

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: INST(CD) (institutional, conditional)
LOCATION	Approximately 9.81 acres located on the east side of Reedy Creek Road and Interstate 485 at the end of Saddlehorse Lane near the intersection of Gelding Drive and Saddlehorse Lane. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes to develop a vacant parcel in the Robinson Church Road area to allow a maximum 67,000-square foot, 750-seat religious institution and associated uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Harbor Baptist Church Harbor Baptist Church William E. Milligan
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 46
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be inconsistent with the <i>Rocky River Road Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends residential uses up to 12 units per acre; however, area plans typically do not designate all locations for institutional uses. The proposed site plan is also inconsistent with the area plan's recommendation to extend Saddlehorse Lane to Reedy Creek Road. • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The institutional use is not generally inconsistent with the area plan; and • There are two existing entrances to the abutting neighborhood from Harrisburg Road and Robinson Church Road; and • The creation of a public multi-use walking path is within the public interest; <p>By a 7-0 vote of the Zoning Committee (motion by Spencer seconded by Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Petitioner has committed to amend the site plan to add a note stating the proposed multi-use path will be open to the public. 2. Petitioner has agreed to show and label the potential 50-foot undisturbed Post Construction Stormwater Ordinance Stream Buffer on the site plan, and to adjust construction limits to comply with buffer requirements or submit documentation as specified in the Post Construction Stormwater Ordinance confirming no perennial or intermittent stream exists at the location of the potential 50-foot Stream Buffer. 3. Petitioner has agreed to align the building square footage listed under "Development Data" and under Note 13 under "Phasing" to reflect 44,400 square feet. 4. Revised the site plan to show the proposed sidewalk along Reedy Creek Road as it was shown on the petitioner's previously submitted version of the site plan. 5. The 50-foot wide "Class C" buffer abutting R-3 (single family residential) zoning has been shown and labeled.
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VOTE

Motion/Second: Eschert / Labovitz
 Yeas: Eschert, Labovitz, Lathrop, Majeed, Spencer,
 Watkins and Wiggins
 Nays: None
 Absent: None
 Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff reviewed the petition indicating that the petitioner has agreed to address the outstanding items listed under the heading of "Infrastructure" and "Land Use." Staff pointed out that several outstanding issues related to transportation and street connectivity remain, and explained that the adopted *Rocky River Road Area Plan* calls for the extension of minor collector Saddlehorse Lane through the site to Reedy Creek Road. This connection was provided on a previous version of the site plan but the current site plan, which went to public hearing in December 2016, removed the street extension and does not reserve or dedicate right-of-way for future extension of the road by the City.

Staff explained that the Subdivision Ordinance exempts institutional uses but staff requests the extension of Saddlehorse Lane because it is recommended in the adopted area plan. The connection would provide a secondary entrance to the abutting residential development and would enhance the current emergency responder access from the Mecklenburg County portion of the site.

Committee members and staff discussed how the street extension would serve to provide and enhance emergency access to the abutting neighborhood, given that there are two existing entrances to the neighborhood on Harrisburg Road, one of which is in Cabarrus County. A member noted that the Fire Department did not mention the need for additional access for emergency vehicles. Staff noted that the Fire Department comments on how the site meets their regulations and does not comment on site plans from the perspective of the bigger picture in terms of connectivity. The committee asked the petitioner, Ben Barry of Milligan Architecture, if there are topographic issues that affect the location of the road. Mr. Barry stated there is a 14-foot grade separation that occurs midway through the site but there are no grade issues between Saddlehorse Lane and the proposed walking trail that runs around the northern boundary below the required buffer.

A committee member asked if the requested street extension could skirt the parking lot and be stubbed to the abutting property instead of connecting to Reedy Creek Road. Staff responded that ideally, the street would be extended to Reedy Creek Road, and the next best result would be land reservation so the City could build the road in the future. The original site plan showed the street extension connecting through to Reedy Creek Road, which separated lot from the church. This was removed on the revised site plan. Staff would be okay with a compromise that would not bisect the site. As shown on the current site plan, all opportunity for street extension have been lost. CDOT staff was asked if a lesser connection (i.e. access between the parking lot and the abutting property) has been discussed with the petitioner. CDOT staff responded that there has been no discussion with the petitioner since the street extension was removed from the site plan. Staff continued that the proposed road is reflected on the minor collector plan, which makes the street integral to building a larger street network.

A member of the committee asked if the proposed multi-use path will be open to the public. Mr. Barry responded that the path would be open to the public and would link to abutting property to the northwest that has been donated to Mecklenburg County Park and Recreation. Staff pointed out that a note committing the multi-use path to be open to the public should be added to the site plan, if the guarantee of it is

important to the Committee.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee because the adopted area plan recommends the extension of minor collector, Saddlehorse Lane, through the site. In addition, as currently proposed, the site layout precludes any future extension of Saddlehorse Lane by locating a parking lot in the area of the road extension, and does not reserve area or dedicate right-of-way for a future extension of the road by the City.

FINAL STAFF ANALYSIS (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A maximum 67,000-square foot religious institution, parking, and accessory uses in INST (CD) (institutional, conditional) zoning on 6.61 acres. This part of the site will be developed in three phases as follows: Phase 1 - 44,400-square foot religious institution, Phase 2 - 7,500-square foot multi-purpose addition, and Phase 3 - 15,000-square foot educational expansion (child care).
- Building height limited to forty feet and two stories with a mezzanine. Steeple height limited to 75 feet.
- Building materials will consist of concrete masonry block, EIFS, aluminum and glass windows, prefinished metal roof and coping [the capping at the top of a wall designed to prevent water from penetrating into the core of the wall], aluminum decorative crosses, and prefinished fiberglass or aluminum steeple.
- Building elevations depicting the sanctuary and educational wing have been provided.
- An eight-foot wide paved pedestrian/bike path will be provided, abutting residential zoning to the north, running from the Reedy Creek greenway on the west to Saddlehorse Lane.
- A six-foot sidewalk along Reedy Creek Road.
- Landscaping and screening will be provided between the parking and Reedy Creek Road.
- A tree survey plan depicting tree save areas has been provided.
- A 50-foot wide "Class C" buffer abutting R-3 (single family residential) zoning to the north has been provided. Existing pond and proposed BMP area will be surrounded by a six-foot high black vinyl coated chain link fence.

• **Public Plans and Policies**

- The *Rocky River Road Area Plan* (2006) recommends residential uses at a density of up to 12 units per acre. Area plans do not usually designate all locations for institutional uses. However, the plan recommends a street connection from Saddlehorse Lane to Reedy Creek Road.
- Design policies recommend siting neighborhood centers and other non-residential development at appropriate locations to complement the scale and character of the surrounding environment, promote connectivity, and balance density with quality open spaces.
- Design policies recommend utilizing architectural styles that reflect and enhance the rural character of the Rocky River area.

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on a major collector approximately 1,500 feet west of a signalized intersection. The current site plan eliminates the construction of the proposed collector extension and proposes a parking lot that conflicts with the future road. At a minimum the site design should reserve the street alignment right-of-way. See Outstanding Issues, Notes 1 through 3.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 10 trips per day (based on one single family detached dwelling).
Entitlement: 360 trips per day (based on 31 single family detached dwellings).
Proposed Zoning: 1,570 trips per day (based on a 750-seat religious institution and a 15,000-square foot accessory child care center.)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.

- **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** Charlotte Water has water system availability for the proposed rezoning area via an existing 12-inch water distribution main located along Reedy Creek Road. Sewer system is available via an existing eight-inch gravity sewer main located along Reedy Creek Road
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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OUTSTANDING ISSUES

Transportation

1. Petitioner should revise the site plan to show the proposed extension of Saddlehorse Lane to the property boundary and connecting into existing Saddlehorse Lane as it was shown on the petitioner's previously submitted version of the site plan.
 2. Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued as it was shown on the petitioner's previously submitted version of the site plan.
 3. Revise the site plan to add a note specifying all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan as it was shown on the petitioner's previously submitted version of the site plan.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327