></p> <p>1. The petitioner removed the asterisks shown by the proposed maximum building height.</p>   |
| Tammie Keplinger | <p>5. <b>Petition No. 2010-014 by City of Charlotte</b> for a change in zoning of approximately 1.05 acres located on the south side of the intersection at North Tryon Street and East 5<sup>th</sup> Street from UMUD-O to UMUD-O SPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <p>1. The petitioner amended Note 1 to allow a maximum of three banners per wall elevation. Deleted reference to "multiple banners per establishment".</p> <p>2. The petitioner amended Note 5 to allow a maximum of 14 bulletin boards for the sole purpose of posting notices of upcoming events, consisting of 12 existing bulletin boards on the North Tryon Street facade and two proposed bulletin board displays on the College Street façade. The proposed bulletin boards total 65 square feet in area. In addition, provided a reference to an accompanying labeled attachment that specifies the location of the existing bulletin boards..</p> <p>3. The petitioner amended Note 6 to specify that window signage is for the sole purpose of posting notice of upcoming events and referenced accompanying attachments that specify the location of window signage along the Fifth Street and College Street facades for which 100 percent coverage is requested.</p> |
| Tammie Keplinger | <p>6. <b>Petition No. 2010-015 by City of Charlotte</b> for a change in zoning of approximately 2.74 acres located on the north corner of the intersection at North Tryon Street and West 6<sup>th</sup> Street</p>  |

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|                         | <p>from UMUD-O to UMUD-O SPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner added a note that approval for any additional attached signage on the parking deck will be obtained from the Historic District Commission.</li> <li>2. The petitioner amended Note 1 to allow a maximum of three banners per wall elevation. Deleted reference to multiple banners per establishment.</li> <li>3. The petitioner specified that window signage may be in the form of video or LED screens.</li> </ol> <p><b>Update: The following issue has been addressed since the public hearing:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner amended Note 7 to reference an accompanying attachment that specifies the location of window signage along the Sixth Street and North Tryon Street facades for which 70 percent coverage is requested.</li> </ol>  |
| <b>Tammie Keplinger</b> | <p>7. <b>Petition No. 2010-016 by Public Library of Charlotte &amp; Mecklenburg County</b> for a change in zoning of approximately 2.79 acres located at the western corner at the intersection of East 7<sup>th</sup> Street and North Brevard Street from UMUD to UMUD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner amended Note 1 to allow a maximum of 3 banners and deleted references to "multiple banners per establishment".</li> <li>2. The petitioner amended Note 4 to allow for 5 existing bulletin boards and referenced attachment 2010-016A, B, C, D E containing pictures.</li> <li>3. The petitioner specified that window signage may be either video or LED screens.</li> <li>4. The petitioner amended Note 7 to specify that video screens are permitted at a maximum size of 200 square feet per operating unit.</li> </ol>  |
| <b>Tammie Keplinger</b> | <p>8. <b>Petition No. 2010-017 by Public Library of Charlotte &amp; Mecklenburg County</b> for a change in zoning of approximately 1.31 acres located along the south side of North Tryon Street between East 6<sup>th</sup> Street and East 7<sup>th</sup> Street from UMUD to UMUD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner amended Note 1 to allow a maximum of three banners. Deleted reference to multiple banners.</li> <li>2. The petitioner amended Note 4 to allow a maximum of eight bulletin boards at a maximum of 161.6 square feet along the Sixth Street façade and a maximum of 97 square feet along the North Tryon elevation. .</li> <li>3. The petitioner specified that window signage may be in the form of video or LED screens, in addition to traditional signage.</li> <li>4. The petitioner amended Note 7 to specify that video screens are permitted at a maximum size of 200 square feet per operating unit.</li> </ol> |

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| <p><b>Tammie Keplinger</b></p> | <p>9. <b>Petition No. 2010-018 by Mecklenburg County</b> for a change in zoning of approximately 1.55 acres located along North College Street between East 6<sup>th</sup> Street and East 7<sup>th</sup> Street from UMUD to UMUD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner amended Note 1 and deleted the language “multiple banners per establishment”. The petitioner has added “Allow a maximum of three banners per wall elevation that may not be attached to the building wall or canopy on a permanent basis.</li> <li>2. The petitioner amended Note 4 to allow the five existing exterior bulletin boards located on the N. Tryon Street elevations (identifying Attachments) for the sole purpose of posting notices of tenant names or upcoming events.</li> <li>3. The petitioner added a note to state that video screens are permitted at a maximum size of 200 square feet per operating unit and limit to a maximum of one video screen per elevation.</li> </ol> <p><b>Update: The following issue has been addressed since the public hearing:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner amended Note 5 to reference an attachment identifying the location (along the Seventh Street façade) of the request to allow up to 100 percent window coverage.</li> </ol> |
| <p><b>Tammie Keplinger</b></p> | <p>10. <b>Petition No. 2010-024 by Freedom Drive Development Association</b> for a change in zoning of approximately 0.28 acres located on the northwest corner at the intersection of Freedom Drive and West Morehead Street from B-1(PED) to B-1(PED-O).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 17</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner specified the optional request as follows: <ol style="list-style-type: none"> <li>a. to allow the existing roof sign; and,</li> <li>b. to allow the existing detached sign to remain.</li> </ol> </li> <li>2. The petitioner specified the requested height as 16-feet and 24-square footage of existing detached sign.</li> <li>3. The petitioner verified that the existing detached sign is located on the subject property.</li> </ol>   |