

REQUEST	Current Zoning: CC, commercial center Proposed Zoning: CC SPA, commercial center, site plan amendment
LOCATION	Approximately 7.55 acres located on the west side of Johnston Road between North Community House Road and Porterfield Road.
SUMMARY OF PETITION	The petition proposes a site plan amendment to allow up to 8,000 square feet of uses permitted in the CC district, in addition to the 120-room hotel that is already allowed on the site.
PROPERTY OWNER	NRI Communities/Charlotte, LLC
PETITIONER	NRI Communities/Charlotte, LLC
AGENT/REPRESENTATIVE	Jeff Brown and Keith MacVean, King and Spaulding LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Griffith seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The existing five-foot sidewalk and ten-foot planting strip along Johnston Road have been shown and labeled. 2. Sidewalk and planting strip have been reflected to the northern property boundary along Johnston Road. 3. Sheet RZ-2 has been deleted and applicable notes from previous petition 2007-103 have been placed on Sheet RZ-1. 4. Addressed Park and Recreation comments by specifying the approximate width and location of the greenway easement. 5. Amended Note 2b under the heading of "Permitted Uses and Development Area Limitation" to state that drive-in or drive-through lanes/windows as an accessory use will not be permitted on the site. 6. Amended Note 6d under the heading of "Environmental Features and Greenway Easement" as follows: <ol style="list-style-type: none"> a. To specify that the minimum width of the easement shall be 60 feet; b. To specify that the easement will connect from the northerly end of the site at Johnston Road to the southern end of the site; c. To state that the final, precise location and width of the easement shall be determined at a future time depending upon site constraints, other existing public and private easements, public improvements, structures, etc.; d. To state that the easement shall be provided prior to the issuance of a certificate of occupancy in association with the proposed hotel or within two years of the approval of this site plan amendment, whichever occurs first. 7. Added Note 6e under the heading of "Environmental Features and Greenway Easement", which states the petitioner will not be required to provide the greenway easement if the existing easements (e.g. CMUD, Duke Power) do not allow the Petitioner to grant the proposed greenway easement. 8. Amended Note 6d to refer to a greenway easement as opposed to a greenway path easement. 9. Amended labels on Sheet RZ-1.0 to state greenway easement as opposed to greenway access easement.
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VOTE

Motion/Second:

Griffith/Eschert

Yeas:

Eschert, Griffith, Johnson, Labovitz, Lathrop,
and Phipps

Nays:

None

Absent:

Allen

Recused:

None

**ZONING COMMITTEE
DISCUSSION**

Staff presented the petition to the Zoning Committee and indicated the modifications made to the plan to address outstanding issues.

One committee member stated that the wording of the restricted uses in Note 2 under the heading of Permitted Uses & Development Area Limitation was confusing as written. Staff responded that Note 2 under the heading of Permitted Uses & Development Area Limitation has been amended to state that neither gasoline convenience facilities nor drive-in or drive-through lanes/windows as an accessory use will be permitted on the site.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**

- The subject property was part of the 172-acre Toringdon Development rezoning approved in 1999 (rezoning petition 1999-88). This previously approved rezoning allowed for 675,000 square feet of office, 115,000 square feet of retail, 1,056 multi-family units, and a 120-room hotel (substitutable with 85,000 square feet of office uses).
- Subsequent petitions 2002-006 and 2007-103 approved CC site plan amendments for 78.8 acres of the larger 172-acre site. However, neither rezoning affected the uses allowed on the subject property.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 8,000 square feet of uses permitted in the CC district excluding restaurants with accessory drive-through service and gasoline convenience facilities in a one-story building limited to 18 feet in height.
- A 120-room hotel limited to five stories in height.
- Parking prohibited between the building and Johnston Road.
- Exterior building materials consist of brick, stucco, and/or a combination of those and other masonry materials.
- Buildings will be architecturally compatible with those in the existing center by use of similar building materials, architectural styles and treatments. Elevation of one-story building shall be reviewed by the Planning Department prior to the issuance of a building permit.
- A minimum 40-foot wide greenway path easement will be conveyed to the Department of Park and Recreation.
- Internal sidewalk connections to the existing development and proposed greenway trail.
- Detached lights limited to 20 feet in height.

- **Public Plans and Policies**

- The *South District Plan* (1993), as modified by previous rezonings, recommends a mixture of residential, office, retail and institutional uses.
- The petition is consistent with the *South District Plan*.

- **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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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.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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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*.
 - Protects and restores environmentally sensitive areas by providing a 60-foot wide greenway easement to allow Mecklenburg County Park and Recreation Department to construct the greenway trail.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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