

**ZONING COMMITTEE  
RECOMMENDATION  
July 26, 2006**

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**Rezoning Petition No. 2006-060**

- Property Owner:** Dianne Laws, Wingspread Investments, LLC, Cox Investment Properties, Ltd. Cynthia Cox, Cox Investment Management, LLC, Metrolina Properties Partnership, and William Lanham
- Petitioner:** Withrow Capital, Investments, LLC and Cambridge Properties, Inc.
- Location:** Approximately 120 acres located north of the intersection of Brookshire Boulevard and Interstate 485.
- Request:** R-3, single family residential, R-4, single family residential, O-1 (CD) office conditional district and B-1 (CD), neighborhood business conditional district all in the LW-PA **to NS, neighborhood services and B-D (CD), distributive business all in the LW-PA**
- Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:
- Increase the Mt. Holly-Huntersville right-of-way on the Site side to 70 feet beginning at NC16 and extending 1,300 feet easterly and then tapering to no more than 60 feet for the balance, with the understanding reached with CDOT that this additional right-of-way may be reduced if the entire amount committed is not necessary to accommodate the improvements depicted on Petitioners' Technical Data Sheet, including a 5 foot wide bike lane, the cost of which the City has agreed to bear. The final width of the additional right-of-way will be determined based on the final design for these roadway improvements approved by CDOT and NCDOT.
  - As agreed by Staff, the interior landscape strip within the setback along Mt. Holly-Huntersville Road will be reduced from 15 feet to 10 feet such that the entire setback beginning at the back of curb will become 24 feet (previously 29 feet). The reduction will allow for a bike land along Mount Holly Huntersville Road.
  - The Development Standards will be modified such that the Petitioners will be required to pay 50% of the signal costs at Access C if and when such a signal is approved by NCDOT and CDOT. Additionally, the Petitioners will be required to pay 100% of the cost of changing Access B from full access to a protected left-over access contemporaneously with the installation of the signal at Access C.

- The Mt. Holly-Huntersville Road westbound dual-left turn stacking will be modified so as to create 2 left turn lanes, each with a minimum of 250 feet of stacking.
- A brick wall at least 6 feet in height will be constructed to separate the office portion of the property from the adjoining residential homes fronting Mt. Holly-Huntersville Road.
- Petitioners will install a treescape on both sides of the connector road between Chastain Park and Mountain Island Promenade. These trees will be planted opposing each other in order to create a streetscape entry.
- The Access A internal entrance roads, as recently detailed by Kubilins Transportation Group, will be modified in accordance with the discussions with Scott Putnam. These items will be reflected on the Schematic Site Plans as well as the Technical Data Sheet.
- Construction of Access A, as recently detailed by Kubilins Transportation Group and modified per discussions with Scott Putnam, and all of the improvements along Mt. Holly-Huntersville Road associated with Access A (other than Access B) will be required to be completed prior to the issuance of C/Os for the first 75,000 square feet of development. No other roadway improvements, (including, but not limited to, commitments associated with the NC 16/Huntersville-Mt. Holly intersection and Access B), will be required for the initial 75,000 square feet of development.
- The petitioner will continue to work the CMS on a viable setting for the proposed school.

**Vote:**        Yeas:                Carter, Cooksey, Loflin, Ratcliffe, Sheild and Simmons

                  Nays:                None

                  Absent:                None

### **Summary of Petition**

The requested rezoning will allow the development of 360,000 square feet of retail uses, 165,000 square feet of office uses, 127,000 square feet of underground climate controlled storage, and 625 residential units. The site plan accompanying the petition includes the following:

- The BD component of the site (parcel C) is limited to below grade climate controlled storage, an above grade office with associated storage space, accessory uses, and parking.
- No one retail use on Parcel A may be more than 175,000 square feet.
- The grocery store on parcel B may not be more than 55,000 square feet.
- No more than four uses on parcels A and B will have drive-through facilities.
- Parcel E may be developed with up to 625 for sale and/or for rent residential units or a nursing home, rest home or home for the aged.

- Architectural controls include non-opaque windows along “Street 5,” no large expanses of solid walls exceeding 40 linear feet, and architectural integration of exterior materials.

### **Zoning Committee Discussion/Rationale**

Keith MacVean reviewed the petition and noted that the property is located with the Lower Lake Wylie Protected Area. He noted that the petition submitted two alternate site plans for the eastern portion of the site: one with a junior anchor; and one with two smaller shops. Both site plans include an area for a small school. Mike Raible from CMS stated that although CMS has not approved the school site, they are very interested as this location is in a target area.

Mr. MacVean noted that all outstanding site plan comments were addressed and the proposed development meets the mixed-use goals for this site as established in the Brookshire Plan.

### **Statement of Consistency**

Commissioner Sheild made a motion to find this petition consistent with the Brookshire Boulevard/I-485 Area Plan. Commissioner Simmons seconded the motion, which was approved unanimously.

### **Vote**

**Upon a motion made by Ratcliffe and seconded by Carter, the Zoning Committee unanimously recommended approval of this petition as modified.**

### **Staff Opinion**

Stagg agrees with the recommendation of the Zoning Committee.