

<b>REQUEST</b>	Current Zoning: B-1(CD), neighborhood business, conditional Proposed Zoning: NS, neighborhood services
<b>LOCATION</b>	Approximately 10 acres located on the northeast at the intersection of North Community House Road and Bryant Farms Road. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	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.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon the resolution of the outstanding issues. The non-residential portion of this petition is consistent with the retail land use recommendation in the <i>South District Plan</i> , but the residential portion is inconsistent with the area plan. Although the proposed development is not consistent with the <i>South District Plan</i> , if the significant outstanding design issues for the non-residential component are addressed, the development will provide a well-designed and integrated multi-use development.
<b>PROPERTY OWNER</b>	Harris Teeter, LLC, CMH-DWH Ballantyne, LLC, and Terwilliger Pappas Multifamily Partners, LLC
<b>PETITIONER</b>	Terwilliger Pappas Multifamily Partners, LLC
<b>AGENT/REPRESENTATIVE</b>	Jeff Brown & Keith Mac Vean / Moore Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 44

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 1991-037(C) 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 screen and full cut off fixture.
  - 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 northern most driveway.
    - Proposed deceleration lane with 50 feet of storage along Bryant Farms Road.
- **Existing Zoning and Land Use**
  - The subject property is currently zoned B-1(CD) (general business, conditional) and is vacant. The properties to the north, east, and west are zoned R-3 (single-family) and R-12 PUD (single family residential, planned unit development) and developed with residential structures and a school. The property to the south is zoned INST (institutional) and developed with institutional uses for the YMCA.
- **Rezoning History in Area**
  - There have been no rezonings in the immediate area in recent years.
- **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 is consistent with the land use recommendations of the *South District Plan*; however, the proposed residential is inconsistent with the land use recommendation of the *South District Plan* and the *General Development Policies*.

Assessment Criteria	Density Category - over 17 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	1 (Low)
Road Network Evaluation	0 (No)
<b>Design Guidelines</b>	<b>4 (Yes)</b>
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 14</b>	<b>Total Points: 10</b>

**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.
  - **Vehicle Trip Generation:**  
 Current Zoning: 8,100 trips per day.  
 Proposed Zoning: 3,100 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 38 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 38 students.
- **Charlotte-Mecklenburg Storm Water Services:** Petitioner should remove notes 6c and 6d under

“Environmental Features” in their entirety.

- **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.

#### **OUTSTANDING ISSUES**

- Development Area A
  - The petition lacks the detail typically included on a conditional rezoning for the approximately two-acre portion of the site that is located at the intersection of North Community House Road and Bryant Farms Road and is proposed for non-residential uses. There are, however, sufficient details provided for the remainder of the site planned for multi-family. These details include a site plan, elevations, and architectural commitments.
  - Conditional rezonings typically include:
    - Detailed site plan and conceptual elevations with supplemental notes to support the intent of the illustrations, or
    - Detailed notes that address permitted uses, building placement, building orientation, parking location, service and dumpster locations, pedestrian amenities, drive thru circulation and screening, lighting heights specifically when adjacent to residential, and architectural treatment.
  - Additional details are needed for the non-residential portion of the proposed rezoning to ensure that the site design is consistent with the purpose of the NS (neighborhood services) zoning district to encourage and accommodate the development and continued existence of mixed use districts, which provide a focus for neighborhood retail and service activities. Emphasis in the district is placed upon creating a pedestrian scale urban environment with strong linkages to the neighborhood and access to transit.
  - Specifically, the petitioner should:
    1. Prohibit the following uses from the site plan: gasoline sales, with or without convenience stores, and automotive uses.
    2. 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.
    3. 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.
    4. 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.
    5. Commit to not orienting the service side of the building(s) to Community House Road or Bryant Farms Road.
    6. Add a note 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.
    7. Commit to providing pedestrian connections between the multi-family component and the non-residential uses.
    8. Amend Note 5.B to remove the allowance for parking in the 25-foot setback for Area “A”.
- Development Area B  
The petitioner should:
  10. Label possible dumpster locations for Area “B”.
  11. Add a note that buildings in Area “B” will be 30 percent masonry material on each side.

12. Show and label location of dog walk area referenced in Note 2.D.
13. Show where additional garages may be located along the rear property line.
14. Provide detail of the required plantings for the 25-foot landscape buffer.

- Additional Issues

The petitioner should:

15. Amend Note 5.C to remove the following: "The petitioner may also post a bond for these improvements in order to allow the certificates of occupancy to be issued".
  16. Address Storm Water comment.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- 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