

## **\*PRE-HEARING STAFF ANALYSIS\***

### **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

### **Summary**

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.

### **Consistency and Conclusion**

There are no real land use changes proposed so this petition is consistent with adopted land use plans and policies. Upon correction of the site plan deficiencies noted below this petition would be appropriate for approval.

### **Existing Zoning and Land Use**

The site is currently occupied by a commercial center and rental multi-family development. There are wetlands, floodplain and County greenway to the northwest with single family residential neighborhoods beyond. To the east is a duplex/townhome project under construction in MX-2 zoning. A neighborhood shopping center and major office development are located east of Johnston Road, both in CC(commercial center) zoning. I-485 is to the south.

### **Rezoning History in Area**

This site was last rezoned to CC in 1999. The office development across Johnston Road was intensified with a rezoning in 2005. The neighborhood shopping center across Johnston Road was amended in a 2003 rezoning. A rezoning to MX-2 north of the shopping center was approved in 2006.

## **Public Plans and Policies**

The *South District Plan* (1993) calls for the subject property to be mixed multi-family residential, office, and retail use by virtue of its rezoning in 2002.

## **Proposed Request Details**

The site plan accompanying this petition contains these provisions:

- There is a private greenway connection from the apartments to the public greenway connection. The developer will provide and construct a greenway connection from the retail center to the existing greenway on the north side of McAlpine Creek. An additional pedestrian easement is provided along the northern edge of the development to pass under the Johnston Road bridge and connect to another pedestrian connection from the residential area east of Johnston Road.
- Detached lighting will be limited to 20 feet in height and will be fully capped and shielded.
- All buildings will be of brick, stucco, or other masonry materials and will conform to an overall common design theme. Single story retail buildings will have the appearance of two-story buildings. Planning staff will review all proposed buildings for compliance.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT comments had not been received as of the preparation of this report.

**CATS.** CATS had no requests for this development.

**Connectivity.** Additional potential vehicular and pedestrian connectivity has been addressed on this petition.

**Storm Water.** Storm Water Services will evaluate the detention facility during the permitting of the site. Water quality improvements have not been requested on this previously approved site.

**School Information.** There is a decline in the number of residential units allowed (800 to 643) on the site so this petition has no negative impact on the school system.

**Engineering.** A note needs to be added that wetlands may exist on the site. Include contact information for the Army Corps of Engineers and NCDENR.

**Parks and Recreation.** Parks and Recreation has several issues with the greenway and connections to it. See attached memo for detailed concerns.

## **Outstanding Issues**

**Land Use.** There are no land use issues associated with this petition. It is appropriate for approval from a land use perspective.

**Site plan.** The site plan accompanying this petition contains the following deficiencies:

- Remove note #5 in its entirety and replace with the following as per Storm Water Services request:  
“Adequacy of existing storm water detention/pond facility to service existing and proposed impervious area shall be reviewed and approved upon formal development plan submittal.”
- Note #19 needs to be revised to reflect the agreement that has been reached with Mecklenburg County Parks and Recreation for greenway access.
- The note for the pedestrian access easement that relies upon “the cooperation of the property owners affected...” is inadequate and needs to **commit** to the provision of that access easement.
- The possibility of wetlands and/or jurisdictional streams has been determined. Please add a note to the plans that reads:  
"Any jurisdictional wetlands or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance. For 401 permits contact DEHNR. For 404 permits contact the Army Corps of Engineers."