

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to develop the subject property with up to 30,000 square feet of uses permitted in the office district that are also permitted in the NS (neighborhood services) district, personal services, and wireless phone service provider uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	North Carolina Department of Transportation Lenox Development Group, LLC 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: 25
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 <i>South District Plan</i> recommends residential land uses at up to three dwelling units per acre; and • The <i>General Development Policies</i> support residential densities up to eight dwelling units per acre for this 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 site is a remnant parcel of Ardrey Kell Road right-of-way; and • The site is located outside a retail center and adjacent to residential; and • The proposed small office development with limited retail uses is sensitive in form to the surrounding residential properties and provides a buffer and transition to the major thoroughfare; and • A wireless phone service provider is the only allowed retail use on the site. <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Limited permitted uses to personal services, uses allowed in the office district that are also allowed in the NS district, and wireless phone service providers, which is the only retail use allowed on the site. 2. Committed building design to be residential in character by amending Note 4b to reduce the required amount of fenestration for building facades facing Ardrey Kell Road from 40 percent to 20 percent. Also added note to building elevations to state "the architectural design may differ from building to building but will be compatible in scale and material types with complementary color pallets, with possible different fenestration sizes and types. Building character will relate to Blakeney nonresidential areas and façade articulation may be in keeping with more general office and medical office fenestration requirements." Deleted signage from the building elevations.
------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

3. Amended Note 7b as follows: "The allowed wall signage constructed on the site will utilize similar and/or complementary colors so as to create a cohesive appearance."
4. Amended Prohibited or Limited Uses to specify eating/drinking/entertainment establishments Type 1 and 2 as a prohibited use.
5. Amended Sheet RZ-002a to reflect relocated area for the trash and recycling enclosure, location of a proposed chain link security fence, location of an existing berm that is to remain, and fence elevations.
6. Amended Note 1d to reduce the total number of principal buildings from four to three.
7. Amended Note 2a to list wireless phone service providers as a permitted use.
8. Amended Note 2b to specify a minimum of 50 percent of the allowed square footage must be occupied by uses allowed in the Office zoning district that are also allowed in the NS zoning district. The other 50 percent of the uses may be a combination of personal service uses (as defined in the site plan), (ii) a wireless phone service provider; and uses allowed in the office zoning district that are also allowed in the NS district.
9. Added Note 5d as follows: "The petitioner will install a five foot black vinyl coated chain link fence across the tree save area at the western edge of the property as generally depicted on the rezoning plan. The black vinyl chain link fence will tie into the decorative wooden fence located within the buffer and extend to the site's western property boundary."
10. Amended Note 5h to add the following: "The proposed dumpster and recycling area will be located along the western property boundary as generally depicted on the rezoning plan."
11. Added Note 6b as follows: "The petitioner was granted a variance to reduce the PCCO buffer required along the western property boundary to a 100 foot buffer. The variance was granted by SWAC on October 16, 2014."
12. Added Note 6d as follows: "The petitioner will clear the obstructions (silt and debris) from the creek channel(s) that extends into the site from the Blakeney Heath Neighborhood and between the rear of the homes on Fieldcroft Drive and Autumn Applause Drive. This clearing will take place subject to and contingent upon the adjoining property owners granting the petitioner the right, and releasing the petitioner from any liability, while performing the work and subject to the issuance of any required City and/or State permits. The petitioner will clear the obstructions in the creek channel(s) as part of the site development work and prior to the issuance of the first certificate of occupancy for the first building constructed on the site."

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and explained that the Zoning Committee recommended approval of the petition at its meeting in October 2014. The decision was subsequently deferred by the petitioner to allow additional changes to the site plan. In December 2014, the City Council voted to send the petition back to the Zoning Committee. Staff explained that Planning does not recommend approval of this petition because the proposed retail use is inconsistent

with the recommended land use set forth in the adopted area plan.

A committee member asked if the proposed wireless phone service provider use would be the only retail use permitted on the site? Staff confirmed that it would be the only retail use and the petitioner has agreed to list it as a retail use instead of a personal service use.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee because the proposed retail use is inconsistent with the recommended land use set forth in the adopted area plan. The site qualifies for an increase in residential density of up to eight dwelling units per acre, which is compatible with the existing townhomes across Ardrey Kell Road. In addition, because the site is adjacent to residential uses outside of a retail center location, a small office development sensitive in form to its residential surroundings could be supported.

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 30,000 square feet of uses allowed in the office district that are also allowed in the NS district, personal services, and wireless phone service providers. Eating/drinking/entertainment establishments are prohibited. Minimum 50 percent of the allowed square footage must be occupied by uses allowed in the office district that are also allowed in the NS district. The other 50 percent of the uses may be a combination of: (i) personal service uses; and (ii) a wireless phone service provider; and (iii) uses allowed in the office zoning district that are also allowed in the NS district.
- Prohibited uses include: accessory drive-through service windows, automotive service stations with or without a convenience store including minor adjustments, repairs and lubrication, residential dwellings, animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction and demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children's homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1 and 2, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.
- Number of principal buildings not to exceed three.
- Buildings limited to one story and 30 feet in height except for a 45-foot tall decorative tower element.
- Surface parking disallowed between the buildings and Ardrey Kell Road.
- Installation of a left-turn lane and right-turn lane along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.
- Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels, and/or wood. Vinyl as a building material may only be used on windows, soffits, and handrail/railings.
- Building elevations reflecting architectural style and quality of the proposed building.
- Building facades facing Ardrey Kell Road to include a minimum of 20 percent fenestration. Fenestration shall extend higher than three feet from the exterior average grade at the base of the building to at least the height of the door head. Glazing of windows will be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head.
- Architectural design may differ from building to building but will be compatible in scale and

material types with complementary color pallets, with possible different fenestration sizes and types. Building character will relate to Blakeney nonresidential areas and façade articulation may be in keeping with more general office and medical office fenestration requirements.

- The existing five-foot sidewalk and three-foot planting strip will be preserved along a portion of Ardrey Kell Road, while a six-foot sidewalk and eight-foot planting strip will be provided along the remaining frontage. Site plan specifies the area to be preserved.
- A 44-foot Class "B" buffer with a solid decorative fence six feet in height will be provided abutting any existing single family use and/or zoning. Three different treatments along portions of the 44-foot buffer area are specified, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees. Buffers may not be reduced.
- The petitioner will install a five-foot black vinyl coated chain link fence across the tree save area at the western edge of the property as generally depicted on the rezoning plan. The black vinyl chain link fence will tie into the decorative wooden fence located within the buffer and extend to the site's western property boundary.
- Cross-section and elevations provided for the proposed six-foot wooden fence to be provided in a portion of the 44-foot Class "B" buffer.
- Site plan reflects an approved variance for a 100-foot Post Construction Controls Ordinance buffer.
- Detached signage limited to five feet in height and 50 square feet in area.
- Wall signage will utilize similar and/or complementary colors to create a cohesive appearance.
- Dumpster and recycling areas to be located along the western property boundary.
- Detached lighting limited to 15 feet in height.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends residential land uses up to three units per acre, and references the residential locational criteria of the *General Development Policies* (2003) for areas of higher density development. Because the site is adjacent to residential uses and outside of a retail center location, it may be conducive for higher density residential or a small office development that is sensitive in form to the surrounding residential uses.
 - The *General Development Policies* (2003) support residential densities up to eight dwelling units per acre.

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 *South District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Transportation:** No issues.
- **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 comments received.

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

- Land Use
 1. The proposed use is inconsistent with the *South District Plan* recommendation for single family at three units per acre. The petitioner should eliminate wireless phone service providers as a permitted use.
-

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

Planner: Sonja Sanders (704) 336-8327