

REQUEST	Current Zoning: B-1(CD) (neighborhood business, conditional) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 10.24 acres located on the northwest corner at the intersection of Bevington Place and Carswell Lane. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to redevelop an existing shopping center by retaining 18,000 square feet of retail uses and allowing a new 89,000-square foot office building.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Touchstone Village, LLC Touchstone Village, LLC Walter Fields, Walter Fields Group
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
STATEMENT OF CONSISTENCY	<p>The retail component of this petition is consistent with the South District Plan and the office component is inconsistent with the South District Plan; 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 retail uses for the subject property. <p>Therefore, 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 uses are allowed and appropriate in a commercial environment; and • The proposed use provides a less intense redevelopment of an existing retail site; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Ryan).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Note G under Transportation to reference the office building. 2. Provided proof of a mutual overlapping parking easement for the Touchstone development that includes all of the property and uses. The site plan shows the existing child care center facility and 21 associated parking spaces, which are not included in the rezoning petition. 3. Amended Notes F and G under Transportation to clarify that construction traffic will be required to arrive from and depart directly to NC 51 via Carswell Lane or Baybrook Lane. 4. Amended note under Purpose as follows: "To redevelop a portion of an obsolete neighborhood shopping center to accommodate a corporate office building and to provide for a portion of the existing retail on the site to redevelop and remain." 5. Added the following note under Architectural Standards: "As part of the redevelopment of the retail portion of the site outdoor patios will only be permitted on the north side of the building facing the parking area. The existing patio on the rear of the building will be allowed to remain but will not be allowed to be re-established once the existing tenant vacates the space, for which the patio as constructed. Thereafter, any patio that is constructed will not be allowed to have amplified sound, any live musical, or other live performances."
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6. Added the following note under Environmental Features: "As part of the redevelopment of the site, the petitioner may be required to conduct remedial maintenance or to reconstruct portions of the storm water facilities on the site including the detention basin. If trees and screening materials installed as part of the original development of the site to screen the storm water facilities are removed, they will be replaced with a combination of evergreen trees and shrubs to restore the screening of the site at double the rate prescribed by the ordinance. This planting will be constructed on the south side of the site adjacent to Bevington Place to address the homes to the south of the site."
7. Amended Note C to state "Conversion of existing Carswell Lane driveway to a full-movement access point will be subject to review and approval by CDOT during the construction permitting phase."
8. Established a pedestrian connection within the parking lot between the proposed sidewalk on the north side of the proposed three-story office building and the existing sidewalk on the north side of the child care facility.
9. Added the following note under Environmental Features: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance. The location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water requirements and natural site discharge points."

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item and stated that all outstanding issues had been addressed. A few commissioners praised the proposed redevelopment, noting that the site could have redeveloped with more intense retail uses and that the office uses will provide a good shift in traffic.

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

- **Background**
 - The subject property was rezoned as part of a larger 12.8-acre rezoning via Petition 1990-13, which allowed 64,140 square feet of retail uses and a 3,000-square foot community building. The community building, which is now a day care, is not included in the subject rezoning.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - A maximum 89,000-square foot, three-story office building.
 - Retaining 18,000 square feet of the existing retail building for retail uses.
 - Enhanced internal pedestrian network and new sidewalk from new building to Baybrook Lane.
 - Installation of painted crosswalks at all adjoining public intersections and at all driveway connections from the site to public streets to enhance pedestrian safety in the community.
 - Option to add on-street parking on the north side of the existing private driveway between Bevington Place and Carswell Lane. At such time as parking is added along the driveway, the

petitioner shall install a sidewalk on the north side of the private driveway from Carswell Lane to Baybrook Lane.

- Converting driveway that intersects with Carswell Lane to a full movement driveway, with no left-turn restrictions.
 - Construction traffic and employees of the building will be required to arrive from and depart directly to NC 51 via Carswell Lane or Baybrook Lane.
 - Use of articulated facades to avoid large expanses of building wall exceeding 20 feet in length.
 - Building elevations.
 - Allowance for existing buffer on the north side of the property abutting the elementary school to be reduced to accommodate additional parking and a sidewalk that may be installed on the north side of the private drive.
 - Retention of existing buffers along the site's frontage on Baybrook Lane, Bevington Plan, and Carswell Lane.
 - Replacement trees provided along Bevington Lane to replace existing trees that are dead.
 - Establishment of a maintenance program for buffer areas that will be repeated at least once annually.
 - Detached lighting will utilize full cut-off luminaries and will be limited to 25 feet in height, and will use designs and fixtures that minimize light from any freestanding lighting installed in the new parking area from leaving the site.
 - Provided proof of a mutual overlapping parking easement for the Touchstone development that includes all of the property and uses. Although not included in the rezoning, the site plan shows the existing child care center facility and 21 associated parking spaces.
 - As part of the redevelopment of the retail portion of the site, outdoor patios will only be permitted on the north side of the building facing the parking area. The existing patio on the rear of the building will be allowed to remain but will not be allowed to be re-established once the existing tenant vacates the space, for which the patio as constructed. Thereafter, any patio that is constructed will not be allowed to have amplified sound, any live musical, or other live performances.
 - Added a note that as part of the redevelopment of the site, the petitioner may be required to conduct remedial maintenance or to reconstruct portions of the storm water facilities on the site including the detention basin. If trees and screening materials installed as part of the original development of the site to screen the storm water facilities are removed, they will be replaced with a combination of evergreen trees and shrubs to restore the screening of the site at double the rate prescribed by the ordinance. This planting will be constructed on the south side of the site adjacent to Bevington Place to address the homes to the south of the site.
 - Conversion of existing Carswell Lane driveway to a full-movement access point will be subject to review and approval by CDOT during the construction permitting phase.
 - Established a pedestrian connection within the parking lot between the proposed sidewalk on the north side of the proposed three-story office building and the existing sidewalk on the north side of the child care facility.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recognizes the existing retail use.
 - The retail component is consistent with the *South District Plan* but the office component is inconsistent with the *South District Plan*.

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-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** 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.

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*.
 - Minimizes impacts to the natural environment by reusing an existing building and redeveloping on an infill lot.
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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 Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water 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: Sonja Sanders (704) 336-8327