

REQUEST	Current Zoning: B-1(CD) (neighborhood business, conditional) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to allow the development of a multi-use community consisting of up to 15,000 square feet of non-residential uses and up to 194 residential units.
PROPERTY OWNER	Harris Teeter, LLC, CMH-DWH Ballantyne, LLC, and Terwilliger Pappas Multifamily Partners, LLC
PETITIONER AGENT/REPRESENTATIVE	Terwilliger Pappas Multifamily Partners, LLC Jeff Brown & Keith Mac Vean / Moore Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 44
STATEMENT OF CONSISTENCY	<p>The retail portion of this petition is found to be consistent with the <i>South District Plan</i>; however the residential portion 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 retail uses for the subject properties. <p>However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed site plan moves the retail component to the corner of two major thoroughfares; and • The proposed site plan integrates the residential component which provides a transition to the adjacent single family properties; and • The addition of the residential component results in a multi-use development, which is consistent with the intent of the NS (neighborhood services) district; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <p>Development Area A:</p> <ol style="list-style-type: none"> 1. A note has been added to prohibit the following uses from the site plan: gasoline sales, with or without convenience stores, and automotive uses. 2. A note has been added stating that solid waste/recycling areas will not be allowed to abut Community House Road or Bryant Farms Road unless such areas are enclosed by a wall treatment similar to the architecture of the building. 3. A note has been added that a five-foot sidewalk will be provided to create pedestrian connections between the multi-family component and the non-residential uses. <p>Development Area B:</p> <ol style="list-style-type: none"> 4. Dumpster locations for Area B have been shown on the plan. 5. A note has been added that buildings in Area B will be 25 percent masonry material on each side. 6. The dog walk area referenced in Note 2.D has been labeled on the plan. 7. The possible additional garages have been shown on the plan located along the rear property line.
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8. Detail of the required plantings for the 25-foot landscape buffer has been shown for Area B.
9. Note 5.C has been removed.
10. A note has been added that the site will comply with the Post Construction Control Ordinance.
11. Multi-Family Design Guidelines for Development Area B:
 - a. Building facades shall front on and address the external and internal streets to reinforce the streetscape.
 - b. Building footprint shall be arranged to enclose and define a variety of public and private spaces, courtyards, open space and green space.
 - c. Provided an ADA accessible path that is connected to the street sidewalk system to provide wheelchair access to the residential building.
 - d. Architectural façade treatment shall be similar on all sides of the apartment buildings.
 - e. Facades along external and internal streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone.
 - f. The principal building entrances shall be articulated to identify them as a primary entry point.
 - g. Exterior elevations shall incorporate a variety of architectural features such as balconies, patios, windows, doors, columns, common building doorways, covered entrances, pitched roofs and parapets at flat roof areas to provide architectural scale and detail.
 - h. Windows and doors shall account for at least 25% of the total facade area along the external and internal streets, with each floor calculated independently from floor to ceiling.
 - i. Windows shall have a vertical orientation with their height greater than their width.
 - j. For street facades, the maximum length without a window or door on any floor shall not exceed 25 feet.
 - k. Street facades shall incorporate projections and/or indentations so that the maximum length without such an offset in the façade is 100 feet. The minimum depth of such required offsets shall be 12 inches from frame wall to the frame wall. For street facades over 100 feet, at least 15% of the total façade length shall be offset from the primary façade plane.
 - l. Exterior materials of buildings along the external and internal streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, fiber cement siding or panels, glass, or granite. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, exposed plywood, and exposed pressboard are prohibited. However, vinyl as a building material may be used on windows, soffits, and on handrails/railings.
 - m. Exterior walls of a single building shall utilize a maximum of five primary building materials (textures, colors, etc.). This requirement shall not include secondary materials such as windows, doors, porches, balconies, foundations, awnings or architectural details.
 - n. Materials may be combined horizontally or vertically. A visually heavier material (such as brick or stone) shall be used below a lighter material (such as siding or stucco).
 - o. Accessory structures, such as garages, shall be consistent with the principal building in material, texture, and color, but may have simplified architectural detailing and features.
 - p. Concrete foundations, if more than 8" is exposed above grade, shall be coated or faced in stucco, brick, synthetic stone, or natural stone.
 - q. Pitched roofs shall have a minimum slope of 4:12. Pitched roof materials may include slate, wood shingles, standing seam

- pre-finished metal, architectural composition or asphalt shingles.
- r. Vents, stacks, and roof fans in pitched roof shall be painted to blend with the roof color to minimize their visibility from external streets.
 - s. Flat roofs shall be screened from view from external and internal streets by a parapet.
 - t. Roof top condensing units and other equipment shall be screened from the external and internal streets by a parapet or other architectural feature such as a chimney.
12. A clarification and addition to the required buffer planting along the existing single-family development.
- a. A modified 40-foot Class "C" Buffer will be provided where Development Area B abuts existing single family homes as generally depicted on the Rezoning Plan and such buffer shall be installed prior to the issuance of the first certificate of occupancy for the first principle building on Development Area B. The outer 25 feet of this Buffer will be an undisturbed Buffer, and existing vegetation preserved within this portion of the Buffer may be used to meet minimum Buffer planting requirements. To create an effective and enhanced Buffer treatment that is unique and responsive to the existing conditions around the perimeter of the Site, the proposed Buffer will be enhanced in three different ways (Otterdale Court Buffer, Buffton Court Buffer and Moss Mill Lane Buffer) as described below:
 - i. The portion of the Buffer known as Otterdale Court Buffer will be improved with: (i) small maturing evergreen trees eight (8) feet on center, the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class "C" Buffer shrub requirement); and (ii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer and the small maturing evergreen trees will be located between the fence and the adjoining property line; the evergreen trees will be arranged as generally depicted on the rezoning plan;
 - ii. The portion of the Buffer known as Buffton Court will be improved with: (i) ten (10) small maturing evergreen trees per 100 linear feet, the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class "C" Buffer shrub requirement); (ii) no less than three (3) one-story garages will be placed at the edge of the buffer to create a solid wall; (iii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer and between the proposed garages of the Buffer; the small maturing evergreen trees will be located between the fence and the adjoining property line. The small maturing evergreen trees will be arranged within the buffer to maximize the screening of the Site from the adjoining single-family homes; and
 - iii. The portion of the Buffer known as Moss Mill Lane Buffer will be improved with: (i) small maturing evergreen trees (the number of small evergreen trees to be planted will be calculated at the rate one (1) tree every eight (8) feet along the length of the Buffer), the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class "C" Buffer shrub requirement); (ii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer; the small maturing evergreen trees will be located in the undisturbed portion of the buffer and arranged to maximize their effectiveness at screening

the Site from the adjoining single-family homes; (iii) no less than one (1) one story garages will be placed at the edge of the buffer to create a solid wall; and (iv) a row of evergreen shrubs will be placed between the proposed parking spaces and the decorative aluminum fence as generally depicted on the rezoning plan.

b. Utilities may cross the Buffer at angles of 75 degrees or greater. Retaining walls may be located in the Buffer but not in the undisturbed portion of the buffer.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that staff was recommending a deferral since there was still several outstanding issues that needed to be addressed for Development Area A. One Commissioner asked why the deferral was needed. Staff responded and stated would like to see a higher level of detail for Development Area A. It was also stated that the petitioner has restricted automobile repair and gas stations uses and limited the site to one drive-thru from allowed on Development Area A. Several Commissioners felt that the notes and restrictions are better than what was approved in 1991 and felt there was no need for a deferral. They also acknowledged that Development Area A is not owned by the petitioner who is proposing the development for Development Area B. There was no further discussion of this petition.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee and recommends that the outstanding issues be addressed prior to City Council approval.

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

PLANNING STAFF REVIEW

• **Background**

- Petition 1991-037(C) for this site approved up to 70,000 square feet of B-1 uses with the following provisions:
 - A 50-foot landscape buffer along North Community House Road.
 - A 40-foot front setback along Bryant Farms Road.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows for 15,000 square feet of non-residential uses and 194 units at a density of 19.4 units per acre within two development areas.
 - Area "A," which allows non-residential uses:
 - Maximum of two buildings.
 - Non-residential buildings limited to two stories in height.
 - A note limiting the site to one accessory service window.
 - A note that limits access to development Area "A" from the internal drive.
 - Area "B," which allows for residential development:
 - Residential buildings limited to three stories in height.
 - One-story garages associated with the residential units.
 - Residential building elevations.
 - Maximum of three buildings in development Area "B."
 - Possible residential building materials that will consist of brick, stone, pre-cast concrete, pre-cast stone, cementitious siding, stucco, EIFS, and decorative block.
 - Detached lighting in Area "B" will be limited to 15 feet in height between the building

- and any exterior property line but 20 feet internal to the site.
 - A 40-foot landscape buffer, of which 25-feet will be undisturbed, adjacent to the existing single family.
 - A minimum of 1.25 parking spaces per residential unit.
 - General:
 - A 25-foot landscape buffer along North Community House Road and Bryant Farms Road.
 - Eight-foot planting strip and six-foot sidewalk along all public streets.
 - A public or private street internal to the site.
 - Prohibition of vinyl as a building material except for window trim and soffits.
 - Enhanced landscape buffer/planting note with specific plantings.
 - Attached and detached lighting will be fully screened and will use full cut-off fixtures.
 - Access to the site via North Community House Road and Bryant Farms Road.
 - Transportation improvements:
 - Proposed leftover along North Community House Road.
 - Southbound directional crossover on Community House Road.
 - Proposed right-turn lane into the site's northernmost driveway.
 - Proposed deceleration lane with 50 feet of storage along Bryant Farms Road.
 - **Public Plans and Policies**
 - The *South District Plan* (1993) recommends retail for the subject property. The area plan references the residential locational criteria of the *General Development Policies* (2003) to assess density of proposed development.
 - The *General Development Policies* (2003) support residential densities up to six dwelling units per acre for the site.
 - The proposed retail use is consistent with the land use recommendations of the *South District Plan*; however, the proposed residential use is inconsistent with the land use recommendation of the *South District Plan* and the *General Development Policies*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **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

- The petitioner should:
 1. Add a note that commits to placing the building(s) along Community House Road and Bryant Farms Road, with no parking located between the building(s) and the streets.
 2. Provide minimum standards for blank walls visible from Community House Road and Bryant

- Farms Road, with facades greater than 20' in length and over 5' in height treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.
3. Add a note that where a drive-through window is allowed, only the drive-through service lane (no parking) may be located between the building and North Community House Road and Bryant Farms Road, and that low walls and accent plantings be provided when maneuvering is located in this area.
 4. Commit to not orienting the service side of the building(s) to Community House Road or Bryant Farms Road.
 5. Amend Note 5.B and site plan to remove the allowance for parking in the 25-foot setback for Area "A."
 6. Provide detail of the proposed landscape setback for Area "A."
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System 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