

REQUEST	Current Zoning: R-3 (single family residential) and MX-2 (mixed use) Proposed Zoning: O-1(CD) (office, conditional)
LOCATION	Approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes an office development limited to 50,000 square feet.
PROPERTY OWNER	H. Melvin Johnston, Yvonne R. Johnston and Owners Association Princeton at South Hampton
PETITIONER AGENT/REPRESENTATIVE	George Macon N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4.
STATEMENT OF CONSISTENCY	<p>This petition is found to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The Plan recommends single family residential uses for the site. <p>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:</p> <ul style="list-style-type: none"> • The size of the site, orientation towards thoroughfares and isolation from adjoining parcels make developing stand-alone single family homes difficult; and • The proposed office use serves as a transition from the commercial uses; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to APPROVE this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Note D3 has been modified to read, "No parking will be allowed between the building and the public streets." 2. Staff has rescinded the request to modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area. 3. The proposed uses have been modified to include "clinics, financial institutions, medical, dental and optical laboratories, child care centers, barber and beauty shops, and studios. Restaurants have been modified to "Eating, Drinking, and Entertainment Establishments (Type 1)." 4. Building elevations for the proposed office buildings and childcare center have been provided. 5. The proposed three building footprints have been shown within the building envelope. 6. Note H.2 has been modified to indicate that the dumpster location shown on the plan has been agreed upon with the Southampton Home Owners Association. If there is any modification of the dumpster location, the petitioner will submit and provide to staff a letter from the Southampton HOA agreeing to the changes. 7. Development Conditions have been amended to include the MX-2 district under proposed zoning and the accompanying parcel number. 8. The Class "C" buffer has been show on the plan and the alternative buffer request has been submitted to the City of
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	Charlotte Zoning Administrator.
9.	Sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway have been shown on the plan.
10.	Clarified that street trees will be provided along Marvin Road and Ardrey Kell Road.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff reviewed this petition noting how the outstanding issues had been addressed. The petition is inconsistent with the *South District*.

The Commission asked about the consistency with the district plan and traffic concerns. Staff noted that the plan recommends single family residential; however, the petitioner restricted the uses to those that are less intensive. CDOT staff responded that the increase in traffic did not merit a traffic study and that the traffic from this development could be addressed through traffic congestion management strategies.

Another Commissioner asked the status of an area plan update for this area as there has been a lot of development recently. Staff noted that it has been identified as a part of the larger Ballantyne area, which has been identified as a potential area for an update, but at this time an update has not been scheduled. Staff is also looking at possible ways to comprehensively update plans throughout our community without going through the traditional area planning process.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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 50,000-square foot office development to allow general office, clinics, financial institutions, medical, dental, and optical laboratories, childcare centers, barber and beauty shops, and studios. Retail and Eating, Drinking and Entertainment Establishments (Type 1) may be permitted as accessory uses per the zoning ordinance.
- Maximum of three buildings to front along Marvin Road.
- Eight-foot planting strip and six-foot sidewalk along Marvin Road and Ardrey Kell Road.
- Proposed buildings will be constructed out of brick and glass, with stone and EIFS accents.
- Buildings will utilize four-sided architecture.
- No drive-through facilities will be permitted on the site.
- Access to the site via Marvin Road and Ardrey Kell Road.
- Street trees along Marvin and Ardrey Kell Road will match the adjacent street trees.
- In areas where proposed buildings do not currently exist, landscaping and tree plantings equal to a ten-foot buffer will be used to screen any parking until future buildings are constructed.
- Building elevations have been provided for the proposed office buildings and childcare center.
- Three building footprints are been shown with the building envelope.
- No parking will be allowed between the buildings and the public streets.
- Blank walls of more than 20 feet in length are prohibited and will be broken up by using windows and architectural elements.
- Freestanding lighting will utilize full cut-off light fixtures and are limited to 25 feet in height.
- A 50-foot Class "C" buffer abutting residential zoning to the east will be installed if the existing buffer cannot be used for the "Alternative" buffer.

• **Public Plans and Policies**

- The *South District Plan* (1993) recommends single family use for the subject property.
 - This petition is inconsistent with the *South District Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **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.
 - **Urban Forestry:** No issues.
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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.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools 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
- Urban Forestry Review

Planner: Solomon Fortune (704) 336-8326