

**ZONING COMMITTEE
RECOMMENDATION
May 24, 2006**

Rezoning Petition No. 2006-032

Property Owner: Full Moon of Union County and The Moser Group

Petitioner: Merrifield Partners LLC

Location: Approximately 6.77 acres located southeast of Eastfield Road and west of Prosperity Church Road

Request: R-3, single family residential to NS, neighborhood services

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

- Note 1 under *Design and Architectural Controls* will be revised prevent spandrel glass from being counted toward the 40 % articulation requirement and to prevent large expanses of solid unarticulated walls exceeding 20 linear feet .
- Sheet RZ-4 will be revised so as to include the attached building elevation view from Eastfield Road and the attached perspective from Prosperity Church Road.
- The maximum height notation on the Development Data Table on Sheet RZ-1 will be deleted since it conflicts with the more descriptive height restrictions within the development standards on Sheet RZ-2.
- Note 3 under Storm Water Management will be revised so as to delete the last sentence.
- A note will be added stating that the height of the knee wall will range from 2 1/2 feet to 3 feet.
- An elevation indicating the building treatment (canopy/architectural feature) along Prosperity Church Road drive through lane will be provided.

Vote: Yeas: Carter, Cooksey, Howard, Hughes, Ratcliffe, and Sheild

Nays: None

Absent: Farman

Summary of Petition

The proposed request will allow the development of a mixed-use center with a maximum of 33,000 square feet of retail and 18 live work units. Conditions associated with the rezoning include a “heavily landscaped” buffer with a wall along the adjacent residential property line, a center courtyard amenity, a freestanding bank and drugstore and one access to Eastfield and one access to Prosperity Church Road. The development standards offer an alternative for the live work units. The units may be used entirely for residential purposes but may not be combined to form a large commercial space.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and the site plan changes since the public hearing. He noted that although the outstanding site plan issues were resolved, staff could not support the petition because the North East District Plan does not recommend non-residential development for the site.

One of the Commissioners thanked the petitioner for talking to the Town of Huntersville about the request. It was noted that the town declined to comment on the petition.

Statement of Consistency

A motion was made by Cooksey and seconded by Sheild finding this petition inconsistent with the North East District Plan. The Zoning Committee unanimously approved this motion.

Vote

Upon a motion made by Howard and seconded by Carter, the Zoning Committee voted unanimously to recommend approval of this petition.

Staff Opinion

Staff disagrees with the recommendation of the Zoning Committee as the North East District Plan recommends residential land uses up to 4 dwelling units per acre.