

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm. 280
January 29, 2014
4:30 P.M.

Please click this link: [January 2014 map](#) to see a map showing the location of all rezoning cases on this agenda.

<p>Sonja Sanders</p> <p>Deferral (to February)</p>	<p>1. Petition No. 2013-017 (Council District 3 – Mayfield) by NCDG, LLC for a change in zoning for approximately 3.1 acres located on the east side of Little Rock Road and north of the intersection at Little Rock Road and Tuckaseegee Road from R-3 LLW-PA, single-family residential, Lower Lake Wylie Protected Area to B-1(CD), neighborhood business, conditional, Lower Lake Wylie Protected Area.</p> <p>Petitioner is requesting a one-month deferral of this petition to the February 26, 2014 meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 16</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Amend acreage to reflect reduction in rezoning area and delete reference to tax parcel 0917224. 2. Specify building materials and architectural standards. 3. Add a note that no spans of blank walls greater than 20 feet in length will be allowed. 4. Amend elevations to reflect the location of the mechanical equipment at the rear of the building as shown on the site plan. 5. Add note on elevations indicating that signage will be allowed as permitted per the zoning ordinance. 6. Remove labeled right-of-way on abutting R-3, single family residential property to the east. 7. Remove yard dimensions and yard references on the remaining R-3, single family residential zoned property. 8. The balance of R-3, single-family residential zoning property at the rear of the subject property will not have street frontage, as is required by the zoning ordinance. Either rezone the entire property to B-1(CD), neighborhood business, conditional, provide a public street connection to the remaining R-3, single-family residential properties, or recombine the properties into one or more lots that meets the required street frontage for the district. 9. Address CDOT comments.
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<p>Solomon Fortune</p>	<p>2. <u>Petition No. 2013-072</u> (Council District 4 – Phipps) by Aventine Development, Inc. for a change in zoning for approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road from R-3 (single family residential) to NS (neighborhood services).</p> <p>Note: Zoning Committee will need to vote to see if the changes required that this petition hold another public hearing and community meeting.</p> <p>Staff is recommending approval once all outstanding issues have been addressed.</p> <p>Attachment 4</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The site has been limited to two drive-through accessory service windows. 2. The allowed square footage on sheet RZ 1.0 and under the site data development and the permitted uses on sheet RZ 2 have been limited to 22,000 square feet. 3. The drive-through service window maneuvering between the 8,000-square foot building and Eastfield Road has been moved internal to the site. 4. The 30-foot landscape area has been labeled as a 30-foot Class B buffer. 5. The proposed and existing masonry wall along the western edge of the property has been shown on the plan. 6. Remove note B under Streetscape and Landscaping. 7. A note has been added that detached signage will be limited ground mounted. 8. The parking area in the northeast corner of site has been removed. 9. Sidewalk connections to the Eastfield Road have been shown on the plans. <p>The following issues are still outstanding:</p> <ol style="list-style-type: none"> 1. Revise the design of the two buildings on the north side of the site so that they are architecturally oriented toward Eastfield Road, with doors and/or clear glass windows that address the street. Clear glass windows and doors should be used on a minimum of 40 percent of the Eastfield Road facades of each of these two buildings. 2. Label, in feet, the distance from the centerline from Prosperity Church Road and Eastfield Road which will be dedicated as right-of-way. 3. Address North Carolina Department of Transportation's requirements for turning lanes along Eastfield Road. 4. Address Charlotte Department of Transportation's requirements. 5. Address Storm water's requirements. 6. Show and label a minimum 20 foot build to line for both buildings proposed along Eastfield Road. 7. Provide and label 8 foot planting strip and six foot sidewalk internal to the site. 8. Provide a 8 foot planting strip and six foot sidewalk along the 30 foot buffer internal to the site. 9. Add a note that a public access easement will be provided for the private road. 10. Label the planting strip and sidewalk width along the internal private street. 11. Should label and commit to a minimum square footage for open space. 12. Petitioner modify note 4 A under streetscape and landscaping to read "A note that the petitioner will submit plans for the wall encroachment along the adjacent single-family to the appropriate Homeowners and provide a letter of approval from the Home Owners to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review. 13. Petitioner should remove note 8 "C" under lighting. 14. Petitioner should modify the site layout and make sure the proposed public-rights-of-way alignment matches the current MUMPO approved alignment.
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<p>Solomon Fortune</p> <p>Protests Sufficiency TBD</p>	<p>3. <u>Petition No. 2013-098</u> (Council District 7 – Driggs) by Trotter Builders for a change in zoning for approximately 10.3 acres located on the south side of Endhaven Lane and north side of Interstate 485 near the intersection of Endhaven Lane and Misty Ridge Lane from R-3, single-family residential to UR-3(CD), urban residential, conditional, 5-year vested rights.</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 site plan is now revised to show and label 42 feet of right-of-way being dedicated along Endhaven Lane. 2. The proposed tree save area on the site plan has been labeled as a 25-foot undisturbed tree save area. 3. Under Section D “Massing and Scale”, note 1 has been modified to read “the building will be articulated through various façade articulations, material changes, windows, porches, and balconies.” 4. Under Section D “Massing and Scale”, note 3 has been modified to read: “No spans of blank articulated wall greater than 20 feet shall be permitted on any side of the proposed structures.” 5. Under “Amenities #6. Open Space”, the note has been modified to read that building “A” will provide a minimum of 4,000 square feet of open space. 6. Under “Amenities #6. Open Space,” the note has been modified to read that building “B” will provide a minimum of 2,700 square feet of open space”. 7. Address Transportation comments. 8. A note has been added that underground parking doors for buildings “A” and “B” will not face Endhaven Lane and Community House Road. 9. The access to the one-car garages under building “A” has been shown on the plan. 10. A note has been added that the remaining 50 percent of the building material that will not be brick will be composed of a maximum of ten percent of any one material. 11. The primary and secondary material for the proposed elevations have been labeled and provided in the pattern book.
<p>Claire Lyte-Graham</p>	<p>4. <u>Petition No. 2013-099</u> (Council District 6 – Smith) by Michael T. Whitehead & Elizabeth M. Whitehead for a change in zoning for approximately 2.70 acres located on the southeast corner of the intersection at Rama Road and Sardis Road from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has clarified the total square footage for the existing and proposed buildings. Staff is rescinding the request for the gross square footage for the existing-story conference as parking is based upon assembly area. 2. The petitioner has modified the required parking to accurately reflect what is proposed on the site plan. Thus, the total number of required spaces is now 93 (versus required 91 spaces previously noted).

2013-099 continued	<ol style="list-style-type: none"> 3. The petitioner is working with Planning Department staff towards the approval of an alternate buffer along the property line that abuts the development zoned R-8MF(CD). The petitioner has added a note on the site plan acknowledging the alternate buffer. 4. The petitioner has added Streetscape and Landscaping Note 6f stating that plantings proposed in the sight triangle are low lying and will not obstruct visibility. 5. Petitioner has amended Architectural Note 5d to state that dumpsters and roll out containers will be screened with gated enclosures. 6. The petitioner has provided front and rear perspectives of the new events building. 7. Staff is rescinding the request regarding the existing storage shed as it is out of the 20-foot buffer required with the 2005 site plan. The petitioner has added a note that states all other improvements (i.e. gravel parking area and other improvements) will be removed from this buffer area. 8. A note has been added to the site plan that states the parking agreement will be filed in the Register of Deeds prior to issuance of any permits. 9. The Fire Department comment has been addressed regarding access through the gate having a minimum of 16 feet in width for fire apparatus and 20-foot clear access road.
John Kinley	<p>5. Petition No. 2013-102 (Council District 1 – Kinsey) by Wajahat & Ferah Syed for a change in zoning for two parcels approximately 0.40 acres in total located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single-family residential) to TOD-M (transit oriented development-mixed) and MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed use development, optional, site plan amendment).</p> <p>Attachment 14</p> <p>Update: Petitioner has amended the application and submitted a new site plan to reflect a change in the requested zoning for 3024 N. Davidson Street (Area B) from R-5 (single-family residential) to TOD-MO (transit oriented development-mixed, optional). The purpose of this change is to address the community concerns about preserving the existing structure.</p> <p>Section 6.108(4) in the Zoning Ordinance states: “The Planning Commission, upon reviewing any proposed amendments after a public hearing, must first evaluate whether an amendment is substantial enough to require recommending another public hearing. The City Council may, at its discretion, schedule the amended petition for a new public hearing, preceded by the notice required in Section 6.109.”</p> <p>The change in the request from a conventional district to a conditional district is a substantial amendment and requires a new public hearing. Therefore, the Zoning Committee must recommend another public hearing.</p>

<p>Claire Lyte-Graham</p>	<p>6. <u>Petition No. 2014-001</u> (Council District 1 – Kinsey) by Weekley Homes, LP for a change in zoning for approximately 1.02 acres located on the northeast corner at the intersection of Ideal Way and Euclid Avenue from R-5, single-family residential and MUDD(CD), mixed use development, conditional to UR-2(CD), urban residential, conditional.</p> <p>Staff does not recommend approval of this petition. The petition is inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i>.</p> <p>Attachment 20</p> <p>Update: The following issues have been addressed:</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has provided a six-foot sidewalk along Marshall Place. 2. The sidewalk widths on Euclid Avenue and Ideal Way are clearly labeled on the site plan. 3. The height of proposed ornamental fence will be a maximum 4 feet. 4. The petitioner has amended the Development Data to clearly specify the existing site area (1.028 acres) and the amount of proposed right-of-way dedication (0.188 acres). 5. The site plan delineates proposed right-of-way from centerline for all abutting streets. A note has been added to the site plan stating this additional right-of-way will be dedicated and conveyed to the City. 6. The petitioner has added language to the site plan indicating that the building materials will include brick, stone and/or other masonry products and hardi plank or other similar durable siding materials. No vinyl will be used as siding material. 7. The petitioner has provided language that states no expanses of blank walls exceeding 20 feet in length for the two end units that have a side along Euclid Avenue. 8. The “net” acreage has been removed from the site plan. 9. The proposed density so that it is based on the gross acreage as per the Zoning Ordinance (22.37 dwelling units per acre). <p>Update: The following issue remains outstanding:</p> <ol style="list-style-type: none"> 1. The proposed density is inconsistent with the area plan. <p>Update: The following items have been added to the site plan since the public hearing:</p> <ol style="list-style-type: none"> 1. The 5-foot side yard along the property line abutting the R-5 zoned parcel has been increased to 10 feet.
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<p>John Kinley</p> <p>Deferral (to February)</p> <p>Protest Sufficiency TBD</p>	<p>7. <u>Petition No. 2014-002</u> (Council District 1 – Kinsey) by The Rainier Group, LLC for a change in zoning for approximately 1.14 acres located on the northwest corner at the intersection of East Worthington Avenue and Cleveland Avenue from TOD-R(CD), transit oriented development–residential, conditional to TOD-MO, transit oriented development-mixed, optional.</p> <p>Petitioner is requesting a one-month deferral of this petition to the February 26, 2014 meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 10</p> <p>Update: The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Clarify the note regarding permitted uses to reflect a hotel as the principle use with the associated accessory uses. 2. Reword the purpose note to read "...for a hotel with up to 130 rooms and associated accessory uses and parking as more specifically defined below." 3. Provide an architectural details note describing the building materials and percentages of such materials that generally reflects the provided building elevation.
<p>Sonja Sanders</p>	<p>8. <u>Petition No. 2014-004</u> (Council District 1 – Kinsey) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 2.4 acres located on the south side of Raleigh Street between East Sugar Creek Road and Greensboro Street from I-2, general industrial to TOD-M, transit oriented development-mixed.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p> <p>Update: There are no outstanding issues with this petition.</p>