

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
February 29, 2012
4:30 P.M.

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| Shad Spencer | <p>1. <u>Petition No. 2011-065</u> by Chapel Cove at Glengate, LLC for a MX-1 INNOV site plan amendment (LLW-PA) & (LLW-CA) and 5-Year Vested Rights, for approximately 319.91 acres located on the east and west side of Shopton Road West generally surrounded by Winget Road, Elkhorn Drive, Limehurst Place, and Hatfield Road.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Modified the "Transportation" and "Innovative Standards" notes to indicate the petitioner will increase the pavement width of Withers Cove Road (10-foot travel lanes and a one-foot shoulder on each side of the road) from Hatfield Road to Traymore Lane. 2. Modified a note under "Transportation" indicating the installation of a five-foot wide sidewalk/shared walking path along one side of Withers Cove Road extending from Wildlife Road to Traymore Lane. 3. Modified Note #1 under "Streetscape and Landscaping" to indicate a minimum five-foot wide trail along the Shopton Road West frontage to reflect the requirements of the 2003 rezoning. 4. Addressed CDOT comments by provided a 10-foot wide asphalt pedestrian/bike trail from the terminus of Winget Road to the northern property line of tax parcel 199-151-09 owned by Mecklenburg County. <p>The following notes have been modified or added to the site plan by the petitioner:</p> <ol style="list-style-type: none"> 1. Provided a note stating "a minimum of 40% of the single family lots developed on Parcel B shall have a minimum width of 60 feet, and the remaining lots shall have a minimum width of 50 feet". 2. Provided a note stating "a minimum of 40% of the single family lots developed on Phase 3 shall have a minimum width of 70 feet, and the remaining lots shall have a minimum width of 60 feet". 3. Provided a note under "Transportation" indicating the petitioner will complete the construction of Winget Road from Shopton Road West to the western property line of Phase 3 prior to the issuance of the first certificate of occupancy for a dwelling unit within Phase 3. 4. At staff's request and due to the inability to enforce, the petitioner removed an architectural standard which stated "a minimum of 50 percent of the single family detached dwellings units constructed on the Site shall have front porches". |
| Claire Lyte-Graham | <p>2. <u>Petition No. 2011-068</u> by Morehead Property Investments, LLC for a change in zoning for approximately 1.50 acres located on East Morehead Street between Kenilworth Avenue and Monticello Trail from O-2 to MUDD(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Addressed CDOT's comments by adding language Development Note 1c. under "General Provisions" stating that the 40' of right-of-way to be dedicated along |

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| | <p>East Morehead Street will be extended to the back of the sidewalk to include the full width of the sidewalk width should the sidewalk width go beyond the 40' indicated.</p> <p>The following items have been modified or added to the site plan by the petitioner:</p> <ol style="list-style-type: none"> 1. Language has been added to Development Note 3d. under "Setbacks, Side Yards, Rear Yards" to include required and provided (at residential levels above parking levels) side and rear yards. The side and rear yards in MUDD are 0'. The petitioner is providing a 10' side yard at residential levels above parking levels, and a 15' rear yard at residential levels above parking levels. 2. Development Note 3c. under "Setbacks, Side Yards, Rear Yards" has been revised to now state that the primary residential building face will be established 15' from the rear property line with no screening. Balconies and other architectural elements (including but not limited to bay windows) shall be allowed within this 15' zone. Also, Development Note 3c. now references a "primary residential building face". 3. Development Note 3d. under "Setbacks, Side Yards, Rear Yards" has been revised to eliminate reference to the rear elevation and to include the word "residential" when referring to the "primary building". 4. The petitioner has modified Development Notes 3e. and 3f. under "Setbacks, Side Yards, Rear Yards" by removing the reference to the rear elevation. 5. The petitioner has modified Development Note 4b. under "Building Height" by clarifying that the building height along the rear property line will be held to the same height standard as Note 4c. along Monticello Terrace. 6. Language has been added to Development Note 4c. under "Building Height" to reference Development Note 4b. and Detail 3 on Sheet RZ 2.00 with respect to depiction of restrictions on height in relation to Monticello Terrace. Additionally, Detail 3 (<i>Sample Concept Massing</i>) on Sheet RZ 2.00 (<i>Sample Concept Elevations</i>) has been revised to reflect the intent of the above-referenced notes. 7. Development Note 5e. under "Transportation/Parking" has been revised to clarify that any portion of the parking structure above grade and less than 5' from any property line will be a solid wall with an architectural finish. 8. The site plan now shows a possible driveway connection at the rear of the property for through-block connectivity to Harding Place, and new Development Note 6d. under "Access and Circulation" states the petitioner's intent to coordinate its design and construction with CDOT and adjacent property development and developers. 9. New Development Note 7d. under "Stormwater/Erosion Control" states that the petitioner will meet all city/county/state erosion control regulations and endeavor to eliminate any erosion related impact to adjacent properties. 10. The petitioner has modified Development Note 8b. under "Screening and Tree Ordinance" by adding language relating commitment to the preservation of the trees along the street of the development property as well as any trees on adjacent properties that may be adversely affected by the construction of this development, as determined by the arborist. 11. Development Notes 8e. thru 8f. under "Screening and Tree Ordinance" have been modified to refer to a primary residential building face, and to remove references to the rear elevation. |
| Solomon Fortune | <p>3. <u>Petition No. 2011-072</u> by University Investment Groups, LLC for a change in zoning for approximately 6.0 acres located on the northwest corner at the intersection of University City Boulevard and East Mallard Creek Church Road from NS to MUDD(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. The building has been modified to show breaks with various architectural materials and open space. |

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| | <ol style="list-style-type: none"> 2. The height has been identified as having a maximum of five stories and a total of 90 feet. 3. The overall height is now specified on the site plan. 4. The site plan has been revised to show building elevations with the residential units now wrapping around the structured parking deck. 5. The elevations are now labeled. 6. The storm water note has been addressed. 7. The areas of possible storm water detention and the note relating to storm water have been removed from the site plan as this is a minimum ordinance requirement. 8. The 55- foot building setback is now labeled on the site plan. A note that building setback may be reduced upon written agreement of MUMPO, NCDOT and CDOT has been added to the site plan. 9. CDOT issues relating to dedication and reservation of right-of-way have been addressed. |
| Claire Lyte-Graham | <p>4. <u>Petition No. 2011-079</u> by Sami Nafisi for a B-1(CD)(LLWPA) site plan amendment for approximately 1.21 acres located on the northeast corner of the intersection at Tuckaseegee Road and Little Rock Road.</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. Rezoning petition "2011-079" is now labeled on the site plan. 2. The correct conditional notes in standard form are now provided on the site plan. 3. The site plan now notes a 20-foot maximum height of detached freestanding lighting and states that no wall pak lighting will be allowed. 4. The proposed building material will consist of cement board panels, and is now noted on the site plan. 5. The petitioner has added pertinent notes from the previous site plan (rezoning petition 1999-040) relating to the required Class B buffer and dedication of right-of-way along Tuckaseegee Road and Little Rock Road. 6. The current and proposed zoning are now correctly identified on the site plan. 7. The maximum height of the building is now stated on the site plan as 15'. 8. The petitioner has provided building elevations that includes the proposed expansion. 9. The zoning of adjacent properties and those across the streets are now labeled on the site plan. 10. The petitioner has addressed CDOT's comments by: <ol style="list-style-type: none"> a) adding a note relating to dedication of right-of-way along Tuckaseegee and Little Rock Roads; b) changing "Install Median per CDOT" to "Install Median per NCDOT"; and, c) showing sight triangles on the site plan. |
| Shad Spencer | <p>5. <u>Petition No. 2011-082</u> by Steele Creek 1997 Limited Partnership for a change in zoning for approximately 11.0 acres located on the southwest corner of the intersection of South Tryon Street and Steele Creek Road from R-17MF(CD) and CC to CC and CC SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 5</p> <p>Update: the following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Modified Note 2d on Sheet RZ-3 pertaining to "Building Edge" to commit to both building edges within building/parking envelopes C and D. |

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| | <p>The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Indicate the proposed private drive running north/south will have a minimum six-foot wide sidewalk along one side of the drive on Sheet RZ-2 and under Note 6c on Sheet RZ-3. 2. Address CDOT comments. <p>The following notes have been modified or added to the site plan by the petitioner:</p> <ol style="list-style-type: none"> 1. Modified Note 2.b by stating "Additional restaurant uses; retail establishments and businesses; personal and recreational services as allowed in the B-1 district are allowed in buildings that contain at least 40,000 <u>8,000</u> square feet of gross floor area devoted to other uses. Such retail, restaurant, business and personal service and recreational uses will be limited to the ground floor of the building <u>and may not occupy more than 50% of the total gross floor area of the building</u>". Reduced the height of the building along Mercury Street from four stories to three stories. |
| Shad Spencer | <p>6. Petition No. 2011-083 by Steele Creek 1997 Limited Partnership for a change in zoning for approximately 22.0 acres located on the southern corner of the intersection of Steele Creek Road and Walker Branch Drive from R-17MF(CD) to CC.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 6</p> <p>Update: the following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Increased the height of the screen wall shown on Cross-Section D on Sheet RZ-2 and indicated the minimum height to be 2 to 2.5 feet high. 2. Provided a note under "Streetscape and Landscaping" on Sheet RZ-3 that walls and/or plantings will be used to screen the loading dock/service areas from the open space/plaza areas. 3. Modified Note 2e on Sheet RZ-3 as follows: "...the drive-through window and its associated drive lane may be located between the building and Steele Creek Road or between the building and Private Street B. In such event, the Petitioner will provide a low wall (4.5 to 2 <u>to 2.5</u> feet high) and low accent planting...". 4. Removed the last sentence within Note 6g on Sheet RZ-3 which read: "In areas where the multi-use trail is more than five (5) feet below the grade of the service area the trees and shrubs may be omitted". 5. Modified Note 8b on Sheet RZ-3 to indicate the petitioner will initiate the procedure to convey land for greenway prior to the issuance of the certificate of occupancy for the first building located adjacent to the 100-foot SWIM buffer. <p>The following issue remains outstanding:</p> <ol style="list-style-type: none"> 1. Remove the third and fifth sentences within Note 2g on Sheet RZ-3 pertaining to "Building Edge". |
| Shad Spencer | <p>7. Petition No. 2012-001 by Mercury NoDa, LLC for a MUDD-O site plan amendment and 5-Year Vested Rights, for approximately 3.87 acres located on the northeast corner of North Davidson Street and East 36th Street.</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. Provided a more detailed Mercury Street building elevation and committed to |

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| | <p>masonry materials along the first two stories.</p> <p>The following notes have been modified or added to the site plan by the petitioner:</p> <ol style="list-style-type: none"> 1. Reduced the height of the building along Mercury Street from four stories to three stories. 2. Added a note which indicates the possibility of a larger parking structure if the City of Charlotte elects to participate and fund construction of additional public parking. 3. Provided a note which indicates that roll out dumpsters will be contained inside the building at all times except on trash pickup days. 4. Added a note that states "the project will contain a minimum allowance of \$30,000 for the purposes of installation and purchase of public art". |
| Shad Spencer | <p>8. Petition No. 2012-006 by Lomax Properties for a MUDD-O site plan amendment for approximately 5.75 acres located on the north side of Millerton Avenue near the intersection of West Morehead Street.</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. Delineated a six-foot sidewalk along Millerton Avenue rather than a five-foot sidewalk. 2. Indicated internal sidewalks abutting parking areas will have a minimum width of seven feet. 3. Eliminated the proposed sign. Signage will meet ordinance minimums. 4. Provided an internal streetscape containing a minimum five-foot sidewalk and eight-foot planting strip on both sides of the internal private drive connecting Millerton Avenue to buildings #1 and #2. 5. Reorganized and consolidated the site plan notes within the standardized form. Placed the following Development Data Summary notes under the appropriate headings. <ol style="list-style-type: none"> a. Notes #1 and #6 under "General Provisions" b. Eliminated Notes #2 thru #5, #9 and #10. c. Notes #7 and #14 under "Transportation. Corrected typos in Note #14. d. Note #8 under "Fire Protection". e. Note #11 under "Lighting". f. The last sentence of Note #12 modified and placed under "Architectural Standards" to read "Direct sidewalk connections will be provided from the buildings that abut Millerton Avenue <u>out to the public sidewalk</u>". g. Note #13 under "Streetscape". h. Notes #15 and #16 under "Environmental Features". i. Notes #17 and #18 under "Other". j. Note #19 under "Parks, Greenways, and Open Space". k. Notes #20 and #21 under "Architectural Standards". l. Note 22 under "Optional Provisions". m. Placed "CDOT Notes" under "Transportation". 6. Eliminated the reference of "total parking shown: 279". 7. Eliminated the note under "Permitted Uses" and provided the following note "Up to 270 multi-family residential units and associated accessory uses". 8. Relocated Note b under "Other" to "Architectural Standards". Modified the note to indicate the solid waste enclosure will have a roof. 9. Provided typical building elevations of the proposed buildings to illustrate the scale and massing. 10. Provided a note under "Streetscape" to state "The petitioner will provide a CATS concrete passenger waiting pad along Millerton Avenue per CATS standards". |

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| | <p>11. Addressed Mecklenburg County Parks and Recreation Department's comment by identifying a greenway easement at the northern corner of the subject site, next to the future Stewart Creek greenway, to allow an entrance plaza to the greenway trail.</p> |
| Claire Lyte-Graham | <p>9. Petition No. 2012-007 by Rainier Builders for a change in zoning for approximately 0.62 acres located on the north side of Yadkin Avenue between East 35th Street and East 36th Street from R-5 and O-2 to MUDD-O.</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. "Rezoning Petition 2012-007" is now noted on the site plan. 2. The zoning of adjacent properties and those properties across Yadkin Avenue and East 35th Street are now labeled on the site plan. 3. The widths of the landscape strips along East 35th Street are now labeled as 1'-10" and 3'. 4. Petitioner has added language to the site plan identifying locations of existing Oak and Maple trees in proposed tree save areas as the reason for the proposed streetscape amendment. 5. Language has been added to the site plan stating the existing wood shed in alley will be removed or relocated. 6. The word "amenity" is now spelled correctly on site plan. 7. The 8' Landscape Area along Yadkin Avenue is now labeled 8' foot Landscape Strip. 8. Language has been added to the site plan stating plantings will consist of 25% Evergreen trees, 75% Evergreen shrubs, and 40% large maturing trees. 9. The petitioner has revised language on the site plan to clarify that the corner of an existing fence is located on adjacent Fire Station property. 10. The petitioner has responded to the CDOT comment by stating the optional request is intended to preserve the large existing trees and to retain the existing site wall. The petitioner will work with Urban Forestry and if it is found the trees are not worth preserving, the petitioner will provide the required streetscape improvements along 35th Street. However, the petitioner reserves the right to use the optional request if needed. 11. The petitioner has responded to comments from Urban Design by incorporating larger windows (including two at the pedestrian level), and more painted fiber-cement lap siding to the side elevation facing 35th Street. Sheet A3 has been added to the site plan package. A note has been added stating that the sidewalk at 35th Street will be widened to the wall where possible to preserve existing trees if requested. 12. The Subdivision comments requesting for r/w dedication along Yadkin Avenue has been removed as it is no longer a requirement. |
| Shad Spencer | <p>10. Petition No. 2012-008 by NLCM, LLC for a change in zoning for approximately 30.21 acres located on the southwest corner at the intersection of Reames Road and Bayview Parkway from R-3 and R-8MF(CD) to R-8MF(CD) and R-8MF(CD) site plan amendment.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Provided a six-foot wide bike/pedestrian connection from the end of Malvina Lane to the public sidewalk along Reames Road. 2. Modified Note 4(B) to state "...The streetscape treatment along new public |

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| | <p>streets <u>and along Reames Road</u> will meet or exceed the standards of the ordinance...".</p> <ol style="list-style-type: none"> 3. Provided a note to indicate the streetscape for internal private streets will include a minimum of a five-foot wide sidewalk and a two-foot wide planting strip along both sides of the streets. 4. Modified the site plan to indicate the street trees will be located within the eight-foot planting strips. 5. Graphically depicted the internal sidewalk network from the buildings out to the public sidewalks. 6. Indicated a minimum 20-foot dimension from the face of the garages to the back of sidewalks along the private streets. 7. Modified Note 3(E) to eliminate "cementitious siding" from the list of masonry materials. 8. Provided a note under "Buffers and Open Space" to indicate a 50-foot landscape setback will be provided along the future Fred D. Alexander Boulevard and will be improved according to the requirements of Section 12.308(1)(a thru f) of the Zoning Ordinance. 9. Provided a note to clarify the petitioner will provide a concrete CATS passenger waiting pad along Reames Road. 10. Modified the "Maximum Building Height" to state "Maximum allowed by ordinance. However, not to exceed three stories". 11. Labeled Reames Road. <p>The following note has been modified on the site plan by the petitioner:</p> <ol style="list-style-type: none"> 1. Modified Note 3(E) to change the percentage of masonry material on the exterior walls from 50 percent to 25 percent to reflect the building elevations presented at the public hearing. |
| Sonja Sanders | <p>11. <u>Petition No. 2012-011</u> by Singh Development, LLC for a change in zoning for approximately 8.44 acres located on the east side of Randolph Road between Wonderwood Drive and Shasta Lane from UR-2(CD) to INST(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. <i>Specify that the building height at external boundaries does not exceed two stories and the three-story portion is internal.</i> Petitioner has spoken with staff and clarified the three-story portions of the building. 2. <i>Clearly label side property line and 100-foot greenway dedication.</i> Note 7 under "Park, Greenway and Open Space", in addition to the labeled 100-foot SWIM buffer, adequately satisfies this request. 3. <i>Explain need for fencing A, B and C in certain areas. Consider providing fence around entire property boundary.</i> Petitioner has spoken with staff and explained that some abutting property owners do not want fencing. Fencing areas A, B and C indicate areas where fencing gaps will be filled in, with a specific style of fencing, as requested by individual abutting property owners. 4. <i>Indicate percentage of tree save area.</i> Petitioner has spoken with staff and explained that the anticipated tree save area has been reduced due to the addition of provisions for the 100-year storm event. Tree save area will meet the minimum 15 percent required and minimum ordinance requirements need not be listed on the site plan. 5. Replaced "assisted living facility" with "nursing home/dependent living units". 6. Added note that the petitioner shall comply with the adopted Post Construction Controls Ordinance. |

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| Sandra Montgomery | <p>12. <u>Petition No. 2012-012</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to Update the Zoning Districts in which Crematory facilities are allowed and the prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p> <p>Update: There are no outstanding issues with this petition.</p> |
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