

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: MX-2 (mixed use) with 5-year vested rights
<b>LOCATION</b>	Approximately 15.2 acres located on the southwest corner at the intersection of North Community House Road and Paulston Road. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the redevelopment of four single family homes near the Ballantyne Country Club between Ballantyne Commons Parkway and Bryant Farms Road into a residential community with up to 87 dwelling units in a mixture of townhomes and single family detached homes with a total average density of 5.72 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	The Giblin Paulston Road F/L/P, et al David Weekley Homes Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 55
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, and the density is supported by the <i>General Development Policies</i> based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends residential uses for the site; and</li> <li>• The <i>General Development Policies</i> supports a density of up to six dwelling units per acre.</li> </ul> </li> <li>• Therefore, this petition was found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The petition proposes a density of 5.72 dwelling units per acre and is consistent with the recommended density for the area; and</li> <li>• The petition provides a mixture of single family residential housing options by including single family homes and attached townhomes in a single unified development; and</li> <li>• The proposal includes buffers where adjacent to single family development and places the lowest density housing closest to existing single family homes;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Eschert seconded by Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Land Use</u></p> <ol style="list-style-type: none"> <li>1. Committed to amend Permitted Uses note to say “will be residential single family attached and detached dwelling units...”</li> </ol> <p><u>Transportation</u></p> <ol style="list-style-type: none"> <li>2. Amended the site plan so that it complies with the Subdivision Ordinance Section 20-14 b, which requires new development to provide more than one point of access where feasible, and dead ends and cul-de-sacs should be avoided.</li> <li>3. Committed to modify Transportation Note c. by replacing the note with the following language: “The Petitioner will install a left turn lane into the site and corresponding left turn lane to Briarwick Lane as directed by CDOT.”</li> <li>4. Committed to modify the label for the left-turn lanes shown on sheet RZ-2 by replacing the label with the following language</li> </ol>
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“Proposed left turn lanes installed.”

Site and Building Design

5. Provided a note stating that open space, tree save, and common open space will be provided in locations as generally located on the site plan.
6. Added notes committing to fencing along Paradise Ridge Road, preservation of existing trees as practicable within the buffer along Paradise Ridge Road, installation of new landscaping at the commencement of work of that portion of the site, removal of existing vinyl fence and preservation of stone columns within the buffer along Paradise Ridge Road.
7. Added a note prohibiting vinyl siding, out buildings and sheds, and commitments that property owners will not be allowed to remove any vegetation from any buffer areas.

Other Minor Issues

8. Limited the height of freestanding lighting to 20 feet.
9. Provided a note that water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens, or other similar features.
10. Added a note that the site may be built in a single or multiple phases.

Requested Technical Revisions

11. Committed to label the width of the existing planting strip and sidewalk along North Community House Road and Paradise Ridge Road.
12. Committee to add 5-year vested rights to the proposed zoning in the “Development Data.”

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and the changes since the public hearing. Staff also noted that the petition is consistent with the *South District Plan* and the density is supported by the *General Development Policies*.

A commissioner asked for clarification of the access point locations. Staff showed the Committee where the access points were located on the site plan off North Community House Road. The second access is an exit only. The Committee voted to suspend the rules to allow the petitioner’s agent, Walter Fields, to respond to the question of the exit function of the second access. Mr. Fields said it would be a right and left out. A Committee member asked if a connection to Paradise Ridge Road was explored, and CDOT staff stated it was explored. The committee member commented on the number of cul-de-sacs in the area. Another committee member mentioned that lack of connectivity can cause safety issues. A committee member asked about the property located to the north of the site and development potential. Staff explained that the petitioner is providing a public street stub to the abutting property. Access to the property to the north would be located before the gate.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
 The site plan accompanying this petition contains the following provisions:

- Allows 87 dwelling units (60 townhomes and 27 single family detached homes) for a density of 5.72 units per acre.
- Specifies that waste management will be provided through rollout containers by a private contractor.
- Provides a gated network of internal private streets and alleys with a two drive connections to North Community House Road.
- Commits to the installation of a left-turn lane into the site from North Community House Road.
- Provides a number of architectural standards including allowed building materials, rear orientation of homes along Paradise Ridge Road, roof pitch, prohibition of vinyl siding and out buildings.
- Specifies that homes along Paradise Ridge Road may be attached but limited to duplexes.
- Provides landscaped buffers and fencing along Paradise Ridge Road and buffers abutting the adjacent single family homes to the rear of the site and specifies that they will be maintained in perpetuity by a home owners association created by the developer.
- Commits to increasing the normal number of shrubs and trees within the buffer along adjoining single family lots by 100%.
- Request for 5-year vested rights.
- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends single family residential at three dwelling units per acre and references the residential location criteria of the *General Development Policies (GDP)* for areas of higher density development.
  - The *General Development Policies (GDP)* provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to six dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category - up to 6 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)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 10</b>	<b>Total Points: 10</b>

- **TRANSPORTATION CONSIDERATIONS**
  - To minimize congestion along Community House Road, the site will be served by a left-turn lane on Community House with a corresponding left-turn into existing Briarwick Lane. This site is served by existing sidewalks and planting strips along Community House Road.
  - **Vehicle Trip Generation:**  
 Current Zoning: 450 trips per day (based on 45 single family detached homes).  
 Proposed Zoning: 800 trips per day (based on 27 single family homes and 68 townhomes).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 36 students, while the development allowed under the proposed zoning will produce 41 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 5 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Ballantyne Elementary from 105% to 107%
  - Hawk Ridge Elementary from 118% to 119%
  - Community House Middle from 141% to 143%
  - Ardrey Kell High from 140% to 141%.
- **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.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

**Planner:** John Kinley (704) 336-8311