

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

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| <p><b>Tammie Keplinger</b></p> <p><b>Deferral (5-month)</b></p> <p><b>Protests Sufficient</b></p> | <p><b>1. Petition No. 2008-032 by Myers Park Homeowners Association</b> for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF.</p> <p>The petitioner is requesting a five-month deferral to the November 24, 2010 Zoning Committee Worksession.</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 1 (from January 19, 2010 Council Agenda)</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>   |
| <p><b>Sonja Sanders</b></p> <p><b>Deferral (3-month)</b></p>                                      | <p><b>2. Petition No. 2009-076 by The Asian (Korean) Herald</b> for a change in zoning of approximately 0.64 acres located on the west side of Cherry Street between Baxter Street and Luther Street from R-8 to O-2(CD).</p> <p>Staff does not recommend approval of this petition.</p> <p>The petitioner is requesting a three-month deferral to the September 29, 2010 Zoning Committee Worksession in order to allow additional meetings with the neighborhood and staff. Staff does not recommend approval of this deferral.</p> <p>Attachment 7</p> <p><b>Update: The petitioner did not submit a revised site plan. Therefore, the following issues are still outstanding.</b></p> <ol style="list-style-type: none"> <li><b>1. Remove the maximum building square footage and all other references to a building as one is not shown on the site plan.</b></li> <li><b>2. Specify site acreage as 0.64 acres.</b></li> <li><b>3. Clearly delineate the area to be rezoned.</b></li> <li><b>4. Specify which streets are referred to in Note 5 (meandering of sidewalk and varying of planting strip width).</b></li> <li><b>5. Delete Note 3 as dumpsters are not permitted on the site if it is used solely as a parking lot.</b></li> <li><b>6. Eliminate all parking within five feet of exterior property lines.</b></li> <li><b>7. Amend Note 19 to indicate whether the existing houses are to remain. If existing houses will remain the lot must be subdivided to eliminate two principal uses on one lot. Any proposed subdivision of tax parcel 12522101 must be completed prior to a decision on the petition.</b></li> <li><b>8. Show a 14-foot Class C buffer between the parking lot and the existing homes if they are to remain.</b></li> <li><b>9. Properly reflect the zoning, tax parcel numbers, and owners on abutting properties.</b></li> <li><b>10. Specify proposed location of the fence referenced in the legend.</b></li> <li><b>11. Address CDOT comments.</b></li> <li><b>12. Amend Note 19 to either specify an on-site principal institutional use or delete accessory uses for an institutional use as a permitted use.</b></li> <li><b>13. Show and label the 20-foot required setback off Baxter Street. No parking or maneuvering is permitted in the required setback.</b></li> <li><b>14. Show and label the 10-foot required side yard off Cherry Street. No parking or maneuvering is permitted in the required side yard abutting a street.</b></li> </ol> |

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| Tom Drake                              | <p><b>3. Petition No. 2010-009 by St. Paul Missionary Baptist Church, Inc.</b> for a change in zoning of approximately 9.06 acres located within Harrill Street, East 16<sup>th</sup> Street, Pegram Street and East 18<sup>th</sup> Street from R-5 and O-2(CD) to MUDD-O and UR-C(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 8</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner has renamed the “elderly housing” component to “senior housing”.</li> <li>2. The petitioner has revised the site plan to state the maximum building height is not to exceed three stories <u>and 40 feet</u>.</li> <li>3. The petitioner has provided a notarized letter from Charlotte-Mecklenburg Schools (CMS) that states St. Paul’s Church allows Hawthorne High School use of their facilities, including their parking lots, for special events. And in return, St. Paul’s Baptist Church may have exclusive use of the Hawthorne High School parking facilities from 7:00 a.m. to 3:00 p.m. on Saturdays and Sundays.</li> <li>4. The petitioner has revised the site plan to identify off-street parking spaces in Blocks A, B, C and D that are being used for the church facility in Block E.</li> <li>5. The petitioner has added a note that identifies on-street parking available for Block E (properties to be zoned MUDD).</li> <li>6. The petitioner has modified the internal parking row, increased a side yard, added a tree in the parking lot, and added a tree adjacent to the proposed garden area in Block A; increased the planting strip and added trees within the planting strip, and converted parking spaces to compact to accommodate the increased planting strip and buffers within Block C; and added a street tree and a tree internal to the site within Block D.</li> <li>7. The petitioner has added language to Development Note J6 to provide more specificity on exterior building materials. The added language states: “Only non-vinyl and non-metal siding are allowed. Fiber cement siding, such as hardie plant, is allowed. Vinyl trim and shutters are allowed.”</li> <li>8. The petitioner has added a table to the site plan that identifies dwelling unit per acre calculation for Blocks A-D.</li> </ol> <p><b>The following issue is outstanding:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner should correct the site plan to note that there are 14 spaces in the northernmost parking row of parking within Block C, not 16 as currently labeled.</li> </ol> |
| Tom Drake<br><br>Deferral<br>(1-month) | <p><b>4. Petition No. 2010-032 by the Rock Worship Center</b> for a change in zoning of approximately 1.59 acres located at the intersection of Fordham Road and West Boulevard from R-4 to O-1(CD).</p> <p>Staff recommends a one-month deferral of this petition to the August 4, 2010 Zoning Committee Worksession.</p> <p>Attachment 9</p> <p><b>Update: The petitioner did not submit a revised site plan. Therefore, the following issues are still outstanding.</b></p> <ol style="list-style-type: none"> <li>1. Remove the parking lot area that is within the required buffer or obtain a variance to allow it to remain prior to a decision by City Council.</li> <li>2. Add a note to the site plan that the site will comply with the PCCO, and that all plan elements and modifications shown on the rezoning site plan must be specifically permitted and approved by the City of Charlotte.</li> <li>3. Modify several proposed tree locations since they are on steep slopes or are too close to curbs for mature growth. Three additional internal trees are needed to meet Tree Ordinance requirements.</li> <li>4. Provide a detail for the solid fence being used to reduce the buffer.</li> <li>5. Add a crosswalk across Fordham Road from the parking lot to the church.</li> </ol>   |

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|               | <ol style="list-style-type: none"> <li>6. Correct the number of provided parking spaces on the site plan to reflect 104 which are actually shown.</li> <li>7. Amend proposed zoning to reflect O-1(CD).</li> <li>8. Show zoning on abutting lots.</li> <li>9. Amend the Site Data table to delete reference to maximum building height, as the only proposed use is a parking lot.</li> <li>10. Show and label the required eight-foot planting strip and six-foot sidewalk along the frontage on Fordham Road.</li> <li>11. Limit lighting to a maximum of 15-feet in height and commit to use of full cut off fixtures.</li> <li>12. Revise the number of internal trees shown from four to seven.</li> <li>13. Remove the driveway to West Boulevard.</li> </ol>  |
| Tom Drake     | <p>5. <b>Petition No. 2010-035 by Lichtin Corporation</b> for a CC site plan amendment of approximately 37.3 acres located at the intersection of Johnston Road and Toringdon Way, surrounded on the south side by Interstate 485.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>   |
| Sonja Sanders | <p>6. <b>Petition No. 2010-036 by Grier Funeral Service, Inc.</b> for a change in zoning of approximately 1.60 acres located at the north corner of Rozzelles Ferry Road and John McCarroll Avenue from R-22MF and O-2(CD) to O-2(CD) and O-2(CD) site plan amendment.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 12</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The previously submitted elevations for the proposed garage, which showed a one-story, four bay garage have been submitted.</li> <li>2. A note has been added that states two trees will be provided to break up the blank wall facing Rozzelles Ferry Road.</li> <li>3. The existing zoning has been amended to reflect R-22MF and O-2(CD).</li> <li>4. The area proposed to be rezoned has been clearly delineated.</li> <li>5. A note has been added that states signage will comply with Chapter 13 of the Charlotte Zoning Ordinance.</li> <li>6. The existing four-foot sidewalk along John McCarroll Avenue has been shown and labeled.</li> <li>7. A note has been added that states the sidewalk along John McCarroll Avenue will be connected around the utility poles to provide pedestrian access.</li> </ol> <p><b>Update: The following additional changes have been made:</b></p> <ol style="list-style-type: none"> <li>1. The reference to an existing sign has been removed.</li> <li>2. A note has been added that states the attached garage elevations are conceptual.</li> <li>3. Commitments regarding architectural standards for the proposed garage, such as roof pitch, and exterior building materials have been provided.</li> </ol> |
| Sandy         | <p>7. <b>Petition No. 2010-037 by Boxman Studios, LLC</b> for the adoption of a text amendment to</p>  |

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| <b>Montgomery</b>   | <p>the City of Charlotte Zoning Ordinance to expand the type of structures acceptable for use under the Mobile Food Vending Services definition, and to add additional standards for their use.</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 13</p> <p><b>Update: The following outstanding concerns remain:</b></p> <ol style="list-style-type: none"> <li>1. This amendment broadens the definition for a “mobile food vending service” that was arrived at through an extensive Mobile Food Vendor stakeholder process. The mobile food vending service text amendment was reviewed by the Housing and Neighborhood Development Committee and the Community Safety Committee before being adopted by the full City Council in November 2008.</li> <li>2. As part of the process, staff researched mobile food vendor regulations adopted by cities across the country to gather information on best practices. Staff’s research did not find any community that permitted intermodal shipping containers to be used for a mobile food vending service. Intermodal shipping containers are designed for freight handling and do not qualify as a licensed or moveable vehicle under the current definition for “mobile food vending service”.</li> <li>3. Any structure that is located on a lot for commercial purposes must meet the North Carolina Building Code. An intermodal shipping container is considered to be a “structure” as defined in the Zoning Ordinance. According to the Land Use and Environmental Services Agency, when an intermodal shipping container designed for commercial purposes is placed on the ground, it is required to meet the North Carolina Building Code and be certified as such by a Structural Engineer, in order to receive a permit. Any structure, including intermodal shipping containers, that is removed from the site after certification and permit approval, would require a new North Carolina Building Code certification inspection and a new permit each time it is placed on the ground, on any site. An intermodal shipping container that meets the North Carolina Building Code regulations, is certified by a Structural Engineer, and receives a building permit would be allowed as a permanent use in a number of zoning districts under the existing regulations.</li> </ol> |
| <b>Solomon Fortune</b><br><br><b>Protest Non-Sufficient</b> | <p>8. <b>Petition No. 2010-043 by Valley Development, Inc.</b> for a UR-2(CD) site plan amendment of approximately 4.27 acres located along Wendwood Lane off Randolph Road.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 14</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. A note has been added committing to the 60 percent use of masonry material on each unit, consistent with the two previous rezoning conditions and the three constructed townhomes.</li> </ol> <p><b>The following outstanding issues have been not been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Show the location of the dumpster and recycling pad.</li> </ol>  |
| <b>Tammie Keplinger</b>                                     | <p>9. <b>Zoning Committee Worksession Holiday Schedules</b> – Review the dates for the November and December Zoning Committee Worksessions currently scheduled. (Calendars attached)</p>   |

## November 2010

| Sun | Mon   | Tue | Wed  | Thu                                   | Fri                                   | Sat |
|-----|---|-----|--|---------------------------------------|---------------------------------------|-----|
|     | 1   | 2   | 3  | 4                                     | 5                                     | 6   |
| 7   | 8   | 9   | 10   | 11                                    | 12                                    | 13  |
| 14  | <b>15<br/>City Council<br/>Zoning<br/>Meeting</b> | 16  | 17   | 18                                    | 19                                    | 20  |
| 21  | 22  | 23  | <b>24<br/>November<br/>ZC Worksession<br/>4:30</b> | <b>25<br/>Thanksgiving<br/>Closed</b> | <b>26<br/>Thanksgiving<br/>Closed</b> | 27  |
| 28  | 29  | 30  |  |                                       |                                       |     |

## December 2010

| Sun | Mon   | Tue | Wed  | Thu | Fri                                | Sat |
|-----|---|-----|--|-----|------------------------------------|-----|
|     |   |     | 1  | 2   | 3                                  | 4   |
| 5   | 6   | 7   | 8  | 9   | 10                                 | 11  |
| 12  | 13  | 14  | 15   | 16  | 17                                 | 18  |
| 19  | <b>20<br/>City Council<br/>Zoning<br/>Meeting</b> | 21  | 22   | 23  | <b>24<br/>Christmas<br/>Closed</b> | 25  |
| 26  | <b>27<br/>Christmas<br/>Closed</b>                | 28  | <b>29<br/>December<br/>ZC Worksession<br/>4:30</b> | 30  | 31                                 |     |

# TENTATIVE SCHEDULE NOT YET APPROVED BY COUNCIL

## January 2011

| Sun       | Mon  | Tue   | Wed   | Thu       | Fri       | Sat                         |
|-----------|--|---|---|-----------|-----------|-----------------------------|
|           |  |   |   |           |           | <b>1</b><br><b>NY'S DAY</b> |
| <b>2</b>  | <b>3</b>                                     | <b>4</b>  | <b>5</b>  | <b>6</b>  | <b>7</b>  | <b>8</b>                    |
| <b>9</b>  | <b>10</b>                                    | <b>11</b>   | <b>12</b>   | <b>13</b> | <b>14</b> | <b>15</b>                   |
| <b>16</b> | <b>17</b><br><b>MLK Day</b><br><b>Closed</b> | <b>18</b><br><b>City Council</b><br><b>Zoning</b><br><b>Meeting</b> | <b>19</b>   | <b>20</b> | <b>21</b> | <b>22</b>                   |
| <b>23</b> | <b>24</b>                                    | <b>25</b>   | <b>26</b><br><b>January</b><br><b>ZC Worksession</b><br><b>4:30</b> | <b>27</b> | <b>28</b> | <b>29</b>                   |
| <b>30</b> | <b>31</b>                                    |   |   |           |           |                             |