

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
January 9, 2013
4:30 P.M

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

<p>Sandra Montgomery</p>	<p>1. Petition No. 2012-064 by Charlotte Area Transit System for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) add new definitions for passenger rail station, passenger rail platform, and advertising signs on passenger rail platforms, 2) allow advertising signs on passenger rail platforms with prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p>Update: There are no outstanding issues with this petition.</p>
<p>Shad Spencer</p> <p>Deferral (indefinite)</p>	<p>2. Petition No. 2012-067B by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ul style="list-style-type: none"> allow duplex dwellings on R-3, R-4, R-5, and R-6 zoned lots with prescribed conditions; and modify the prescribed conditions for duplex units located in the R-3, R-4, R-5, and R-6 zoning districts. <p>Staff is requesting an indefinite deferral due to citizen concerns.</p> <p>Attachment 3 (October 15, 2012, City Council Agenda)</p> <p>Update: There are no outstanding issues with this petition.</p>
<p>Sonja Sanders</p> <p>Deferral (to January)</p>	<p>3. Petition No. 2012-087 (Council District 7 - Cooksey) 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).</p> <p>The petitioner is requesting a deferral to the January 30, 2013 Zoning Committee to allow time to address CDOT comments.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 5</p>
<p>Sonja Sanders</p>	<p>4. Petition No. 2012-099 (Council District 3 - Mayfield) by John G. Blackman and David E. Fuller, Sr. for a change in zoning for approximately 2.14 acres located on the east side of Little Rock Road between Scott Furtrell Drive and Interstate 85 from I-2 to I-1.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> <p>Update: There are no outstanding issues with this petition.</p>
<p>Sonja Sanders</p>	<p>5. Petition No. 2012-100 (Council District 3 - Mayfield) by the Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.34 acres located along the south side of West Catherine Street between South Tryon Street and Winnifred Street from I-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p> <p>Update: There are no outstanding issues with this petition.</p>

<p>Claire Lyte-Graham</p>	<p>6. <u>Petition No. 2012-101</u> (Council District 3 - Mayfield) by Dixie River Land Company for a change in zoning for approximately 4.63 acres located on the west side of Steele Creek Road between Dixie River Road and Shopton Road West from R-3 LLWPA to CC LLWPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has removed the portion of the last sentence from <i>Development Standards</i> (Purpose) that allowed unused floor area approved with this site plan to be used elsewhere in the Berewick Town Center. 2. The petitioner has modified the language under <i>Permitted Uses</i> to allow non-residential uses that are permitted in the CC district. The petitioner has also added the following language in order to address the portion of the outstanding issue regarding the number of permitted uses with a drive through service window: "Uses will be limited to one service station or convenience store and one other use with a drive through service window. If no service station or convenience store is constructed, two sites with drive through service windows will be allowed. A third site will be permitted to accommodate a use with a drive through service window if permission for the service window is transferred from the previously approved portion of the Berewick Town Center (2010-011) by virtue of an administrative site plan amendment that would have to be approved before any such transfer could take place." 3. The petitioner has modified <i>Transportation</i> Note C by adding language that clarifies how pedestrian walkability and safety between freestanding buildings and minimizing conflicts with automobiles will be addressed. The modified language is as follows: "This will be accomplished with any combination of sidewalks, pathways or plazas between buildings. In those circumstances where a pedestrian pathway or sidewalk would cross a public street, the crosswalk will be clearly marked, or will include a stop sign, or be raised to calm traffic and to increase awareness of the pedestrian crossing. All such facilities installed in a public street will be subject to review and approval by CDOT." 4. Under <i>Transportation</i> Note D, the petitioner has replaced "abandoned" with "removed". 5. The petitioner has removed the language Under <i>Architectural Standards</i> Note A, that stated: "The development of the site will be governed by the district regulations of the zoning ordinance for the CC district." The petitioner has provided the following new language: "All of the uses will be developed as part of the overall Berewick Town Center Plan with common architectural elements, materials, rooflines, and landscape themes." 6. Under <i>Architectural Standards</i> Note B, the petitioner has modified language to refer to "decorative <u>wooden</u> gates". 7. Under <i>Lighting</i> the petitioner has removed language stating: "Architectural lighting on the exterior of buildings will be permitted." 8. The petitioner has listed the existing use as single family residential under <i>Development Summary</i>. 9. The tax parcel identification numbers have been added to the <i>Development Summary</i>. 10. LLWPA (Lower Lake Wylie Protected Area) has been added to existing zoning and proposed zoning under <i>Development Summary</i>. 11. A note similar to Note G5 under "Setbacks/Required Yards, and
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2012-101, contd.	<p>Streetscapes" as contained in the approved site plan for rezoning petition 2010-011 regarding provision of building edges has been added that states: "Buildings that are located on sites that include "building edges" must be constructed so that no parking, maneuvering, or circulation will occur between the buildings and the building edges."</p> <ol style="list-style-type: none"> 12. The north/south drive running adjacent to the proposed restaurant/retail building and due to connect to the property to the north has been removed from the site plan. 13. Section B on Sheet RZ-1.1 has been amended to reference to the berm proposed along Steele Creek Road as 4 feet in height. 14. Proposed sign locations have been removed from the site plan. 15. The petitioner has addressed CDOT and Storm Water Services comments as follows: <ol style="list-style-type: none"> a) Per CDOT's request, a note has been added to the site plan that states the old residential driveways will be removed as the redevelopment of the site progresses, but that old driveways may be used as temporary construction entrances until other more permanent construction entrances are permitted and established. Petitioner also notes on site plan that the type of any proposed commercial driveways onto Shopton Road will be determined during the permitting phase. b) Per CDOT's request (and in anticipation that NCDOT will make the request), a note has been added stating the petitioner will install a right turn lane on Steele Creek Road if required to do so by NCDOT. c) The petitioner has modified the Storm Water language provided under <i>Environmental Features</i> to read as follows: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. In complying with the PCCO and as allowed by provisions of the PCCO, the development of this site may utilize the special water quality features, including natural areas, previously approved for the larger Berewick community. The petitioner will demonstrate that the features and facilities for the maintenance of water quality are adequately sized and where necessary, the appropriate easements for storm water and water quality management will be established."
Claire Lyte-Graham	<ol style="list-style-type: none"> 7. <u>Petition No. 2012-103</u> (Council District 1 - Kinsey) by Kenneth Lin and Jon Branham for a change in zoning for approximately 0.20 acres fronting both North Davidson Street and Yadkin Avenue between East 34th Street and East 35th Street from R-5 and B-1 to TOD-MO. <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has addressed the issue regarding the placement of the recycling/refuse area on the lot facing Yadkin Avenue via recordation of a recombination plat involving the swapping of land with the abutting property owner, thereby allowing the two parcels of the subject rezoning to adequately touch and be combined. 2. The petitioner has listed the existing square footage, new (additional) square footage, and total square footage on the site plan. 3. The petitioner has provided information on the site plan indicating that a second story will be constructed over the existing one-story building, and

<p>2012-103, contd.</p>	<p>that a new three-story addition will be constructed in the rear of the proposed two-story portion. The petitioner has also provided the height of the existing building (15 feet) and the proposed height as 39 feet.</p> <ol style="list-style-type: none"> 4. The petitioner has removed "night club" from the Optional provision regarding parking. The petitioner has added notes on the site plan to indicate 4 on-street parking spaces, two of which are proposed to be shared with a neighboring business. 5. The petitioner has modified Optional Provision 3 (Streetscape) to specify N. Davidson Street and requested that the existing 8-foot sidewalk be allowed to remain. 6. The petitioner has removed the brick wall shown on the N. Davidson Street elevation and added a note stating it is not part of the site plan. 7. The petitioner has revised the site plan to show the boundaries of the area proposed to be rezoned with a weighted line. 8. Petitioner added the language provided written response regarding intent to coordinate with a local artist on the elevations to the actual elevation sheet. 9. The petitioner has addressed CDOT comments as follows: <ol style="list-style-type: none"> a) The petitioner has removed the proposed curb cut on Yadkin Avenue from the site plan. b) The petitioner has added language to state intent to work with neighboring property owners to secure additional parking. <p>Update: The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Add the appropriate standardized notes on the site plan (in addition to the Optional Provisions listed). 2. Modify <i>Optional Provision</i> for streetscape (on Yadkin Avenue) to specify the street name and request that the existing sidewalk be allowed to remain. Note the width of the existing sidewalk in the additional language. 3. Add language to the <i>Optional Provision</i> for the required 16-foot setback to allow new construction incorporating an existing structure be built to the established setback and identify the established setback. 4. Show and label established setback on the site plan. <p>Update: The following outstanding issues have been added:</p> <ol style="list-style-type: none"> 1. Amend Optional Provision 1 (Setback) for the required 16-foot setback to allow new construction incorporating an existing structure be built to the established setback and identify the established setback on site plan (not zero). Petitioner may identify and label established setback as being from the back of the existing sidewalk. 2. Amend Optional Provision 2 (Parking) and add language requesting to not provide required parking. 3. Amend Optional Provision 3 (Streetscape) and add Yadkin Avenue to the language as it is subject to this requirement as well. 4. In order to allow for more flexibility with respect to proposed uses, under <i>Permitted Uses</i>, in addition to restaurants, add office, retail and personal services as allowable uses. 5. Remove sentence regarding lighting from <i>Streetscaping and Landscaping</i> and place under new <i>Lighting</i> heading. Add note that "wall pak" lighting will not be allowed. 6. Remove sentence under <i>Streetscaping and landscaping</i> regarding planting strip along N. Davidson Street as this is an optional provision being requested. 7. Correct the spelling of Yadkin Avenue on the site plan.
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Shad Spencer	<p>8. <u>Petition No. 2012-104</u> by Charlotte-Mecklenburg Planning Department for a voluntary incentive based density bonus text amendment to add “mixed income housing development” as a permitted development type within the R-3, R-4, R-5, and R-6 single family zoning districts with design and locational criteria. The amendment would provide an incentive for developers to incorporate housing for individuals with incomes at or below 80% of the area median income within new developments by 1) allowing for a density bonus of up to three units above the base density, 2) allowing a mix of housing types to be built that would include single family, duplex, triplex and quadraplex dwellings, and 3) modifying development standards such as lot sizes, setbacks/yards, lot widths, etc.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p> <p>Update: There are no outstanding issues with this petition.</p>
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