

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 267**  
**October 3, 2012**  
**4:30 P.M**

Please click this link: [September 2012 map](#) to see a map showing the location of all rezoning cases on this agenda.

<p><b>Solomon Fortune</b></p> <p><b>Withdrawal</b></p> <p><b>Protest Insufficient</b></p>	<p>1. <a href="#">Petition No. 2008-039</a> by Charlotte-Mecklenburg Historic Landmarks Commission 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>The petitioner is requesting a withdrawal of this petition.</p> <p>Staff agrees with the withdrawal request.</p> <p>Attachment 34</p>
<p><b>Shad Spencer</b></p>	<p>2. <a href="#">Petition No. 2012-065</a> by City of Charlotte for a change in zoning for approximately 4.02 acres located on the north side of Central Avenue between Merry Oaks Road and Saint Andrews Home Place from R-4 and R-22MF to NS.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 44</p> <p><b>Update: There are no outstanding issues with this petition.</b></p> <p>The following items have been added to the site plan:</p> <ol style="list-style-type: none"> <li>1. Designated an area along Merry Oaks Road for a neighborhood signage structure.</li> <li>2. Reduced the size of the primary structure from 16,500 square feet to 15,500 square feet.</li> <li>3. Added a note that commits to additional measures to enhance the chances for survival of several existing trees located on the site.</li> <li>4. Increased the number of existing trees that are committed to be preserved.</li> </ol>
<p><b>Shad Spencer</b></p> <p><b>Deferral (to December)</b></p>	<p>3. <a href="#">Petition No. 2012-067B</a> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ul style="list-style-type: none"> <li>• allow duplex dwellings on R-3, R-4, R-5, and R-6 zoned lots with prescribed conditions; and</li> <li>• modify the prescribed conditions for duplex units located in the R-3, R-4, R-5, and R-6 zoning districts.</li> </ul>

<b>2012-067B contd.</b>	<p>Staff recommends a deferral to the December Zoning Committee meeting to allow time for further review.</p> <p>Attachment 39</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<p><b>Shad Spencer</b></p> <p><b>Protest Sufficient</b></p>	<p>4. <a href="#"><u>Petition No. 2012-071</u></a> by Lincoln Harris, LLC for a change in zoning for approximately 2.08 acres located on the northwest corner of East Morehead Street and Kenilworth Avenue from O-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 45</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Modified the design of the buildings so they are more urban in nature and better reflect the character and scale of the Dilworth neighborhood.</li> <li>2. Added notes that commit to various architectural treatments for Building B to provide pedestrian interests along all facades.</li> <li>3. The drive through service window area was not relocated but is located on the side of the building that does not front a public street and is in an area that does not create conflicts with pedestrian circulation. CDOT studied the drive through service window configuration and has no issue with the location.</li> <li>4. Removed the screen wall illustrated in front of Building B along Kenilworth Avenue.</li> <li>5. Indicated the existing trees along East Morehead Street may be removed due to their previously identified deteriorated condition in order to install necessary roadway improvements.</li> <li>6. Modified note D under "Streetscape and Landscaping" to indicate a minimum of six evergreen trees and 20 evergreen shrubs per 100 linear feet will be provided within the buffer along the western property line abutting single family residential.</li> <li>7. Modified the sign package to indicate the signage illustrated on the plans shall comply with MUDD signage regulations.</li> <li>8. Addressed CDOT's issue by provided a note that indicates the petitioner will construct roadway improvements within the public right-of-way to prevent left turns into or out of the site as approved by CDOT.</li> </ol> <p>The following items have been amended or added to the site plan:</p> <ol style="list-style-type: none"> <li>1. Increased the width of the buffer along the western property line abutting single family residential from 10 feet to 15 feet.</li> <li>2. Provided a winding path along the East Morehead Street frontage of Building B along with benches to allow for additional pedestrian interactivity and community interest with regard to the panels located on building façade.</li> <li>3. Increased the size of the public open space area at the corner of East Morehead Street and Kenilworth Avenue from 500 square feet to 950 square feet.</li> </ol> <p><b>The following outstanding item is new based on the revised site plan submitted September 28, 2012:</b></p> <ol style="list-style-type: none"> <li>1. Update the "Elevation Legend" to identify "TS". If the meaning of "TS" is tenant signage, remove them from the building elevations.</li> </ol>

<p>Claire Lyte-Graham</p>	<p>5. <a href="#"><u>Petition No. 2012-072</u></a> by E&amp;A Custom Builders, LLC for a change in zoning for approximately 0.53 acres located on the south side of Warp Street between Donatello Avenue and Herrin Avenue from R-5 to UR-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 46</p> <p><b>Update:</b> The petitioner did not submit a revised site plan and submitted a <u><i>Rebuttal Statement</i></u> responding to the outstanding issues identified by Planning and CDOT. The <u><i>Rebuttal Statement</i></u> has been attached to the Zoning Committee meeting agenda e-mail communication.</p> <p><b>The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner has provided information about building style and materials, and has clarified how the properties will be “in keeping” with the existing abutting properties (see <u><i>Rebuttal Statement</i></u>).</li> <li>2. The petitioner has addressed the following CDOT comments (see <u><i>Rebuttal Statement</i></u>). <ol style="list-style-type: none"> <li>a) The petitioner has provided a response regarding the request to install the proposed curb and gutter in a manner that matches the existing curb line established on the south side of Warp Street.</li> <li>b) The petitioner has provided a response regarding the request to add a five-foot sidewalk along the site frontage at least four feet from the back of curb.</li> </ol> </li> </ol> <p><b>The following issues are outstanding (a meeting is scheduled for Monday between the petitioner and CDOT and Planning staff to further discuss and resolve these two items).</b></p> <ol style="list-style-type: none"> <li>1. Add a note on the site plan stating that the proposed lots shall meet the setback and yard requirements of the R-5 zoning district (see <u><i>Rebuttal Statement</i></u>).</li> <li>2. Address CDOT issue regarding CDOT’s request to consolidate and share proposed driveways to allow for on-street parking along the petitioner’s property edge (see <u><i>Rebuttal Statement</i></u>).</li> </ol>
<p>Sonja Sanders</p>	<p>6. <a href="#"><u>Petition No. 2012-076</u></a> by Christ Evangelical Lutheran Church of Charlotte for a change in zoning for approximately 1.66 acres located on the northeast corner of the intersection of Providence Road and Mammoth Oaks Drive from INST(CD) to B-1(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 48</p> <p><b>Update:</b> There are no outstanding issues with this petition.</p>
<p>Shad Spencer</p>	<p>7. <a href="#"><u>Petition No. 2012-077</u></a> by Johnson C. Smith University for a change in zoning for approximately 3.11 acres located on the east side of Beatties Ford Road near the intersection of Rozzelles Ferry Road, West Trade Street and Beatties Ford Road from R-22MF(PED) to R-22MF(PED-O).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 49</p> <p><b>Update:</b> There are no outstanding issues with this petition.</p>

Shad Spencer	<p>8. <a href="#"><u>Petition No. 2012-078</u></a> by Queen City Health Investors, LLC for a change in zoning for approximately 9.02 acres located on the north side of South Tryon Street between Wrights Ferry Road and Greybriar Forest Lane from R-3 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 50</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Modified the throat of the driveways so they remain perpendicular to South Tryon Street past the 40-foot setback.</li> <li>2. Provided a curb bulb-out at the existing NC 49 directional crossover intersection at Wright's Ferry Road to accommodate the northbound to southbound U-turn movements.</li> <li>3. Provided a continuous right turn lane extending from Wright's Ferry Road to Graybriar Forest Lane.</li> </ol> <p><b>The following item has been added to the site plan:</b></p> <ol style="list-style-type: none"> <li>1. Added a note regarding the sidewalk connection to Wright's Ferry Road which reads: "Developer reserves the right to request a variance from the Zoning Board of Adjustment to waive sidewalk connection to Wright's Ferry Road if sidewalk easement is not granted".</li> </ol>
Solomon Fortune	<p>9. <a href="#"><u>Petition No. 2012-079</u></a> by TAG Ventures, LLC for a MUDD-O site plan amendment, for approximately 0.86 acres located on the north side of West Mallard Creek Church Road between Claude Freeman Drive and David Taylor Drive.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 51</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Added a request for an optional provision to increase the maximum square footage allowed for a dry cleaning establishment within the MUDD zoning district from 4,500 square feet to 6,000 square feet.</li> <li>2. Removed signage from the building elevations.</li> </ol>
Claire Lyte-Graham	<p>10. <a href="#"><u>Petition No. 2012-080</u></a> by H. Heath &amp; Elizabeth B. Alexander for a change in zoning for approximately 0.29 acres located along North Alexander Street between East 34th Street and East 35th Street from R-5 to R-8(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 52</p> <p><b>Update: The following issue has been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner has added a note stating the new house will be bungalow style, wood or hardi siding.</li> </ol>

<p><b>Sonja Sanders</b></p>	<p>11. <a href="#"><u>Petition No. 2012-081</u></a> by <b>NRI Communities/Charlotte, LLC</b> for a CC site plan amendment, for approximately 7.55 acres located on the west side of Johnston Road between North Community House Road and Porterfield Road.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 53</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The existing five-foot sidewalk and ten-foot planting strip along Johnston Road have been shown and labeled.</li> <li>2. Sidewalk and planting strip have been reflected to the northern property boundary along Johnston Road.</li> <li>3. Sheet RZ-2 has been deleted and applicable notes from previous petition 2007-103 have been placed on Sheet RZ-1.</li> <li>4. Addressed Park and Recreation comments by specifying the approximate width and location of the greenway easement.</li> </ol> <p><b>Update: The following notes have been amended or added to the plan:</b></p> <ol style="list-style-type: none"> <li>1. Amended Note 2b under the heading of "Permitted Uses and Development Area Limitation" to state that drive-in or drive-through lands/windows as an accessory use will not be permitted on the site.</li> <li>2. Amended Note 6d under the heading of "Environmental Features and Greenway Easement" as follows: <ul style="list-style-type: none"> <li>• to specify that the minimum width of the easement shall be 40 feet except it will be 60 feet where the easement connects to the parking area;</li> <li>• to specify that the easement will connect from the northerly end of the site at Johnston Road to the southern end of the site;</li> <li>• to state that the final, precise location and width of the easement shall be determined at a future time depending upon site constraints, other existing public and private easements, public improvements, structures, etc.;</li> <li>• to state that the easement shall be provided prior to the issuance of a certificate of occupancy in association with the proposed hotel or within two years of the approval of this site plan amendment, whichever occurs first.</li> </ul> </li> <li>3. Added Note 6e under the heading of "Environmental Features and Greenway Easement", which states the petitioner will not be required to provide the greenway easement if the existing easements (e.g. CMUD, Duke Power) do not allow the Petitioner to grant the proposed greenway easement.</li> </ol>
<p><b>Sandra Montgomery</b></p>	<p>12. <a href="#"><u>Petition No. 2012-083</u></a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) clarify that outdoor fresh produce stands are allowed as a principal use in all zoning districts except residential, office and institutional and 2) add prescribed conditions if a permanent structure is utilized for outdoor fresh produce stands when they are the principal use in all zoning districts, except residential, office and institutional.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 54</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>