

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

Please click this link: [January 2013 map](#) to see a map showing the location of all rezoning cases on this agenda.

<b>Claire Lyte-Graham</b>  <b>Deferral (to February)</b>	<p>1. <a href="#">Petition No. 2012-070</a> (Council District 7 - Cooksey) <b>by Pulte Home Corporation</b> for a change in zoning for approximately 6.96 acres located on the west side of Wade Ardrey Road between Turkey Hill Road and Ardrey Crest Drive from R-3 to R-6(CD) and 5-year vested rights.</p> <p>The petitioner is requesting a one-month deferral of this petition to the February 27, 2013 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p> <p><b>Update: The following issues remain outstanding:</b></p> <ol style="list-style-type: none"><li>1. Number the site plan notes as per the standards.</li><li>2. Remove the following from the General Provisions section: <del>However, any alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the conceptual Site Plan or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance as applicable."</del></li><li>3. Add the following to the Architectural Standards section: Primary exterior building materials for the proposed residential structures that are to be constructed on the Site shall be a combination of <u>a minimum of three of the following materials</u>: vinyl siding, brick, stone, shake, hardi-plank or cementitious siding material.</li><li>4. Revise <i>Environmental Features</i> language so that it states only the following sentence: "Petitioner shall comply with the Post Construction Controls Ordinance."</li><li>5. Address CDOT, Storm Water, and Neighborhood and Business Services comments and revise site plan accordingly.</li></ol>
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<p>Claire Lyte-Graham</p> <p>Deferral (to February)</p>	<p>2. <a href="#"><u>Petition No. 2012-082</u></a> (Council District 4 - Barnes) <b>by Derita American Legion Post 345</b> for an O-1(CD) site plan amendment, for approximately 1.20 acres located on the east side of Baucom Road between Mallard Creek Road and Brathay Court.</p> <p>The petitioner did not submit a revised site plan. Therefore, this petition should be deferred to the next Zoning Committee meeting on February 27, 2013.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p> <p><b>Update: The following issues remain outstanding:</b></p> <ol style="list-style-type: none"> <li>1. Clarify and better organize development notes to specify scenario involving use of existing structure and scenario involving redevelopment of the site with construction of a new building and associated site improvements. <ol style="list-style-type: none"> <li>a. Scenario (A) involving use of existing structure should note that the existing 2,800 square foot structure will remain with a maximum 1,000 square-foot expansion permitted. The expansion should note the maximum height of lighting and indicate that the appearance of building expansion will blend with existing structure.</li> <li>b. Scenario (B) should note that if the site is redeveloped the new building will not exceed 7,765 square feet, with a maximum 40-foot building height and no more than two stories. Redevelopment scenario should also note maximum height of lighting and appearance of building. Show a building footprint reflecting the proposed redevelopment scenario.</li> </ol> </li> <li>2. The site plan is incorrectly labeled "2003-082". Amend the site plan to reflect "Rezoning Petition 2012-082".</li> <li>3. Follow the standard for site plan notes.</li> </ol>
<p>Sonja Sanders</p>	<p>3. <a href="#"><u>Petition No. 2012-087</u></a> (Council District 7 - Cooksey) <b>by AEA, LLC</b> 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>Staff recommends approval of this petition.</p> <p>Attachment 6</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The petitioner has addressed the CDOT's request for child care information on how vehicular marshaling will occur on-site during peak drop-off and pick-up times by providing the following: <ol style="list-style-type: none"> <li>a. The petitioner has added <i>Transportation Note D</i> that states: "In the event that CDOT and/or NCDOT determine, in its or their sole judgment, that vehicular traffic entering or existing the site causes vehicles entering the site to queue within Ballantyne Commons Parkway public right-of-way, then the owner of the site and the operator of the childcare center will, at the request of CDOT and/or NCDOT, work with CDOT and/or NCDOT to develop and implement an internal vehicular marshaling and circulation plan to address this issue."</li> <li>b. The petitioner has modified language under <i>Permitted Uses</i> and <i>Site Data</i> to reflect a reduction in the maximum number students from 250 to 220.</li> <li>c. The petitioner has modified <i>Transportation Note B</i> and <i>Site Data</i> to reflect provision of new information stating a minimum 51 parking spaces (7 additional spaces) are proposed to accommodate the proposed child care center. The note also states that staff and employee parking spaces shall be located in the areas depicted on the rezoning plan.</li> </ol> </li> </ol>

<p>Claire Lyte-Graham</p>	<p>4. <a href="#"><u>Petition No. 2012-103</u></a> (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 34<sup>th</sup> Street and East 35<sup>th</sup> Street from R-5 and B-1 to TOD-MO.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The petitioner has listed the existing square footage, new (additional) square footage, and total square footage on the site plan.</li> <li>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 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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. The petitioner has revised the site plan to show the boundaries of the area proposed to be rezoned with a weighted line.</li> <li>8. Petitioner added the language provided written response regarding intent to coordinate with a local artist on the elevations to the actual elevation sheet.</li> <li>9. The petitioner has addressed CDOT comments as follows: <ol style="list-style-type: none"> <li>a. The petitioner has removed the proposed curb cut on Yadkin Avenue from the site plan.</li> <li>b. The petitioner has added language to state intent to work with neighboring property owners to secure additional parking.</li> </ol> </li> <li>10. The appropriate standardized notes have been placed on the site plan (in addition to the Optional Provisions listed).</li> <li>11. The <i>Optional Provision</i> language for streetscape (on Yadkin Avenue) has been modified to specify the street name and request that the existing sidewalk be allowed to remain. The sidewalk width has been added to the additional language.</li> <li>12. Language has been added to the <i>Optional Provision</i> for the required 16-foot setback, and to allow new construction incorporating an existing structure be built to the established setback with the established setback identified as at back of the existing sidewalk.</li> <li>13. The established setback has been identified on the site plan.</li> <li>14. Optional Provision 1 (Setback) for the required 16-foot setback has been amended to allow new construction incorporating an existing structure be built to the established setback. The language now correctly identifies the established setback as being from the back of the existing sidewalk.</li> <li>15. Optional Provision 2 (Parking) has been modified to request to not provide required parking for the permitted uses until such a time occurs when the owners have the ability to provide the required parking.</li> </ol>
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2012-103 continued	<ol style="list-style-type: none"> <li>16. The petitioner has amended Optional Provision 3 (Streetscape) and added Optional Provision 4 to incorporate Yadkin Avenue into the request as it is subject to this requirement as well. This added language requests that a modified streetscape along Yadkin Avenue to allow a six-foot sidewalk at the back of the curb with no planting strip.</li> <li>17. The petitioner has also added office, retail and personal services as allowable uses in addition to the proposed restaurant.</li> <li>18. The petitioner has removed the sentence regarding lighting from <i>Landscaping</i> and placed it under the new <i>Lighting</i> heading. A note has been added under <i>Lighting that states "wall pak" lighting will not be allowed.</i></li> <li>19. The sentence under <i>Landscaping</i> regarding planting strip along N. Davidson Street has been removed as this is an optional provision being requested.</li> <li>20. "Yadkin" Avenue is now spelled correctly on the site plan.</li> </ol>
Shad Spencer	<p>5. <a href="#">Petition 2012-105</a> 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-8MF and R-12MF 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 two units above the base density in the R-8MF district and up to three units above the base density in the R-12MF district. In addition, if the site is located within a ¼ mile of transit (rapid transit, local bus service, or an express bus service park and ride lot) an additional two units above the base density would be allowed.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<p>Sonja Sanders</p> <p>Deferral (to February)</p>	<p>6. <a href="#">Petition No. 2013-005</a> (Council District 2 - Mitchell) by Charlotte Knights for a UMUD-O site plan amendment, for approximately 8.42 acres surrounded by Graham Street, West 4th Street, Mint Street, and Martin Luther King Jr. Boulevard.</p> <p>The petitioner did not submit a revised site plan. Therefore, this petition should be deferred to the next Zoning Committee meeting on February 27, 2013.</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. List proposed zoning as UMUD-O SPA.</li> <li>2. Remove notes "E" and the "Statement with respect to the graphics..." in their entirety.</li> <li>3. Add a note that administrative changes may be made in accordance with Section 6.207.</li> <li>4. Add a note indicating if the proposed signs are replacing or in addition to what is allowed by the zoning ordinance for UMUD.</li> <li>5. Reduce the square footage of the proposed 1,776 square foot sign on the rear of the batter's eye wall to 75% of the wall area with up to 5% for sponsorship.</li> <li>6. Reduce the square footage of the proposed 1,711 square foot sign on the rear of the scoreboard to 50% of the wall area and limit the signage to "identification signage" rather than "sponsorship signage".</li> <li>7. Provide a note indicating the "Vintage 'Ghost Sign' Murals" identified along South Graham Street will be installed prior to the final certificate of occupancy being issued.</li> </ol>

<p><b>Shad Spencer</b></p>	<p><b>7. Innovative Request for Rezoning Petition 1999-033c</b></p> <p>Judson Stringfellow with EST Properties, LLC is requesting approval of innovative provisions for a portion of the Mallard Lake development associated with rezoning petition 1999-033c. The site is located on the west side of Salome Church Road between Mallard Roost Road and Mallard Lake Road.</p> <p>Staff recommends approval of these innovative provisions.</p> <p><b>The following items are the requested innovative provisions:</b></p> <ol style="list-style-type: none"> <li><b>1. Allow single family lots to front private streets.</b></li> <li><b>2. Minimum lot area for single family lots to be reduced from 4,500 square feet to 3,000 square feet.</b></li> <li><b>3. Minimum lot width for single family lots to be reduced from 40 feet to 36 feet.</b></li> <li><b>4. Setback for single family homes to be 20 feet from the back of curb or 24 feet from the back of sidewalk, whichever is more restrictive. The current standard is 32 feet from the back of curb of a public street.</b></li> <li><b>5. Rear yard for internal single family lots to be 20 feet instead of 30 feet.</b></li> <li><b>6. Allow the side yard for two single family lots to be reduced from five feet to one foot where these lots abut common open space.</b></li> </ol>
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