

**ZONING COMMITTEE
RECOMMENDATION
July 25, 2007**

Rezoning Petition No. 2007-094

Property Owner: Beatties Ford Road Retail Investors LLC

Petitioner: Beatties Ford Road Retail Investors LLC

Location: Approximately 19.63 acres located on the southwest corner of Beatties Ford Road and Mount Holly Huntersville Road

Center, Corridor or Wedge: Wedge

Request: B-1 (CD) SPA, neighborhood business conditional district site plan amendment

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The site plan will show the evergreen shrubbery at five-feet on center in the landscaping strip at the rear of the proposed drugstore.
- The petitioner will dimension the sidewalks and planting strips along both sides of the private drives into the center. The sidewalks will be five (5) feet in width. The planting strips will be an average of six (6) feet in width in order to allow accommodation for existing

Vote:

Yeas:	Howard, Johnson, Lipton, Loflin, Randolph, and Rosenburgh
Nays:	None
Absent:	Sheild

Summary of Petition

This petition proposes to amend the site plan approved for the petitioned site in 2003. The site plan includes most of the restrictions and notes approved in the previous rezoning. The following modifications are proposed:

- The allowable number of uses with drive-through windows is proposed to be increased from two (2) to three (3); and

- The allowable square footage is being reduced from 99,304 to 92,500.

Zoning Committee Discussion/Rationale

Tammie Keplinger reviewed the petition and noted that the site plan includes most of the restrictions and notes approved in the 2003 rezoning. The following modifications are proposed:

- Increase in the number of uses with drive-through windows from two (2) to three (3).
- The allowable square footage is being reduced from 99,304 to 92,500.
- The 2003 elevations have been submitted as a part of the request; and
- Gas stations are not allowed as in the previous plan.

Mrs. Keplinger noted that the land use is consistent with the *North West District Plan* as amended by the 2003 rezoning of the property. However, the request is not consistent with the *General Development Policies* for a mixed-use center. These policies support one independent out parcel for a neighborhood scale center. She further noted that Storm Water Services and CDOT did not have any outstanding site plan issues. Planning staff had three outstanding issues:

- The number of independent outparcels should be limited to 1 (one) as per the GDP;
- The petitioner has agreed to adding evergreen shrubbery on five-foot centers to the landscaping strip at the rear of the proposed drug store however it is not shown on the site plan; and
- The sidewalks and planting strips along both sides of the private drives into the center are shown but not dimensioned. The sidewalks should be five (5) feet and the planting strips should be 6 (six) feet.

Mrs. Keplinger noted that regardless of the outstanding issues, the request is inconsistent with the GDP's and staff is recommending denial.

The Commission asked if staff had communicated with the Town of Huntersville on this petition. Staff indicated that information was sent to them and no response was received.

The Zoning Committee voted to suspend the rules to ask the petitioner's agent about the outstanding site plan issues. Mr. Walter Fields stated that the site plan came back from the engineering showing 6 (six) trees around the drive-through. This is not correct and the petitioner has agreed to the evergreen shrubbery on five-foot centers. He further stated that the petition could accommodate 5 (five) foot sidewalks along the private drives. However, due to site constraints it may not be possible to get 6 (six) foot planting strips. He indicated that they could get an average of 6 (six) feet. The Zoning Committee asked staff if they would be comfortable with that. Mrs. Keplinger indicated that they would, however, staff would still push for the entire six feet.

Statement of Consistency

Upon a motion made by Commissioner Randolph and seconded by Commissioner Johnson the Zoning Committee unanimously found this petition to be consistent with the *North West District Plan* and to be reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Randolph and seconded by Commissioner Johnson the Zoning Committee voted unanimously to recommend approval of this petition as modified.

Staff Opinion

Staff disagrees with the recommendation of the Zoning Committee. Although the land use is consistent with the *North West District Plan*, the request is not consistent with the *General Development Policies* for a mixed-use center. These policies support one independent outparcel for a neighborhood scale center.