

**ZONING COMMITTEE
RECOMMENDATION
March 26, 2008**

Rezoning Petition No. 2007-145

Property Owner:	Trustees of Unity Baptist Church
Petitioner:	Tribek Properties
Location:	Approximately 6.35 acres located on the southwest corner of Mt. Holly-Huntersville Road and West WT Harris Boulevard
Center, Corridor, or Wedge:	Wedge
Request:	R-3, single family residential to B-1 (CD), neighborhood business conditional district and R-12 MF (CD), multi family residential conditional district.
Action:	<p>The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none">• The location of the storm water detention and water quality treatment areas are not permitted within the setbacks or buffers.• Building elevations have not been provided however the petitioner has agreed to design standards for Tract B.• A site development table has been added indicating the proposed zoning, retail square footage, number of residential units, and parking calculations.• The maximum height of freestanding light fixtures is limited to 30-feet on tract A. Decorative, pedestrian scale lighting not to exceed 15-feet in height will be provided on Tract B.• A 20-foot rear yard and a buffer will be provided between the town homes and the retail area. The buffer includes a solid 8-foot masonry wall and a class B buffer.• The planned multi-family rear setback along the adjoining residential properties has been increased to 50-feet.• The site plan includes details of the fence/wall used to reduce the buffer widths.• A note has been added that planning staff will review any construction plans relating to the site to be sure that the location of the centerline or the realigned Harris Boulevard is accurately depicted on the plans. The petitioner agreed to make any necessary changes.

- Sidewalks will be provided in accordance with applicable ordinances.
- The petitioner has agreed to dedicate 50-feet from the centerline of both WT Harris and Mount Holly Huntersville Road. If additional right-of-way is needed the petitioner will make it available to the City of State at the R-3 prices.
- The revised site plan shows a pylon sign at WT Harris and Mount Holly Huntersville Road will be removed and permitted through the normal sign permitting process.

Vote: Yeas: Howard, Loflin, Randolph, Rosenburgh, and Sheild

Nays: Lipton

Absent: Johnson

Recused: None

Summary of Petition

This petition proposes to rezone approximately 6.35 acres for the development up to 15,000 square feet of retail and 16 townhomes.

Zoning Committee Discussion/Rationale

Staff reviewed the petition and noted the outstanding site plan comments that were addressed since the public hearing. Mr. Scott Putnam discussed the right-of-way dedication along both Mount Holly Huntersville Road and WT Harris. Due to the impact of the proposed right-of-way on the property, the petitioner agreed to dedicate 50-feet from the centerline of both WT Harris and Mount Holly Huntersville Road. If additional right-of-way is needed the petitioner will make it available to the City of State at the R-3 prices.

The Commission discussed the buffer treatment between the proposed drug store and the townhomes. The site plan indicates several options including a wall or berm. In both cases plantings will be required.

The Commission indicated a concern about the consistency with a draft plan and asked staff if there is an adopted plan for the area. It was indicated that the proposal is inconsistent with the *North West District Plan* but consistent with the *North Lake Area Plan (draft)*. The Commission further discussed the language of the *North Lake Area Plan (draft)* that calls for the site to be interconnected. Staff indicated that the vehicular access and sidewalks connect the two sites and sidewalks on WT Harris.

One Commissioner wanted to make sure that the notes regarding the dedication and reservation of the right-of-way are clearly noted.

The Commission discussed the house facing Mount Holly-Huntersville and located beside the proposed drug store and asked what the *North Lake Area Plan (draft)* recommends for the site.

Staff noted that the plan recommended residential uses at the density of 6 dwelling units per acre. The property is currently zoned R-3 but the draft proposes the higher density.

Debra Campbell, Director of Planning, discussed the *North Lake Area Plan* process the property owner of the property beside the drug store wanted some opportunity for redevelopment. The property proposed to be rezoned is at a major intersection and the church is losing membership and needed a plan for redevelopment. Staff worked with the adjacent residential properties to find a way to increase their marketability while being a good neighbor and eventually recommended the increase in the density from 3 units per acre to 6.

The commission discussed the buffer between the drug store and how the detention would function for both sites. The rules were suspended and the Commission asked the petitioner if the storm water is for the entire site. John Carmichael, the petitioner's agent, stated that the storm water would be piped through the wall and it is for the entire site.

Statement of Consistency

Upon a motion made by Commissioner Loflin and seconded by Commissioner Sheild the Zoning Committee unanimously found this petition to be inconsistent with the *North West District Plan* but consistent with the *North Lake Area Plan (Draft)* and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Sheild and seconded by Commissioner Loflin the Zoning Committee voted 5-1 to recommend APPROVAL of this petition as modified.

Staff Opinion

Staff agrees with the recommendation of the majority of the Zoning Committee.

Minority Opinion

The minority of the Zoning Committee had difficulties approving the site without a residential developer working along with the drug store because the site is supposed to be interconnected per the Draft Northlake Plan.