

Protest
Insufficient

5. [Petition No. 2013-047](#) (Council District 2 – Mitchell) by Brookline Residential, LLC for a change in zoning for approximately 26.68 acres located on the west side of Interstate 77 near the intersection of Reames Road and Lakeview Drive from MX-1 to UR-2(CD).

This petition is found to be inconsistent with the *Northlake Area Plan*; however, to be reasonable and in the public interest, by a 4-1 vote of the Zoning Committee. The Committee voted 4-1 to recommend **APPROVAL** of this petition with the following modifications:

1. Modified Note 4.C. to reference driveway permits to be approved by CDOT and NCDOT.
2. Modified the last sentence of Note 4.D. to read: "...is valid for a period of ten (10) years from the date of the first certificate of occupancy being issued on the site ~~original approval of the Brookline site plan~~".
3. Eliminated Note 4.E.
4. Eliminated Note 4.G.
5. Modified the second sentence of Note 4.H. to read: "Petitioner may ~~shall~~ be allowed to construct control access gates at the project entrance, generally as depicted on the schematic site plan and subject to CDOT and Planning approval".
6. Provided an additional "Transportation" note indicating the petitioner will construct a concrete passenger waiting pad for bus service along the eastern side of Reames Road and that the location will be coordinated with CATS.
7. Provided an additional "Transportation" note that reads: "During the subdivision development review process, it will be determined if a vehicular/pedestrian connection(s) will be required to the abutting property north of the site. If such connection(s) is required and the development of this site occurs prior to the redevelopment of the abutting site to the north, the portion of the connection(s) on the site will be designed and constructed at the property line within two feet above or below the existing grade of the northern abutting parcel to facilitate the connection. Once such connection(s) is made it shall remain open to the public and any gate if installed to date must be removed."
8. Modified Note 5.D. to read: "...masonry materials including ~~brick, stone, brick veneer, and/or simulated stone architectural look and other masonry materials~~".
9. Eliminated Note 6.A.
10. Eliminated the last sentence of Note 6.B.
11. Eliminated Note 6.D.
12. Eliminated Note 6.E.
13. Eliminated Note 6.F.
14. Provided a conditional note regarding the open space areas, including tree save and stormwater areas, that indicate what amenities will be provided.
Removed the note on Sheet RZ-2 that states: "Due to existing conditions/perennial stream along this property line, roadway connection per USDG shall not be required".
15. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 4 and 5 out to the internal sidewalk along Boylston Drive.
16. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 7 and 11 out to the internal sidewalk along Boylston Drive.
17. The building elevation on Sheet RZ-3 indicates "accent vents and cupola on featured buildings". Provided additional notes that clearly define the featured buildings that will be constructed with the additional architectural elements.
18. Addressed Transportation comments.
19. The buffer width along Interstate 77 has been increased from a 50-foot Class "C" buffer to a 75-foot buffer along a majority of the road frontage. A portion of the buffer adjacent to the storm water management pond has been increased to 65 feet.
20. The minimum requirement for masonry materials on the exterior building walls has been increased from 25 percent to 30 percent. The percentage requirement for the carriage unit facades facing Boylston Street and the single family homes has been increased to 75 percent and their elevations have been modified to incorporate covered porches.
21. Provided a note to allow the eight current homeowners within Brookline to use the pool facility at the proposed apartment community for an annual fee of \$600.
22. Provided a note indicating the petitioner will fund the repair of the existing gate at the Lakeview Road entrance and commit to having the apartment community pay for the long term maintenance of the gates.
23. Provided a note indicating the apartment community will share in the cost of maintaining the private roads in Brookline and in keeping up the landscaping along Reames Road.

Staff recommends approval of this petition.

Attachment 5