

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
July 27, 2011
4:30 P.M.

<p>Claire Lyte-Graham</p> <p>This item was deferred from the June 29, 2011 Zoning Committee</p>	<p>1. Petition No. 2011-024 by City of Charlotte Neighborhood and Business Services for an INST(CD)(LWPA) site plan amendment for approximately 2.38 acres located at the north corner of the intersection of Mt. Holly-Huntersville Road, Harwood Lane, and Mountain Aire Circle.</p> <p>Staff recommends approval of this petition.</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The architectural elevations have been modified and a note added stating the building will have a residential look with a base of stone or brick with shingle siding and an architectural shingle roof. 2. The number of required parking spaces has been confirmed under Note B1 and the proposed number of employees added in order to calculate the required parking. 3. Per CDOT's request, the petitioner has added notes phasing transportation improvements to correspond with the phasing of the proposed structures. Phase I (3,000 square foot building and accessory building) will require the dedication and conveyance of right-of-way along Mt Holly-Huntersville Road and Harwood Lane in fee simple; the construction of the sidewalks along Mt Holly-Huntersville Road and Harwood Lane; and the vehicle access connection onto Harwood Lane. Phase II (7,500 square foot building) will require the widening and/or realigning of Harwood Lane. 4. Notes have been clarified on site plan to state the proposed use is a child day care facility. 5. The maximum total building square footage proposed under "Design Guidelines" has been revised to note the maximum 10,500 square feet of building area and the 1,000 square-foot storage building. 6. The site plan has been revised to provide a more clear layout of the phasing of the parking area, including the ultimate number of parking spaces upon completion of both Phases I and II. 7. Class "C" buffers are labeled on the site plan. 8. Notes C ("Storm Water Management"), E ("Signs"), and "Internal Tree" Requirements have been removed as these are minimum ordinance requirements.
<p>Solomon Fortune</p>	<p>2. Petition No. 2011-031 by New Hope Baptist Church for a change in zoning for approximately 1.66 acres located on the north side of Idlewild Road and between East W. T. Harris Boulevard and Lynmont Drive from R-4 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p> <p>Update: Staff is working with the petitioner to resolve the outstanding issues identified below and in the staff analysis. Staff expects to receive a revised site plan on Monday and will send out an update on this agenda item.</p> <ol style="list-style-type: none"> 1. Label the dimension of the required 12-foot buffer on the site plan. 2. Change the proposed use to read dental office. 3. Add a note that the dental clinic use will be limited to 1400 square feet.

2011-031 continued	<ol style="list-style-type: none"> 4. Dedicate fifty feet of right-of-way from the centerline of Idlewild Road. 5. Show a five-foot sidewalk from the existing buildings and shared parking to the public sidewalk system. 6. Clarify the acreage of the area to be rezoned in the "Site Plan Notes". 7. Amend Note #4 in the "Site Plan Notes" to show the proposed zoning as Inst (CD) Religious 8. The "existing use" and "proposed use" should reflect both buildings on the site not just the residential structure. 9. Delete Note #10.
Claire Lyte-Graham	<p>3. Petition No. 2011-035 by CAH Holdings, LLC for a change in zoning for approximately 1.82 acres located on the southwest corner of the intersection at Park Road and Tyvola Road and Fairview Road from R-22MF to B-2(CD).</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 16</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Amended Proposed Uses under "Rezoning Summary" by removing references to institutional or office uses, and leaving a car wash facility as the only listed proposed use (and thereby consistent with language provided in Note 2a. under "Permitted Uses & Development Limitations" of the Development Standards. 2. Staff has removed the request to remove the note stating the accessory buildings and structures will not be considered in any limitations on the number of buildings on the site. 3. Labeled the zoning of adjacent properties. 4. Provided a minimum five-foot pedestrian connection from the building to the proposed sidewalk along Park Road. 5. Labeled existing 5-foot sidewalk (along back of curb) to remain along Tyvola Road. 6. Added "possible location" to the water quality areas identified on the site plan. 7. Removed the proposed directional sign locations from the site plan. 8. Provided a detail of the proposed 6-foot masonry wall (to be finished with precast concrete product similar to "Suretouch" by Oldcastle). 9. Provided elevations showing the building, proposed water feature and wall signs. Sheet RZ1 also identifies location of proposed water feature. 10. Added a note to RZ3 "Preliminary Planting Plan" stating plant species may be administratively modified and such modifications will be in conjunction with Urban Forestry. 11. Addressed CDOT comment by relocating the proposed driveway further north. <p>Update: The following items have been added to the site plan:</p> <ol style="list-style-type: none"> 1. Added the following sentence to Note 2b: "The vacuuming equipment used must meet the following specification: the vacuum equipment utilized may not generate more than 71 decibels at ten (10) feet." 2. Added the following sentence to Note 3a: "The Petitioner, if allowed by CDOT, will install white tubular delineator markers to delineate this left turn from the outside through lane on Park Road. 3. Added the following sentence to Note 5e: "An automatic irrigation system will be installed in these landscape areas." 4. Changed Development Standard Note 8 from "Lighting" to "Lighting and Security" and added Note d to read as follows: "The Petitioner will install a motion activated security system that will activate a two-way speaker system that notifies trespassers that they must leave or the police will be notified."

<p>Tammie Keplinger</p>	<p>4. Petition No. 2011-040 by The United House of Prayer for a change in zoning for approximately 0.36 acres located on the northwest corner at the intersection of Pegram Street and 18th Street from R-5 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 17</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Updated elevations to eliminate reference to painted brick. 2. Provided a note stating that no vinyl siding will be permitted except for windows and soffits. 3. Solid waste and recycling containers are not required for this number of units. Dumpster has been removed. 4. Amended Note 8b to state that the petitioner will comply with the adopted Post Construction Controls Ordinance. <p>The following issue remains outstanding:</p> <ol style="list-style-type: none"> 1. Staff is still reviewing the revised elevation to determine compatibility with the architectural style of the surrounding single family residences. This includes providing pitched roofs for the main structure and residential style windows.
<p>Solomon Fortune</p>	<p>5. Petition No. 2011-041 by Liberty Healthcare of Mecklenburg County, LLC for a change in zoning for approximately 17.48 acres located on the south side of Providence Road between Community House Road and Old Ardrey Kell Road from MX-2 to INST(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Labeled possible locations of underground detention on site plan. 2. Labeled possible dumpster location on site plan. 3. Provided additional internal sidewalk connections along both sides of the driveway along Providence Road West and Old Ardrey Kell Road. 4. Note 5 under Architectural Standards has been removed from the site plan. 5. Removed the maximum building height of 60 feet from "Site Data" table. 6. Labeled the maximum height and stories of all buildings on site plan. 7. Under "Site Data" table, replaced the maximum number of beds with maximum number of units for the senior independent living units. <p>Update: The following items have been added to the site plan:</p> <ol style="list-style-type: none"> 1. Site plan shows intersection improvements at Old Ardrey Kell Road and Providence Road West. 2. The petitioner shows enhanced buffer standards for the portion of the site abutting single family residential homes.

<p>Shad Spencer</p>	<p>6. Petition No. 2011-042 by WP East Development Enterprises, LLC for a change in zoning for approximately 10.63 acres located on the east side of Perimeter Parkway between West W.T. Harris Boulevard and Perimeter Woods Drive and bounded by Interstate 77 on the east from CC to UR-2(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Modified Note C.1. to add the following: "The carriage units/garage buildings identified along Perimeter Parkway and the northern private street shall receive certificate of occupancies prior to the final certificate of occupancy for the last building located within building envelopes one and two". 2. Eliminated note I.1 related to a solid waste management plan.
<p>Claire Lyte-Graham</p>	<p>7. Petition No. 2011-043 by Louis Ratcliffe, Inc for a change in zoning for approximately 3.23 acres located on the west side of the intersection at West Sugar Creek Road, North Graham Street, and Mineral Springs Road from B-2 to MUDD-O.</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 20</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has modified the language under the "Optional Provisions" by removing all references to the proposed building expansion shown on the previous site plan, and by removing language relating to future improvements to the existing building facade. 2. A note has been added to the site plan restricting the height of any development/redevelopment to 60 feet. 3. Added Note 1F that states unless specifically excepted by site plan's Development Standards, any future redevelopment of the site must comply with MUDD requirements. 4. Added a note identifying the days and hours of operation of the proposed community theatre/lounge with language as follows: "The anticipated operating days and hours for the community theatre and lounge will be Monday-Thursday from noon until midnight, and Friday-Sunday from noon-2:30 am, with the intention to have morning hours on an as needed basis. The hours of operation will at all times comply with applicable governmental rules and regulations." 5. Added language to Note 5 stating that the petitioner will inform NCDOT of the required six-foot sidewalk and eight-foot planting strip and that the requested rezoning will not be conditioned on installation of those required improvements. CDOT staff has confirmed there is a pending NCDOT roadway improvement project for N. Graham Street and W. Sugar Creek Road. 6. Amended the "Site Summary" table to identify number of required and proposed parking spaces. 7. Clarified square footage by amending "Site Summary" table and removing the proposed expansion square footage, and modifying Note 3 by removing reference to the proposed expansion. 8. Address the CDOT comment by inserting language that acknowledges CDOT/NCDOT approval with respect to future parking and/or circulation on the B-2 parcel to the south. 9. Addressed the Storm Water Services comment by adding Note 1e that acknowledges intent to comply with the Post Construction Controls Ordinance.

<p>2011-043 contd</p>	<p>Update: (staff is still working with the petitioner to resolve issues pertaining to the requested optional provisions for new parking, future expansions, the proposed sign and changes to the existing building). The petitioner has made the following modifications to the requested "Optional Provisions" as follows:</p> <ol style="list-style-type: none"> 1. Removed language relating to future improvements to the existing building facade. 2. Clarified that the optional request regarding signage pertains to a new pole mounted sign. 3. Removed optional request to allow parking between the street and any future building expansion. <p>The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Screen all parking areas from abutting rights-of-way and abutting properties. The petitioner has added a note stating that the petitioner will maintain in its current condition the wooded berm located along the northern boundary line of the site. 2. A minimum eight-foot planting strip and six-foot sidewalk are required along N. Graham Street and W. Sugar Creek Road. Obtain a letter from NCDOT confirming improvements NCDOT is responsible for completing along W. Graham Street and W. Sugar Creek Road with respect to streetscape improvements and installation of sidewalks and planting strips. NCDOT should also confirm that the notes and details as shown on the site plan are correct. NCDOT streetscape improvements must meet MUDD standards. <p>The following item has been added to the site plan:</p> <ol style="list-style-type: none"> 1. The petitioner has removed the request for the approximate 9,200 square-foot building expansion shown on previous site plans.
<p>Shad Spencer</p> <p>Deferral request to September 6, 2011 Special Zoning Committee Meeting</p>	<p>8. Petition No. 2011-044 by The Bissell Companies, Inc for a change in zoning for approximately 520 acres generally bounded by Interstate 485 to the north, Ballantyne Commons Parkway to the south, and Rushmore Street and North Community House Road to the west and east, respectively, from R-3 and BP(CD) to BP(CD), O-3(CD), and BP(CD) SPA, 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p> <p>Update: The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Provide a note which commits to integrating a certain amount of retail/restaurant uses within the Corporate Park East area. 2. Provide a note which defines and commits to further enhancements to the pedestrian/bicycle network. 3. Modify Note J.2.b to indicate the existing amount of active/usable open space and provide a minimum amount of proposed active/usable open space which is equal to or greater than the current amount. 4. Modify Note M.1. to read "...at least 160 200 residential dwelling units shall have been developed within Corporate Park East prior to development of the final 200,000 square feet of office square footage..." 5. Modify Note D.2.d to indicate if more than 100 hotel rooms are converted to office square footage, additional residential units will be required to be constructed prior to the development of the final 200,000 square feet of office square footage indicated in Note M.1. Additional residential units shall be constructed at a one for one ratio for every converted hotel room over 100 rooms. 6. Modify Note D.2.c to eliminate the conversion of residential units for additional hotel rooms.

<p>2011-044 contd</p>	<ol style="list-style-type: none"> 7. Modify Note C.4. to reflect the wording of the existing unified development note for the Ballantyne development regarding FAR calculations. 8. Modify Note F.1.e. to read "All dumpsters will be screened from public streets when viewed at grade and service areas will be screened from public streets and adjoining properties". 9. Eliminate Note F.2. regarding signs and graphics. This information is provided within Note K Signage. 10. Eliminate Notes H.1. and H.2. These are ordinance minimums or are indicated within the Development Data Table. 11. Relocate Note H.3.(a, b, and c) to under Note E Transportation Commitments. 12. Eliminate Note H.3.d. The content of the note does not pertain to the heading "Driveways and Streets". 13. Modify Note I.2. to reflect resolutions with Storm Water Services regarding storm water management. 14. Define "lower decorative lighting" within Note L.1. 15. Address CDOT issues. 16. Address Mecklenburg County Parks and Recreation issues.
<p>Sonja Sanders</p>	<p>9. Petition 2011-045 by Catholic Diocese of Charlotte Housing Corporation for a change in zoning for approximately 20.60 acres located on the north side of South Tryon Street and across from Savannah Club Drive from R-3 and R-12(CD) to INST(CD), with 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Delineated location of parking on the private street. 2. Amended Note 1(d) to reference Section 12.101(2) of the City of Charlotte Zoning Ordinance. 3. Added a note that the accessory chapel will remain a part of a parcel containing multi-family units. 4. Amended Note 8(a) to state that signage will comply with the Zoning Ordinance. 5. Removed all notes on the site plan associated with income levels. 6. Prohibited storm water detention ponds/structures from being located within the 50-foot landscape setback along South Tryon Street. <p>Update: The following items have been added to the site plan:</p> <ol style="list-style-type: none"> 1. Proposed uses are referenced as senior independent living units and disabled adult independent living units, which replaced the previous reference as elderly multi-family dwelling units and disabled dwelling units. 2. Added note that some or all of the following amenities will be provided: community kitchen, library/media/computer room, laundry facilities, community room, parlor, porch, courtyard, patio, outdoor seating area and walking paths. A minimum of five percent of the building square footage, exclusive of hallways, of each development phase of senior independent living units will be developed with some of these types of amenities.

<p>Sonja Sanders</p>	<p>10. Petition 2011-046 by Harris Teeter for a change in zoning for approximately 3.2 acres located on the south side of Central Avenue and bounded by The Plaza, McClintock Road, and Nandina Street from B-2(PED) to B-2(PED-O).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 23</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Specified proposed use as a grocery store/retail sales, in addition to uses allowed by-right and under prescribed conditions in the B-2 PED district. 2. Listed automotive sales and automotive service stations as uses not permitted. 3. Amended "Site Summary" to label existing zoning as B-2 PED . <p>Update: The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Specify maximum number of stories. 2. Provide a detail of the "green screen" to be used along Central Avenue, Nadina Street and McClintock Road. <p>Update: The following items have been added to the site plan:</p> <ol style="list-style-type: none"> 1. Added Note K under "Architectural Standards" to state that the building wall along McClintock Road will be designed to either have vines or mural(s). 2. Added Note F under "Environmental Features" to state that portions of the building will incorporate clear story windows to promote passive day lighting to help minimize load on electricity and HVAC systems.
<p>Sandy Montgomery</p>	<p>11. Petition 2010-079 by Charlotte-Mecklenburg Planning Commission for a text amendment to the City of Charlotte Zoning Ordinance regarding eco-industrial facilities.</p> <p>Update: Staff was asked at the April 27, 2011 Zoning Committee meeting to provide an update every three months.</p>
	<p>12. Election of Vice-Chair</p>

UPDATE TO THE AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
July 27, 2011

Legend	<p>Red – outstanding issues from the staff analysis that were not addressed in the revised site plan.</p> <p>Blue – new outstanding issues based on the revised site plan submitted Monday, July 25, 2011.</p> <p>Green – resolution to any outstanding issues since distribution of the Agenda.</p>
Solomon Fortune	<p>2. Petition No. 2011-031 by New Hope Baptist Church for a change in zoning for approximately 1.66 acres located on the north side of Idlewild Road and between East W. T. Harris Boulevard and Lynmont Drive from R-4 to INST(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p>The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Labeled the dimension of the required 12-foot buffer on the site plan. 2. Changed the proposed use to read dental office and religious institution. 3. Added a note that the dental clinic use will be limited to 1400 square feet. 4. CDOT has removed the request for the dedication of right-of-way. 5. Site plan shows a five-foot sidewalk from the existing buildings and shared parking to the public sidewalk system. 6. Clarified the acreage of the area to be rezoned in the "Site Plan Notes". 7. Amended Note #4 in the "Site Plan Notes" to show the proposed zoning as Inst (CD) Religious. 8. The proposed use for both existing structures are now shown on the site plan. 9. Note #10 has been deleted from the site plan. <p>City Council is scheduled to make a decision on this petition at its August 22, 2011 meeting.</p>

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