

**ZONING COMMITTEE
RECOMMENDATION
June 25, 2008**

Rezoning Petition No. 2008-093

Property Owner: Mecklenburg Land Development, LLC

Petitioner: Mecklenburg Land Development, LLC

Location: Approximately 4.01 acres located at the intersection of Lancaster Highway and Johnston Road.

Center, Corridor, or Wedge: Wedge

Request: NS, neighborhood services to NS SPA, neighborhood services, site plan amendment

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modifications:

- The petitioner will modify note #Q1 to remove the clause, “at the time of this original filing dated 11/26/01”.
- The petitioner will modify note #M2 to state that all lighting shall be shielded with full cut-off lighting fixtures.

Vote: Yeas: Howard, Johnson, Lipton, Loflin, Randolph, Rosenburgh, and Sheild

Nays: None

Absent: None

Summary of Petition

This request proposes to amend the existing approved site plan to allow the site to be developed as a unified development with an adjacent parcel zoned O-1 (CD), which is also owned by Mecklenburg Land Development, and planned for a health club. This will allow cross-access and shared signage between the two parcels, and permit a minor increase in building height. The proposed 45,000 square feet of office/retail space is unchanged.

Other changes to the last administratively approved site plan include the following:

- This site and an adjacent property zoned O-1(CD) are proposed for development as a unified development.
- Signage for the health club will be permitted along U.S. Highway 521.
- There will be an increase in the number of buildings permitted on the site from two to three buildings. In addition, the building envelope has been enlarged from the previous plan.

- The previous approved site plan limited buildings located within 100 feet of a residential zoning district to two stories, or 30 feet in height. All other buildings could not exceed three stories and 40 feet in height. This site plan amendment would eliminate the lower height restriction for buildings located within 100 feet of a residential zoning district (MX-2) and neighborhood.
- Buildings along Highway 521 will be no closer than eight-feet from the right-of-way, which is an increase from the six-feet approved in the previous approved site plan.
- Parcel C has been sold, and is not included in this site plan amendment.
- Parcels A and B from the previously approved plan have been consolidated into one parcel.

Zoning Committee Discussion/Rationale

Tammie Keplinger summarized the site plan amendment. The major changes are 1) the project will be a unified development with the adjacent property, 2) a restriction on building heights will be changed allowing the height to exceed 40 feet, and 3) the number of buildings will increase from two to three. Since the public hearing, the petitioner has addressed most of the outstanding site plan issues. There are two that are still outstanding. The revised site plan does not include a modified note regarding the Post Construction Control Ordinance, nor has a modification been made to the lighting note to commit to full cut-off light fixtures that are fully shielded.

Doug Lozner, Storm Water Services, addressed the Committee and stated that the petitioner has not agreed to add the note that the site plan will comply with the adopted Post Construction Control Ordinance. In the latest site plan revision, the petitioner has added a statement to be grandfathered based on the original filing on November 26, 2001. Mr. Lozner requests that this clause be removed. He added that every petition is subject to Post Construction Control Ordinance.

The Commissioners asked to see the revised site plan. One Commissioner asked about the height permitted along Highway 521. Ms. Keplinger stated that in the NS district, the maximum height is 60 feet, unless the property abuts residential uses or districts, in which case it has a height limit of 40 feet. The height may exceed 40 feet if there is an increase in side and rear yards of one foot for every foot of building height over 40 feet, up to the 60 feet maximum.

The rules were suspended to ask the petitioner about the number of buildings on the site. There are three buildings on the site, although it appears to be four. Two buildings are connected above the ground floor.

Statement of Consistency

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

Vote

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

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.