

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, RM 280
May 27, 2015
4:30 P.M.

	<p>1. <u>Petition No.2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance adding 1) a new definition for a mobile produce market and allowing it in a variety of zoning districts where outdoor fresh produce stands are permitted, with prescribed conditions, and 2) modifying several prescribed conditions for outdoor fresh produce stands.</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><u>Attachment 16</u> (City Council May 18, 2015)</p>
	<p>2. <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 recommends denial of this petition.</p> <p>Update: The following items are still outstanding.</p> <ol style="list-style-type: none"> 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. 2. Clearly show which areas along Shelburne Farms Drive will have a berm and which areas will have a buffer. 3. Modify the proposed berm, as it appears to be in conflict with the proposed tree save area. 4. Show which cross sections apply to each street and label accordingly. <p>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.</p> <p><u>Attachment 19</u> (City Council September 15, 2014)</p>
	<p>3. <u>Petition No. 2014-078</u> (Council District 6 – Smith) by Park Selwyn, LLC for a change in zoning for approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue 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>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Provided and labeled the minimum five-foot side yard between the proposed building and the area dedicated to Mecklenburg County Parks and Recreation. <p>The following items have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> 1. Specified that the height of the screening wall at the rear of the site will be a minimum of six feet in height as measured from the development (internal) side as well as a minimum of six feet on the side facing the single family homes. 2. Shifted the building to the east so that it will sit a minimum of 14 feet from the western property line. 3. Added a note to the Site Data/Summary referring to the dedication of the 0.44 acres on the western side of the site to Parks and Recreation. 4. Amended the proposed building elevations.

	<u>Attachment 17</u> (City Council May 18, 2015)
4.	<p><u>Petition No. 2014-097</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) increase the allowable floor area ratio (FAR) for an institutional use by 50% if a parking deck is constructed as an accessory use; 2) establish parking structure standards when the structure is accessory to an institutional use; and 3) limit the floor area ratio for an accessory residential building to an institutional use.</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><u>Attachment18</u> (City Council May 18, 2015)</p>
5.	<p><u>Petition No. 2014-109</u> (Council District 1 - Kinsey) by Midtown Area Partners II, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from UR-C(CD) (urban residential - commercial, conditional), B-1 (neighborhood business) and R-8 (single family residential) to B-2(PED-O) (general business, pedestrian overlay, optional), UR-C(PED-O) (urban residential - commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional) with five-year vested rights.</p> <p>Staff recommends approval of this petition.</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Amended the graphics on Sheet RZ1.7 for Section B to accurately reflect the pedestrian overlay height planes as required by the Zoning Ordinance and amended all the graphics on Sheet RZ1.7 so that they are to scale. 2. Amended the street wall elevations on Sheet RZ1.8 to accurately reflect the Area C conceptual site plan. 3. Provided metes and bounds of the proposed zoning boundaries. 4. Staff has rescinded the request to eliminate Optional Provision H if Cecil Street is converted to a private street not required by the Subdivision Ordinance. 5. Staff has rescinded the request to amend Optional Provision K to replace Cecil Street with Baxter Street if Cecil Street is converted to a private street not required by the Subdivision Ordinance. Staff rescinded this request because the proposed abandonment will not take place prior to City Council decision. 6. Clarified the width of the sidewalk along Kings Drive in front of Development Area B. 7. Specified that primary entrances will be oriented to and at street grade along South Kings Drive for uses along the street level of Areas A and B. 8. Removed existing zoning boundaries within the project area on Sheet RZ 1.1. 9. Highlighted the rezoning site boundary on Sheet RZ1.1. 10. Labeled the zoning boundary lines on Sheet RZ1.1. 11. Provided information in the development data table related to the percentage of open space provided. 12. Added an optional request opting out of providing the ten-foot buffer along a portion of the southern boundary of the site and deleted Setback and yards/streetscape/buffer Note D. 13. Specified architectural details for the screen wall along Cecil Street. 14. Provided more detailed commitments for the treatment of blank walls above the minimum PED (pedestrian overlay) requirements. 15. Clarified the height for Development Area C in Architectural Standards and Design Note C. 16. Adjusted the graphics on Sheets RZ1.7 and 1.8 to match and accurately represent the proposed height. <p>The following items have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> 1. Added an optional provision allowing the maximum height of the buildings in Area C to have a maximum height of 48 feet. 2. Added planters as one of the potential amenities provided in the setback along South Kings Drive. 3. Added an optional provision to not required side and rear yards along the site's southern boundary line.

	<p>4. Specified that in the event Cecil Street is abandoned and converted to a private street, a public access easement shall be provided to allow travel between Baxter and Luther Streets.</p> <p><u>Attachment 21</u> (City Council Agenda April 20, 2015)</p>
Deferral Requested (to June 2015)	<p>6. <u>Petition No. 2014-110 (Council District 1 – Kinsey)</u> by Unique Southern Estates, LLC for a change in zoning for approximately 4.54 acres located at the southeast corner of the intersection of The Plaza and Belvedere Avenue from R-5 (single family residential), R-5(HD-O) (single family residential, historic district overlay) and B-2(CD)(HD-O) (general business, conditional, historic district overlay) to MUDD-O (mixed use development, optional) and MUDD-O(HD-O) (mixed use development, optional, historic district overlay).</p> <p><u>Attachment 21</u> (City Council Agenda January 20, 2015)</p>
Deferral Requested (to June 2015)	<p>7. <u>Petition No. 2015-014</u> (Council District 6 - Smith) by Park Sharon Properties, LLC for a change in zoning for approximately 4.66 acres located on the northeast corner at the intersection of Park Road and Sharon Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p><u>Attachment 22</u> (City Council Agenda May 18, 2015)</p>
	<p>8. <u>Petition No. 2015-048</u> by Design Resource Group for a Text Amendment to the City of Charlotte Zoning Ordinance to include bicycle structures in the list of allowed site features within the setback and/or public right of way in the UR-1, UR-2, UR-3, UR-C, RE-3, UMUD, MUDD, PED, NS, TOD, and UI zoning districts.</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><u>Attachment 24</u> (City Council Agenda May 18, 2015)</p>
	<p>9. <u>Petition No. 2015-052</u> (Council District 6 – Smith) by NR Pinehurst Property Owner LLC for a change in zoning for approximately 36.10 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane and across from Strawberry Hill Drive from R-17MF (CD) (multi-family residential, conditional) to R-17MF (CD) SPA (multi-family residential, conditional, site plan amendment) with 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition.</p> <p>Update: The following issues have been addressed.</p> <ol style="list-style-type: none"> 1. Showed a 12.5-foot wide “Class B” buffer abutting tax parcels 18312114 and 10 and add a note that the buffer can be eliminated if the abutting land use changes such that a buffer is no longer needed. 2. Provide elevations for the two, three-story buildings, structured parking, and the garages. Staff has rescinded this request. Elevations for buildings in Phase I were provided and notes have been added to specify that buildings in Phase 2 may have a variety of architectural styles, however, such buildings shall be compatible to an complementary with the building to be constructed in Phase 1, in terms of architectural style and character and exterior building materials. 3. Amended Note 4c to replace “schematic images” with “architectural renderings” of the various exterior components and elements of the buildings. 4. Provided a 15-foot wide landscape area between Building 4 and the adjacent property. The outer 12.5 feet shall be a “Class B” buffer. The inner 2.5 feet shall contain supplemental landscaping. Among other things, the purpose of this 15-foot wide landscape area is to screen the ground floor of the southern edge of the structured parking facility. This 15-foot landscape buffer area shall meet the tree and shrub planting requirements of a Class B buffer. 5. Provided standards for the portion of the structured parking facility that will be visible from Providence Road and abutting the existing multi-family development to the east as follows: The exterior building material of the southern edge of the structured parking facility shall be precast or cast in place concrete, and the screening of cars on the upper floors of the structured parking facility shall be accomplished through the use of barrier panels designed as

a part of the structured parking facility. Cars located on the ground floor of the structured parking facility shall be screened through the use of landscaping.

6. Deleted Note 1f.
7. Deleted Note 1g, which stated that accessory buildings and structures located on the site shall not be considered in any limitation on the number of buildings on the site.
8. Specified that the maximum number of proposed units in Phase 1 and Phase 2 shall be 350.
9. Provided the typical Street A dimensioning approved with Petition 2013-23.
10. Maintain the street network shown on Petition 2013-23, as the Subdivision Ordinance requires three blocks and two streets along Providence Road. **Staff has rescinded this request. The Subdivision Ordinance for the street requirements was incorrectly applied based on the site location. Therefore, the proposed site plan complies with the Subdivision Ordinance.**
11. Amend the notes under Open Space/Tree Save Areas/Greenway Conveyance to specify that the open space area and access easement depicted on the rezoning plan will be dedicated and conveyed to County Parks and Recreation prior to the issuance of a certificate of occupancy for the first new building constructed in Phase 2.
12. Addressed Transportation comments as follows:
 - a. Retained the right-in/right-out driveway as currently depicted on the conditional site plan.
 - b. Modified Note 3c as follows: The estimated cost of installing a traffic signal at this location is \$80,000. Prior to the issuance of a building permit for the first new building constructed on the site the petitioner shall submit the sum of \$80,000 to CDOT for the potential traffic signal. This \$80,000 payment shall be held by CDOT for the first three year period commencing on the date of the issuance of the building permit for the first new building constructed on the site. If CDOT/NCDOT approved the installation of the traffic signal within this three year period, then the \$80,000 will be applied to the cost of installing the traffic signal. If CDOT/NCDOT does not approve the installation of the traffic signal within this three year period, then the \$80,000 payment shall be returned to the petitioner. CDOT and the petitioner shall enter into an escrow agreement to document this agreement. Notwithstanding the foregoing, in the event that CDOT and/or NCDOT determine prior to the expiration of the three year period that a traffic signal will not be installed at this location, then CDOT shall return the \$80,000 payment to the petitioner upon making such determination.

Update: The following items have been added or modified since the public hearing.

1. Added Note 1e as follows: Those buildings designated as Building 1,2,5,6, 12, 13 and 14 are located in a building envelope formed by the internal street to the east and the parking areas to the north, west and south. Building 1,2,5,6,12,13 and 14 may rotate and/or change locations within that building envelope at the option of the petitioner.
2. Amended Note 3(a)(vii) under Transportation to remove "prior to issuance of a building permit for the first building to be constructed on the site as part of the redevelopment."
3. Added Note g under Transportation as follows: The southernmost vehicular access point into the site from Providence Road shall be a private drive that extends from Providence Road, through the structured parking facility to the internal private street. A schematic design of this private drive is set out on the rezoning plan. This private drive will be open to the public for vehicular ingress and egress to and from the site.
4. Added Note 4d under Architectural Standards as follows: In addition to the design flexibility provided in paragraph c above, the exterior design of the building to be constructed on that portion of the site designated as Phase 1 may be modified to accommodate optional courtyards, recesses, modulations and other forms of building articulation.
5. Amended Note 4j under Architectural Standards as follows: Exterior dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate.
6. Added Note 5j under Streetscape, Buffers and Landscaping as follows: That portion of the four to five foot tall masonry wall located at the southern edge of the building to be constructed in Phase 1 that is depicted on the rezoning plan may be eliminated at the option of the petitioner.
7. Added Note 7c under Open Space/Tree Save Areas/Greenway Conveyance/Amenities as follows: The new amenity areas for the proposed multi-family residential community to be developed on the site shall be located generally in those areas depicted on the rezoning plan. The existing amenity areas located on that portion of the site designated as Phase 2 may remain in place until such time that Phase 2 is developed.
8. Added Note 8b under Signage as follows: Signage may be installed on the four to five foot masonry wall located at or in proximity to the site's frontage on Providence Road.

	<p>Update: The following items are outstanding:</p> <ol style="list-style-type: none"> 1. Amend Note 5e to reference Building 4 instead of Building 5. <p><u>Attachment 27</u> (City Council Agenda May 18, 2015)</p>
	<p>10. <u>Petition No. 2015-053</u> (Council District 6 – Smith) by Lat Purser & Associates for a change in zoning for approximately 0.37 acres located on the southwest corner at the intersection of Montford Drive and Park Road from O-2 (office) to MUDD(CD) (mixed use development, conditional).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Provided pedestrian ramps on the east and west side of the driveway along Montford Drive. Design should be coordinated with CDOT during the construction review process. 2. Amended the proposed zoning under the development summary to specify MUDD (CD) rather than MUDD. 3. Amended Note 4 to reduce the height of freestanding lighting to 20 feet. Removed language about “wall pak” lighting and replaced with the following “All lighting within the site shall be designed and shielded such that direct illumination does not exceed past any property line and shall be consistent with the zoning ordinance requirements.” 4. Expanded Note 7 to indicate the the existing landscaping. 5. Relocated the area proposed for roll-out waste bins onto the site. 6. Provided screening for the area set aside for roll-out waste bins. 7. Eliminated the signage from the building elevations/renderings. <p>The following issues remain outstanding:</p> <ol style="list-style-type: none"> 1. Remove the “retail” label from the building and replace with “proposed building.” 2. Specify that trash and recycling will be handled through the use of rollout containers. 3. Label the landscape along the western property line (i.e. existing hedge to remain) 4. Amend the Development Summary (Proposed Uses and Development Totals) or Note 3. so the proposed/allowed uses match. 5. Confirm that all parking spaces in the middle of the site are within 40 feet of a tree by showing tree islands or trees near the spaces. 6. Amend renderings to reflect the provision of recessed doors along Park Road per Section 9.8506 (2) (h) of the Zoning Ordinance. <p><u>Attachment 28</u> (City Council Agenda May 18, 2015)</p>
	<p>11. <u>Petition No. 2015-055</u> (Council District 7 - Driggs) by Providence Road Farms, LLC for a change in zoning for approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road from MUDD-O (mixed use development, optional) with 5-year Vested Rights to MUDD-O SPA (mixed use development, optional, site plan amendment) with 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition.</p> <p>Update: The following items have been addressed.</p> <ol style="list-style-type: none"> 1. Note 3(iii) has been modified to clarify that the proposed drive-thru use will not be allowed between the building and Ardrey Kell Road. <p><u>Attachment 30</u> (City Council Agenda May 18, 2015)</p>
	<p>12. <u>Petition No. 2015-056</u> (Council District 1 – Kinsey) by DPJ Residential, LLC for a change in zoning for approximately 1.92 acres located on the north side of Central Avenue between Nadina Street and Landis Avenue from B-1 (neighborhood business) and MUDD(CD) (mixed use development, conditional) to MUDD(CD) (mixed use development, conditional) and MUDD(CD) SPA (mixed use development, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p>

Update: The following issues have been addressed:

1. Labeled the additional building setback provided along Central Avenue.
2. Provided a note specifying that the existing billboard on the site will be removed.
3. Provided a detail of the retaining wall and fence along the rear property line that shows the height and materials of fence and the materials of the wall.
4. Amended the label for the loading space to read "striped temporary loading space."
5. Specified when the right-of-way will be dedicated.
6. Removed density from the Development Data Table because mixed use buildings use FAR.
7. Amended Note a under Environmental Features to refer to the Gold Line.
8. Amended the site plan to show dwelling units connecting to the internal sidewalk.
9. Amended Note h. under the Development Data Table so it matches the proposed commercial shell space and amenity area depicted on the site plan.
10. Amended Note k. under Development Data Table to say required parking per MUDD standards (1 space per residential unit and 1 space per 600 square feet of non-residential) and total parking provided 124 spaces.
11. Amended Note l. under Development Data Table to quantify the provided urban open space in the same method as reflected in the Zoning Ordinance.
12. Amended Note a. under Permitted Use to accurately reflect the uses proposed.
13. Deleted Note b. under Lighting as it is repeated.
14. Amended Note a. under Architectural Standards to say, "all units with frontage on Central Avenue have exterior balconies, stoops or patios."
15. Amended Note a. under Streetscape and Landscaping to read "Petitioner will provide street trees per the City of Charlotte Tree Ordinance within the planting strip as generally depicted on the site plan."
16. Removed RZ-01 as is it part of the rezoning application and not part of the site plan.

The following issues remain outstanding:

1. Delete the words "or existing requirements" from the last sentence of Note c. under General Provisions.
2. Move the "future curb line" to the back of the future curb and rename the label to "future back of curb."
3. Adjust the setbacks shown on the site plan to be measured from the back of the future curb rather than the edge of pavement.

Attachment 31 (City Council Agenda May 18, 2015)