

UPDATE TO THE AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
October 27, 2010

Legend	<p>Red – outstanding issues from the staff analysis that were not addressed in the revised site plan. Blue – new outstanding issues based on the revised site plan submitted Friday October 22, 2010. Green – resolution to any outstanding issues since distribution of the Agenda.</p>
Sonja Sanders	<p>1. Petition No. 2010-056 by Childress Klein Properties for a change in zoning of approximately 13.15 acres bounded by Carnegie Boulevard and Congress Street near Barclay Downs Drive from O-1 to MUDD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p>Based upon the revised site plan submitted Friday October 22, 2010, the following new outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. Amend Note 10 to state that the ground floor construction of structures fronting either side of the located along the internal pedestrian-friendly corridor and street corridor that runs north to south between Carnegie Boulevard, and the frontage of Tract A along Carnegie Boulevard will be developed with commercial and/or residential uses. The petitioner amended the note to state that the Technical Data Sheet contemplates a landscaped/pedestrian friendly corridor running in a generally southerly to northerly direction from Carnegie Boulevard through Tract D and extending, as a street corridor, through Tract C to Carnegie Boulevard (the "Corridor") which is fronted on both sides only by ground floor Commercial uses or multi-family dwelling units. <p>In order to ensure the orderly development of <u>these uses along the Corridor</u>, the Petitioner also added the following commitments:</p> <ol style="list-style-type: none"> 1.) The ground floor Commercial uses or multi-family dwelling units proposed along both sides of Corridor within Tract C shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract C. 2.) The ground floor Commercial uses or multi-family dwelling units proposed along both sides of Corridor within Tract D shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract D. <p>The Petitioner reserves the right to elect to extend these types of ground floor uses along the southerly margin of Tract D and Tract A in an easterly direction along Carnegie Boulevard within the general area depicted on the Technical Data Sheet.</p> <ol style="list-style-type: none"> 2. Amend Note 10, subsections 1 and 2 to consistently use the term multi-family dwelling units or residential dwelling units. The site plan has been amended to consistently use the term multi-family dwelling units. 3. Amend Note 14(a) to state that up to 250,000 square feet of commercial floor area or up to 391 multi-family dwelling units and any associated parking decks to accommodate the off-street parking requirements of the Ordinance may be developed on the Site without any off-site transportation improvements other than driveway connections. Petitioner has worked with CDOT and it has been mutually agreed upon to retain the provisions of Section 14(a) as specified in the revised Development Standards submitted on October 22, 2010. 4. Amend Note 14(b) to state that prior to the issuance of building permits for vertical development in excess of 250,000 square feet of commercial floor area or 391 multi-family dwelling units and following receipt of written authorization from CDOT to make these improvements, the Petitioner commits to construct a third westbound through lane on Fairview Road extending from Barclay Downs Drive to a point where this lane would tie in with the existing westbound right turn lane at Assembly Street. Petitioner has worked with CDOT and it has been mutually agreed upon to retain the provisions of Section 14(b) as specified in the revised Development Standards submitted on October 22, 2010.

	<p>5. Amend Note 14(b) to state that the Petitioner will be responsible for all costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications required as a result of these improvements, including but not limited to: utility relocations, traffic signal modifications, pavement markings, engineering, permitting, project administration, landscaping, street trees, street tree mitigation, and right-of-way acquisition and dedication. The design of these improvements must meet applicable requirements as determined by CDOT and be subject to its review and approval. The site plan note has been amended as requested.</p> <p>6. Amend Note 14(e) as follows: In the event CDOT elects not to authorize construction of these improvements, the Petitioner agrees to contribute to the City of Charlotte a sum equal to the deemed cost of these improvements to Fairview Road. This amount would be determined on the basis of engineering cost estimates using preliminary design drawings as specified in paragraph (b) above submitted by the Petitioner which are mutually agreed upon by the parties. In the event that these funds have not been dedicated to street improvement within the boundaries of the SouthPark Small Area Plan within seven (7) years of the contribution they shall be refunded to the Petitioner by the City. The site plan note has been amended as requested.</p>
Claire Lyte-Graham	<p>3. Petition No. 2010-062 by Allen Tate, Jr. for a change in zoning of approximately 1.3 acres located on the northeast corner of Pineville-Matthews Road (Hwy 51) and Johnston Road from O-1 to NS.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> <p>Based upon the staff analysis the following issues were outstanding and have been addressed:</p> <ol style="list-style-type: none"> 1. Delete the second paragraph under General Provisions as it conflicts with the "Amendments to Technical Data Sheet". This paragraph has been deleted. 2. Provide a cross section with details of the proposed landscaping along Johnston Road. A cross section that is acceptable to staff has been added to the site plan. 3. Provide landscaping in the area between the northern property line and the parking lot curb. Additional landscaping has been added to the site plan in this area and will consist of small maturing trees and shrubs. 4. CDOT requests the addition of a note or dimensions on the site plan that clearly delineates a 50 foot right-of-way from the existing centerline of both NC Highway 51 and Johnston Road to the "proposed" right-of-way line on the current site plan. The dimensions and a note indicating the dedication of 50-feet of right-of-way dedication along Johnston Road and 60-feet of right-of-way dedication along NC Highway 51.
Solomon Fortune	<p>5. Petition No. 2010-064 by Greater Galilee Baptist Church for a change in zoning of approximately 2.86 acres located at the intersection of Spruce Street, South Mint Street, and West Park Avenue generally bounded on the north side by Wilmore Drive from R-5(HD-O) to MUDD-O(HD-O).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p> <p>Based upon the revised site plan submitted October 22, 2010, staff requested that the petitioner add the following new note to the site plan:</p> <ol style="list-style-type: none"> 1. The building elevations included with this petition are conceptual and the Historic District Commission may, as a part of their approval, require more stringent and detailed building elevations than those shown in these conditional rezoning documents. The petitioner has agreed to add this note to the site plan.

Shad Spencer	<p>6. Petition No. 2010-065 by Levine Properties, Inc. for a change in zoning of approximately 10.90 acres generally surrounded by North College Street, East 9th Street, North Brevard Street and East 7th Street from UMUD and UMUD-O to UMUD-O and UMUD-O SPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p> <p>Based upon the staff analysis the following issues were outstanding and have been addressed:</p> <ol style="list-style-type: none"> 1. Clarify Note C.1.b. by indicating for what period of time temporary buildings, structures, and utility connections will be allowed within the private street. Note C.1.b. has been clarified by indicating temporary buildings and structures may be located within the rail corridor setback during special events for no more than 20 consecutive days. 2. Clarify Note C.4.b. by indicating that the permitted sign type identified as "movie type projected images from either direct projection or rear screen projection" is for special events and will be on a temporary basis not to exceed a total of 50 days within a calendar year. Note C.4.b. had been clarified by indicating that the permitted sign type identified as "movie type projected images from either direct projection or rear screen projection" is for special events and will be on a temporary basis not to exceed a total of 50 days within a calendar year. <p>Based upon the revised site plan submitted Friday October 22, 2010, the following new outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. Clarify Note C.3.b. by indicating the dumpster and recycling enclosure will not encroach further into the rail corridor setback than the established building line of the existing Dixie's building. Note C.3.b. has been clarified by indicating the dumpster and recycling enclosure will not encroach further into the rail corridor setback than the established building line of the existing Dixie's building. 2. Modify Note C.3.c. to state the dumpster and recycling containers must be emptied between 6:30pm and 9:00pm. The site plan note has been amended as requested. 3. Limit the total number of computer programmable L.E.D. signs and outdoor video display signs to three and clarify they will be installed as wall signs. The total number of computer programmable L.E.D. signs and outdoor video display signs has been limited to three and are indicated to be installed as wall signs. 4. Remove Note C.6.e. CDOT is comfortable with this note regarding decorative pavers within the public rights of ways as written and is no longer requiring its removal. 5. Remove Note C.7. and all notes and call-outs associated with on-street valet parking from the site plan. Note C.7. has been clarified by requesting the use of an additional through lane for off-peak valet parking and loading if approved by CDOT. 6. Add to the end of Note C.1.c. that all "non-emergency" public and/or private street closures shall comply to CDOT's current Street Closure Policy and Procedures. (Reason: So all affected parties can be properly notified of planned street closures, including emergency personnel). A sentence has been added to the end of Note C.1.c. that prior to the temporary closure of the private street, notification will be provided to CDOT so that notice of the street closure can be communicated to interested parties.
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