AGENDA

CHARLOTTE-MECKLENBURG PLANNING COMMISSION ZONING COMMITTEE WORK SESSION

Charlotte-Mecklenburg Government Center, Rm. 280 February 26, 2014 4:30 P.M.

Sonja Sanders

1. <u>Petition No. 2013-017</u> (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.

Staff recommends approval of this petition.

Attachment 1

Update: The following issues have been addressed:

- 1. Amended acreage to reflect reduction in rezoning area from 5.27 acres to 3.1
- 2. Specified building materials as brick veneer, metal canopies and shutters.
- 3. Added a note that no spans of blank walls greater than 20 feet in length will be allowed.
- 4. Amended elevations to reflect the location of the mechanical equipment at the rear of the building as shown on the site plan.
- 5. Added note on elevations indicating that signage will be allowed as permitted per the zoning ordinance.
- 6. Removed labeled right-of-way on abutting R-3, single family residential property to the east, as this right-of-way has been abandoned.
- 7. Removed yard dimensions and yard references on the remaining R-3, single family residential zoned property.
- 8. Added a note that the property will be recombined into one or more lots that meet the required street frontage for the district to address the fact that 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.
- 9. Addressed CDOT comments by delineating 50 feet of right-of-way on Little Rock Road and reflecting a new right-of-way line.

Petition No. 2013-090 by Charlotte-Mecklenburg Planning Department for a Text Sandy Montgomery Amendment to the City of Charlotte Zoning Ordinance to create new definitions and regulations for eating, drinking and entertainment establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges. Allows eating, drinking and Deferral entertainment establishments by right or with prescribed conditions in the following zoning (to March) districts: multi-family; urban residential (UR-2 and UR-3); urban residential commercial (UR-C); institutional; research; office; business; mixed use (MX-1, MX-2 and MX-3); mixed use development (MUDD); uptown mixed use development (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development (TOD); urban industrial (U-I); industrial; pedestrian overlay (PED); and transit supportive overlay (TS). The text amendment also establishes an exemption process. Staff recommends a one-month deferral of this petition to the March 26, 2014 meeting to allow staff to meet with additional neighborhoods and consider possible modifications to the text amendment. Staff recommends approval of this petition. Attachment 21 Update: There are no outstanding issues with this petition. John Kinley Petition No. 2014-002 (Council District 1 - Kinsey) by The Raininer 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 developmentmixed, optional. **Protest** Staff recommends approval of this petition. Sufficiency **TBD** Attachment 7 **Update:** The following issues have been addressed: 1. Clarified the note regarding permitted uses to reflect a hotel as the principle use with the associated accessory uses. 2. Reworded 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. Provided an architectural details note describing the building materials and percentages of such materials that generally reflects the provided building elevation. Claire Petition No. 2014-005 (Council District 1 - Kinsey) by Gateway Communities NC, LLC Lyte-Graham for a change in zoning for approximately 0.39 acres located on the north side of Central Avenue between St. Julien Street and Westover Street from B-1, neighborhood business to MUDD-O, mixed use development, optional. Staff recommends approval of this petition. Attachment 10 **Update:** The following issues have been addressed: 1. The boundary survey has been revised to correctly show the locations of the existing buildings.

2014-005 CDOT and Storm Water Services comments have been addressed as follows: continued a. The petitioner has clarified that portions of the interior of the sidewalk edge are located against required urban open space, and a raised bench feature. Petitioner has better delineated the six-foot sidewalk along the entire frontage of the rezoning site. b. The petitioner has shifted the gate panel and column approximately two feet to provide better clearance for the nearest parking stall located in the middle aisle. c. The petitioner has removed Note B under Environmental Features in its entirety and replaced with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance." 3. The petitioner will be required to obtain an Encroachment Agreement at permit for the "fin" on the building. Update: The following item has been added since the public hearing: A new note has been placed on the site plan that states the petitioner shall provide Evergreen shrub or tree plantings at the rear of the building; such plantings will attain a minimum 10 feet in height at maturity. Additionally, the petitioner will provide plantings up to three large maturing trees on adjacent properties to the rear (Parcel ID #09507733 and #09507732), if requested and agreed to by the owner of those properties. Petition No. 2014-006 (Council District 1 - Kinsey) by New Carolina Income John Kinley Properties, LLC for a change in zoning for approximately 0.40 acres located on the north side of East Tremont Avenue between Cleveland Avenue and Euclid Avenue across from Atherton Heights Lane from UR-2(CD) HD-O, urban residential, historic district overlay, conditional to TOD-RO HD-O, transit oriented development, residential, conditional historic district overlay. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 11 **Update:** The following issues have been addressed: 1. Added an optional provision to reduce the required 10-foot buffer along the eastern property line from 10-feet to 5-foot. 2. Labeled the 10-foot buffer along the rear property line between the proposed development and the adjacent UR-2 (urban residential) zoning on the site plan. 3. Labeled the reduced buffer and described what will be provided in the buffer area along the eastern property line on the site plan. 4. Amended Note A under Optional Provisions to remove the language "in keeping with the South End area plan and TOD overlay." 5. Amended Note B under Streetscape and Landscaping to describe the provided buffers between the proposed project and the UR-2 (urban residential) zoning. 6. Removed the notes on the site plan referring to street right-of-way to be dedicated. Clarified the intent of the following note: "Improvements within the setbacks will comply with the South End Transit Station Area Plan," by stating that a 8' sidewalk and 6' sidewalk will be constructed within the existing 60' R/W.

2014-006	The following issues remain outstanding:
continued	The following issues remain outstanding.
	1. Amend note b. under Optional Provisions to say "Request to reduce side yard
	buffer from 10' to 5' with landscape". 2. Amend the label "10' rear yard/buffer reduction (see optional notes)" to say
	"10' rear yard reduction (see optional notes)".
	3. Add a new label along the rear property line abutting the U-2 (urban
	residential) zoning that says "10' buffer." This buffer must meet requirements of 9.1208(9)(b).
	01 7.1208(7)(b).
Sonja Sanders	6. Petition No. 2014-010 (Council District 6 - Smith) by Center for Healthy Living, Inc. dba The Ivey for a change in zoning for approximately 2.08 acres located on the west side of Park South Drive between Royal Crest Drive and Fairview Road from R-3, single family residential & INST(CD), institutional, conditional to UR-C(CD), urban residential, commercial, conditional. Staff recommends approval of this petition.
	Attachment 13
	Update: The following issues have been addressed:
	Amended proposed zoning site plan to reflect UR-C(CD) (urban residential – semmercial conditional)
	commercial, conditional). 2. Specified proposed square footage of Buildings A and B as 4,700 square feet each.
	3. Specified width of existing sidewalk and planting strip proposed to remain
	along Park South Drive as 4'9" and 4' respectively.4. Reference to proposed pedestrian gate has been removed. Staff has rescinded
	the request to provide details.
	5. Specified and labeled the existing buffer as 20 feet in width and the proposed buffer as 14 feet in width and meeting Class C buffer standards. Provided a planting schedule for the proposed buffer that specifies the number and species
	of proposed planting material.
	Amended Note 11b to state that existing signage at Parcel 1 may be modified as allowed per the zoning ordinance.
	7. Addressed CDOT comments by removing the on street parking along Park South
	Drive and amending Note 5C to specify "dedicated" 35 feet of right-of-way along public street frontage measured from the center line of Park South Drive.
	along public street from age measured from the territor line of rank south brive.
Solomon Fortune	7. Petition No. 2014-011 (Council District 2 – Austin) by Victor Kung for a change in zoning for approximately 3.25 acres located on the south side of Montana Drive generally bounded by Interstate 85, Ablewood Road, and Burbank Drive from I-2, general industrial to I-1(CD), light industrial, conditional.
	Staff does not recommend approval of this petition.
	Attachment 14
	Update: The following issues remain outstanding:
	 Modify the proposed use on the site plan and site data table to hotel/motel only.
	2. Remove the prohibited uses from the site plan.
	 Label the proposed building base materials on the elevations. Limit the height of the detached lighting to 20 feet.
	 Limit the height of the detached lighting to 20 feet. Add a note that all attached lighting will be full cutoff fixture and downwardly
	shielded.
	6. Add a note that "No spans of blank articulated wall greater than 20 feet shall be permitted on any side of the proposed structure."
	4 of 9

Remove the note indicating that the number of rooms will be between 75 and 2014-011 continued 85 rooms, and amend the label that shows new motor lodge, to 85 rooms. Remove the note that states "the owner's desire is to develop a motor lodge of Hampton Inn or Marriott Courtyard quality for business patronage rather than for a tourist patronage." 9. Remove note 6 under architectural standards "to the standards of a four star hotel of Hampton Inn Quality." 10. Remove the signage specifying hotel name from the proposed elevations. 11. Add a note that states that all changes to the site plan will be in accordance with Section 6.207 of the Zoning Ordinance. 12. Label and show required screening for off-street parking area adjacent to Montana Drive. 13. Modify the existing zoning under the development table to read I-2. 14. Modify the site acreage under the development table to 3.25 acres. 15. Submit metes and bounds to clearly delineate the area in the rezoning 16. Add a note that the recombination plat will be submitted and recorded prior to submitting to Engineering and Property Management for grading permits. 17. Amend parking to specify one space per room or suite. 18. Add a note that all parking spaces will comply with the tree ordinance. 19. Address Urban Forestry's comments. 20. Address Storm Water Services comments. Petition No. 2014-012 (Council District 6 - Smith) by Lincoln Harris, LLC for a change in Sonia zoning for approximately 6.1 acres located at the intersection of Carnegie Boulevard and Sanders Congress Street on the west side of Barclay Downs Drive from MUDD-O, mixed use development, optional to MUDD-O SPA, mixed use development, optional, site plan amendment. Staff recommends approval of this petition upon resolution of the outstanding issue. Attachment 15 **Update:** The following issues have been addressed: Removed sentences four through nine under "General Provisions" and replaced with a note that indicates that changes to the site plan will be in accordance with Section 6.207. 2. Amended Note 4B to reference Tract D instead of Tract C. 3. Amended Note 6A to indicate that any changes to the architectural theme must be approved by the Planning Director or his/her designee. 4. Amended Note 8 to replace "eastern" boundary with "western" boundary. 5. Amended Note 5C under Transportation to state "provided any proposed change in alignment is approved in advance by CDOT and the Planning Department." 6. Deleted Note 16 that requests five-year vested rights. 7. Provided Note 6L, which commits that the edge treatment of the parking deck facing the mews will be designed to enable pedestrian activity or future retail use on the first floor of the structure. Ensured that the pedestrian connections through the deck are clearly defined and separated from all vehicular traffic. Entrances from the mews and the Congress Street side are scaled to the pedestrian and separate from the vehicular access.

2014-012 continued

Update: The following issue remains outstanding:

1. With respect to pedestrian access and connectivity to Congress Street, the pedestrian connection also needs to include pedestrian oriented decorative lighting. A note should be provided to support the illustrative: The deck pedestrian entrances from the mews side as well as Congress Street should be clearly defined as a primary pedestrian entry through architectural details similar to those used for the primary office entries as well as signage, lighting, sconces, awnings or recesses.

Update: The following items have been added or amended:

- 1. Defined and labeled proposed property and zoning line five feet from east edge of pedestrian corridor 'mews'.
- 2. Provided a legend on Sheet RZ-1.0.
- 3. Amended acreage from 6.1 acres to 5.8 acres.
- 4. Amended Note 6A to reference "conceptual elevations" instead of "conceptual perspective rendering."
- 5. Amended Note 8 to reference "conceptual site plan and conceptual elevations" instead of "technical data sheet and conceptual elevations."

Claire Lyte-Graham

9. <u>Petition No. 2014-014</u> (Council District 2 - Austin) by Sam's Real Estate Holdings, Georgia, LLC for a change in zoning for approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O'Woods Drive from R-3, single family residential to NS, neighborhood services.

Staff does not recommend approval of this petition in its current form.

Deferral (to March)

Attachment 16

Update: The following issues remain outstanding:

- 1. Modify the site design and layout to ensure the proposed building has a stronger presence along Northlake Centre Parkway and Point O'Woods Drive. The frontage is disrupted by the location of the proposed water quality area and parking that should be located in the rear of the site.
- 2. Provide information noting how the water quality area will be incorporated into the site.
- 3. Ensure the proposed building contains clear glass windows that face the streets.
- 4. Modify the building façade to provide for better pedestrian access via doors, and walkways connecting to sidewalks along Northlake Centre Parkway and Point O'Woods Drive.
- 5. Should provide additional building elevations, including perspectives of the building internal to the site, as well as from Northlake Centre Parkway and Point O'Woods Drive.
- 6. Identify and label the required cross section components (including dimensions) for Northlake Centre Parkway, as per the Northlake Area Plan. The cross-section requirements for Northlake Centre Parkway should be labeled on the site plan as follow: 24-foot setback, 8-foot amenity zone, eight-foot pedestrian sidewalk, eight-foot planting strip, five-foot bike lane, 22-foot travel lanes, and 16-foot median/turn lane.
- 7. Confirm the cross-section for Point O'Woods Drive (Commercial local) by identifying and labeling all requirements for the cross-section on the site plan. The cross-section includes the following: 16-foot setback, eight-foot pedestrian sidewalk, eight-foot planting strip, seven-foot parking/trees, and 26-foot mixed vehicle zone with 13-foot lanes.

2014-014 continued	 8. Clarify the following statements and indicate what is specifically being committed to by noting that the "petitioner will work with CDOT": a. Petitioner will work with CDOT on changes to the signal located at the intersection of the proposed private driveway and Northlake Centre Parkway. b. Petitioner will work with CDOT on the design and installation of a northbound left turn lane and storage at the signalized intersection that serves Northlake Mall and the properties to the west, including the petitioner's site. 9. Specify architectural standards for this site. The Architectural Standards language refers to the regulations of the NS (Neighborhood Services) district. This district has no design guidelines. 10. Add that a drive through window as an accessory use is prohibited under Permitted Uses, 11. Provide more detail on treatment of the open space provided at the intersection area Northlake Centre Parkway and Point O'Woods Drive. 12. Limit the maximum height of freestanding lighting to 25 feet. 13. Address all CDOT comments.
John Kinley	10. Petition No. 2014-017 (Council District 3 - Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.19 acres located on the south corner at the intersection of South Tryon Street and West Park Avenue from B-1, neighborhood business to TOD-M, transit oriented development, mixed use.
	Staff recommends approval of this petition.
	Attachment 22
	Update: There are no outstanding issues with this petition.
Claire Lyte- Graham	11. Petition No. 2014-019 (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC, commercial center to R-4, single family residential.
Protest	Staff recommends approval of this petition.
Sufficiency TBD	Attachment 23
	Update: There are no outstanding issues with this petition.
Solomon Fortune	12. <u>Petition No. 2014-020</u> (Council District 4 - Phipps) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 1.35 acres located on the south side of Springview Road between Mellow Drive and Kentbrook Drive from R-17MF, multi-family residential to R-8MF, multi-family residential.
	Staff recommends approval of this petition.
	Attachment 24
	Update: There are no outstanding issues with this petition.

Solomon Fortune

13. <u>Petition No. 2014-022</u> (Council District 2 - Austin) by Ingenuity Sun Media, LLC for a change in zoning for two parcels approximately 9.18 acres in total located on Hamilton Street near Music Factory Blvd from MUDD-O, mixed use development, optional to MUDD-O SPA, mixed use development, optional, site plan amendment.

Staff recommends approval of this petition.

Attachment 18

Update: The following issues have been addressed:

- A site plan has been submitted with the note includes all previously approved conditional notes from rezoning petitions 2005-043 and 2011-003 still apply to the site.
- 2. The conditional notes have been placed in the standard format.
- 3. A note has been added to the site plan that the optional request is for five detached digital advertising signs.
- 4. A note has been added that the proposed signs/screens will not be visible from the public right-of-way.
- 5. A note has been added limiting the maximum height of the overall total sign to 17 feet from grade.
- 6. The maximum screen height of 14 feet has been added to the site plan and the sign diagram.
- 7. A note has been added that no trees will be moved in order for these signs to be installed.

Claire Lyte-Graham

14. Petition No. 2014-026 (Council District 4 - Phipps) by Abigail Jennings: Pioneer Springs Community School for a change in zoning for approximately 2.94 acres located on the east side of Bob Beatty Road north of the intersection at Reames Road and Old Statesville Road from B-2(CD) general business, conditional, O-1(CD), office, conditional and B-1, neighborhood business to B-2(CD) SPA, general business, conditional, site plan amendment, O-1(CD) SPA office, conditional, site plan amendment and B-1(CD), neighborhood business, conditional.

Staff recommends approval of this petition upon resolution of outstanding issues.

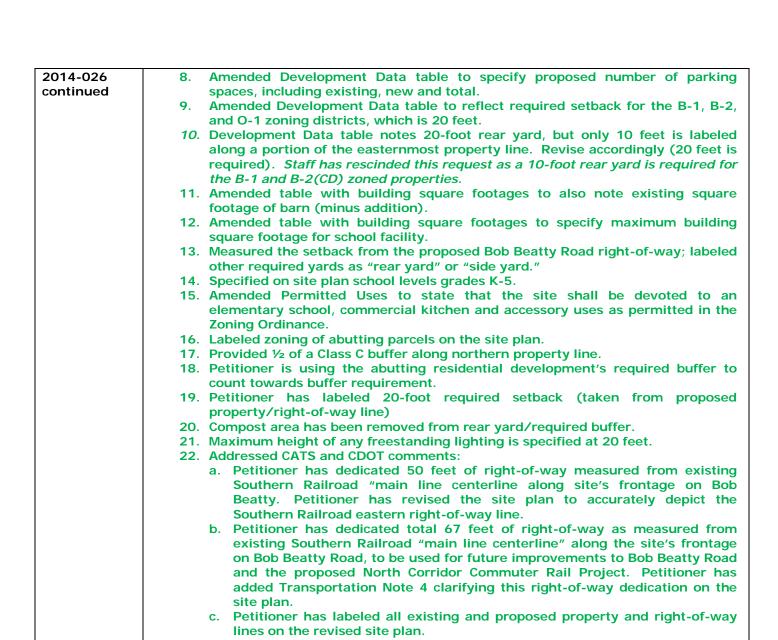
Attachment 19

Staff recommends approval of this petition.

Attachment 19

Update: The following issues have been addressed:

- 1. Amended Development Data table to correct acreage to reflect 2.94 acres stated on amended application provided by petitioner.
- 2. Amended Development Data table to note existing zoning is B-1, B-2(CD) and O-1(CD).
- 3. Amended Development Data table to note proposed zoning is B-1(CD), B-2(CD) SPA and O-1(CD) SPA.
- 4. Amended Development Data table to note existing uses as school campus, commercial kitchen, and office.
- 5. Amended Development Data table to note proposed uses as school campus and accessory uses, and a commercial kitchen.
- 6. Added a note that indicates that the barn can continue to be used for a commercial kitchen, but that the commercial kitchen use will be discontinued prior to the barn being converted into a classroom.
- 7. Amended Development Data table to add tax parcel number of property zoned B-1.



Update: The following item has been added/modified since the public hearing:

1. The petitioner has removed parking from out of the setback.

15. Set Date for April Zoning Committee Meeting