

**ZONING COMMITTEE  
RECOMMENDATION  
June 25, 2008**

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**Rezoning Petition No. 2008-060**

- Property Owner:** Gail E. Gale; Paul Howard Gale, III and Susan Gale; Douglas R. Kerns and Jody G. Kerns
- Petitioner:** Gandy Communities
- Location:** Approximately 21.22 acres located on the east side of Point O'Woods Drive and the west side of Northlake Centre Parkway.
- Center, Corridor, or Wedge:** Center
- Request:** R-3, single family residential to CC, commercial center
- Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:
- Left turn lanes are shown on Northlake Center Parkway with the following notes:
    - i. A left turn lane will be installed at the northernmost signalized intersection of Northlake Center Parkway and Northlake Mall Drive if and when the access point across Parcel 02510305 (Owner: FCD-REAMES ROAD LP) is constructed.
    - ii. A left turn lane will be installed at the southernmost signalized intersection of Northlake Center Parkway and Northlake Mall Drive if the access point across Parcel 02510305 is not constructed prior to the issuance of the first multi-family building.
  - Upon the extension of the proposed 63-foot right-of-way/street (Connector) located on the south side of the site to Northlake Center Parkway, a portion of the right-of-way-for Point O' Woods Drive will be abandoned and removed. The portion of Point O' Woods Drive west of the Connector may remain to provide additional access to the multi-family portion of the site.
  - The TIS will be revised and resubmitted to include the Phase II retail component of the project.

- The private drive located between buildings 3 and 7 will connect to Point O’Woods Drive but will not be stubbed to the adjacent property.
- A note will be added to page RZ-3 that the commercial building height will be limited to 45 feet or 3 stories per Section 11.405.6 of the Charlotte Zoning Ordinance. Should the height exceed 40 feet, additional side yards will be provided where adjoining residential uses. The office and/or retail buildings shall not have large expanses of blank walls exceeding 20 feet.
- Note 4(C) (1) located on page RZ-3 of the rezoning plan will be deleted since the property does not have frontage on Northlake Center Parkway.
- A note will be added to page RZ-3 that the Floor Area Ratio (FAR) will not exceed 1.0. The FAR will be based upon the overall project site of 21.22 acres.
- A note will be added that a pedestrian connection will be constructed in the area of Building 9 to the commercial area, at such time as the commercial area is developed and a suitable location can be determined.
- Storm water detention will not be located within the required Class B and/or C landscape buffers.

**Vote:**        Yeas:                Howard, Johnson, Lipton, Loflin, Randolph, and Sheild  
                      Nays:                    None  
                      Absent:                  Rosenburgh

**Summary of Petition**

The site plan accompanying this petition proposes a mixed-use community with up to 320 multi-family residential units at 17 dwelling units per acre and a maximum of 50,000 square feet of office/retail space. The freestanding single tenant independent retail buildings are limited to no more than one, which may be a bank, restaurant, or other retail or office use with drive-through facilities.

The buildings are limited to a maximum of five stories in height with four-sided architecture that reflects the existing built environment in the Northlake area. The buildings will orient toward the public streets or Dixon Branch Creek. Outdoor dining, seating areas, and courtyards may be provided.

The site plan notes a minimum 10 percent tree save area for the multi-family component. A note on the plan allows the amenity area for the multi-family to be exchanged with a multi-family building. It also indicates that the amenity site will include a pool and clubhouse or cabana as well as benches and landscaping.

Along Northlake Centre Parkway, eight-foot sidewalks will be provided and planting strips will be in accordance with the Charlotte Tree Ordinance. Internal private streets will have five-foot sidewalks

and six-foot planting strips. Conceptual public right-of-way connecting Northlake Centre Parkway to the adjacent commercial development will have six-foot sidewalks and six-foot planting strips on both sides.

### **Zoning Committee Discussion/Rationale**

Tammie Keplinger reviewed the petition and noted that the *North Lake Area Plan* was adopted by City Council on June 23, 2008. She stated that a valid protest petition had been submitted on this petition. Ms. Keplinger then reviewed the changes that have been made to the site plan since the public hearing (see above). Scott Putnam with CDOT indicated that one of two proposed improvements related to the TIS will be done. The improvements include either an eastbound lane onto Harris Boulevard from the I-485 ramps to Reames Road or the alternate would be to extend and add to the left turn lane onto Harris Boulevard and Statesville west bound. CDOT is in the process of looking at notes to determine which option will be done.

### **Statement of Consistency**

Upon a motion made by Commissioner Sheild and seconded by Commissioner Randolph, the Zoning Committee unanimously found this petition to be consistent with the *North Lake Area Plan* and reasonable and in the public interest.

### **Vote**

**Upon a motion made by Commissioner Sheild and seconded by Commissioner Randolph, the Zoning Committee voted unanimously to recommend APPROVAL of this petition as modified.**

One Commissioner asked Mr. Putnam if he is still looking at the traffic mitigation improvements and whether the petition should be deferred until it has been worked out. Mr. Putnam responded that the commitments have been made, as listed on the site plan and he is comfortable with moving forward on the petition.

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.