

PRE-HEARING STAFF ANALYSIS
Rezoning Petition No. 2008-093

Property Owner: Mecklenburg Land Development, LLC

Petitioner: Mecklenburg Land Development, LLC

Location: Approximately 4.01 acres located at the intersection of Lancaster Highway and Johnston Road.

**Center, Corridor,
or Wedge:** Wedge

Request: NS, neighborhood services to NS SPA, neighborhood services, site plan amendment

Summary

This request proposes to amend the site plan to allow this site to be developed as a unified development with an adjacent parcel zoned O-1 (CD), which is also owned by Mecklenburg Land Development, and planned for a health club. This will allow cross-access and shared signage between the two parcels, and permit a minor increase in building height. The proposed 45,000 square feet of office/retail space is unchanged.

Consistency and Conclusion

The proposed development for office and retail is consistent with the retail use indicated by the *South District Plan*, as amended through rezoning. As such, the proposal is appropriate for approval, upon correction of the site plan deficiencies noted below.

Existing Zoning and Land Use

This parcel was previously zoned NS for neighborhood office and retail development (petition # 2002-022). Several administrative amendments have been approved since that time. The properties on the north and south side of Lancaster Highway are undeveloped. To the east across Highway 521 is a neighborhood shopping center including a grocery store and drug store.

Rezoning History in Area

Rezoning petition #2007-117 rezoned the adjacent parcel, also owned by Mecklenburg Land Development, LLC from O-1 (CD) to O-1 (CD) SPA for a 40,000 square foot health club. A nearby parcel was rezoned from NS to BD (CD) and NS SPA to allow up to 73,762 square feet of self-storage, up to 35,200 square feet of office, commercial, retail or restaurant space, and an additional 13,700 square feet of office space (#2006-100). Rezoning petition #2006-013 rezoned another nearby parcel from R-3 to MX-2 Innovative to allow for 170 townhomes.

Rezoning petition #2004-122 rezoned a fourth nearby parcel from MX-2 to MX-2 SPA to allow 252 multi-family units, 160 single family dwellings, and a child care facility with up to 50 children. And last, rezoning petition #2003-047 rezoned another nearby parcel from R15 (CD) and R-5 (CD) to MX-2 to allow 64 residential homes.

Public Plans and Policies

The *South District Plan* (1993) shows the subject property for retail use by virtue of its prior rezoning.

Proposed Request Details

This site plan amendment proposes a unified development with the adjacent parcel owned by the petitioner and zoned O-1(CD) for a health club. The petitioner proposes to build up to 45,000 square feet of office/retail development on this parcel. Changes to the last administratively approved site plan include the following:

- This site and an adjacent property zoned O-1(CD) are proposed for development as a unified development.
- Signage for the health club will be permitted along U.S. Highway 521.
- The development notes state that there will be an increase in the number of buildings permitted on the site from two to three buildings, although just one is shown on the site plan. In addition, the building envelope has been enlarged from the previous plan.
- The previous approved site plan limited buildings located within 100 feet of a residential zoning district to two stories, or 30 feet in height. All other buildings could not exceed three stories and 40 feet in height. This site plan amendment would eliminate the lower height restriction for buildings located within 100 feet of a residential zoning district (MX-2).
- Buildings along Highway 521 will be no closer than eight-feet from the right-of-way, which is an increase from the six-feet approved in the previous approved site plan.
- Parcel C has been sold, and is not included in this site plan amendment.
- Parcels A and B from the previously approved plan have been consolidated into one parcel.

Public Infrastructure

Traffic Impact / CDOT Comments. The purpose of this Site Plan Amendment is to clarify notes on the Technical Data Sheet. No additional development rights or change of permitted land uses is requested. For this reason the proposed zoning will not have an additional impact to the surrounding thoroughfare system than what was evaluated with the original NS zoning for the site.

CDOT has the following specific comments that are critical to CDOT's support of the rezoning petition:

- Public street sidewalks must be ADA compliant.
- Sidewalks must be provided along the entire length of all public streets.

CATS. CATS has no comments at this time.

Connectivity. The petitioner proposes one access point from this site onto Old Highway U.S. 521/Lancaster Highway. The petitioner also proposes two vehicular connections and two pedestrian access points to the adjoining parcel to the northwest, under common ownership, and proposed for unified development.

Storm Water. Storm Water Services notes the petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

School Information. This development will not impact the school system.

LUESA. LUESA is requesting that the petitioner meet the Post Construction Control Ordinance.

Outstanding Issues

Land Use. The land use proposed is consistent with the *South District Plan*, as amended through rezoning.

Site plan. The following site plan issues are outstanding:

- The wording “For Public Hearing” should be noted in the bottom right hand corner of A1 and A2.
- The graphic bar scale does not match 1” = 50 ft. This should be corrected.
- The site plan indicates 4.03± acres; the amended application states 4.01± acres. The petitioner should amend the site plan to correspond with the application.
- The proposed building envelope area is different on sheets A1 and A2. The petitioner should revise the sheets to be consistent.
- The petitioner should show the same number of future pedestrian access points on sheets A1 and A2. Currently they are different.
- The parking lot and vehicular and pedestrian access should be shown to connect to parcel 22309108, not to end within 40± feet, of the property line.
- Note C3 and D2: Sheet A2 shows only one retail/office building within the building envelope. However, this conflicts with Note C3 that states that the site may be developed with up to three buildings within the building envelope. In addition, Note D2 also indicates that there will be three buildings within the building envelope. The petitioner should either revise the site plan to show three buildings or revise Notes C3 and D2 to be consistent.
- Notes J and K: Both notes seem to refer to the streetscape treatment along Old Highway 521/Lancaster Highway, and vary. Should one be eliminated? Does one refer to the old Parcel C that was removed from this site plan amendment?
- Note M2: Add a sentence that states all lighting shall be shielded with full cut-off light fixtures.
- Note Q1: Revise the note to state that the site plan will comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.