

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm. 267
May 05, 2014
2:00 P.M.

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

<p>John Kinley</p> <p>(Deferral to May 28)</p>	<ol style="list-style-type: none"> 1. Petition No. 2013-102 (Council District 1 – Kinsey) by Wajahat & Ferah Syed for a change in zoning for approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single family residential) & MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development, mixed, optional) & MUDD-O SPA (mixed use development, optional, site plan amendment). <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 3</p> <p>Update: The following issues have been addressed:</p> <p>Area A:</p> <ol style="list-style-type: none"> 1. Labeled the possible future expansion area on the plan. 2. Added the words "Area A" under the Petition # in the title block. 3. Removed the two labels stating "14-foot setback not feasible...." 4. Amended Note 6 under General Notes to read: "Possible expansion on the side and behind the existing building will meet setback and yard requirements." 5. Addressed the following CDOT issues: <ol style="list-style-type: none"> a. Removed proposed parallel parking cutout on 34th street to allow the use of the existing curbline for on-street parking. <p>Area B:</p> <ol style="list-style-type: none"> 1. Added the words "Area B" under the Petition # in the title block. 2. Changed the label for the planting strip from three feet to four feet. 3. Amended Note 6 under General Notes to read: "Possible expansion behind the existing building will meet setback and yard requirements." 4. Amended the word "TOD" in Note 5 under General Notes to "TOD-M." <p>The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Revise site plans for Area A and Area B so that all elements are to scale. <p>Area A:</p> <ol style="list-style-type: none"> 1. Provide a note on the plan stating the following: "Provided there is not enough space between the house and the west property line for the accessible parking and accessible ramp, all parking shall be located on the portion of the site with direct access to 34th Street. No access will be allowed on Davidson Street." 2. Show how trash pick-up will be handled.
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<p>Claire Lyte-Graham</p> <p>(The request is being withdrawn by the petitioner)</p>	<p>2. <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.</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 5</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 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. 8. Clarify the following statements and indicate what is specifically being committed to by noting that the "petitioner will work with CDOT": <ol style="list-style-type: none"> 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.
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John Kinley	<p>3. <u>Petition No. 2014-028</u> (Council District 6 - Smith) by Lat Purser & Associates for a change in zoning for approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive from O-1 (office) to MUDD(CD) (mixed use development, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Amended the proposed zoning on Sheet RZ-3 to say MUDD(CD). 2. Clearly delineated the A-A site section guideline on sheets RZ-1 and RZ-2. 3. Amended the proposed uses on Sheet RZ-3 to say "Proposed use: multi-family residential with up to (amount to be specified by petitioner) square feet of retail sales limited to those permitted in the B-1 district, professional businesses and/or general offices and located on the ground floor." 4. Provided parking access controls on Sheets RZ-1 and RZ-2 per Section 9.8507(8). 5. Redesigned the building layout along the southern property line such that the fire access door exits directly to Hedgemore eliminating the need for a five-foot wide sidewalk along the southern side of the building. 6. Provided the required loading space on sheet RZ-1. 7. Provided a note on sheet RZ-3 describing the dedication of land to Mecklenburg County Parks and Recreation. Specified the number of acres and use as a greenway/recreation area. 8. Provided at least 50% active ground floor uses along Hedgemore Drive and Abbey Place, not including the trash collection area. 9. Provided recessed doorways along both street frontages. 10. Added doorways to illustrate how the lobby is accessed from the street. 11. Provided elevations, as opposed to perspective drawings, that match the site plan. 12. Revised Note 2.a. on Sheet RZ-3 to say, "Subject to the restrictions and limitations listed below, the principal building constructed on the site may be developed for up to 150 multi-family residential dwelling units with up to (amount to be specified by petitioner) square feet of retail sales limited to those in the B-1 district, professional businesses and/or general offices and located on the ground floor." 13. Moved Note 5.b. to be under Note 14 (now Note 12). 14. Replaced the words "on existing and proposed streets" with "Abbey Place and Hedgemore Drive." 15. Deleted Note 8.a. 16. Clarified the nature of the amenity areas as leasing office and fitness center for residents. 17. Provided useable open space that is well integrated into the community through greenways, parks and plazas as recommended by the Park Woodlawn Area Plan with the provision of a park/plaza area on the east side of the building, between the building and the area to be dedication to Parks and Recreation. 18. Clearly identified the area for urban open space and the open space in the data table. Identified the area for urban open space as the plaza. 19. Addressed Transportation issues. 20. Addressed Mecklenburg County Parks and Recreation issue. <p>Update: The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Show the possible dumpster pad location referenced in Note 5.b. according to Section 12.403 of the Zoning Ordinance. The petitioner has two options on how to address this issue. Either they can show a pad location on the site
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<p>2014-028 continued</p>	<p>plan or amend Note 12.b. to say that all garbage and recycling collection will be handled internal to the parking deck. Petitioner will confirm via email which option they have chosen to reflect on a final site plan submittal prior to decision.</p> <ol style="list-style-type: none"> 2. Add a note stating that the exact location of access control gates will be determined through the full development plan submittal process. 3. Amend Note 3.a. to include access to Hedgemore Drive.
<p>Sonja Sanders</p> <p>Protest Sufficiency TBD</p>	<p>4. Petition No. 2014-030 (Council District 1 - Kinsey) by Golden Triangle # 2 for a change in zoning for approximately 1.3 acres located on the southeast corner at the intersection of Metropolitan Avenue, South Kings Drive, and Baxter Street from MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed used development, optional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Condensed the verbiage in Note 1C by removing reference of uses, sidewalks , structures, buildings, building elevations and other site elements as "schematic." 2. Amended Note 2C by reducing the optional request from 750 square feet of sign area per wall or 20% of the wall area to which attached, whichever is less, to a request allowing up to two wall signs with up to 400 square feet of sign surface area for each tenant and/or use located on the site located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors. <p>In addition, reduced the request for a digital wall sign from 380 square feet to 300 square feet, and specified that the digital wall sign may be used to: (i) advertise and identify tenants and merchandise located and sold at Metropolitan, (ii) advertise and identify events occurring at Mid-Town Park and on the Sugar Creek Greenway, and (iii) as a screen for motion pictures (e.g. movies, tv shows and the like), and (iv) to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events. The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and Major Events as defined above a majority of the time the sign is in use.</p> <ol style="list-style-type: none"> 3. Limited the location of proposed digital wall signs to the portion of the building wall that faces S. Kings Drive and the first 30 linear feet of the building wall that faces Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area. 4. Clarified that the digital wall signage requested on the building wall adjacent to Mid-Town Park may be used as a screen for motion pictures (e.g. movies, tv shows and the like), as opposed to being a separate request to allow a portion of the building wall along the southern property boundary to be used as a screen. 5. Amended Note 2E to state that the digital wall signs, which have replaced

<p>2014-030 continued</p>	<p>the request for use of a portion of the building wall along the southern property boundary as a screen for projected images and activities associated with the Sugar Creek Greenway, may be used to advertise and identify tenants and merchandise located and sold at Metropolitan, in addition to events occurring at Mid-Town Park and on the Sugar Creek Greenway; and to promote major events.</p> <ol style="list-style-type: none"> 6. Amended Note 5A to indicate that "concept imagery" is intended only to illustrate examples of a building façade that meets the criteria set forth in the Architectural Guidelines and is not a specific or binding building elevation, nor are they a full list of possibilities. 7. Amended Note 5G to state that the zoning boundary for the Site will not be modified by a shift in the property line to accommodate shared site elements as described above. . 8. Amended Note 5H to specify architectural guidelines for the Urban Edge portion of the building by removing subjective language "establish a stylish, memorable and highly visible building element" and added a note stating that a pedestrian scale edge will be created at the ground floor with display windows, awnings, integral planters and other features that will complement the other portions of the building and the focal point feature. 9. Amended Note 5I to state "display cases" instead of "display windows." 10. Clarified that sign options are additions/modifications to the standards for signs in the MUDD district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions. 11. Amended Note 5J to state that building service areas will be located internally and screened from view with masonry walls a minimum of five feet in height. 12. Deleted the minimum ordinance requirement regarding screening requirements in Note 6D. 13. Provided a note detailing that urban open space areas will be provided on the ground floor along the Greenway Entry portion of the building as well as on an upper floor of the building. 14. Addressed Park and Recreation comments by amending Note 5F to state that the petitioner will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park. 15. Provided the existing approved entitlement for the rezoning site, which is 155 multi-family residential dwelling units, to CDOT as requested. CDOT determined the trip generation under the current zoning as 1,030 trips per day. <p>Update: The following notes have been amended or added since the public hearing:</p> <ol style="list-style-type: none"> 1. Amended Site Development Data and Permitted Uses to reflect proposed uses as up to 155 multi-family dwelling units and/or a hotel with up to 175 hotel rooms together with accessory uses, as allowed in the MUDD zoning district. 2. Amended Site Location in Note 1A to delete replace a "mixed use building containing multi-family residential dwelling units and a hotel" with "a building containing multi-family residential dwelling units and/or a hotel on an approximately 1.30 acre site located at the intersection of South Kings Drive and Metropolitan Avenue." 3. Added Note 4D that states "The petitioner recognizes that due to the limited space around the Site and existing neighborhood constraints, a portion of construction parking and material staging will need to be located off-site."
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2014-030 continued	<p>Update: The following issues remain outstanding:</p> <ol style="list-style-type: none"> Note 5E and Note 5I reference display case while Note 5H references display windows. Align terminology to reference display cases and provide a definition of display cases. Amend Note 4D by adding "The location of the construction parking and material staging will be approved by CDOT as part of construction plan review approval."
Solomon Fortune	<p>5. <u>Petition No. 2014-031</u> (Outside City Limits) by Wilkison Partners, LLC for a change in zoning for approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie Critical Area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area).</p> <p>Staff does not support the petition in its current form.</p> <p>Attachment 15</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> The innovative standards that are changes from minimum zoning ordinance standards have been listed on the site plan. A cross-section has been shown that an eight-foot planting strip and six-foot sidewalk will be provided on both sides of the street for all private streets. <p>Update: The follow issues remain outstanding:</p> <ol style="list-style-type: none"> Provide a public street stub to the eastern edge of the property to comply with the Subdivision Ordinance. Change the first private street cross section to a public street cross section. Show the number of off-street guest parking spaces which will be provided. Provide a note and show that the off-street guest parking area will be screened with five-foot tall shrubs on all three sides. Label the elevations and add a note identifying the proposed building materials. Provide a detail of the proposed ornamental fence. Modify the note under streetscape and landscaping to read, "The petitioner reserves the right to install an entrance feature at the driveway connection to Shelburne Farms Drive subject to approval by North Carolina and Charlotte Departments of Transportation." Submit an administrative request for Petition 2001-016C and reduce the number of "village residential" units by 29 units prior to the City Council decision. Label and note the proposed percentage of tree save area for the areas shown on the site plan.
Claire Lyte-Graham	<p>6. <u>Petition No. 2014-032</u> (Council District 2 – Austin) by The Affordable Housing Group of North Carolina, Inc. / The Drakeford Company for a change in zoning for approximately 3.72 acres located on the west side of Beatties Ford Road between Pauline Lane and Sunset Road from R-4 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 16</p>

<p>2014-032 continued</p>	<p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Clarify the definition of handicapped or disabled. <i>Staff is rescinding this comment as these requirements are federally regulated.</i> 2. The long south elevation has been visually broken into smaller elements by separating the mass into two building masses connected with a hallway element that has been deeply recessed from both long sides of the building. 3. The revised building elevations replace the long horizontal expanse of brick, which accentuated the length of the building, with vertical brick faced elements interspersed with variations in siding materials and additional façade articulation. 4. The design has been enhanced by introducing variations in the window types. Specifically, the previous elevation showed the use of only double-wide windows. The latest revision uses single, double, and triple wide window configurations. 5. The petitioner has replaced the shed-style dormers with hip roof. 6. The petitioner has committed to providing at least 30% brick on each building face. 7. The petitioner has added a note that commits to limiting the use of vinyl to windows and trim, with no vinyl to be used as siding material. 8. Note 5a has been amended to specify the proposed landscape buffer will be provided along all property lines that abut properties zoned R-4 zoning. 9. The "Building Elevation Detail" on Sheet RZ-3.0 has been removed from the site plan. 10. Note 5b pertaining to removal of the buffer has been removed from the site plan (effectively renumbering Note 5c to 5b). 11. The language "No wall pak type lighting will be used" has been removed from Note 8a. 12. The petitioner has reduced the building height to 47 feet. 13. The notes on sheets RZ-1.0 and RZ-2.0 pertaining to building height have been removed from the site plan. <p>Update: The following item has been modified since the public hearing:</p> <ol style="list-style-type: none"> 1. The petitioner has reduced the number of units from 85 to 82, reducing the density from 22.8 dwelling units per acre to 22 dwelling units per acre.
<p>Sandra Montgomery</p>	<p>7. <u>Petition No. 2013-090</u> by Charlotte-Mecklenburg Planning Department for a Text 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 entertainment establishments by right or with prescribed conditions in the following zoning districts: multi-family, UR-2, urban residential, UR-3, urban residential, UR-C, urban residential, commercial, institutional, research, office, business, MX-1, mixed use, MX-2, mixed use, MX-3, mixed use, MUDD, mixed use development, UMUD, uptown mixed use development, CC, commercial center, NS, neighborhood services, TOD, transit oriented development, U-I, urban industrial, industrial, PED, pedestrian overlay and TS, transit supportive overlay.</p> <p>Significant modifications have been made to the text amendment since the public hearing that warrants holding a new public hearing. Staff suggests that the Zoning Committee makes a recommendation to Council to call for a new public hearing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p> <p>Update: There are no outstanding issues with this petition.</p>

<p>Sandra Montgomery</p> <p>(Deferral to May 28)</p>	<p>8. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance adding a new definition for mobile farmer's markets and allowing it with prescribed conditions in a variety of zoning districts.</p> <p>Staff recommends a deferral of this petition to the May meeting (May 28, 2014) to allow time for staff to address outstanding issues.</p> <p>Attachment 7</p> <p>Update: There are no outstanding issues with this petition.</p>
<p>Sandra Montgomery</p>	<p>9. <u>Petition No. 2014-38</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add stadiums, coliseums, and arenas as uses permitted under prescribed conditions in the MUDD (mixed use development) district, and to correct the use table to indicate stadiums and coliseums are currently permitted, under prescribed conditions, in the UMUD (uptown mixed use district).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p> <p>Update: There are no outstanding issues with this petition.</p>