

REQUEST Current Zoning: R-8MF(CD) (multi-family residential, conditional)
Proposed Zoning: NS (neighborhood services)

LOCATION Approximately 3.78 acres located on the west side of Lancaster Highway between Southcrest Lane and Winghurst Drive. (Outside City Limits)

SUMMARY OF PETITION The petition proposes to develop a mixture of office and residential uses, consisting of 10,000 square feet of office uses and up to 24 residential dwelling units, at a density of 10 dwelling units per acre.

PROPERTY OWNER Notion Properties, LLC
PETITIONER Southern Apartment Group – Ballantyne, LLC
AGENT/REPRESENTATIVE Jeff Brown and Keith MacVean, Moore & Van Allen

COMMUNITY MEETING Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12

STATEMENT OF CONSISTENCY This petition is found to be inconsistent with the *General Development Policies*, based on information from the staff analysis and the public hearing, and because:

- The *General Development Policies* recommend six dwelling units per acre.

However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The site provides a mixture of uses; and
- The proposed uses are reasonable and similar to existing uses in either direction along Lancaster Highway; and
- The proposed uses are in scale with the surrounding community.

By a 6-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. The parking ratio has been amended from 1.0 space for each 300 gross square feet of office use to 1.0 space for each 350 gross square feet of office use.
2. Provided a color version of the conceptual site plan.

VOTE

Motion/Second:	Nelson/Ryan
Yeas:	Dodson, Eschert, Labovitz, Nelson, and Ryan, Sullivan
Nays:	None
Absent:	Walker
Recused:	None

ZONING COMMITTEE DISCUSSION Staff explained that the subject property is located within a portion of unincorporated Mecklenburg County designated as the Sphere of Influence of the Town of Pineville. To date the Town of Pineville has not accepted jurisdiction over the property.

Staff provided an overview of the petition indicating that the proposed development density of 10 dwelling units per acre is inconsistent with the General Development Policies, which only support a density up to six units per acre. In addition, the office component was not included in the prior rezoning and is out of character with the surrounding residential dwellings.

A committee member stated that the proposed buildings are in character with the surrounding residential, and the petition proposes a good mixture of uses in the midst of residential uses, and the layout with office uses fronting the street is preferable. A committee member pointed out that there are office, multi-family, retail uses and a sewage treatment facility north and south of the site along Lancaster Highway in the vicinity of the petition site, and commented that it would be good to see this site developed. Another member stated that the proposed use fits in with the character of the surrounding single family residential and office uses. A member questioned the change of the parking ratio. The petitioner’s agent, Keith MacVean responded that the parking ratio had been reduced slightly to move parking areas farther away from the abutting residential uses and to create more green space.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee because the proposed development density of 10 dwelling units per acre is inconsistent with the General Development Policies, which only support a density up to six units per acre. In addition, the office component was not included in the prior rezoning and is out of character with the surrounding residential dwellings.

**FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)**

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 24 multi-family residential dwelling units, not to exceed three stories and 40 feet in height. Residential units to be located at rear of site.
- Maximum 10,000 square feet of general and medical office uses, not to exceed one story and 30 feet in height. Office uses to be located at front of site along Lancaster Highway.
- Providing 1.5 parking spaces per dwelling unit and 1.0 space per 350 square feet of office use.
- No more than four principal buildings.
- Building elevations for the proposed apartment units and office facilities.
- Surface parking not allowed between Lancaster Highway and the proposed buildings.
- Up to 50 feet of right-of-way from the centerline of Lancaster Highway will be dedicated.
- Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum prohibited as an exterior building material but may be used on windows, soffits and handrails/railings.
- No spans of blank articulated walls greater than 20 feet allowed along Lancaster Highway.
- A 10-foot wide Class C buffer, with a decorative solid six-foot high fence, will be provided along the site’s perimeter.
- Open space areas improved with seating and landscaping.
- Detached lighting not to exceed 15 feet in height.

• **Public Plans and Policies**

- The subject property is located within a portion of unincorporated Mecklenburg County designated as the Sphere of Influence of the Town of Pineville. To date, the Town of Pineville has not accepted jurisdiction over the property. There is no adopted plan that specifically addresses this site. The existing conditional site plan for the site, rezoned via Petition 2008-001(c), allowed 22 dwelling units, at a density of six dwelling units per acre. This density is consistent with the General Development Policies (GDP), which support residential density up to six units per acre for this site.

Assessment Criteria	Density Category - >6 up to 8 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	2 (Med - Low)

Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Total Points Needed: 11	Total Points: 11

- The petition is inconsistent with the *General Development Policies* locational criteria.
- There is no County adopted policy basis upon which to judge the application, except for the prior rezoning of the site, which allows a maximum of six dwelling units per acre. In addition, the proposed development density of 10 dwelling units per acre is inconsistent with the *General Development Policies* locational criteria, which only support a density up to six units per acre. In addition, the office component was not included in the prior rezoning and is out of character with the surrounding residential dwellings.

DEPARTMENT COMMENTS (see full department reports online)

- **Transportation:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate nine students, while the development allowed under the proposed zoning will produce 11 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is two students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Eliminate the office uses and reduce the density of the residential.

Attachments Online at www.rezoning.org

- Application
- Pre-hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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