

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
October 24, 2012
4:30 P.M

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

<p>Shad Spencer</p> <p>Protest Sufficient</p>	<p>1. Petition No. 2012-071 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.</p> <p>Attachment 4</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 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. 2. Added notes that commit to various architectural treatments for Building B to provide pedestrian interests along all facades. 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. 4. Removed the screen wall illustrated in front of Building B along Kenilworth Avenue. 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. 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. 7. Modified the sign package to indicate the signage illustrated on the plans shall comply with MUDD signage regulations. 8. Addressed CDOT's issue by providing 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. 9. Increased the width of the buffer along the western property line abutting single family residential from 10 feet to 15 feet. 10. 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. 11. 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. 12. Removed "TS" from the "Elevation Legend" and the building elevations. <p>The following items have been added to the site plan.</p> <ol style="list-style-type: none"> 1. Provided a note on the site plan that specifies the retail use will be restricted to a pharmacy. 2. Provided a planting detail of the proposed 15-foot wide buffer along the rear property line that indicates an increased quantity of plantings and indicates the type of plant materials.
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<p>Sandy Montgomery</p>	<p>2. <u>Petition No. 2012-075</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add a new definition for “electronic game operations”, and allow it as a new use with prescribed conditions in the UR-C, B-1, B-2, NS, MUDD, UMUD, CC, TOD-E, TOD-M, and I-1 zoning districts.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p> <p>Update: The text amendment has been referred to the Economic Development Committee.</p>
<p>Solomon Fortune</p>	<p>3. <u>Petition No. 2012-084</u> by Frank and Nancy Newton for a change in zoning for approximately 2.72 acres located on the south side of Rocky River Road at the intersection of Rocky River Road and Newell Farm Road near Old Concord Road from O-1(CD) to B-1(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p> <p>Update: The following issue has been addressed:</p> <p>1. A note has been added stating the following uses will not be permitted on the Site: gasoline service stations with convenience facilities, restaurants, and drive-in or drive-through lanes/windows as an accessory use.</p>
<p>Sonja Sanders</p> <p>Protest Sufficient</p>	<p>4. <u>Petition No. 2012-085</u> by Childress Klein Properties for a change in zoning for approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road from R-3 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 16</p> <p>Update: The following issues have been addressed:</p> <p>1. Addressed CDOT comments as follows:</p> <ul style="list-style-type: none"> a. The proposed right-of-way on Marvin Road accommodates a future five-foot bike lane, an eight-foot planting strip and a six-foot sidewalk. b. Provided a note committing to the dedication of additional right-of-way necessary to accommodate the required planting strip and sidewalk on Marvin Road. c. Added a prefix to the “Transportation” Section that states “All described transportation improvements below shall be implemented prior to the issuance of the site’s first building certificate of occupancy.” d. Provided a 150-foot long painted median on Marvin Road between the site’s proposed private street connection and Donnington Drive. e. Included a typical cross-section along with a schematic drawing depicting the proposed road improvements on Marvin Road, which include the existing and future right-of-way, Johnston Road’s edge of shoulder, Marvin Road’s proposed back-of-curb, future travel/turning and bike lanes, painted medians, proposed building setback lines, and proposed curb and gutter. f. Amended Note D under the heading of “Transportation” to state “the petitioner shall construct a southbound directional crossover with a minimum of 150 feet of storage on Johnston Road to provide left-over access to the Site’s access point to Johnston Road”. <p>2. Tree save areas have been shown and labeled.</p> <p>3. Garage building along Lancaster Highway has been relocated out of the setback.</p>

<p>2012-085 continued</p>	<ol style="list-style-type: none"> 4. Sidewalk along Lancaster Highway has been shown and labeled. 5. Label the proposed private street on Sheet RZ-2 and specify under the heading of "Transportation" on Sheet RZ-3. <u>Staff has rescinded this request.</u> 6. Specify layout of parking abutting the private street as per the following note: "Required sidewalk width along the private street varies depending upon parking configuration." <u>Staff has rescinded this request.</u> 7. Increase the width of the planting strip along the private street to a minimum eight feet if the planting strip is required for parking per the Tree Ordinance. <u>Staff has rescinded this request.</u> 8. Labeled buildings on Sheet RZ-2 to correspond with elevations and building types shown on Sheet RZ-4. 9. Specified fence type as a precast concrete wall with stone finish and provided an elevation of the fence. 10. Indicated on Sheet RZ-3 that the amenity area shall include a swimming pool, seating areas, and landscaping. 11. Amend the Residential Section on Sheet RZ-2 to include the width of the sidewalk and planting strip. <u>Staff has rescinded this request.</u> 12. Specified maximum building height as a maximum of 75 feet and four stories on Sheet RZ-3 under heading of Development Standards. 13. Labeled height of buildings in feet and stories on Sheet RZ-4. 14. Added note that the 10-foot asphalt greenway trail between Marvin Road and the greenway dedication area will be built, owned, maintained and controlled privately and the trail will be built to the Mecklenburg County Park and Recreation greenway trail standards. <p>The following notes have been amended or added to the plan:</p> <ol style="list-style-type: none"> 1. Amended Note 2b under the heading of "Transportation" to specify that a partial traffic signal will be installed at the intersection of Johnston Road and Marvin Road, which provides signaling for phasing to allow protected and permitted turning movements for southbound left turns from Johnston Road and northbound right turns from Marvin Road. 2. Added Note 3e under heading of "Architectural Standards" to add that for buildings to be constructed within the area currently designated as tax parcel 223-531-06, second and third floor units that face tax parcel 223-531-08 shall incorporate sunrooms in lieu of balconies. 3. Added Note 4b under heading of "Streetscape and Landscaping" to state that abutting tax parcel 223-531-08 and extending south to the northern boundary of the new public street extending from Johnston Road to tax parcel 223-531-09 the petitioner shall install and maintain Chesapeake Holly trees and Japanese Cedars planted twelve feet on center. Such trees shall measure at least six feet in height at the time of installation. Provided an illustration of the buffer plan. 4. Deleted reference to planting strip and sidewalk along a proposed private street. <p>The following item is outstanding:</p> <ol style="list-style-type: none"> 1. Remove reference to "existing back of curb (BOC)" along Lancaster Highway.
<p>Shad Spencer</p>	<ol style="list-style-type: none"> 5. <u>Petition No. 2012-086</u> by East Group Properties, LP for a change in zoning for approximately 43.29 acres located on the southeast corner of the intersection of Steele Creek Road and Shopton Road from I-1(CD) and R-3 to I-1(CD) SPA and I-1(CD). <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. Delineated and labeled the extension of Entrance Drive from Steele Creek Place Drive to Gable Road on the technical data sheet.

2012-086 continued	<ol style="list-style-type: none"> 2. Modified the proposed zoning on the technical data sheet to read: "I-1(CD) SPA and I-1(CD)". 3. Clarified on the schematic plan that the abutting tax parcel 201-072-27 is not part of the requested rezoning and also included the ownership, zoning, and use information for the abutting parcel. 4. Provided elevations for the Gable Road sides of buildings 4 and 5 that illustrate architecturally articulated facades, decorative elements, and a heavily landscaped berm that break up large expanses of blank walls.
Sonja Sanders Deferral (to November)	<ol style="list-style-type: none"> 6. Petition No. 2012-087 by AEA, LLC for a change in zoning for approximately 3.56 acres located on the south side of Ballantyne Commons Parkway between Rea Road and Williams Pond Lane from R-3 to O-1(CD). The petitioner is requesting a one-month deferral of this petition to the November 28, 2012 meeting. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 18 Update: The following issue is still outstanding: 1. Address CDOT comments.
Claire Lyte-Graham	<ol style="list-style-type: none"> 7. Petition No. 2012-088 by PIRHL Developers, LLC for a NS site plan amendment, for approximately 5.09 acres located on the north side of Nolley Court near the intersection of Nolley Court and Galleria Boulevard. Staff recommends approval of this petition upon resolution of the outstanding issue. Attachment 19 Update: The following issue has been addressed: 1. The petitioner has correctly labeled "Sardis Road North" on the site plan (on all sheets).