

**ZONING COMMITTEE  
RECOMMENDATION  
May 28, 2008**

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**Rezoning Petition No. 2008-068**

- Property Owner:** Avtex Partners XI, LLC
- Petitioner:** Southern Holdings IV, LLC
- Location:** Approximately 11.05 acres located on the northeast corner of Eastfield Road and Highland Creek Parkway
- Center, Corridor, or Wedge:** Wedge
- Request:** R-9(PUD), single-family residential, Planned Unit Development to NS, neighborhood services
- Action:** The Zoning Committee voted to unanimously recommend **APPROVAL** of this request with the following modifications:
- The total number of parking spaces provided and how they were calculated will be added to the development summary. The total number of parking spaces provided is approximately 430 based on one space per 275 square feet.
  - The maximum building height for the structures on the site will be added to the development summary. The maximum building height is 40 feet.
  - The Petitioner will replace the existing five (5) foot sidewalk along Highland Creek Parkway with a six (6) foot sidewalk.
  - The Petitioner will clarify by adding wording to the Development Standards that if buildings One, Two or Three are broken up, the area between the buildings will be used as either pedestrian plazas or landscape areas, parking will not be allowed.
  - The Petitioner will provide conceptual streetscape renderings that will illustrate the general character of the proposed buildings.

Resolution of CDOT Issues:

- The site plan will be revised to indicate that the driveway on Eastfield Road will be limited to right-in/right-out unless the North Carolina Department of Transportation approves the driveway with the addition of a left-in access, at which time the driveway will be constructed to allow left turns into the Site from Eastfield Road.
- The Petitioner will remove from note 8b the wording regarding “mutual agreement”. The new Note will read that the design of the left turn lane is subject to the applicable CDOT and NCDOT standards.
- The Petitioner will be able to widen Eastfield Road asymmetrically as requested. Wording to that effect will be added to the Development Standards.
- The existing five (5) foot sidewalk along Eastfield Road will be replaced with a six (6) foot sidewalk.

- The Petitioner and CDOT have agreed that the current location for the new internal public street is acceptable.
- The proposed public street will be designed and constructed to meet *Urban Street Design Guidelines* with the addition of angled parking. The final details to be worked out through the subdivision review process.
- Parking along the new public street will be located at least 100 feet from the Highland Creek Parkway and 20 feet from the end of corner radius of any intersecting street or driveway.

Changes to Plan as a result of Community Meeting and Discussion with Adjoining Owners:

- The Petitioner met with Mr. Alan Buch and agreed to construct a berm and a six (6) foot brick wall (where the berm is not located) between the new public street and Mr. Buch’s property. Detailed drawings of this agreement are shown as a part of the conditional plan.
- A note was added to the plan restricting construction access to the site to Eastfield Road subject to approval by the appropriate review agencies.
- The height of the masonry screen wall along Highland Creek Parkway and Eastfield used to screen the parking spaces on Parcel A was increased in height from two (2) feet to three (3) feet.
- A note not allowing Neon signs was added to the plan.
- A note was added to the plan indicating that if the Petitioner can secure approval from the City pedestrian cross-walks will be installed on Highland Creek Parkway at the main access to the site.
- A note restricting dumpster pick up hours to after 6:30 a.m. and before 11:00 p.m. will be added to the Plan.

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

**Summary of Petition**

The purpose of the request is to revise the plan to accommodate a mixed-use of office, retail and residential up to 112,000 square feet. The site is currently undeveloped.

The subject parcel is part of the overall Highland Creek mixed-residential development that was approved by County Commission on February 19, 1990, rezoning approximately 1,035 acres from Rural to R-9 (PUD). The plan allowed for the construction of a mixture of single-family attached and detached units, a number of common facilities and open spaces, an 18-hole golf course, a small commercial center of 70,000 square feet, and a public school site.

The request is inconsistent with the *Northeast District Plan* (1996); which recommends single-family residential. The current approved conditional zoning plan for this parcel (R-9 (PUD)) allows for 70,000 square feet of retail uses. The petitioner has worked with staff to design the site so as to enhance its form as a pedestrian-friendly development. An increase in retail square footage up to 100,000 (total) square feet is appropriate and up to 30,000 additional square feet of office or residential uses may be incorporated if the site plan issues are addressed.

Based upon the above, this request can be supported subject to the petitioner adequately addressing planning and transportation issues.

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

Mr. Tom Drake presented the item to the Committee, noting the surrounding land uses and that that a center had previously been approved on this site as part of the Highland Creek development. Mr. Drake noted that a number of modifications had been made to the site plan, and indicated that the petitioner has agreed to resolve one outstanding item regarding a change in the parking standard for outdoor dining.

The Committee inquired into consistency and Mr. Drake responded by saying that the statement regarding inconsistency with the *Northeast District Plan* was being reconsidered as Highland Creek was originally approved as a residential community, and the commercial center was embedded in this development. As such, Mr. Drake indicated that the proposal should be considered consistent with the applicable policy plan.

The Committee asked if the Town of Huntersville had an opportunity to comment on the proposal, and Mr. Drake noted that comments were received from Huntersville's staff. Commissioner Howard stated that a letter from Huntersville regarding the revised plans had been received, and suggested that he or the agent for the petition discuss those comments. The Committee suspended the rules to allow Mr. Keith MacVean, agent for the petition, to speak about comments received from Huntersville. Mr. MacVean identified Huntersville staff comments, including turn movements for the proposed driveway onto Eastfield Road; moving Building A closer to the corner; and, concerns with angled parking on the proposed public street. Mr. MacVean indicated that the drive onto Eastfield Road had been modified to right-in/right-out only with an option to also allow left-turns subject to NCDOT approval. He expressed difficulty with moving Building A closer to the corner due to an existing monument sign and screen wall. With respect to the angled parking, Mr. MacVean indicated project would comply with the *Urban Street Design Guidelines* and subdivision requirements. There was no further discussion of this petition.

### **Statement of Consistency**

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

### **Vote**

**Upon a motion made by Commissioner Sheild and seconded by Commissioner Lipton the Zoning Committee voted unanimously to recommend APPROVAL of this petition with modifications.**

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.