

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
June 26, 2013
4:30 P.M.

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

<p>Shad Spencer</p>	<p>1. Petition No. 2013-034 (Council District 2 – Mitchell) by William C. Birmingham for a change in zoning for approximately 10 acres located on the east side of Brookshire Boulevard near the intersection of Caldwell Williams Road and Brookshire Boulevard from R-4(LWPA) to I-1(LWPA).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p> <p>Update: There are no outstanding issues with this petition.</p>
<p>Sonja Sanders</p> <p>Deferral (to July)</p>	<p>2. Petition No. 2013-040 (Council District 1 – Kinsey) by James P. Ngo & Yen M. Ngo for a change in zoning for approximately 0.71 acres located on the west side of West Sugar Creek Road across from Munsee Street from R-4 to O-1(CD).</p> <p>The petitioner did not submit a revised site plan. Therefore, this petition should be deferred to the next Zoning Committee meeting on July 24, 2013.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 2</p> <p>Update: The following issues are outstanding:</p> <ol style="list-style-type: none"> 1. Under <i>Building Data</i> note existing building area (1,025 square feet) and possible future addition (256 square feet). 2. Show and label a 30-foot front setback as required per Section 12.102(1) of the zoning ordinance. Show and label 10-foot side yards. Amend Development Data to reflect the correct front setback and side yard requirements. 3. Remove third bullet under General Provisions and place under new heading Permitted Uses. 4. Delete the following sentence from the third bullet paragraph under General Provisions that states: <i>"The petitioner's intent for this rezoning is to allow for this property to be used for small, professional service firms or neighborhood medical offices."</i> 5. Add a note under General Provisions allowing the existing structure to be used as a single family house in the event it is not used for office purposes. 6. Remove the phrase "wherever practical" from the end of the first sentence (1st bullet) under Transportation. 7. Note the existing gravel drive will be removed and planted. 8. Provide a five-foot wide sidewalk connecting the building to the sidewalk along West Sugar Creek Road. 9. Provide an eight-foot planting strip and a six-foot sidewalk along West Sugar Creek Road. 10. Delineate curb and gutter along West Sugar Creek Road.

<p>2013-047 continued</p>	<ol style="list-style-type: none"> 13. Eliminated Note 6.F. 14. Provided a conditional note regarding the open space areas, including tree save and stormwater areas, that indicate what amenities will be provided. 15. Removed the note on Sheet RZ-2 that states: "Due to existing conditions/perennial stream along this property line, roadway connection per USDG shall not be required". 16. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 4 and 5 out to the internal sidewalk along Boylston Drive. 17. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 7 and 11 out to the internal sidewalk along Boylston Drive. 18. The building elevation on Sheet RZ-3 indicates "accent vents and cupola on featured buildings". Provided additional notes that clearly define the featured buildings that will be constructed with the additional architectural elements. 19. Addressed Transportation comments. <p>Update: The following notes have been amended or added to the plan:</p> <ol style="list-style-type: none"> 1. The buffer width along Interstate 77 has been increased from a 50-foot Class "C" buffer to a 75-foot buffer along a majority of the road frontage. A portion of the buffer adjacent to the storm water management pond has been increased to 65 feet. 2. The minimum requirement for masonry materials on the exterior building walls has been increased from 25 percent to 30 percent. The percentage requirement for the carriage unit facades facing Boylston Street and the single family homes has been increased to 75 percent.
<p>Sonja Sanders</p>	<ol style="list-style-type: none"> 4. Petition No. 2013-048 (Council District 7 – Cooksey) by Elevation Church for a change in zoning for approximately 22.15 acres located on the east and west side of Lancaster Highway and at the intersection of Lancaster Highway and Johnston Road from R-17MF(CD) and NS to O-1(CD). <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Amended Note 14 to state "prior to approval by the City Council on Rezoning Petition 2013-048, the petitioner and owner of the property covered by Rezoning Petition 2000-02c will file an administrative amendment for Petition 2000-02c that will reduce the number of residential units currently approved to an amount that falls within the allowed density. If Rezoning Petition 2013-048 is approved by City Council, the reduction in the number of allowed units on Rezoning Petition 2000-02c will be binding and may not be added back to Petition 2000-02c through the administrative amendment process. If Rezoning Petition 2012-048 is not approved by the City Council, the administrative amendment will automatically be null and void, and of no effect". 2. Relabeled the area designated for trash as "solid waste and recycling area." 3. Added a note that a low masonry wall and landscaping will be provided to screen parking as shown on the site plan. 4. Provided a minimum five-foot sidewalk on the eastern side of the main interior driveway that runs perpendicular to the proposed public street. 5. Illustrated a five-foot internal sidewalk connection to the proposed six-foot public sidewalk along US Highway 521. 6. Modified the zoning buffer references to indicate a 75-foot Class B buffer. 7. Addressed CDOT comments as follows: <ol style="list-style-type: none"> a. Eliminated the proposed eastbound through-right lane on Lancaster Highway, at the intersection of Johnston Road (US 521) and Lancaster Highway, and let it remain as a through-lane only. Extended the existing right-turn lane on U. S. 521 to provide a total storage to 525 feet.

<p>2013-048 continued</p>	<ul style="list-style-type: none"> b. Added a note that commits to the installation of pedestrian signals, and high visibility cross-walks on the western approach of the subject intersection. <p>8. CDOT amended the following comments:</p> <ul style="list-style-type: none"> a. Provide a dedicated left-turn and through-right combination on the western approach to the intersection of Providence Road West and Lancaster Highway, in lieu of extending the existing northbound left-turn lane on Lancaster Highway to Providence Road West. This entails converting the existing through-lane to a dedicated left-turn lane and changing the dedicated right-turn lane to a through-right lane. In addition, asphalt will be needed on the eastern approach of the subject intersection to allow for a proper through-lane transition across the intersection. b. Increase the bay taper at the intersection of Lancaster Highway and Ardrey Kell Road to accommodate the dual left-turn lane. <p>Update: The following items have been amended or added:</p> <ul style="list-style-type: none"> 1. Petitioner is still exploring costs associated with certain off-site traffic improvements. Per discussion with CDOT, Petitioner agrees to provide one of the following two roadway improvement options: <ul style="list-style-type: none"> a. (i) Extend the northbound left-turn lane storage on Lancaster Highway at Providence Road West from 150 feet to 225 feet with a 150-foot bay taper, plus, (ii) re-mark the existing marked out pavement on Ardrey Kell Road at US 521 to a second westbound left-turn lane with 160 feet of storage and (iii) provide a 200-foot bay taper; OR b. (i) Provide a dedicated left-turn and through right combination on the western approach to the intersection of Providence Road West and Lancaster Highway and adding additional asphalt on the eastern approach of the subject intersection to allow for a proper through lane transition across the intersection; plus (ii) re-mark the existing marked out pavement on Ardrey Kell Road at US 521 to a second westbound left-turn land with 100 feet of storage using the existing bay taper. c. Petitioner agrees to share the cost estimates with CDOT for both options "6a" and "6b" above prior to submitting construction plans in order to identify the costs associated with each option. Provided that the cost to Petitioner to construct the improvements set forth in option "6b" is equivalent to the cost to construct the improvements set forth in option "6a", Petitioner will construct the improvements set forth in option "6b". Nothing herein shall be construed as requiring Petitioner to provide both options. d. Modify as necessary the median island noes on the west leg of Ardrey Kell Road and the north/south legs of US 521 in order to maneuver both eastbound and westbound left-turn movements on Ardrey Kell Road simultaneously. 2. Pedestrian and vehicular connections throughout the Site will be provided in a manner generally shown on the Site Plan. 3. Internal sidewalks shall connect the entrances of the building to the sidewalk along the street. 4. Petitioner will offer for dedication additional right-of-way along Lancaster Highway to include a minimum 8-foot planting strip and 6-foot sidewalk, generally as depicted on the Site Plan. 5. Petitioner will provide a sidewalk easement to allow for a 6-foot sidewalk along US 521 as generally shown on the Site Plan. 6. Petitioner is requesting the abandonment of a portion of Lancaster Highway as shown on the Site Plan.
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<p>Sonja Sanders</p>	<p>5. <u>Petition No. 2013-051</u> (Council District 6 – Dulin) by Providence Preparatory School, LLC for a change in zoning for approximately 1.97 acres located on the north corner at the intersection of Providence Road and Westbury Road from R-3 to INST(CD), 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Modified the information under <i>Maximum Building Height</i> to state “Not to exceed 40 feet.” 2. Revised labeling on site plan to indicate “Up to 13,500 square-foot building.” 3. Revised labeling on site plan to state “possible tree save areas.” 4. Noted that there are no existing trees within the eight-foot planting strip along Providence Road. 5. Addressed Transportation comment by adding a note that the petitioner shall install a six-foot wide sidewalk along Westbury Road from the site’s property line on Westbury Road to the intersection of Westbury and Crosby Road (approximate length 380 linear feet).
<p>Shad Spencer</p>	<p>6. <u>Petition No. 2013-054</u> (Council District 6 – Dulin) by Mark Swartz for a MX-2 site plan amendment, for approximately 4.47 acres general located along Mount Clare Lane, Park South Station Boulevard, and at the intersection of Park Royal Avenue and Archdale Drive.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> <p>Update: The following issue has been addressed:</p> <ol style="list-style-type: none"> 1. Provided design criteria consistent with the 2012 site plan amendment regarding garage placement for single family detached homes.
<p>Solomon Fortune</p>	<p>7. <u>Petition No. 2013-062</u> (Council District 6 – Dulin) by 8601 McAlpines, LLC for a O-1(CD) site plan amendment, for approximately 6.83 acres located on the east side of McAlpine Park Drive near the intersection of McAlpine Station Drive and McAlpine Park Drive and to the west of Monroe Road.</p> <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. Note 3(A) and 3(B) have been modified to read that lighting fixtures will be downwardly directed. 2. Note 3(B) has been removed from the site plan. 3. Note 3(E) under design standards has been modified to read that large expanses of uninterrupted walls will not exceed 25 feet in length. 4. Note 1 has been modified to specify all permitted uses on the site as listed under the site data table. 5. Transportation’s comments have been addressed.

<p>Shad Spencer</p>	<p>8. Innovative Request for Rezoning Petition No. 2013-054 – Mark Swartz is requesting approval of innovative provisions for the portion of the Park South Station development associated with Rezoning Petition 2013-054, contingent upon City Council approving the associated rezoning petition.</p> <p>Per Section 11.208 of the Zoning Ordinance, the Zoning Committee may modify certain standards established in the Zoning and Subdivision Ordinances as part of the approval process for development of property located in the MX district.</p> <p>Staff recommends approval of the innovative provisions.</p> <p>The following items are the requested innovative provisions:</p> <ol style="list-style-type: none"> 1. Private streets constructed per the cross sections shown on Sheet #2. 2. Setback for single family homes to be 20 feet from the back of curb. The current standard is 32 feet from the back of curb of a public street. Driveways to have a minimum length of 20 feet from the back of curb or back of sidewalk, whichever is greater. 3. Rear yard for single family lots to be 20 feet instead of 30 feet. 4. Minimum area for single family lots to be 3,500 square feet instead of 4,500 square feet. 5. Allow single family lots to front private streets. 6. Eliminate internal buffers between various residential types within the unified Park South Station development.
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