



**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 280**  
**January 4, 2012**  
**4:30 P.M.**

<p><b>Deferral (to March)</b></p> <p><b>Tammie Keplinger</b></p>	<p>1. <a href="#"><u>Petition No. 2008-032</u></a> by <b>Myers Park Home Owners 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>Staff recommends a three month deferral to the March 28, 2012 Zoning Committee Meeting to allow for the withdrawal of the petition.</p> <p>Attachment 3 (from the October 17, 2011 City Council Agenda)</p>
<p><b>Deferral (to January)</b></p> <p><b>Solomon Fortune</b></p>	<p>2. <a href="#"><u>Petition No. 2010-080</u></a> by <b>Charlotte-Mecklenburg Planning Commission</b> 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 of this petition to the January 225, 2012 Zoning Committee meeting.</p> <p>Attachment 2 (from the November 14, 2011 City Council Agenda)</p> <p><b>Update: The following modifications have been made since the second public hearing:</b></p> <ol style="list-style-type: none"> <li>1. Added fresh herbs to the list of items that can be sold.</li> <li>2. Removed the "non-residential district" restriction that up to 10% of the total sales area may be used to sell fruit or vegetable derived products in non-residential districts only. The modification now allows 10% of the total sales area to be used to sell fruit or vegetable derived products, in all zoning districts.</li> <li>3. Clarified that each produce stand operator on a site must obtain a zoning permit for the outdoor fresh produce stand and any canopies or tents.</li> <li>4. Removed the provision allowing canopies or tents up to 90 days with a separate temporary zoning permit. Added a new provision that temporary fabric-covered canopies or tents are to be removed daily.</li> <li>5. Removed the provision that if a produce stand is inactive or discontinued for more than 14 days, the permit will expire.</li> <li>6. Added a new provision requiring the posting of a zoning use placard in a visible location on the produce stand, when in use.</li> <li>7. Clarified the provision that only one outdoor fresh produce stand or periodic retail sales event or outdoor seasonal sales event can occupy the same lot at the same time, by adding the statement that any change of use of a lot, where these uses occur requires a new permit, with any previous permit(s) becoming null and void.</li> </ol>

Shad Spencer	<p>3. <a href="#"><u>Petition No. 2011-064</u></a> by Fairway Row, LLC for a UR-2 (CD) site plan amendment for approximately 12.00 acres located on the southwest corner at the intersection of Ardrey Kell Road and Providence Road.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p> <p><b>Update: The following issue has been addressed:</b></p> <p><b>1. Removed all buildings illustrated on the “Golf Course Buffer Planting” sheets.</b></p>
Claire Lyte-Graham	<p>4. <a href="#"><u>Petition No. 2011-066</u></a> by 52 Eighty, LLC for a BD(CD) site plan amendment for approximately 4.15 acres located on the south side of Cross Beam Road between Beam Road and Rose Lake Drive.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8 (from the November 14, 2011 City Council Agenda)</p> <p><b>Update: The following issue has been addressed:</b></p> <p><b>1. The petitioner has added “rezoning petition 2011-066” to Sheet Z.100.</b></p> <p><b>Update: Per the request of the Zoning Committee at its October 26, 2011 meeting, Planning staff re-submitted the above-referenced request to the Charlotte-Douglas International Airport for input/comment. On December 7, 2011, the Airport provided a memorandum that states no objection to the request. This memorandum may be viewed on the Planning website.</b></p>
Solomon Fortune	<p>5. <a href="#"><u>Petition No. 2011-071</u></a> by Krzysztof Broszkiewicz for a change in zoning for approximately 1.02 acres located on the southeast corner of the intersection at East Sugar Creek Road and Atmore Street from R-5, B-1, and I-2 to B-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 5</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li><b>40 feet of right-of-right way is not needed per the existing right of way already along West Sugar Creek Road.</b></li> <li><b>Fence detail has been provided.</b></li> <li><b>Note has been added that future expansions will be residential in character, with pitched roofs and glass windows.</b></li> <li><b>The acreage on the site plan has been amended to 1.02 acres.</b></li> </ol> <p><b>Outstanding issue</b></p> <p><b>1. Remove parking spaces shown on site plan and add a note that required parking shall be per the Zoning Ordinance.</b></p>
Claire Lyte-Graham	<p>6. <a href="#"><u>Petition No. 2011-074</u></a> by Kids Going Bananas for a change in zoning for approximately 18.60 acres located on the south side of Bellhaven Boulevard and across from Oakridge Drive and Westbourne Drive from R-8MF(CD)(LWPA) to R-4(LWPA).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p> <p><b>Update: There are no outstanding issues with this conventional petition.</b></p>

Sandy Montgomery	<p>7. <a href="#"><u>Petition No. 2011-075</u></a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the regulations for Religious Institutions in Residential Districts.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
Shad Spencer	<p>8. <a href="#"><u>Petition No. 2011-076</u></a> by <b>Elam Group, LLC</b> for a change in zoning for approximately 5.38 acres located on the south side of West Boulevard between Sirius Lane and Yorkmont Road from I-1 to I-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p> <p><b>Update: There are no outstanding issues with this conventional petition.</b></p>
Sonja Sanders	<p>9. <a href="#"><u>Petition No. 2011-077</u></a> by <b>Carolina Golf Lodge</b> for a change in zoning for approximately 42.0 acres located on the north side of Cindy Lane between Interstate 77 and Murray Street from R-4 to B-2(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner has added a note to the site plan that states the petitioner/developer shall terminate Oakwood Drive by constructing street improvements per City of Charlotte public street standards and extend driveways from the new terminus.</li> <li>2. The petitioner has revised the site plan to show to a detail of the proposed six-foot high wood fence.</li> </ol>
Sandy Montgomery	<p>10. <a href="#"><u>Petition No. 2011-080</u></a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the regulations for Short Term Care Facilities.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
Sandy Montgomery	<p>11. <a href="#"><u>Petition No. 2011-081</u></a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to modify Off-Street Parking regulations for motion picture theatres.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>

Shad Spencer	<p><b>12. Innovative Request for Rezoning Petition 1974-031 - Buck Wearn and the Quail Hollow No. 3 Neighborhood</b></p> <p> Quail Hollow No3.PDF</p> <p><b>Background:</b> The Quail Hollow No. 3 subdivision is a 6.2 acre development located on the south side of Gleneagles Road at Ballentyne Court. This 11-lot subdivision was part of a larger 141.3 acre rezoning approved in 1973 to R-12PUD for a portion of Quail Hollow. The Planning Commission granted the following innovative provisions for this subdivision in 1982:</p> <ul style="list-style-type: none"> <li>• Zero lot lines for attached garages.</li> <li>• 35-foot rear yards.</li> <li>• Private street frontage for single family homes.</li> <li>• Ability to construct a guard house at the entrance of the development within the setback.</li> </ul> <p><b>Request:</b> The innovative provision would allow extensions of the principal dwelling into the 35-foot rear yard limited to porches, decks, greenhouses, covered patios and utility rooms. Extensions into the rear yard limited to:</p> <ul style="list-style-type: none"> <li>• 20 percent of the area of the rear yard.</li> <li>• 25 percent of the depth of the rear yard.</li> <li>• 50 percent of the width of the dwelling.</li> </ul> <p><b>Recommendation:</b> Staff recommends approval of this petition.</p>
Shad Spencer	<p><b>13. UR Site Plan Amendment for Rezoning Petition 2006-069 – Enclave at Chrishall</b></p> <p> Chrishall.PDF</p> <p><b>Background:</b> The Enclave at Chrishall is a 5.2 acre development located on the southwest corner of Park South Drive and Woodbine Lane. The site was rezoned in 2006 to UR-1(CD) for a maximum 20-lot subdivision.</p> <p><b>Request:</b> The amendment is to incorporate provisions from Section 9.406(8) of the Charlotte Zoning Ordinance, adopted October 17, 2011, regarding special yard, lot, and street standards for residential development within the existing conditional rezoning plan. The requested provisions allow for the following modifications:</p> <ul style="list-style-type: none"> <li>• Single family detached dwellings permitted on private streets.</li> <li>• Public streets may be modified to private streets where no connectivity issues exist and become gated.</li> <li>• If a private street is gated, CDOT must review the location of the gate to insure it will operate safely and sidewalk connections from the private streets within the development to the abutting public street (Park South Drive) shall remain open to the public.</li> <li>• 10 percent reduction of the minimum lot size provided the average of all lots equal the minimum size requirement.</li> <li>• 25% reduction in yard requirements.</li> </ul> <p><b>Recommendation:</b> Planning staff has determined that the proposed site plan is in compliance with the qualifying requirements of Section 9.406(8) of the Charlotte Zoning Ordinance and recommends approval of this amendment.</p>

<p><b>Shad Spencer</b></p>	<p><b>14. UR Site Plan Amendment for Rezoning Petition 2006-064 – Village at Charndon</b></p> <div data-bbox="462 142 524 205" data-label="Image"> </div> <p>Charndon.PDF</p> <p><b>Background:</b>  The Village at Charndon is a 5.4 acre development located on the northeast corner of Sardis Road and Boyce Road. The site was rezoned in 2006 to UR-2(CD) for up to 33 for sale residential units.</p> <p><b>Request:</b>  The amendment is to incorporate provisions from Section 9.406(8) of the Charlotte Zoning Ordinance, adopted October 17, 2011, regarding special yard, lot, and street standards for residential development within the existing conditional rezoning plan. The requested provisions allow for the following modifications:</p> <ul style="list-style-type: none"> <li>• Single family detached dwellings permitted on private streets.</li> <li>• The existing private streets may be gated.</li> <li>• If the private street is gated, CDOT must review the location of the gate to insure it will operate safely and sidewalk connections from the private streets within the development to the abutting public street (Boyce Road) shall remain open to the public.</li> <li>• 10 percent reduction of the minimum lot or subplot size provided the average of all lots or sublots equal the minimum size requirement.</li> <li>• 25% reduction in yard requirements.</li> </ul> <p><b>Recommendation:</b>  Planning staff has determined that the proposed site plan is in compliance with the qualifying requirements of Section 9.406(8) of the Charlotte Zoning Ordinance and recommends approval of this amendment.</p>
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