



STAFF REPORT

CASE:	ZC13-4
EXISTING ZONING	B-G DO-B AND R DO-A
REQUEST:	B-G DO-B (CD) AND R DO-A (CD)
APPLICANT:	STILES CORPORATION
PROPERTY OWNER	REGIONS BANK AND C/O OREO OPERATIONS
LOCATION	11628 LAWYERS ROAD
TAX MAP NUMBER	195-182-31
STAFF RECOMMENDATION	FAVORABLE REPORT W/ RECOMMENDED CONDITIONS

EXECUTIVE SUMMARY:

The applicant, Stiles Corporation, is requesting Conditional Zoning approval for Phase 1 for property located at 11628 Lawyers Road. The petition for rezoning includes the Zoning Plan and architectural elevations. Future phases of development are not dependent on additional conditional zoning unless exceptions from the Code are requested or the use proposed requires zoning approval.

The Administrator is responsible for the administration of the Downtown and the issuance of all related zoning permits, except when exceptions to the Code are requested and/or if the use proposed is either a convenience store, gas station, car wash or drive-through facility. In this case, the applicant is requesting exceptions from the Downtown Code and proposing a drive thru facility (i.e. pharmacy window).

See sheet C1.0 for a list of the exceptions requested with this petition. ***when using the word “exception”, staff is specifically referring to exceptions from the Downtown Code***

Section 7.4 Downtown Code (1.1.5)

Exceptions to the provisions of this Ordinance (except for Permitted Uses and Excluded Uses) may be approved as a Conditional District rezoning approval by the Board of Commissioners upon a recommendation by the Planning Board. In granting a Conditional District rezoning approval as an exception to these provisions, the Board shall first determine that:

- No practical design alternatives exist; and
- The variations /exceptions requested are consistent with the purpose and intent of this District as well as Section 1.2 General Building Design Guidelines.

Conditional District decisions shall be made in consideration of identified relevant adopted land use plan (i.e. Downtown Master Plan). Conditional District rezoning is a legislative procedure under which the Board of Commissioners has the authority to increase, tighten, add, vary, modify or waive specific conditions or standards. In approving a petition for the rezoning of property to a Conditional District the Board of Commissioners may request reasonable and appropriate conditions.

Phase 1 Summary

- Anchor store (49,098 sq. ft. grocery store) *Building C*
- Office/Retail multi tenant building (6,800 sq. ft.) *Building A*
- Office/Retail multi tenant building (6,800 sq. ft.) *Building B*
- Office/Retail building (3,103 sq. ft.) (screens drive-through) * labeled as Building C*
- Drive-Through (i.e. pharmacy window)
- Street connection at Lawyers Road across from the State Employee Credit Union
- Street connection at Matthews-Mint Hill Road across from Brighton Park Drive
- Hawthorne Drive extension

- Extension of the existing library drive into the subject site and a new pharmacy access drive
- Proposed public space between Building B and the Building C
- Matthews-Mint Hill Road
 - Left turn lane
 - Right turn lane
 - Landscaped median at Hawthorne Drive and Evans Road *median's purpose is to serve as right in/right out. Median at Evans will include pedestrian crossing
 - Curb and gutter
 - 8 ft. Sidewalk
 - Traffic light
- Lawyers Road
 - Left turn lane
 - Right turn lane
 - Applicant is requesting deferment of sidewalk, and curb and gutter
- Mint Hill Commons Signage ordinance (See Sheet C1.0)

Existing Zoning

The property is within the Downtown, currently zoned DO-A and DO-B. The Downtown is administered by the Administrator. Future development of the site does not necessarily require Board approval.

PLAN CONSISTENCY:

Mint Hill Land Use Plan	Yes
Downtown Master Plan	Yes (see comment below)
Mint Hill Comprehensive Transportation Plan	Yes
MUMPO Thoroughfare Plan	Yes
Pedestrian Plan	Yes

The proposed commercial layout deviates slightly from the recommended building configuration recommended in the Downtown Master Plan. The deviation is mostly a consequence of the big box store which was not contemplated in the Master Plan. In general, however, the proposal is consistent with the Downtown Master Plan



RECOMMENDED CONDITIONS OF APPROVAL:

Staff offers a favorable recommendation on ZC13-4 with the following recommended conditions of approval.

General Comments:

1. Elevation 12-a (Sheet A02): The elevation should be improved in accordance with 1.2. F. of the Downtown Code
2. Remove reference to 5' sidewalk for Lawyers Road and replace with: Sidewalk will be constructed at the time of Future development or 18 months following the issuance of the c/o for the grocery store, whichever comes first
3. The rear loading dock relies on the landscaping planted (Leyland Cypress) on the adjacent library site. Staff recommends a condition of approval that holds the owner responsible for installing a Type A Buffer, as described in the Downtown Code, if the landscaping on the adjacent property dies or is damaged to the point where screening of the loading area is no longer adequate
4. Under the Post Construction Ordinance notes, the Common Property Owners Association is said to be responsible for long term maintenance of the BMPs. Staff recommends the applicant clarify that the future residential properties (HOA) will not be connected to the Common Property Owners Association
5. Remove square footage restriction from Future Retail/Office
6. Staff does not support the sign ordinance proposal as currently drafted on Sheet C1.0. Staff does support additional signage for the library (such as wayfinding signage), however, the applicant should provide this in illustration form for the Board's consideration before the final decision is made
7. Staff recommends the applicant commit to landscaping Phase 1 Project Limits with a mixture of staggered large and small trees and shrubs (evergreen variety) to signify a subtle boundary between the future residential and commercial area. However, it is not recommended the applicant use a berm, fence, wall or an opaque landscaped barrier
8. Revise the Zoning Plan to indicate the traffic light and crosswalks will be installed at the intersection of Brighton Park Drive and Matthews-Mint Hill Road
9. Correct the Zoning Plan to indicate the pedestrian lights on Matthews-Mint Hill Road will be install on the inward side of the paverbands
10. Correct the Zoning Plan to indicate the pedestrian lights will installed on the interior street

Add the following notes:

1. Exterior building lighting shall be decorative (full cut off type)
2. *Effects of Approval* (staff will provide applicant language)
3. The issuance of the c/o for the grocery store is dependent on Phase 1, as depicted and described in the approved Zoning Plan and any applicable zoning condition, to be inspected and approved by the Zoning Inspector—specifically Buildings A, B and C shall be erected prior to the c/o for the grocery store
4. *Development of the Site will be governed by the attached Site Plan and Development Standards (collectively referred to as the "Zoning Plan") as well as the applicable provisions of the Town of Mint Hill Unified Development Ordinance (the UDO)*
5. All uses permitted by right in the DO-A and DO-B are permitted for Phase 1 (drive-through, convenient stores, gas stations and car washes would require a new Conditional District Rezoning)
6. Architectural and material commitment for residential portion of property (staff will provide the applicant the exact language taken from the downtown code to add to the plan)
7. For the Undisturbed Open Space area 1 (UOS 1): "Future Neighborhood Green" as generally described on Page 17 of the Downtown Master Plan
8. In accordance with Section 4 (4.4) of the Post Construction Ordinance greenway trails are permitted within areas designated as Undisturbed Open Space
9. All meter banks, backflow preventer, rear-side parapet walls and roof top equipment will be screened from view
10. The owner agrees to maintain a solid hedgerow to serve as a low wall no less than four (4) foot in height to screen the portion of parking that abuts Brighton Park Drive
11. The owner agrees to maintain a solid hedgerow no less than four (4) feet in height to help enclose and screen the public space from the parking area between Buildings B and C
12. The Administrator shall approve the type of crosswalks used for the public r/w and future r/w

STAFF CONTACT:

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