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<b>REQUEST</b>	Current Zoning: CC, commercial center Proposed Zoning: MUDD-O, mixed use development district, optional
<b>LOCATION</b>	Approximately 1.72 acres located on the northeast corner at the intersection of West W.T. Harris Boulevard and Forest Drive.
<b>SUMMARY OF PETITION</b>	The petition proposes the option to develop the site for a 70-unit elderly multi-family housing development or a 10,000 square foot commercial building.
<b>STAFF RECOMMENDATION</b>	<p>Staff does not recommend approval of this petition based on the following:</p> <ul style="list-style-type: none"><li>• Staff does not support the use of the conditional rezoning process to allow for multiple development alternatives.</li><li>• Staff does not support the placement of the MUDD zoning category within a "wedge" designation of the <i>Northlake Area Plan</i>.</li><li>• The commercial alternative is consistent with <i>Northlake Area Plan</i>. However, the proposed suburban layout is inconsistent with the purpose of the MUDD zoning designation. The current zoning allows for the commercial scenario indicated on the subject rezoning.</li><li>• The elderly multi-family housing alternative is inconsistent with the <i>Northlake Area Plan</i>. Area plans frequently do not specify locations for institutional uses, which are usually determined on a case by case basis. However, the design and scale of the proposed four-story building are not compatible with the surrounding less intense development.</li></ul>
<b>PROPERTY OWNER</b>	Pecan Ridge of Charlotte, LLC
<b>PETITIONER</b>	NRP Properties, Northlake Seniors
<b>AGENT/REPRESENTATIVE</b>	John Carmichael, Robinson, Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### **PLANNING STAFF REVIEW**

- **Background**  
This subject property was part of a larger 12.7-acre rezoning approved in 1998 (rezoning petition 1998-014c). This previously approved rezoning allowed an 80,000 square foot shopping center with two outparcels. The shopping center and one outparcel have been developed. This subject site is the undeveloped outparcel associated with the 1998 rezoning.
- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:  
*Elderly Multi-Family Alternative*
  - 70 elderly multi-family housing units.
  - Maximum building height of four stories.
  - A 20-foot setback is provided along West W.T. Harris Boulevard and a 15-foot setback is provided along Forest Drive.
  - Eight-foot planting strips and six-foot sidewalks will be provided along West W.T. Harris Boulevard and Forest Drive.

- A pedestrian connection will be provided along the northern driveway from West W.T. Harris Boulevard to the existing abutting shopping center.
- Additional right-of-way along West W.T. Harris Boulevard measuring 60 feet from the existing centerline will be dedicated and conveyed.
- Urban open space is identified within the 20-foot setback along West W.T. Harris Boulevard.
- Building elevations provided indicate a combination of brick and cementitious siding building materials.
- Minimum 18-foot Class "C" buffer provided along the eastern property line.
- An eight-foot tall solid wooden fence with masonry columns will be provided along the eastern property line.
- All freestanding lighting will be limited to 20 feet in height and be fully capped and shielded.
- Optional provision to reduce the required parking from one space per dwelling unit to 0.5 spaces per dwelling unit.

#### Commercial Alternative

- Maximum 10,000 square foot commercial building with limited permitted uses.
  - Maximum building height of 35 feet and one story.
  - A 35-foot setback is provided along West W.T. Harris Boulevard and a 42-foot setback is provided along Forest Drive.
  - The building shall be architecturally compatible with the abutting shopping center through the use of similar building materials, architectural features and colors.
  - 80 percent of all exterior walls shall be brick.
  - Minimum 57-foot Class "B" buffer provided along the eastern property line. The exterior 42 feet to remain undisturbed. An existing screen fence is in place.
  - Minimum 42-foot buffer is identified along the Forest Drive frontage. The exterior 32 feet to remain undisturbed. An existing screen fence is in place.
  - Parking will be provided at a minimum of one parking space per 300 square feet of building area.
  - All freestanding lighting will be limited to 20 feet in height and be fully capped and shielded.
  - Optional provisions include:
    - Drive through windows as an accessory use to a bank or financial institution.
    - Allow parking and maneuvering areas between the building and the two abutting streets.
    - Modify the streetscape to allow a five-foot sidewalk and a planting strip of varying width along West W.T. Harris Boulevard and Forest Drive.
- **Existing Zoning and Land Use**

The subject site is currently vacant. North of the property is the balance of the 1998 rezoning to CC of which this site was a part. A shopping center has been developed on this abutting parcel. R-3 zoned properties with single family residential uses are located south and east of the subject site. NS zoning is located west of the site across West W.T. Harris Boulevard, which is currently vacant but is approved for townhomes.
  - **Rezoning History in Area**

Recent rezonings approved in the area include:

    - Petition 2007-145 rezoned approximately 6.4 acres on the southern corner of West W.T. Harris Boulevard and Mt. Holly–Huntersville Road from R-3 to NS. This petition allowed for 15,000 square feet of retail and 16 townhomes. This rezoning is directly across West W.T. Harris Boulevard from the subject rezoning.
    - Petition 2011-020 rezoned approximately 24 acres on the south side of West W.T. Harris Boulevard and west of Reames Road from R-3 to NS. This petition allowed for a 62,000 square foot mixed use nonresidential development. This petition is approximately 0.5 miles southeast of the subject site near Northlake Mall.
  - **Public Plans and Policies**
    - The *Northlake Area Plan* (2008) recommends retail land uses on the subject parcel. The majority of the western half of the Northlake study area, which includes this subject site, is within a "wedge" and is recommended to remain predominantly lower density residential.
    - The retail option of the rezoning request is consistent with the *Northlake Area Plan*.

- The elderly multi-family housing option is inconsistent with the *Northlake Area Plan*; however, area plans frequently do not specify locations for institutional uses. The proposed institutional land use is compatible with the surrounding commercial and residential uses. However, the proposed four-story building is not compatible in scale and massing of the surrounding lower intensity development located within the “wedge” component of the *Northlake Area Plan*.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 920 trips per day.  
Proposed Zoning with Elderly Multi-Family Alternative: 610 trips per day.  
Proposed Zoning with Commercial Alternative: 920 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - This site meets minimum ordinance standards.

**OUTSTANDING ISSUES**

- The petitioner should:

*Elderly Multi-Family Alternative*

1. Modify the rezoning request from MUDD-O to UR-3(CD).
2. Reduce the maximum building height to three stories and also indicate the maximum height in feet. This impacts the “Site Data Table”, Note A under “Architectural Standards”, and the building elevations on Sheet RZ-2.
3. Increase the setback along Forest Drive to 30 feet to match the abutting R-3 zoning setback requirement.
4. Remove Note B under “Transportation”. This note is provided within the “Site Data Table”.
5. Indicate the pedestrian connection along the northern driveway will be a minimum of five feet.
6. Modify the site plan to reference “West W.T. Harris Blvd” not “N. W.T. Harris Blvd”.
7. Indicate the correct scale of 3/32” = 1’ on sheet RZ-2.
8. Specify services and amenities associated with the institutional use.

Commercial Alternative – Eliminate the commercial alternative. If not eliminated, the petitioner should:

1. Eliminate Note B.3 under “Optional Provisions” regarding urban open space. Urban open space is not required for developments less than 50,000 square feet.
  2. Modify Note B.4 under “Optional Provisions” to only request a modified streetscape for Forest Drive to include an eight-foot planting strip and five-foot sidewalk. The planting strip may be reduced to four feet in areas to maintain existing trees.
  3. Eliminate Note D under “Transportation” and modify Note C to require right-of-way dedication along West W.T. Harris Boulevard similar to what is provided for the Elderly Multi-Family Scenario.
  4. Modify Note B under “Streetscape and Landscaping/Fence/Buffers” to indicate an eight-foot planting strip and six-foot sidewalk along West W.T. Harris Boulevard and the streetscape proposed by the optional provision for Forest Drive.
  5. Remove Notes D.2 (d) and (e) under “Streetscape and Landscaping/Fence/Buffers”.
  6. Remove Note B under “Open Space”.
  7. Modify the “Maximum Building Height” within the “Site Data Table” to indicate one story with a maximum height of 35 feet for the commercial building.
  8. Clarify and label a 42-foot setback along Forest Drive on Sheet RZ-3.
  9. Indicate a minimum five-foot pedestrian connection from West W.T. Harris Boulevard along the northern driveway to the existing abutting shopping center on Sheet RZ-3.
  10. Indicate a minimum five-foot wide pedestrian connection from the building out to both abutting public streets on Sheet RZ-3.
  11. Clarify on the site plan that the “Existing Screen Fence” along Forest Drive and the eastern property line is to remain.
  12. Modify the site plan to reference “West W.T. Harris Blvd” not “N. W.T. Harris Blvd”.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** Shad Spencer (704) 353-1132