

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

Please click [here](#) to see a map showing the location of all rezoning cases on the agenda.

Claire Lyte-Graham	<p>1. Petition No. 2011-068 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><u>Staff is currently evaluating the revised site plan submitted on Friday, May 25, 2012. Staff will provide an update to the Zoning Committee prior to its May 30, 2012 meeting.</u></p> <p>Attachment 11</p> <p>Update: The following issues have been addressed:</p> <p>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.</p> <p>The following items have been modified or added to the site plan by the petitioner:</p> <p>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.</p> <p>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".</p> <p>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".</p> <p>4. The petitioner has modified Development Notes 3e. and 3f. under "Setbacks, Side Yards, Rear Yards" by removing the reference to the rear elevation.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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<p>2011-068 continued</p>	<ol style="list-style-type: none"> 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. <p>The following items have been modified or added to the site plan by the petitioner since the February 24, 2012 Zoning Committee meeting, with the submittal of a revised site plan on May 25, 2012:</p> <ol style="list-style-type: none"> 1. Amended Parking information under "Rezoning Summary" by removing reference to 1.5 unit per 1 bedroom, and adding statement that parking will be provided to meet current ordinance, with current revisions made to meet the recently adopted <i>Midtown Morehead Cherry Area Plan</i>. 2. Removed Note 1e. under "General Provisions" that stated a minimum of 65% of the units will be one-bedroom. 3. Amended notes under "Setbacks, Sideyards, Rear Yards" as follows: <ol style="list-style-type: none"> a. Amended Note 3a. to state the setbacks will be increased to above current MUDD zoning requirements to be consistent with the <i>Midtown Morehead Cherry Area Plan</i>. New language states that 10' side yard and 10' rear yard proposed at residential levels above parking levels will not be at parking garage levels. b. Revised Note 3b. to indicate that the minimum 10' side yard will not be at the parking garage levels. 4. Amended notes under "Building Height" as follows: <ol style="list-style-type: none"> a. Revised Note 4a. to state intent to limit building height below current allowed MUDD zoning requirements for consistency with the <i>Midtown Morehead Cherry Plan</i>. b. Modified Note 4b. to state proposed maximum average height as defined in the zoning ordinance will be limited to 85'. c. Amended Note 4c. by eliminating reference to detail 3 sheet RZ 2.00. 5. Amended notes under "Transportation/Parking" as follows: <ol style="list-style-type: none"> a. Amended Note 5a. by removing reference to 1.5 spaces per unit or 1 space per bedroom, and adding language stating that parking will be provided to meet the current ordinance. b. Removed Note 5f. that stated all overflow parking will occur on premises. 6. Amended second sentence in Note 8b. under "Screening and Tree Ordinance" by adding "<u>reasonable recommendations</u>" as pertains to recommendations made by arborist in preservation of street trees along the development. 7. Modified Sheet RZ2.00 entitled, "Sample Concept Elevations" by removing reference to Development Notes 4b and 4c pertaining to height restrictions along specified building faces; and by adding note that proposed buildings connecting the building at the front may vary to be 1,2,3 or 4 stories or may be full height down to the parking garage levels. 8. Amended Sheet LS1.00 entitled, "Illustrative Site Plans & East Elevation Concept", by labeling <u>Conceptual</u> Entry Level Site Plan and <u>Conceptual</u> Landscape Plan.
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<p>Shad Spencer</p> <p>Protest Sufficient</p>	<p>2. <u>Petition No. 2012-024</u> by NRP Properties/ Northlake Seniors for a change in zoning for approximately 1.72 acres located on the northeast corner at the intersection of West W.T. Harris Boulevard and Forest Drive from CC to MUDD-O.</p> <p>Staff recommends denial of this petition.</p> <p>Attachment 13</p> <p>Update: The following issues are outstanding:</p> <p><u>Elderly Multi-Family Alternative</u></p> <p>1. Modify the rezoning request from MUDD-O to UR-3(CD).</p> <p><u>Commercial Alternative</u> – Eliminate the commercial alternative. If not eliminated, the petitioner should:</p> <p>1. Eliminate Note D under “Transportation” and modify Note C to require right-of-way dedication along West W.T. Harris Boulevard similar to what is provided for the Elderly Multi-Family Scenario.</p> <p>2. Indicate a minimum five-foot pedestrian connection from West W.T. Harris Boulevard along the northern driveway to the existing abutting shopping center on Sheet RZ-3.</p> <p>3. Indicate a minimum five-foot wide pedestrian connection from the building out to both abutting public streets on Sheet RZ-3.</p>
<p>Claire Lyte-Graham</p> <p>Protest Insufficient</p>	<p>3. <u>Petition No. 2012-030</u> by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 3.5 acres located along East Independence Boulevard between Pierson Drive and North Sharon Amity Road from B-2 to R-4.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p> <p>Update: The petition application was amended to remove the parcel owned by the City of Charlotte (Parcel ID#16103644) from the request. There are no outstanding issues with this petition.</p>
<p>Shad Spencer</p>	<p>4. <u>Petition No. 2012-035</u> by Charlotte Housing Authority for a change in zoning for approximately 1.99 acres located along on the north side of North Caldwell Street and generally bounded by North Brevard Street, New Calvine Street and East Brookshire Freeway from MUDD and MUDD(CD) to MUDD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p> <p>Update: The following issue has been addressed:</p> <p>1. Addressed CDOT issues to modify two notes regarding the vehicular entrance along East 12th Street and the optional entrance along North Caldwell Street.</p>
<p>Sandra Montgomery</p>	<p>5. <u>Petition No. 2012-036</u> by Michael C. Drossos for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) add tattoo parlors as a permitted use with prescribed conditions in the UMUD zoning district, 2) add tattoo parlors as a use permitted by right in the B-D, and U-I zoning districts, and 3) clarify that tattoo parlors are permitted by right in the UR-C, B-1, B-2, B-P, TOD, I-1, and I-2 zoning districts.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p> <p>Update: There are no outstanding issues with this petition.</p>

Shad Spencer	<p>6. <u>Petition No. 2012-038</u> by Charlotte Pipe & Foundry Company for a change in zoning for approximately 17.91 acres located on the south side of West Morehead Street near the intersection of Interstate 77 and Interstate 277 from MUDD to MUDD-O and I-2(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Indicated a 30-foot Class "B" buffer between Parcel A within Tract II and the abutting existing MUDD zoned office building on Sheet RZ-1. Also eliminated the last paragraph within Note 5(b) regarding this required buffer. 2. Revised 3rd paragraph under Note 3 (b) to indicate that all uses permitted in the I-1 district that are also permitted in the I-2 district are allowed. 3. Eliminated Notes 5(a)(i) and 5(a)(ii) regarding streetscape improvements along West Morehead Street. Replaced the notes with a new note 4(c) which indicates that the petitioner agrees to enter into a public/private joint venture agreement with the City for streetscape improvements along West Morehead Street. The petitioner agrees to design and install an eight-foot planting strip and eight-foot sidewalk along West Morehead Street except a 10-foot sidewalk will be provided between South Clarkson Street and South Cedar Street. The petitioner will also dedicate and convey the necessary right-of-way for the streetscape improvement and purchase and install the required street trees. The City will reimburse the petitioner for cost associated with the sidewalk relocation and construction. 4. Added the following sentence to the second paragraph within Note 5(b): "If Parcel D is used for off-site parking, the screening requirements established under the Ordinance will be satisfied". 5. Eliminated Notes 5(c)(i) and 5(c)(ii) regarding street improvements along West Morehead Street and reference the modified streetscape improvement note for West Morehead Street. 6. Modified Note 4(d) to read "If a building permit is issued for the construction of an occupiable building on any part of a Parcel within either <i>Tract I or Tract II</i> which abuts South Cedar Street, the Petitioner agrees at its expense to cause the entire portion of South Cedar Street beginning at West Morehead Street and running through Tract II and Tract III to Post Street to be transformed to a Local Industrial Street Section which is compliant with the Urban Street Design Guidelines prior to the issuance of the first Certificate of Occupancy for any occupiable building on any part of a Parcel within either Tract I or Tract II which abuts South Cedar Street. See Cross-Section "B-2" on Sheet RZ-2 for specifications". 7. Modified Note 4(e) to read "If a building permit is issued for the construction of an occupiable building on any part of a Parcel within either Tract I or Tract II which abuts South Clarkson Street, the Petitioner agrees at its expense to cause the entire portion of South Clarkson Street beginning at West Morehead Street and running through Tract II to Post Street to be transformed to a Local Industrial Street Section which is compliant with the Urban Street Design Guidelines prior to the issuance of the first Certificate of Occupancy for any occupiable building on a Parcel within either Tract I or Tract II which abuts South Clarkson Street. See Cross-Section "B-2" on Sheet RZ-2 for specifications". 8. Modified Note 8 to commit to a maximum sign face area of 100 square feet and maximum signage height of seven feet. 9. Provided building material standards for the building facades of future buildings to be constructed within Tracts II and III that face South Clarkson Street, South Cedar Street, and Tract I. 10. Addressed Transportation comments by indicating a 10-foot wide shared-use path along West Morehead Street between South Clarkson Street and South Cedar Street.
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<p>2012-038 continued</p>	<p>The following items have been modified on the site plan:</p> <ol style="list-style-type: none"> 1. Modified the proposed uses within Tract I to allow all uses within the MUDD Zoning District with no development limitations. 2. Eliminated one of the two entry monument signs at the corner of West Morehead Street and South Clarkson Street.
<p>Solomon Fortune</p>	<p>7. <u>Petition No. 2012-039</u> Michael T. Whitehead and Elizabeth M. Whitehead for an INST(CD) site plan amendment, for approximately 2.7 acres located on the southeast corner of the intersection at Rama Road and Sardis Road.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. A 20 foot required Class C buffer has been shown on the plan. 2. The zoning of surrounding properties has been listed on the site plan. 3. Existing trees being saved on the site have been identified on the site plan. 4. The requested 50 feet of right of way has been labeled and proposed for dedication. 5. The square footage of the existing structures has been listed on the plan. 6. Note #12 on the site plan has been removed.
<p>Sonja Sanders</p> <p>Deferral (to June)</p> <p>Protest Sufficient</p>	<p>8. <u>Petition No. 2012-040</u> by K & P Development, LLC for a change in zoning for approximately 0.65 acres located on the west side of Park South Drive between Fairview Road and Royal Crest Drive from R-3 to MUDD(CD).</p> <p>Petitioner is requesting a deferral of this petition to the June 27, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 27</p> <p>Update: The following issues are still outstanding due to deferral request:</p> <ol style="list-style-type: none"> 1. Amend scale on Sheet A1.0 to reflect 1"=40'. 2. Provide the correct scale on each sheet. 3. Label open space. 4. Correctly label rear yard as "40-foot rear yard" instead of "40-foot rear yard buffer". 5. Delete reference to landscape buffer to screen surface parking on Sheet A1.0 and label as screening for surface parking. 6. Continue screening for surface parking to the building front along Park South Drive. 7. Show and label improved urban open space. 8. Correctly reflect street name as Park South Drive on Note V(b) and Sheet A1.0. 9. Address Transportation comments. 10. Address Storm Water comments. 11. Address Engineering and Property Management comments.

<p>Solomon Fortune</p> <p>Protest Sufficiency TBD</p>	<p>9. <u>Petition No. 2012-041</u> by True Homes, LLC for a R-3(CD) site plan amendment, for approximately 28.31 acres located on the east side of Steele Creek Road between Sledge Road and Huntington Meadow Lane.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. A note has been added that the development numbers will be same as they were approved in petition 1992-014(C). 2. Petitioner has dedicated additional land to Park and Recreation for the Greenway system in lieu of constructing the 10 foot trail. (Staff will verify that this is acceptable with Park and Recreation before Wednesday.) 3. Mecklenburg County Parks and Recreation comments have been addressed.
<p>Shad Spencer</p> <p>Deferral (to June)</p> <p>Protest Sufficiency TBD</p>	<p>10. <u>Petition No. 2012-044</u> by The Duke Endowment for a change in zoning for approximately 1.76 acres located on the west side of East Morehead Street between Myrtle Avenue and Oriole Avenue from B-1 to MUDD-O.</p> <p>Petitioner is requesting a deferral of this petition to the June 27, 2012 Zoning Committee meeting to allow time to work with the area residents.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 29</p> <p>Update: The following issues are still outstanding due to deferral request:</p> <ol style="list-style-type: none"> 1. Modify the maximum building height to indicate a 40-foot base maximum average height at the 10-foot buffer line. Then provide a height ratio equaling one additional foot of height for every additional two feet in distance the portion of the building is from the 10-foot buffer line adjacent to abutting single family zoning district. 2. Incorporate the roll-out trash and recycling enclosure along Myrtle Avenue into the design of Building A so they appear to be one structure. Provide a building elevation along Myrtle Avenue to illustrate this proposed design. 3. Provide a detail of the driveway/drop-off area and the open space at the corner of Morehead Street and Myrtle Avenue. This area should be designed to appear as a plaza with the incorporation of plantings, hardscape, and outdoor seating. Indicate that the driveway will be constructed with pavers and/or stamped asphalt. 4. Modify Note 4F to indicate if ventilation openings are provided on the western side of the structured parking facility that ornamental metal grillwork will be proved for screening.
<p>Solomon Fortune</p>	<p>11. <u>Petition No. 2012-046</u> by SunCap Property Group for a change in zoning for approximately 3.5 acres located on the east side of Red Oak Boulevard near the intersection of Interstate 77 and West Arrowood Road from B-D to B-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 30</p> <p>Update: There are no outstanding issues with this petition.</p>

<p>Claire Lyte-Graham</p>	<p>12. <u>Petition No. 2012-047</u> by O’Leary Resource Recovery Center for a change in zoning for approximately 6.30 acres located on the west side of Idaho Drive and generally surrounded by Centre Street and Odum Avenue from I-1 to I-2(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 31</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner did not provide the maximum building square footage on the site plan as ultimate size of facility is an unknown at this point. 2. Addressed Transportation comments as follows: <ol style="list-style-type: none"> a) Amended Note 3a. under “Access” to state that vehicular to the site will be from Darby Avenue, Odum Avenue, and Centre Street should Darby Avenue be abandoned. Modified language also states that access to Idaho Road will be allowed, but may only be granted after a Transportation Technical Memorandum (TTM) is submitted to CDOT, City Planning, and NCDOT for review and approval. 3. Revised Note 2c. under “Permitted Uses & Development Area Limitation” to state the existing non-conforming single family house will meet the requirements of the Ordinance for nonconformities. 4. Added Note 4g. under “Streetscape, Buffers and Landscaping” to state that the screening requirements of the Ordinance will be met.
<p>Sonja Sanders</p>	<p>13. <u>Petition No. 2012-066</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add definitions and regulations to allow bicycle-sharing service and stations as new uses allowed with prescribed conditions in all zoning districts.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 33</p> <p>Update: There are no outstanding issues with this petition.</p>
	<p>14. Innovative request - Palisades Tract 2 Toll Brothers, Inc. is requesting an innovative site plan approval for Palisades Tract 2. This tract consists of 139 acres zoned MX-3 by rezoning petition 2001-16(C). The following innovative are requested:</p> <ol style="list-style-type: none"> 1. Street Right-of-Way/ Street Type The proposed streets will be public. Therefore, the right-of-way will meet the minimum NCDOT standard to be eligible for acceptance and maintenance. A variety of public street cross sections from local to collector with some divided are proposed. All will meet NCDOT standards for lane width and pavement depth. This exceeds the minimum standards and staff supports this request. 2. Bike Lanes Non-required bike lanes will be provided on several roads. This exceeds the minimum standards and staff supports this request. 3. Minimum Lot Size The MX-3 district allows minimum lots sizes of 4,500 square feet which is equal to the R-6 district standard. The innovative proposes to set the minimum lot size at 6,000 square feet which is consistent with the R-5 zoning of the adjacent properties. This exceeds the minimum standards and staff supports this request. 4. Lot Width The MX-3 district allows minimum lot widths of 40 feet which is equal to the R-6 district standard. The innovative proposes to set the minimum lot width at 50 feet which is consistent with the R-5 zoning of the adjacent properties. This exceeds the minimum standards and staff supports this request. 5. Setbacks and Yards The proposed side yards and rear yards of 3 feet and 20 feet will provide flexibility in locating a variety of footprints on each lot. Staff supports this request.