

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 280**  
**July 24, 2013**  
**4:30 P.M.**

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

<p><b>Claire Lyte-Graham</b></p>	<p>1. <a href="#">Petition No. 2013-040</a> (Council District 1 – Vacant) <b>by James P. Ngo &amp; Yen M. Ngo</b> 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>Staff recommends approval of this petition.</p> <p>Attachment 2</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Under Building Data, the petitioner has noted existing building area (1,025 square feet) and possible future addition (256 square feet).</li> <li>2. The setback and side yards have been corrected on the site plan.</li> <li>3. The petitioner has removed the third bullet under General Provisions and placed under new heading Permitted Uses.</li> <li>4. The following sentence has been removed from the third bullet paragraph under General Provisions that stated: <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></li> <li>5. A note has been added 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.</li> <li>6. Petitioner has removed the phrase "wherever practical" from the end of the first sentence (1<sup>st</sup> bullet) under Transportation.</li> <li>7. A note has been added stating the existing gravel drive will be removed and planted.</li> <li>8. A five-foot wide sidewalk connecting the building to the sidewalk along West Sugar Creek Road has been added to the site plan.</li> <li>9. An eight-foot planting strip and a six-foot sidewalk along West Sugar Creek Road is now shown on the site plan.</li> <li>10. Curb and gutter are delineated along West Sugar Creek Road.</li> <li>11. Location of trees to be saved is now shown on site plan.</li> <li>12. Signage note has been clarified to state that signage on site will be a ground mounted type sign. Remainder of the note has been deleted from site plan.</li> <li>13. Lighting note has been modified to state detached lighting on site will not exceed 20 feet in height instead of eight feet. Language stating that "no wall pak" lighting will be used on existing building has been removed from note.</li> <li>14. Bulleted information under Other has been removed as these are required as per the ordinance.</li> <li>15. Addressed CATS and CDOT comments with the following modifications: <ol style="list-style-type: none"> <li>a. Provided the required five-foot sidewalk from the building to the public street, as per the zoning ordinance.</li> <li>b. Provided a north arrow on the site plan.</li> </ol> </li> </ol>
----------------------------------	--

<p>2013-040 continued</p>	<ul style="list-style-type: none"> <li>c. The proposed right-of-way for Sugar Creek Road is now shown and labeled on the site plan. Dedication of 50 feet of right-of-way as measured from the centerline of Sugar Creek Road to meet this requirement is noted.</li> <li>d. An eight-foot planting strip and six-foot sidewalk along the site's frontage of Sugar Creek Road are now shown on the site plan.</li> <li>e. Reference to the specific type of proposed driveway (Type II Driveway) has been removed from the site plan.</li> <li>f. Per the request of CATS, the site plan now shows a waiting pad for bus service along Sugar Creek Road. A standard design detail is also provided on the site plan.</li> </ul> <p>16. A note has been added stating expansion and exterior revisions to the current structure will be residential in character and scale.</p> <p>17. The general location of future addition is now shown on the site plan.</p> <p>18. Tattoo parlors has been removed from the list of uses that are not permitted as they are not allowed in the O-1 district.</p> <p>19. A note has been added stating the buffers will not be reduced.</p> <p>20. The notes have been modified to follow the note standards for conditional rezoning site plans.</p> <p>Update: The following items have been added or modified to the site plan:</p> <ul style="list-style-type: none"> <li>1. Transportation Note 1 is now General Provisions Note 4.</li> <li>2. Transportation Notes have been modified to indicate the exact location and type of driveway will be determined at the time of permitting.</li> <li>3. Transportation Notes 4, 5, and 6 (fence/wall construction, right-of-way encroachment agreement, and sight triangles) have been removed from the site plan.</li> <li>4. New Transportation Note 3 states that the exact location of the bus waiting pad will be determined at the time of permitting.</li> </ul>
<p>Solomon Fortune</p>	<p>2. <a href="#">Petition No. 2013-053</a> (Council District 6 – Dulin) <b>by Brian A. Crutchfield</b> for a change in zoning for approximately 0.94 acres located on the east side of Sharon Road at the intersection of Eastburn Road and Sharon Road from R-3 to NS.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p> <p>Update: The following issues have been addressed:</p> <ul style="list-style-type: none"> <li>1. Petitioner has labeled and dimensioned the amount of right-of-way that is planned for dedication.</li> <li>2. Screening for the off-street parking at the southwest corner has been removed from the future public right-of-way.</li> <li>3. The side and rear yards on the site plan have been clearly labeled.</li> <li>4. The symbol of the queue length line on the site plan has been removed.</li> </ul>
<p>Claire Lyte-Graham</p>	<p>3. <a href="#">Petition No. 2013-056</a> (Council District 3 – Mayfield) <b>by Batandpick Partners, LLC</b> for a change in zoning for approximately 0.21 acres located on the southwest corner of the intersection of South Church Street and Lincoln Street from TOD-MO to I-1(TS).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p> <p>Update: There are no outstanding issues with this petition.</p>

<p>Claire Lyte-Graham</p>	<p>4. <a href="#"><u>Petition No. 2013-057</u></a> (Council District 2 – Mitchell) <b>by O'Leary Group Waste Systems, LLC</b> for a change in zoning for approximately 1.59 acres located on the north side of Odum Avenue between Centre Street and Idaho Drive from I-1 to I-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<p>Sonja Sanders</p>	<p>6. <a href="#"><u>Petition No. 2013-058</u></a> (Council District 3 – Mayfield) <b>by Central Piedmont Community College</b> for a change in zoning for approximately 13.57 acres located on the south side of Morris Field Drive between CPCC Harris Campus Drive and Capitol Drive from R-5 to INST(CD), 5 year vested rights.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Amended Note 5(b)(2) to state the petitioner will provide connectivity of driveways, sidewalks, and/or parking areas located on the site with those located on the existing campus, by at least one of the possible locations identified on the site plan.</li> <li>2. Amended the site plan to reflect “possible location of vehicular access point via shared driveway” and “possible location of vehicular and/or pedestrian cross-access point.”</li> <li>3. Provided building and parking envelopes.</li> <li>4. Amended Note 8(a) to specify the proposed building materials, in addition to providing a picture of the existing CPCC building referenced.</li> <li>5. Show and label a minimum five-foot wide pedestrian access from Capitol Drive that will cross the 50-foot buffer. <i>This request has been rescinded by staff as this is a minimum ordinance requirement.</i></li> <li>6. Amended Note 6(a) to remove references to an “undisturbed” and “required” buffer.</li> <li>7. Amended Site Development Data and the site plan to reflect a maximum building height of two stories for all portions of buildings within 100 feet of the Capitol Drive right-of-way.</li> <li>8. Noted that existing planting strip and sidewalk along Morris Field Road is to remain.</li> <li>9. Specified that the existing neighborhood identification sign will either be removed or a variance will be sought prior to the issuance of the first certificate of occupancy for the Site to allow the sign to remain and allow a new identification sign for the proposed use.</li> </ol> <p><b>Update: The following note has been added to the site plan:</b></p> <ol style="list-style-type: none"> <li>1. If required by CDOT, Petitioner will conduct a traffic impact study to determine traffic impacts caused by the development of the Site once a CPCC development plan is adopted and before a building permit is issued for the Site. In the event Petitioner’s traffic impact study indicates that traffic mitigation measures are needed, Petitioner agrees to implement reasonably necessary transportation improvements. The necessary transportation improvements, if any, will be mutually agreed upon between Petitioner and CDOT in the reasonable discretion of each.</li> </ol>

<p><b>Solomon Fortune</b></p> <p><b>Deferral (TBD)</b></p>	<p>7. <a href="#"><u>Petition No. 2013-059</u></a> (Council District 1 – Vacant) <b>by Clachan Properties, LLC</b> for a change in zoning for approximately 6.0 acres located on north side of the Seaboard Coast Line Railroad between Louise Avenue and Hawthorne Lane from I-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>The petitioner is requesting a deferral of this petition (date to be determined).</p> <p>Attachment 16</p> <p><b>Update: The following issues are still outstanding:</b></p> <ol style="list-style-type: none"> <li>1. Provide a public or private street stub along the northern edge of the property.</li> <li>2. Provide a masonry wall instead of a fence along the residentially zoned property to reduce the buffer.</li> <li>3. Provide proposed elevations of the renovated residential structure.</li> <li>4. Commit to a minimum of 15,000 square feet of urban open space.</li> <li>5. Define and label the dimensions of the area being proposed for the pedestrian connection to Hawthorne Lane.</li> <li>6. Clearly label and identify the area of the building that will be allowed up to 75 feet in height.</li> <li>7. Adjust transportation note 5A to read that the petitioner will be responsible for constructing a pedestrian path from Louise Avenue to Hawthorne Lane.</li> <li>8. Modify the MUDD-O request to read “As part of this petition, the petitioner requests approval of an optional provision to allow the reduction of required parking for the residential units to be 0.5 spaces per unit”.</li> <li>9. Modify note 3A and 4A to be consistent with the proposed uses.</li> <li>10. Address transportations issues.</li> </ol>
<p><b>Shad Spencer</b></p> <p><b>Deferral (to September)</b></p>	<p>8. <a href="#"><u>Petition No. 2013-060</u></a> (Council District 3 – Mayfield) <b>by LandNet, LLC</b> for a change in zoning for approximately 3.56 acres located on the southeast corner at the intersection of South Tryon Street and Steelescrot Parkway from R-3 to NS.</p> <p>Staff does not recommend approval of this petition as currently proposed.</p> <p>Petitioner is requesting a deferral of this petition to the September 25, 2013 meeting.</p> <p>Attachment 17</p> <p><b>Update: The following issues remain outstanding:</b></p> <ol style="list-style-type: none"> <li>1. Limit the number of uses with accessory drive through facilities to one use.</li> <li>2. Provide open space/amenity area(s) shared by all uses to create a more unified interconnected development. Indicate the amenities that will be provided within the open space/amenity area(s).</li> <li>3. Indicate a minimum open space requirement of 15 percent of the site.</li> <li>4. A pedestrian path is illustrated along the access drive off Steelescrot Parkway. Provide an additional pedestrian path along the access drive connecting South Tryon Street to Old Steele Creek Road.</li> <li>5. Eliminate Note 1.d. on Sheet RZ-2 except for the second and third sentences. Relocate those two sentences to the end of Note 1.a. Also, add to that note a reference to the additional screening requirements of the drive through lanes indicated in Note 5.e.</li> </ol>

<p>2013-060 continued</p>	<ol style="list-style-type: none"> <li>6. Modify Note 2.a. on Sheet RZ-2 to eliminate automobile service stations, residential, equipment rental and leasing, locksmith/gunsmiths, nurseries/greenhouses, and pet services (outdoor) as permitted uses.</li> <li>7. Modify Note 4.a. on Sheet RZ-2 to read: "...Each <u>exterior building wall</u> <del>façade</del>, exclusive of doors and windows, will be constructed with a minimum of 50% brick, brick veneer, stone, <del>cementitious board (such as HardiPlank)</del>, and /or simulated stone. The masonry material <u>and color</u> chosen shall be consistent throughout the development..."</li> <li>8. Insert the following as the second sentence to Note 5.e. on Sheet RZ-2: "The petitioner will also construct a screen wall/planting as depicted on Sheet RZ-2 between Steelescrot Parkway and the parking envelope identified on the tract between South Tryon Street and the access drive off Steelescrot Parkway".</li> <li>9. Modify the last sentence of Note 5.e. on Sheet RZ-2 to read: "<u>The screen wall will be a minimum of three feet in height and if a low wall is constructed, it will be constructed using materials consistent with the materials used on the buildings within the development. The screen wall will be located within a minimum five-foot wide planting strip behind the required public sidewalk and be placed a minimum three feet from the sidewalk</u>".</li> <li>10. Modify the title of the elevation and plan view of the screen wall on Sheet RZ-2 to indicate "Screen Wall/Plantings" rather than "drive-through screen".</li> <li>11. Address Transportation comments.</li> <li>12. Address CATS comment.</li> </ol>
<p>Sandy Montgomery</p>	<ol style="list-style-type: none"> <li>9. <a href="#">Petition No. 2013-063</a> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add special sign regulations for detached business identification signs impacted by a government sponsored transportation project.  Staff recommends approval of this petition.  Attachment 20  <b>Update: There are no outstanding issues with this petition.</b>  <b>Update: The following changes have been made to the text amendment since the public hearing:</b>  <ol style="list-style-type: none"> <li>1. <b>Modification to the maximum allowed height of a detached business identification sign will only be considered if the increase is ten feet or less above the maximum sign height permitted in Section 13.109(4)(a), based on the street classification of the adjacent street.</b></li> </ol> </li> </ol>