

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm. 280**  
**September 24, 2014**  
**4:30 P.M.**

	<p>1. <a href="#"><u>Petition No. 2013-075</u></a> (Council District 3 – Mayfield) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street from I-1 (general industrial) to TOD-M (transit oriented development – mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
<b>Deferral (to October)</b>	<p>2. <a href="#"><u>Petition No. 2014-003</u></a> (Council District 7 - Driggs) <b>by George M. Macon</b> for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) and MX-2 (mixed use) to O-1(CD) (office, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. <b>Modify Note D3 to read "No parking will be allowed between the building and the public streets."</b></li> <li>2. <b>Modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area.</b></li> <li>3. <b>Modify the proposed uses to: "all O-1 uses except financial institutions, laboratories, child care centers and residential uses" and change "restaurants" to "Eating, Drinking and Entertainment Establishments (Type 1)".</b></li> <li>4. <b>Provide building elevations.</b></li> <li>5. <b>Show where all three proposed buildings will be located within the building envelope.</b></li> <li>6. <b>Remove note H.2 and modify to read: "A signed approval letter from the South Hampton Home Owners Association agreeing upon the final locations of the proposed tree save and dumpster areas during site design will be provided to the Charlotte-Mecklenburg Planning Department prior to submitting for any permit on the subject site."</b></li> <li>7. <b>Amend Development Conditions to add MX-2 under proposed zoning and the accompanying parcel number.</b></li> <li>8. <b>Modify the Class "C" buffer along the driveway to Ardrey Kell Road to 30 feet.</b></li> <li>9. <b>Label and show sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway.</b></li> <li>10. <b>Clarify the meaning of the following note: "Street trees along Marvin and Ardrey Kell Road will match the adjacent street trees."</b></li> </ol>

<b>Deferral (to November)</b>	<p>3. <a href="#"><u>Petition No. 2014-019</u></a> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for 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).</p> <p>Staff is requesting this petition be deferred to December 15, 2014.</p> <p>Attachment 2</p>
<b>Deferral (to October)</b>	<p>4. <a href="#"><u>Petition No. 2014-031</u></a> (outside city limits) <b>by Wilkison Partners, LLC</b> 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 recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p> <p><b>Update: The following issues have not been addressed:</b></p> <ol style="list-style-type: none"> <li><b>1. Submit an administrative request for Petition 2001-016C and reduce the number of "village residential" units by 30 units prior to the City Council decision.</b></li> <li><b>2. Clearly show which areas along Shelburne Farms Drive will have a berm and which areas will have a buffer.</b></li> <li><b>3. Modify the proposed berm as it appears to be in conflict with the proposed tree save area.</b></li> <li><b>4. Show which cross sections apply to each street and label accordingly.</b></li> <li><b>5. Clarify whether there is a proposed connection to the existing tennis club through the guest parking area. If there is a connection, identify and label on the site plan.</b></li> </ol>
	<p>5. <a href="#"><u>Petition No. 2014-058</u></a> (Council District 3 - Mayfield) <b>by Switzenbaum &amp; Associates</b> for a change in zoning for approximately 30.9 acres located on the west side of W. Tyvola Road south of S. Tryon Street from BP(CD) (business park, conditional) to R-12MF(CD) (multi-family residential, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li><b>1. The site plan has been revised to show a Class "C" buffer along property lines abutting the R-4 zoned parcel.</b></li> <li><b>2. The widths of the existing sidewalks along Tyvola Centre Drive and West Tyvola Road are now noted on the site plan.</b></li> <li><b>3. Under the Architectural Standards development note, the following following language has been removed from the second sentence: "Although the designs for the building have not been completed..."</b></li> <li><b>4. The petitioner has added language under Parks, Greenways, and Open Space heading, committing to the following improvements:</b> <ol style="list-style-type: none"> <li><b>a. Development of both active and passive recreation facilities including a walking/amenity trail with locations for individual exercise activities.</b></li> <li><b>b. Walking/amenity trail will have approximately 1,200 linear feet, with trail to be comprised of wood chips or similar surface, and at least four outdoor exercise stations at intervals along the trail.</b></li> <li><b>c. Provision of outdoor seating/conversation areas associated each building.</b></li> <li><b>d. Provision of active recreation amenities, including a pol, meeting spaces, congregation and seating areas, and outdoor cooking</b></li> </ol> </li> </ol>

	<p>facilities.</p> <ol style="list-style-type: none"> <li>5. The site plan has been revised to show the correct zoning for parcel 167-081-07 located on the south side of Tyvola Centre Drive, which is zoned R-12MF (CD).</li> <li>6. Address CDOT and Engineering and Property Management comments: <ol style="list-style-type: none"> <li>a. Addressed CDOT comment pertaining to relocation of the proposed westernmost driveway, and its conversion from exit only to both an ingress and egress driveway.</li> <li>b. CDOT requests that the petitioner relocate the easternmost main entrance driveway further east and align it with the existing driveway on the south side of Tyvola Centre Drive. <i>Staff has rescinded this request as it will be contingent upon adequate sight distance at permitting.</i></li> <li>c. Addressed CDOT comment pertaining to the provision of a left-turn lane at the westernmost driveway.</li> <li>d. Addressed Engineering and Property Management comment by providing a wetland letter.</li> </ol> </li> </ol> <p>Update: At the request of staff, the following items have been added to the site plan since the public hearing:</p> <ol style="list-style-type: none"> <li>1. The following Architectural Standards notes have been added to the site plan: <ol style="list-style-type: none"> <li>a. A note has been added committing to at least 30% of the portions of the building exteriors located below the roof line will be composed of a combination of brick, stone, artificial stone, and/or stone or similar masonry products.</li> <li>b. Note stating that the principal roof pitch will be no less than 5:12.</li> <li>c. Balcony railings, if included, will be of durable material and will not be painted pressure treated lumber.</li> <li>d. Roofing materials will be architectural fiberglass composite shingles and roof vents and features will be painted to match the roof color.</li> <li>e. Buildings will be designed so that no more than 20 feet of blank wall will be constructed along the frontage of a public street or private street.</li> <li>f. Building heights will be limited to four stories.</li> <li>g. Buildings will be designed with façade articulation to break up wall mass and to create variety in the character of the façade.</li> <li>h. Main windows will be arranged to avoid large masses of glass and will be designed so as to be taller than they are wide. This will not apply to minor windows such as for bathrooms, stairways and architectural accent.</li> <li>i. All building entrances will be connected to the on-site sidewalk network subject to grade and ADA standards.</li> <li>j. On site directional signage will be designed to reflect the architectural character and materials of the principal buildings.</li> <li>k. Building facades will incorporate vertical elements and material changes to break up the mass of the building walls.</li> </ol> </li> </ol>
<p><b>Deferral (to October)</b></p>	<ol style="list-style-type: none"> <li>6. <a href="#"><u>Petition No. 2014-064</u></a> (Council District 1 - Kinsey) <b>by Marsh Properties, LLC</b> for a change in zoning for approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road from B-1 (neighborhood business), B-2 (general business), O-2 (office district), R-17MF (multi-family residential) and R-8 (single family residential) to MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional).</li> </ol> <p>Petitioner is requesting a one-month deferral of this petition to the October 29, 2014 meeting.</p> <p>Staff does not support this petition in its current form.</p> <p>Attachment 23</p>

**The following issues are outstanding:**

- 1. Address CDOT issues.**
- 2. Address CMS issue.**
- 3. Complete Note 4. I. to provide Transportation improvement details.**
- 4. Address Urban Forestry issues.**
- 5. Change all references to restaurants to Eating, Drinking, Entertainment Establishments (EDEE).**
- 6. Remove the language in Note 1.c. and replace with the following: "Minor modifications to the plans are allowed per Section 6.207 of the Zoning Ordinance."**
- 7. Amend Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.**
- 8. Remove RZ-6.1.**
- 9. Modify Note 5.i. on RZ-2.0 and Note d.i. on RZ 3.2, 3.3. and 3.4 which restricts parking and maneuvering between the buildings and public streets to also include development areas C&D.**
- 10. Specify that the minimum two acres of open space is in addition to the open space required in each development area.**
- 11. Label the adjacent zoning of neighboring parcels on RZ-2.1.**
- 12. Amend Note 3. d. that says "(Any additional residential units constructed within development Area B as a result of converting allowed non-residential square footage into residential units will not be counted toward the 1,050 residential dwelling unit limit)" to include areas A, C and D.**
- 13. Change the word "homes" to "zoning" in Note 6. h.**
- 14. Provide a statement of Overall Design Intent.**
- 15. Revise the Poindexter elevation with a combination of landscaping and architectural features to break up blank walls.**
- 16. Revise Note 2. I. to limit the percentage of window sign area to 50% along Poindexter and 25% for all other window signs in Development Areas A & B.**
- 17. Eliminate the optional provision to allow detached signs for each building in Development Areas A and B.**
- 18. Eliminate the optional provision to allow detached signs for each use within Development Areas C and D.**
- 19. Reduce the size of the neighborhood identification sign to 32 square feet.**
- 20. Remove Note 10.b regarding "sign flex."**
- 21. Amend Note 1.d. to indicate the total number of principle buildings allowed in the MUDD zoning.**
- 22. Amend Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.**
- 23. Describe phasing in Note 4.b.**
- 24. Specify building materials for structured parking facilities.**
- 25. Provide the following General Design Guidelines:**
  - a) The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.**
  - b) Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the Site.**
  - c) Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.**
  - d) Windows and doors shall be provided for at least 40% of the total facade area along public streets with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.**
  - e) Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and landscaping. Blank walls cannot be addressed with landscape elements only.**

	<p><b>f) Development areas C-I shall include a mix of building massing and building heights.</b></p> <p><b>g) Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total facade length.</b></p> <p><b>h) End fronting facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets.</b></p> <p><b>i) Facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary façade materials or colors.</b></p> <p><b>j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details.</b></p>
	<p>7. <b><u>Petition No. 2014-072</u></b> by Tony A. Feismster for a Text Amendment to the City of Charlotte Zoning Ordinance to allow cultural facilities as a use allowed by right in I-1 (light industrial) and I-2 (general industrial) districts and in the U-I (urban industrial) district.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p> <p><b>Update: There are no outstanding issues with this petition</b></p>
	<p>8. <b><u>Petition No. 2014-076</u></b> Petition No. 2014-076 (Council District 2 - Austin) by Northlake Health Investors, LLC for a change in zoning for approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 27</p> <p><b>Update: The following issues have been addressed</b></p> <ol style="list-style-type: none"> <li><b>1. Amended the Development Data and Note 2.a. to specifically prohibit jails, prisons, stadiums and arenas.</b></li> <li><b>2. Amended Note 4.a. to indicate a singular principal building. The note should read: "The building materials used on the principal building..."</b></li> <li><b>3. Removed the word "one-story" from the label on the building on Sheet 1.</b></li> <li><b>4. Noted on the site plan that the existing building is to be demolished</b></li> <li><b>5. Specified the width of the existing sidewalk and planting strip to remain.</b></li> <li><b>6. Revised the text from Note 1.e. as follows: "Changes to the Rezoning Plan <del>not permitted by the Rezoning Plan</del> will be reviewed and approved as allowed by Section 6.207 of the Ordinance."</b></li> <li><b>7. Clarified in the "Site Development Data" that the use is limited to 50 beds as noted in Note 2.a.</b></li> <li><b>8. Added the following to the last sentence in Note 3.e.: "... and Planning in accordance with Section 6.207."</b></li> </ol>
	<p>9. <b><u>Petition No. 2014-082</u></b> (Outside City Limits) <b>by Brookwood Capital Partners</b> for a change in zoning for approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard from R-3(LWPA) (single family residential, Lake Wylie protected area), I-1(LWPA) (light industrial, Lake Wylie protected area) and I-2(LWPA) (general industrial, Lake Wylie protected area) to I-2(CD)(LWPA) (general industrial, conditional, Lake Wylie protected area).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 29</p>

**Update: The following issues have been addressed:**

1. Move the water quality detention area out of the setback to accommodate streetscape improvements. Staff has rescinded this comment as the petitioner has added language to state that design of this water quality area will not include a detention basin, but may include one or more recognized BMP's including a rain garden, grassed swales, extended detention wetlands, and/or other recognized BMPs that can be designed to be integrated into and maintained as part of the landscaping for the site.
2. The petitioner has labeled the center line for Wilkinson Boulevard on Sheet Z-2.0 of the site plan.
3. Petitioner should confirm that language provided under Transportation Note G is acceptable to CDOT as it appears to provide several alternatives rather than to provide specificity with respect to access. The petitioner has responded that this note will be removed from the site plan, and in its place a note will be provided that states "The exact driveway locations will be determined at the time of permitting."
4. The petitioner has revised the site plan to show the proper illustration of the reservation of the required right-of-way and the setback along Wilkinson Boulevard.
5. Addressed CDOT comments:
  - a. Petitioner has revised site plan to depict 75-foot maximum right-of-way from the centerline of the existing right-of-way (Wilkinson Boulevard).
  - b. Petitioner is removing Transportation Note G and in its place providing a note that states: "The exact driveway locations will be determined at the time of permitting."
6. Address Storm Water comment. Staff has rescinded this comment. The subject language is necessary to help ensure the water quality area proposed along the Wilkinson Boulevard frontage will be subject to appropriate landscape design and treatment.
7. Addressed City Engineering comments:
  - a. Petitioner provided a wetland letter.
  - b. Add the following note to the site plan: "This Site will comply with the Charlotte Tree Ordinance. Tree save is required." Staff has rescinded this comment as this is an ordinance requirement. In addition, the site plan commits to exceeding what is required per ordinance.

**Update: The following issues are outstanding:**

1. Staff is rescinding the comment pertaining to the provision of a six-foot sidewalk and eight-foot planting strip along Wilkinson Boulevard (Transportation Note D), but for clarity and to ensure the appropriate improvements are provided, requests that the petitioner add language to this note that states if NCDOT does not allow the sidewalk and planting strip at the edge of the right-of-way, then the sidewalk will be located on the petitioner's property.
2. The petitioner should address CATS comment by amending Transportation Note F to state that "The petitioner will provide and construct a concrete bench pad for a new bus stop along Wilkinson Boulevard. The petitioner will work with CATS to determine a mutually agreeable location for a transit pad during the development review and permitting process."
3. Address CDOT comments:
  - a. Staff is rescinding the comment pertaining to the provision of a six-foot sidewalk and eight-foot planting strip along Wilkinson Boulevard (Transportation Note D) and the water quality area, but for clarity and to ensure the appropriate improvements are provided, requests that the petitioner add language to this note that states if NCDOT does not allow the sidewalk and planting strip at the edge of the right-of-way, then the sidewalk will be located on the petitioner's

	<p><b>property.</b></p> <p><b>b. CDOT requests that the petitioner restrict the easternmost driveway to “trucks only” and the westernmost driveway to passenger vehicles only.</b></p>
	<p>10. <a href="#"><u>Petition No. 2014-083</u></a> (Council District 7 - Driggs) <b>by Childress Klein Properties</b> for a change in zoning for approximately 18.8 acres located on the southwest corner at the intersection of Johnston Road and Marvin Road from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 30</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li><b>1. The height of the proposed carriage units has been placed on the site plan</b></li> <li><b>2. A note and elevations have been placed on the site plan detailing the options for the garage &amp; carriage units.</b></li> </ol>
	<p>11. <a href="#"><u>Petition No. 2014-084</u></a> (Council District 1 - Kinsey) <b>by 7<sup>TH</sup> Street Progression Partners, LLC</b> for a change in zoning for approximately 1.5 acres located on the north side of East 7<sup>th</sup> Street between Clement Avenue and Pecan Avenue from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Attachment 31</p> <p><b>An update on this petition will be provided on Tuesday, September 23, 2014.</b></p>
	<p>12. <a href="#"><u>Petition No. 2014-086</u></a> (Council District 4 - Phipps) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive from INST (institutional) and I-2(CD) (general industrial, conditional) to TOD-M (transit oriented development - mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 33</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
	<p>13. <a href="#"><u>Petition No. 2014-087</u></a> <b>by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 36</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
	<p>14. <a href="#"><u>Petition No. 2014-088</u></a> <b>by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify and revise the setback measurement requirements for single family and multi-family zoning districts. Setbacks will be measured from the “right-of-way” instead of the back of curb.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 37</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>

	<p>15. <a href="#"><u>Petition No. 2014-094</u></a> (Council District 3 - Mayfield) <b>by Eastway II Holdings, LLC</b> for a change in zoning for approximately 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive from B-1SCD (business shopping center) and B-D(CD) (distributive business) to B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 34</p> <p><b>Update: The following issues have been addressed:</b></p> <p><b>1. Amended proposed zoning to reflect B-D(CD) and B-D(CD) SPA.</b></p>
	<p>15. <b>Innovative Request for Rezoning Petition 1988-021</b> Lynnsy Logue is requesting approval of innovative provisions for a portion of a lot in an existing development associated with rezoning petition 1988-021. The site is located on the east side of Dunedin Lane north of Sardis Lane Parcel 18722177 (Lot 30).</p> <p><b>The following items are the requested innovative provisions:</b></p> <p><b>1. Allow a modification of a portion of the front setback from 15 feet to 11.5 feet.</b></p>