

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, RM 280
November 30, 2016
4:30pm

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| | <p>1. <u>Petition No. 2016-053</u> (Council District 2 – Austin) by Brookline Residential, LLC for a change in zoning approximately 4.21 acres located on the west side of Reames Road between Lakeview Road and Anston Crossing Drive from MX-1 (Innov) (mixed use, innovative) to UR-2(CD) (urban residential, conditional) with five year vested rights.</p> <p>Agent: Anthony Fox (Parker Poe Adams & Bernstein, LLP)</p> <p><u>Attachment 23</u> (<i>City Council September 19, 2016</i>)</p> <p>Staff does not recommend approval of this petition.</p> <p>The following issues have been addressed:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> 1. The petitioner agreed to revise the site plan to show sidewalk utility easement contiguous to the public right-of-way. 2. The petitioner revised the site plan to label and dimension the future back of curb on Reames Road. 3. The petitioner removed "Transportation" Note 3 on Sheet RZ-1. 4. The petitioner agreed to revise the site plan by adding a conditional note that states: "The petitioner will provide for a 150-foot northbound Reames Road left-turn storage lane with appropriate bay taper length at Brookline Ridge Drive." 5. The petitioner revised the site plan to add a note specifying all transportation improvements will be constructed or secured by a bond or letter of credit prior to the issuance of the site's first certificate of occupancy is issued. 6. The petitioner identified the existing bus stop on Reames Road. <p><u>Infrastructure</u></p> <ol style="list-style-type: none"> 7. The petitioner provided documentation confirming no perennial or intermittent streams exist on the site. <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 8. Specified the maximum building number of stories on the site plan. Specifies maximum height of freestanding lighting will be 21 feet. <p><u>Environment</u></p> <ol style="list-style-type: none"> 9. Removed "tree save" label for the areas that do not meet the standards provided by Engineering and Property Management and confirmed that there is enough room for the required tree save on the site. <p>REQUESTED TECHNICAL REVISIONS</p> <ol style="list-style-type: none"> 10. The petitioner labeled/dimensioned the cross section as "public" and with a reference to the construction manual standard "CLDSM U-03". 11. The petitioner labeled/dimensioned the right-of-way on Reames Road. 12. The petitioner added a note to the site plan that all public rights of way proposed for this development shall be dedicated prior to issuance of the site's first building certificate or occupancy. <p>The following items are outstanding:</p> <p><u>Land Use</u></p> <ol style="list-style-type: none"> 13. The petition is inconsistent with the Northlake Area Plan land use recommendation of up to five dwelling units per acre. 14. In addition to the number of stories, the petitioner should specify the maximum building height in feet. 15. Address Building Placement and Site Design, and Blank Walls comments as |
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| | <p>previously identified in staff comments or provide actual elevations in addition to the images in the revised site plan.</p> |
| | <p>2. <u>Petition No. 2016-098</u> (Council District 3 – Mayfield) by WP Yancey, LLC for a change in zoning approximately 5.1 acres located on the west side of Old Pineville Road between Yancey Road and Southside Drive from I-2 (general industrial) to MUDD-O (mixed use development, optional).</p> <p>Agent: Walter Fields</p> <p><u>Attachment 24</u> (City Council November 21, 2016)</p> <p>Staff does not recommend approval of this petition.</p> <p>The following issues have been addressed:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. The petitioner has agreed to show and label required 16-foot setback along Old Pineville Road. 2. The petitioner modified the optional request to allow the building along Yancey Road to encroach into the required setback. 3. An optional request has been added to allow the existing streetscape and sidewalk along Old Pineville Road to remain. <p>The following items have been added since the public hearing:</p> <ol style="list-style-type: none"> 4. A possible access drive has been shown on the site plan. 5. Two possible locations for one 12 foot pedestrian/bicycle path have been show on the site plan. <p>The following items are outstanding.</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 6. Provide a detail showing location of requested option to modify and deviate from the required streetscape standards along Yancey Road. 7. Provide a detail of the pedestrian plazas and motor court/drop off. <p><u>Transportation</u></p> <ol style="list-style-type: none"> 8. Revise the site plan to incorporate a future street alignment section that mimics the intent of the future street alignment between Old Pineville Road and Dewitt Lane as shown in the Scaleybark Transit Station Area Plan. Per this area plan, street connections in the transit station area are the highest priority as these connections are needed to support high density development and to provide additional travel routes to relieve vehicular congestion and provide additional pedestrian friendly walking routes. CDOT can work with the petitioner to find an alignment that fulfills the intent of the area plan alignment without affecting the existing buildings that the petitioner proposes to retain and re-use. 9. CDOT is seeking additional information from the petitioner regarding the possible intensity of the site if it were developed under existing conditions. |
| | <p>3. <u>Petition No. 2016-119</u> (Council District 3 – Mayfield) by C.O. Ackerman, Jr. for a change in zoning approximately 3.62 acres located on the east side of Shopton Road between Pleasant Way Lane and Lebanon Drive from O-1 (CD) (office, conditional) to O-1 (CD) SPA (office, conditional, site plan amendment).</p> <p>Agent: Ty Shaffer (Robinson, Bradshaw & Hinson, P.A.)</p> <p><u>Attachment 25</u> (City Council November 21, 2016)</p> <p>Staff recommends approval of this petition.</p> |

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| | <p>The following issues have been addressed:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. Petitioner has modified Architectural and Design Standards Note 5A. to state as follows: <u>"The approved future office building shall be compatible with the historic nature of the 2 story home, using residential materials (masonry foundation, siding, shingle or 'tin' roof, residential windows and garage doors). Prior to the issuance of a building permit or other approvals authorizing the construction of the approved future office building, the petitioner shall apply to the Charlotte-Mecklenburg Historic Landmarks Commission for its review and, if necessary, approval of such plans."</u> 2. Petitioner has added the language from the previous rezoning prohibiting detached pole lighting other than typical single family residential style low pole lighting or residential style lighting attached to the structure. 3. The square footage of the proposed enclosed "pole barn" is now noted as 3,200 square feet. 4. Added the 3,500 square-foot four car garage and office, which have not been constructed, to the permitted uses in Note B under "General Provisions". Also, see Site and Building Design 1. Above. <p>REQUESTED TECHNICAL REVISIONS</p> <ol style="list-style-type: none"> 5. Petitioner has modified last sentence in General Provisions Note 1B. to read as follows: <u>"Pursuant to this rezoning petition, the petitioner is requesting an amendment of the original plan to accommodate use of the historically designated residence and the approved future office building for general and professional office uses and any incidental or accessory uses allowed in the O-1 zoning district, and also to accommodate the conversion and use of the existing open air pole barn constructed on the site by petitioner to an enclosed (i.e. walled) storage building, which will be an accessory use to the principal offices on the site."</u> <p>The following items have been added since the public hearing:</p> <ol style="list-style-type: none"> 1. Added Transportation Note 4.D. that states: <u>"Because the enclosed storage building may be used only for storage accessory to the permitted principal uses on the site, parking for its use will not be provided."</u> 2. Added Architectural and Design Standards Note 5.D. that reads: <u>"To the extent any changes are to be made to the existing structures on the site, the petitioner shall apply to the Charlotte-Mecklenburg Historic Landmarks Commission for its review and, if necessary, approval of such plans prior to issuance of a building permit or other approvals authorizing the construction of the improvements."</u> 3. Petitioner added a note specifying all transportation improvements will be constructed and approved before the site's first building certificate is issued or phased per the site's development plan. |
| <p>Requesting Deferral to January 4, 2017</p> | <ol style="list-style-type: none"> 4. <u>Petition No. 2016-117</u> (Council District 4 – Phipps) by ATAPCO UEP Inc. for a change in zoning approximately 4.51 acres located on the west side of North Tryon Street between E. McCullough Drive and Ken Hoffman Drive from O-15 (CD) (office, conditional) to TOD-M (CD) (transit oriented development - mixed-use, conditional). <p>Agent: John Carmichael (Robinson Bradshaw)</p> <p><u>Attachment 26</u> (City Council November 21, 2016)</p> |

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| | <p>5. <u>Petition No. 2016-130</u> (Council District 1 – Kinsey) by White Point Paces Properties for a change on zoning approximately 0.64 acres located on the south side of North Brevard Street between Belmont Avenue and Parkwood Avenue from R-8 (single family residential) to TOD-MO (transit oriented development – mixed-use, optional) with five year vested rights.</p> <p>Agent: John Carmichael (Robinson Bradshaw)</p> <p><u>Attachment 28</u> (City Council November 21, 2016)</p> <p>Staff recommends approval of this petition.</p> <p>The following issues have been addressed:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> 1. Staff has rescinded the request for the petitioner to remove conditional Note 2F(3). 2. Amended Note 6B(2)(a)(i) to provide a full local office/commercial wide street cross-section. <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 3. Amended Note 6B (2)(a)(iii) under “Streetscape/Landscaping/Open Space” to note that the streetscape along Belmont Avenue will be built to the standards of the ordinance at the time of construction, of such streetscape improvements. Notwithstanding the foregoing, any ground floor use designed for nonresidential use will have tree grates or eight foot by 16 foot open tree wells in lieu of a planting strip if on-street parking is present. <p>The following items have been added or amended after the public hearing:</p> <ol style="list-style-type: none"> 4. Added Note 6C as follows: Prior to the issuance of the first certificate of occupancy for the Mill Buildings (as defined on the approved conditional rezoning plan for Petition 2016-29) the petitioner shall file with the Planning Department a request for an administrative amendment to the approved conditional rezoning plan relating to Petition 2016-29 to provide as follows: <ol style="list-style-type: none"> (i) Upon the redevelopment of Development Area B2 (as defined on the approved conditional rezoning plan for Petition 2016-29), Petitioner shall complete the following along Development Area B2’s frontage on Belmont Avenue prior to the issuance of the first certificate of occupancy for a new structure on Development Area B2: (ii) Dedicate and convey to the City (subject to reservation for any necessary utility easements) those portions of Development Area B2 located immediately adjacent to Belmont Avenue that are necessary to provide the full right-of-way required for the local office/commercial wide street section based upon an asymmetrical widening. (iii) Install new curb and gutter in the location required for the office/commercial wide street section. (iv) Install an eight-foot wide planting strip and an eight-foot wide sidewalk. |
| | <p>6. <u>Petition No. 2016-136</u> (Council District 1- Kinsey) by Gateway Communities NC, LLC for a change in zoning approximately 0.68 acres located on the west side of North Brevard Street between Faison Avenue and East 33rd Street from I-2 (general industrial) to TOD-R-O (transit oriented development - residential, optional).</p> <p>Agent: James P. (Chip) Cannon</p> <p><u>Attachment 30</u> (City Council November 21, 2016)</p> |

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| | <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>The following issues have been addressed:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> 1. The petitioner revised the site plan and "Transportation" Note 4B to call out a specific pavement structure that is different than the standard commercial wide standard. The proposed pavement structure for the proposed local public street shall be 8" B25.0C, 4" of I19.0C, and 3" of S9.5C and should be placed on a proof-rolled and 100% compacted subgrade to accommodate maintenance vehicles. 2. The petitioner revised the site plan to depict and label "head-in" angle parking on the west side of the proposed public street. <p><u>Environment</u></p> <ol style="list-style-type: none"> 3. Amended Note 7A to delete the following: The City of Charlotte will be responsible for the installation of the remaining width of the trail, which is not located within the site, and will be responsible for maintenance of the multi-use trail. <p>The following items are outstanding:</p> <p><u>Land Use</u></p> <ol style="list-style-type: none"> 4. Amend "Development Summary" to reflect proposed zoning as TOD-R-O (transit oriented development – residential, optional). 5. Add a note that the proposed public street will be platted prior to the issuance of the certificate of occupancy for the proposed structure 6. The petitioner should revise the site plan to add a note specifying all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan. <p><u>Transportation</u></p> <ol style="list-style-type: none"> 7. The petitioner should revise the site plan to add a note specifying all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan. 8. Revise Note 4B to clarify that developer's agreement is for property access only and all costs for construction of new public street are the responsibility of the petitioner. 9. Increase back of curb sidewalk width to eight feet on the western edge (by parking). |
| | <p>7. <u>Petition No. 2016-137</u> (Council District 6 – Smith) by Kyle Short for a change in zoning approximately 1.57 acres located on the south side East Woodlawn Road between Old Woods Road and Fairbluff Place from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Agent: James P. (Chip) Cannon</p> <p><u>Attachment 31</u> (City Council November 21, 2016)</p> <p>Staff recommends approval of the petition.</p> <p>The following issues have been addressed:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. Staff rescinded the request to provide a privacy fence along the eastern property line consistent with the previously approved rezoning site plan because the petitioner has committed to providing a 10-foot wide buffer with trees and shrubs planted according to the Class C buffer standard. The |

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| | <p>petitioner has further specified that shrubs will be evergreen and selected to attain minimum 8-feet in height at the time of maturity. Additionally, the site plan is designed so that only garages abut the eastern property line and the garages are limited in height to a maximum of 28 feet.</p> <p>REQUESTED TECHNICAL REVISIONS</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 2. Amended the "Permitted Uses" to reflect the reduction of units from 14 to 11. 3. Amended the maximum height of detached lighting from 20 feet to 21 feet to reflect industry standards. 4. Amended the "Development Summary" to add "and not to exceed three stories" to the building height. <p><u>Environment</u></p> <ol style="list-style-type: none"> 5. Removed Note 2 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 Stormwater Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points." |
| | <p>8. <u>Petition No. 2016-142</u> (Council District 3 – Mayfield) by Patrick J. Staub & Beatriz C. Staub for a change in zoning approximately 0.33 acres located on the east side of South Tryon Street between West Summit Avenue and West Bland Street from NS (neighborhood services) to TOD-M (transit oriented development - mixed-use).</p> <p>Agent: None listed</p> <p><u>Attachment 32</u> (City Council November 21, 2016)</p> <p>Staff recommends approval of this petition.</p> <p>This is a conventional petition with no associated site plan.</p> |
| Requesting Deferral to January 4, 2017 | <p>9. <u>Petition No. 2016 – 097</u> (Council District 6 – Smith) by Simonini Saratoga, LLC for a change in zoning approximately 4 6.32 acres located on the east side of Sharon Lane between Providence Road and Heathmoor Lane from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Agents: Jeff Brown, Keith MacVean, & Bridget Dixon</p> <p><u>Attachment 29</u> (City Council October 17, 2016)</p> |
| Requesting Deferral to January 4, 2017 | <p>10. <u>Petition No. 2016-115</u> (Council District 4 – Phipps) by Crescent Communities for a change in zoning approximately 37.54 acres located on the south side of West Mallard Creek Church Road between Senator Royall Drive and Claude Freeman Drive from RE-3(O) (research, optional) to RE-3(O) SPA (research, optional, site plan amendment).</p> <p>Agents: Jeff Brown, Keith MacVean, & Bridget Dixon</p> <p><u>Attachment 22</u> (City Council November 21, 2016)</p> |

11. [Petition No. 2016-133](#) (Council District 3 – Mayfield) **by K & H Development, Inc.** for a change in zoning approximately 3.58 acres located on the east side of South Tryon Street across from Wright's Ferry Road from O-1 (CD) (office, conditional) to BD (CD) (distributive business, conditional).

Agents: Jeff Brown, Keith MacVean, & Bridget Dixon

[Attachment 29](#) (City Council November 21, 2016)

Staff recommends approval of this petition.

The following issues have been addressed:

[Transportation](#)

1. The petitioner has revised the site plan to show the front of proposed sidewalk at 61 feet from the centerline of the existing road and sidewalk utility easement two feet behind back of sidewalk.
2. The petitioner has revised site plan to show the possible access to the adjacent property to the west.

[Environment](#)

3. Site plan now shows "targeted tree save area". Site plan provides notes intent to comply with tree ordinance, and that tree save area will be calculated based on the gross acreage (acreage before additional right-of-way is dedicated).
4. Petitioner has added a note stating intent to submit, as part of the land development process for the site, a tree survey for all trees that are two (2) inches or larger located in the rights-of-way of S. Tryon Street. In addition, the survey will include all trees that are eight (8) inches or larger in the setback of S. Tryon Street.
5. Parcel 219-121-12 is adjacent to the Walker Branch Tributary Greenway corridor as indicated on the 2014 Mecklenburg County Park and Recreation Master Plan. We request the petitioner dedicate and convey the 35-foot SWIM Buffer to Mecklenburg County for future greenway use. Mecklenburg County Park and Recreation would like to encourage the Petitioner to meet with us to further discuss the importance of this greenway connection to the development and why the dedication of the 35-foot SWIM Buffer would be necessary.

[REQUESTED TECHNICAL REVISIONS](#)

6. The proposed "Class B" buffer should be 30.75 in width if reduced with fence, not 28.5 feet. The "Class C" buffers should be 24 feet wide (not 22 feet) and 18 feet, if reduced with a fence, not 16.5 feet. Revise site plan accordingly.