

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 280**  
**March 28, 2012**  
**4:30 P.M.**

<p><b>Solomon Fortune</b></p> <p><b>Deferral (to April)</b></p> <p><b>Protest Insufficient</b></p>	<p>1. <a href="#"><u>Petition No. 2008-039</u></a> by <b>Charlotte-Mecklenburg Historic Landmarks Commission</b> for a change in zoning for approximately 1.55 acres located on the southeast corner of Providence Road and Alexander Road from R-3 to O-1(CD) 5-Year Vested Rights.</p> <p>Petitioner is requesting a one-month deferral of this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p> <p><b>Update: The following issues remain outstanding:</b></p> <ol style="list-style-type: none"> <li>1. <b>Label on the site plan and write in the conditional notes of the 35 feet and any additional right-of-way that is being proposed for dedication along Alexander Road.</b></li> <li>2. <b>Relocate trash and recycling away from public street frontage.</b></li> <li>3. <b>Address CDOT comment.</b></li> </ol>
<p><b>Shad Spencer</b></p> <p><b>Protests Sufficiency TBD</b></p>	<p>2. <a href="#"><u>Petition No. 2011-065</u></a> by <b>Chapel Cove at Glengate, LLC</b> for a MX-1 INNOV site plan amendment (LLW-PA) &amp; (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 3</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. <b>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.</b></li> <li>2. <b>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.</b></li> <li>3. <b>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.</b></li> <li>4. <b>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.</b></li> <li>5. <b>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".</b></li> <li>6. <b>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.</b></li> <li>7. <b>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".</b></li> </ol>

<p><b>2011-065</b> <b>continued</b></p>	<p>The following notes have been modified by the petitioner since the February Zoning Committee meeting:</p> <ol style="list-style-type: none"> <li>1. Increased the minimum lots widths by modifying the note to read "a minimum of 40% of the single family lots developed on Parcel B shall have a minimum width of <u>70</u> <del>60</del> feet, and the remaining lots shall have a minimum width of <u>60</u> <del>50</del> feet".</li> <li>2. Modified an "Architectural Standards" note to read "... Notwithstanding the foregoing, vinyl accents, such as <u>trim components</u> <del>vinyl shake-on reverse gables and dormers</del>, shall be permitted, vinyl may be utilized on the soffits of the single family detached dwelling units and vinyl windows may be installed on the single family detached dwelling units".</li> </ol>
<p><b>Claire</b> <b>Lyte-Graham</b></p> <p><b>Protest</b> <b>Sufficient</b></p>	<p>3. <u>Petition No. 2011-068</u> by <b>Morehead Property Investments, LLC</b> 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 4</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>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 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.</li> <li>2. 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.</li> <li>3. 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".</li> <li>4. 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".</li> <li>5. The petitioner has modified Development Notes 3e. and 3f. under "Setbacks, Side Yards, Rear Yards" by removing the reference to the rear elevation.</li> <li>6. 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.</li> <li>7. 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.</li> <li>8. 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.</li> <li>9. 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.</li> </ol>

<p><b>2011-068 continued</b></p>	<ol style="list-style-type: none"> <li>10. 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.</li> <li>11. 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.</li> <li>12. 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.</li> </ol>
<p><b>Sonja Sanders</b></p> <p><b>Protest Sufficient</b></p>	<ol style="list-style-type: none"> <li>4. <a href="#"><u>Petition No. 2012-010</u></a> by <b>Crescent Resources</b> for a change in zoning for approximately 4.70 acres located on the south side of University City Boulevard between Mark Twain Road and Suther Road from R-17MF to MUDD-O 5-Year Vested Rights.</li> </ol> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Reduced the maximum number of units to 200, resulting in an overall density of 43 units per acre.</li> <li>2. Limited nonresidential square footage to a maximum of 5,000 square feet.</li> <li>3. Altered the site plan to enhance compatibility and integration with the abutting neighborhood as follows: (a) limited building height to three stories for Buildings AB and E, which abut existing homes to the rear of the site; (b) moved building AB farther away from rear property line (10 feet on the eastern end and 25 feet on the western end.</li> <li>4. Amended Note K under the heading of Architectural Standards to specify the maximum building height of Building AB at the rear of the building. Clearly noted height limit on all sheets.</li> <li>5. Provided written confirmation from Duke Energy stating that Duke Power will not object to the planting of shrubs and trees that are of a species that will not exceed, at maturity, 15 feet in height in the utility easement along the rear of the property.</li> <li>6. Amended Note 4E under the heading of Permitted Uses to specify that the commercial uses are limited to those listed in 4A and stated that ground floor commercial uses are permitted in a residential building and/or parking structure.</li> <li>7. Provided a 10-foot minimum building separation abutting the residential use to the east on Building AB.</li> <li>8. Showed and labeled the required loading space.</li> <li>9. Deleted Note 4 under the heading of Optional Provisions.</li> <li>10. Deleted standard MUDD requirements listed in Notes 6 A, B and C under the heading of Architectural Standards and Notes 7 C and D under the heading Streetscape and Landscaping.</li> <li>11. Amended Note 6I (I.1) to delete vinyl siding as an exterior building material, with the exception of vinyl windows.</li> <li>12. Showed and labeled possible location of solid waste and recycling containers.</li> <li>13. Removed five-year vested rights from the heading of Optional Requests as it is not an optional request. Additionally deleted the request for five-year vested rights.</li> <li>14. Addressed CDOT comments.</li> </ol>

<p><b>2012-010</b> <b>continued</b></p>	<p><b>The following issues are outstanding:</b></p> <ol style="list-style-type: none"> <li><b>1. Provide a green screen to screen all stories of the structured parking deck along the rear.</b></li> <li><b>2. Correctly reflect parking as follows: Maximum: 1 space per bedroom minus 20 spaces for multi-family dwellings; one space per 150 square feet for restaurants, and one space per 600 square feet for nonresidential uses; and specify a ratio for visitor parking.</b></li> </ol> <p><b>The following items have been added to the site plan:</b></p> <ol style="list-style-type: none"> <li><b>1. Amended Note 13 under the heading of Phasing to state the development will be built in one phase.</b></li> <li><b>2. Amended Note 4A to limit permitted uses to the following uses: barber and beauty shops; dwellings detached, duplex, triplex, quadraplex, attached, multi-family and planned multi-family developments, and mixed use buildings; restaurants including open air or sidewalk cafes; retail sales limited to uses permitted in the B-1 district, structured parking decks as a principal or accessory use.</b></li> <li><b>3. Deleted Note 6K under the heading of Architectural Standards.</b></li> <li><b>4. Added Hardie plank siding as a permitted building material under Note 6H.</b></li> </ol> <p><b>The following is a new staff request based on the revised site plan submitted March 23, 2012:</b></p> <ol style="list-style-type: none"> <li><b>1. Amend Note 5C under the heading of Transportation to state "access to the site from Mark Twain Road is proposed as full access with a median opening. The petition shall open the median (no left-turn lanes) and extend the median from its existing location (approximately 80 feet) to the University City Boulevard (NC 49) right-of-way. The petitioner shall provide for a pedestrian refuge area if needed, add new landscaping material, align the new median opening with the existing driveway for the Advent Lutheran Church if feasible, and/or transplant any existing vegetation impacted by construction to the proposed median extension. A landscaping plan for the Mark Twain median will be required during the driveway and construction plan approval process."</b></li> <li><b>2. Provide a green screen or decorative architectural screening to screen all stories of the structured parking deck along the rear. Amend Note 6D under Architectural Standards to specify the type of screening to be used on the parking deck and state that any decorative architectural screening must be reviewed and approved by the Charlotte-Mecklenburg Planning Department prior to the issuance of a building permit for the parking deck.</b></li> </ol>
<p><b>Solomon Fortune</b></p>	<p><b>5. <u>Petition No. 2012-013</u> by Marc H. Silverman</b> for a change in zoning for approximately 21.38 acres located at the intersection of Westinghouse Boulevard and D. Ducks Lane between Stockport Place and South Tryon Street from I-1 and I-1(CD) to I-2(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li><b>1. The petitioner has removed "other similar uses" from the list of permitted uses.</b></li> <li><b>2. The petitioner has removed "(I-2 only)" which is attached to specific uses on the list of permitted uses.</b></li> </ol>

<b>Claire Lyte-Graham</b>	<p><b>6. <a href="#">Petition No. 2012-014</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.48 acres located on the east and west side of Louise Avenue between East Independence Boulevard and East 8th Street from B-1 and O-2 to R-5 and R-12MF.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<b>Michael Cataldo</b>	<p><b>7. <a href="#">Petition No. 2012-015</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.65 acres located south of Independence Boulevard and between Hawthorne Lane and Lamar Avenue from B-1 and O-2 to R-12MF.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<b>Claire Lyte-Graham</b>	<p><b>8. <a href="#">Petition No. 2012-016</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.79 acres located on the north side of Clement Avenue across from East 9th Street and generally bounded by Bay Street, Lamar Avenue, and East 8th Street from R-22MF to R-5.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<b>Michael Cataldo</b>	<p><b>9. <a href="#">Petition No. 2012-017</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.67 acres located south of Independence Boulevard along the east and west side of Clement Avenue from B-1 and I-2 to R-5.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<b>Claire Lyte-Graham</b>	<p><b>10. <a href="#">Petition No. 2012-018</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.26 acres located on the north side of Hawthorne Lane between East 7th Street and East 8th Street from R-22MF and O-2 to R-5.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<b>Shad Spencer</b>	<p><b>11. <a href="#">Petition No. 2012-019</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.47 acres located on the south side of West Kingston Avenue between Camden Road and Hawkins Street from B-1 from TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>

<p><b>Sandra Montgomery</b></p>	<p><b>12. <a href="#">Petition No. 2012-020</a> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to replace the term, "Planning Commission" with "Planning Department", when referring to the Charlotte-Mecklenburg Planning Department staff.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<p><b>Sonja Sanders</b></p>	<p><b>13. <a href="#">Petition No. 2012-021</a> Colonial Realty Limited Partnership</b> for a O-2(CD) site plan amendment, for approximately 5.1 acres located on the west side of University Executive Park Drive off West W.T. Harris Boulevard.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p> <p><b>Update: The following issues remain outstanding:</b></p> <ol style="list-style-type: none"> <li><b>1. Address CDOT comments.</b></li> <li><b>2. Specify proposed maximum density.</b></li> </ol>