

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
September 28, 2011
4:30 P.M.

<p>Tammie Keplinger</p> <p>Deferral (to December)</p> <p>Protests Sufficient</p>	<p>1. <u>Petition No. 2008-032</u> by Myers Park Home Owners Association 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>Staff recommends a three-month deferral to the December 28, 2011 Zoning Committee meeting to allow time for the protest petition to be removed.</p> <p>Attachment 1 (March 21, 2011 City Council Agenda)</p> <p>Update: Staff recommends a three-month deferral.</p>
<p>Solomon Fortune</p> <p>Deferral (to October)</p>	<p>2. <u>Petition No. 2010-080</u> by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for "Outdoor Seasonal Fresh Produce Sales" by 1) renaming them to "Outdoor Fresh Produce Stands", 2) expanding the zoning districts in which they are permitted with prescribed conditions, and 3) modifying the prescribed conditions.</p> <p>Staff recommends a one-month deferral to the October 26, 2011 Zoning Committee meeting.</p> <p>Attachment 1 (July 18, 2011 City Council Agenda)</p> <p>Update: Staff recommends a one-month deferral.</p>
<p>Sonja Sanders</p> <p>Protest Sufficient</p>	<p>3. <u>Petition No. 2011-008</u> by Thies Realty & Mortgage Co. for a change in zoning for approximately 1.16 acres located on the west side of Providence Road between Moravian Lane and Ardsley Road from B-1 to UR-C(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Added a note regarding the provision of a future cross-access easement. CDOT rescinded the remaining requests regarding consolidation of the driveways along Providence Road and the provision of angled parking at the rear of the site. 2. Deleted Note B under "Streetscape and Landscaping/Screening". 3. Deleted note under "Setback, Side Yard and Rear Yard Requirements".

<p>Claire Lyte-Graham</p>	<p>4. <u>Petition No. 2011-011</u> by David H. Baldauf and G.T. Godwin for a change in zoning for approximately 2.37 acres located on the north side of Pence Road and across from Holly Hill Road from B-D to I-1(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The language under "Parcel Data" has been revised to state the proposed zoning is I-1 (CD). 2. The headings "CATS", "CDOT", "Fire", "LUESA", and "NBS" have been removed from the site plan. 3. New heading "Transportation" has been added to the site plan and the language under "Vehicular Access" moved to this section. 4. The required buffer (7-foot Class "C" buffer) is now shown along the entire length of the property line to the east (Parcel 10817106). 5. The note requesting that the site plan be revised to eliminate any parking shown within five feet of exterior lot lines has been removed as the parking areas are grandfathered existing conditions. A minimum five-foot walkway has been provided from the front of each building to the public sidewalk along Pence Road. 6. All CDOT and Solid Waste Services comments have been addressed as follows: <ol style="list-style-type: none"> a. The site plan now shows proposed curb and gutter, a minimum eight-foot planting strip and six-foot sidewalk from the proposed Pence Road future curb line and a concrete driveway through the setback line associated with tax parcel 10817105. b. A note has been added indicating that the type of intended garbage service is City pick up. <p>The following note has been added to the site plan:</p> <ol style="list-style-type: none"> 1. A portion of an existing concrete slab on tax parcel 10817106 will be saw cut and removed to allow for continuation of the required Class "C" buffer.
<p>Sonja Sanders</p> <p>Protests Sufficient</p>	<p>5. <u>Petition No. 2011-033</u> by Daniel Schwarz, Sardis Road Land Company, LLC, for a change in zoning for approximately 5.05 acres located on the northeast corner at the intersection of Sardis Road and Chevron Drive from R-3 to INST(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Listed hardi plank siding as a building material, as referenced on the building elevations. 2. Specified the parking ratio as 1.5 spaces per unit, for a total of 81 parking spaces. 3. Provided specifics on architectural features that will be provided on duplex units to create appearance of a building front. Specifically, all facades facing Sardis Road or Chevron Drive will be articulated with a door, porch, and windows to match the inner facing front facades of these buildings. 4. Added a note that the brick wall to be extended along Chevron Drive will not exceed five feet in height. 5. Removed all notes related to general ordinance requirements such as compliance with the landscaping provisions of the ordinance, tree ordinance, no detention in buffers, and signs. 6. Removed Note #3 under "Binding Effect of the Rezoning Documents and Definitions".

<p>2011-033 continued</p>	<p>7. Labeled and provided square footage calculations for all proposed tree save areas, which total 36.7 percent</p> <p>Update: The following note has been modified per an issue raised at the public hearing:</p> <ol style="list-style-type: none"> 1. Amended Note 1 under "Permitted Uses" to state that the site may only be devoted to an age restricted senior living community comprised of a maximum of 54 for sale independent living units and related common areas and amenities, and to any accessory uses that are permitted under the Ordinance in the Institutional zoning district. <p>Update: The following notes have been modified:</p> <ol style="list-style-type: none"> 1. Note 7 under "Transportation" has been amended to add that the internal sidewalks may meander to save existing trees. 2. Note 3 under "Architectural Standards" has amended to add the following: More specifically, each duplex style building will be constructed of brick or stone (30 percent minimum masonry) and cementitious board or hardi-plant, stucco or synthetic stucco. Window styles, dormer styles and architectural shutters shall be similar in character to the windows, dormers and architectural shutters on Building A and Building B. Roofs will be architectural grade fiberglass shingles on a combination of hipped and gabled roofs. All facades facing Sardis Road or Chevron Drive will be articulated with a door, porch and windows to match the inner facing front facades of these buildings. <p>Update: The following new notes have been added:</p> <ol style="list-style-type: none"> 1. Note 5 under "Transportation" states that the parking areas underneath Building A and Building B shall be screened from abutting properties by masonry walls of a height that is sufficient to shield the abutting properties from headlights. However, in no event shall the height of such walls be less than four feet. 2. Note 6 under "Transportation" states that as depicted on the Rezoning Plan, a masonry wall with a minimum height of four feet and shrubs shall be installed along the eastern terminus of the driveway between Building A and Building B to shield the abutting properties from headlights. 3. Note 8 under "Transportation" states that sidewalks located along the internal street may be located at the back of curb adjacent to the on-street vehicular parking spaces as depicted on the Rezoning Plan. 4. Note 2 under "Streetscape and Landscaping" states that the street trees may be planted 50 feet on center on average. 5. Note 1 under "Environmental Features" states that in addition to the trees located within the tree save areas, the Petitioner shall preserve those trees designated on the Rezoning Plan for preservation. With respect to those trees located outside of the tree save areas and designated for preservation, the Petitioner shall engage a certified arborist to prepare and implement a tree protection and preservation plan for these trees, and a copy of the tree protection and preservation plan must be submitted to the Charlotte-Mecklenburg Planning Department prior to commencing any grading activities on the Site.
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<p>Sonja Sanders</p>	<p>6. Petition No. 2011-036 by Crescent Resources for a change in zoning for approximately 62.70 acres located on the south side of West Mallard Creek Church Road between Claude Freeman Drive and Legranger Road from RE-1 to RE-3(O), and 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition upon resolution of the numerous outstanding site plan issues.</p> <p>Attachment 15</p> <p>An update will be provided on Monday, September 26, 2011, to identify which of the following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Place all notes solely on Sheet RZ-3. 2. Amend the third paragraph under Note 2 on Sheet RZ-3 as it renders the Schematic Site Plan on Sheet RZ-2 useless. 3. Amend Note 3 on Sheet RZ-1 to state "The number and locations of driveways connecting to the interior public streets is not limited by what is indicated on the Technical Data Sheet. The location and number will be determined during the Land Development process." Move revised Note to Sheet RZ-3. 4. Provide specifics for the following: Note 6(c)(ii),(iii), (iv). 5. Specify how compatibility in aesthetics and design is achieved in Note 6(c)(vii). 6. Provide explanation for Note 7(b). 7. Amend Note 4(b)(i) to state that retail and restaurant uses are permitted provided that the principal use of the lot is for a use permitted in the RE-3 district, other than a retail or restaurant use , and retail establishments and restaurants will occupy no more than 10 percent of the gross floor area of all buildings on the lot and will be located on the ground floor. 8. Provide specifics on the architectural elements referenced in Note 6(c)(viii). 9. Amend Note 14 to specify on which parcel(s) the 25,000 square feet of office must be built. 10. Notes 13 and 14 are listed out of order. 11. Add tax parcel 04742106 under Site Data on Sheet RZ-1. 12. Correct subject tax parcels listed under Development Data Table on Sheet RZ-3. 13. Amend Note 6(a)(i) to reflect a 35-foot setback or yard requirement. 14. Define what is meant by "overall quality of tree save" as noted in Note 7(a). 15. Show and label multi-use path/trail referenced in Note 8(c). 16. Reword Note 4(a)(iv) to indicate that the only restaurants permitted to have an accessory drive-through are those that serve: ice cream, yogurt, coffee, juices, and similar items along with items such as bagels, muffins and pastries. 17. Amend Note 4(a)(v) to delete restaurants with accessory drive-through windows as a prohibited use. Note conflicts with Note 4(a)(iv) as currently written. 18. Delete Note 12(a) as it does not meet ordinance standards. 19. Show how the pedestrian trails will connect to the adjacent properties. 20. Provisions should be made for the future place making signs called for in the <i>URP Plan</i> and located at the intersection of Senator Royal and Mallard Creek Church Road. 21. Provide a note describing the open space provisions. 22. Clarify if the total non-residential square footage includes the ground floor retail/restaurant on parcel C and the possible conversion of hotel rooms to retail. Also, clarify in site data table. 23. Delete the following notes: <ol style="list-style-type: none"> a. Notes 1, 2 and 3 from Sheet RZ-1. b. Notes 1, 2 and 3 from Sheet RZ-2. c. The fifth paragraph under Note 2 on Sheet RZ-3. d. Note 4(c)(ii). e. Note 5(f). f. Notes 6(a)(iv) and (v).
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<p>2011-036 continued</p>	<p>g. Note 6(b)(i) and (ii). h. Notes 10 and 11 i. Note 12b as it does not meet ordinance standards. 24. Address CDOT comments.</p>
<p>Shad Spencer</p>	<p>7. <u>Petition No. 2011-050</u> by Quik Trip Corporation for a change in zoning for approximately 7.07 acres located on the northeast corner at the intersection of Albemarle Road and Regal Oaks Drive from B-2(CD) to B-1(CD).</p> <p>Staff recommends 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. Provided supplemental tree plantings along Regal Oaks Lane and Albemarle Road frontages. 2. Added a note indicating that all drive through uses will be prohibited. 3. Limited detached signs to monument style signage. 4. Limited detached lighting to 25 feet in height including the base. 5. Modified the second sentence within Note 4.a to read "...buildings that may be constructed on Parcel A shall be substantially similar in appearance to these building elevations and shall be constructed predominately of brick or decorative masonry materials." 6. Modified Note 4.b to read "Buildings located on Parcel B shall front Regal Oaks Drive and/or the private street identified in paragraph 3.c. above. No rear elevations shall be oriented along these two street fronts. All elevations along these streets shall be constructed predominately of brick or decorative masonry materials and be designed with architectural elements to prevent blank walls in excess of 20 feet in length." 7. Modified Note 3.c by replacing all "private drive" references with "private street". 8. Modified Note 3.c to read "Prior to the issuance of a building permit for development on Parcel B, the Petitioner shall construct a private street with two 10-foot travel lanes, two 2.5-foot curb/gutter sections, two eight-foot planting strips and two six-foot sidewalks in order to provide a street connection from Regal Oaks Drive to the adjoining property to the east of the Site." 9. Provided a note to indicate that the completion of the private drive/access easement which extends from Albemarle Road across Parcel A north to the private street associated with Parcel B will be completed prior to the issuance of a building permit for development on Parcel B. Also, indicated the 5-foot internal sidewalk located on the eastern side of the private drive will be extended to the private street. 10. Removed information related to parking from the site data table on sheet RZ-1. 11. Amended the site plan to reflect 7.07 acres. 12. Addressed CDOT issues regarding the private street cross section and the 16-foot maximum width of the right-in only driveway from Regal Oaks Drive. 13. Removed the second paragraph under Note 1 "General Provisions".

Claire Lyte-Graham	<p>8. Petition No. 2011-051 by Woodfield Investments, LLC for a change in zoning for approximately 1.70 acres located west of the intersection of Griffith Street and Poindexter Drive near South Boulevard from TOD-MO and I-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p> <p>Update: There are no outstanding issues with this conventional petition.</p>
Sonja Sanders	<p>9. Petition No. 2011-052 by Odell School Highway Investment Traders, LLC for a CC site plan amendment for approximately 2.80 acres located on the west side of Odell School Road near the intersection of Carolina Lily Lane and Odell School Road.</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. Addressed CDOT comments as follows: <ol style="list-style-type: none"> a. Amended Note 6f to state that a 6-foot sidewalk and 8-foot planting strip will be provided along the tract frontage on Odell School Road. b. Added Note 6i to state that access to Odell School Road from tract 029-191-08 will be limited to right-in/right-out upon the completion of the Odell School Road roadway improvements by NCDOT. c. Added Note 6j to state that along the property frontage of Odell School Road, the Petitioner agrees to reserve fifty feet of right-of-way from the existing centerline of Odell School Road.
Solomon Fortune	<p>10. Petition No. 2011-053 by 1200 South Boulevard Partners, LLC for a change in zoning for approximately 2.85 acres located on the west side of South Boulevard between the John Belk Freeway and Arlington Avenue from TOD-MO to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p> <p>Update: There are no outstanding issues with this conventional petition.</p>
Claire Lyte-Graham	<p>11. Petition No. 2011-054 by Phillips Place Partners, LLC for a CC site plan amendment for approximately 16.11 acres located on the south side of Fairview Road and across from Cameron Valley Parkway.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p> <p>Update: The following issue has been addressed:</p> <ol style="list-style-type: none"> 1. Staff has removed the request to identify proposed solid waste and recycling location(s) on the site plan as the current note describing method of screening suffices, and the site plan as proposed shows no building footprints or parking spaces.

Sonja Sanders	<p>12. Petition No. 2011-056 by Tennyson and Lorna Curtis for a change in zoning for approximately 6.19 acres located on the east side of Steele Creek Road between Whispering Pines Lane and Shopton Road from R-3 to O-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 21</p> <p>An update will be provided on Monday, September 26, 2011, to identify which of the following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Amend Note 2 under Streetscape and Landscaping to state that a 51-foot Class B buffer will be provided along the rear of the lot. 2. Amend note #2 under "Transportation" to say that the right-of-way maintenance of both sides of the right-of-way for relocated <u>Red</u> Spring Drive will be the responsibility of the tenant/property owner/developer of parcel 1410113. 3. Indicate if vinyl will be used for windows and soffits. 4. Remove note #3 under "Architectural Standards" as it is a general ordinance standards. 5. Amend first sentence under "Environmental Features" to state that tree save areas may exceed those shown on the plan. 6. Remove the note related to signage. 7. Clarify that the lighting height will include the base of the lighting fixtures. 8. Address CDOT issues.
Solomon Fortune	<p>13. Petition No. 2011-057 by Merideth Sorrentino for a change in zoning for approximately 0.38 acres located on the north side of North McDowell Street and east of the intersection of East 37th Street and North McDowell Street from I-2 to R-5.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p> <p>Update: There are no outstanding issues with this conventional petition.</p>
Shad Spencer	<p>14. Petition No. 2011-055 by Charlotte Regional Visitors Authority, for a change in zoning for approximately 10.96 acres generally bounded by South College Street, Martin Luther King Jr. Boulevard, South Brevard Street, and East Stonewall Street from UMUD to UMUD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p> <p>Update: There are no outstanding issues with this petition.</p>
Sandy Montgomery	<p>15. Petition No. 2011-058 by Fairhills Park South Associates, LLC for a Text Amendment to the City of Charlotte Zoning Ordinance to add a new subsection to the Urban Residential Districts for area, yard and height regulations and to modify definitions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p> <p>Update: There are no outstanding issues with this petition.</p>

<p>Sandy Montgomery</p>	<p>16. Petition No. 2011-059 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to the City of Charlotte Zoning Ordinance to add standards regarding housing design.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p> <p>Update: Section 12.509(2) of the text amendment has been modified to include a reference to any standards and regulations set by a public utility. The revised section reads as follows:</p> <p style="padding-left: 40px;">(2) Lots created for single-family development after December 31, 2011 shall not have major overhead public utility structures which support transmission lines or otherwise part of the transmission network located in any established front setback unless the structure is 100 feet or more beyond the high voltage transmission right-of-way, and a 50-foot wide buffer consisting of nine trees and 60 shrubs per 100 linear feet is provided beginning 25 feet behind the high voltage transmission right-of-way. Trees and shrubs shall meet the standards of Section 12.302(9) <u>and any standards and regulations set by the public utility.</u></p> <p style="padding-left: 40px;">This provision does not apply to neighborhood-serving minor public utility structures that provide local distribution.</p>
<p>Sandy Montgomery</p>	<p>17. Petition No. 2011-T001 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to the City of Charlotte tree Ordinance to modify the tree save requirements for single family development.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p> <p>Update: There are no outstanding issues with this petition.</p>