

**ZONING COMMITTEE  
RECOMMENDATION  
September 26, 2007**

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**Rezoning Petition No. 2007-103**

**Property Owner:** Continental Communities, LLC, and numerous others

**Petitioner:** NRI Communities Charlotte, LLC

**Location:** Approximately 78.9 acres on the northwest quadrant of the interchange of Johnston Road and I-485

**Center, Corridor or Wedge:** Center (Ballantyne)

**Request:** CC, commercial center, site plan amendment

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

- The petitioner will pave the trail and construct the bridge to the existing greenway on the other side of McAlpine Creek.
- An easement or fee simple conveyance will be made for a future greenway connecting trail under the Johnston Road bridge. Trail construction will be by Mecklenburg Parks and Recreation.
- A “leftover” will be constructed into the north end of the site.

**Vote:** Yeas: Howard, Johnson, Lipton, Loflin, Randolph, and Sheild

Nays: Rosenburgh

Absent: None

**Summary of Petition**

This petition seeks to modify a previously approved commercial center. This proposal reduces allowed multi-family residential from 800 to 643 units. It increases allowed retail from 52,000 to 59,000 square feet and increases office uses from 56,000 to 70,000 square feet of floor area. It also allows a future 120-room hotel. Conversion of 75 multi-family units to 30,000 square feet of “institutional uses” is also permitted.

**Zoning Committee Discussion/Rationale**

One Zoning Committee member stated that vehicular stacking on Johnston Road in the evening rush hour was terrible and that he had transportation concerns. He inquired when the Community House Road “flyover” would be completed. CDOT responded that the impact of the

additional 2,000 trips per day would be hard to analyze given the high volumes at this interchange area and other new projects coming online. He noted that the added trips were not enough to trigger a Traffic Impact Study (TIS). A TIS is usually required for projected added trips in excess of 2,500 per day. CDOT also noted the developer-funded improvements that had already been made to Community House Road. CDOT's best guess on the Community House Road bridge was that it might be included in the improvements to I-485 around 2013. CDOT was asked what the trip generation was for 10,000 square feet of office or retail. CDOT responded that it did not have those numbers at hand but would provide those numbers to the entire Zoning Committee later. A Committee member suggested that at already congested intersections like this the threshold for requiring a TIS should be lower given the cumulative effect of additional car trips resulting from the numerous rezonings recently approved in the immediate area. Another Committee member stated that he thought this was a great plan with an appropriate density. Another Committee member asked about connectivity to the greenway and staff described several greenway connections being provided by the petitioner.

### **Statement of Consistency**

Upon a motion made by Commissioner Sheild and seconded by Commissioner Lipton the Zoning Committee unanimously found this petition to be consistent with the South District Plan and to be reasonable and in the public interest.

### **Vote**

**Upon a motion made by Commissioner Sheild and seconded by Commissioner Randolph the Zoning Committee voted 6-1 to recommend approval of this petition as modified.**

### **Minority Opinion**

A minority of the Committee was not satisfied as to the adequacy of the transportation system in this area. A TIS should have been completed and the additional 2,000 trips per day should be better mitigated or the increase eliminated.

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.