

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2006-13**

**Property Owner:** Alice McGinn Bingham by Entirety (Sherry Murphey, Lesley McCarley, Joseph McCarley)

**Petitioner:** The McAlpine Company

**Location:** Approximately 22.9 acres west of US 521 (Lancaster Highway) and north of Ardrey Kell Road

**Request:** Change from R-3 (single family residential) to MX-2 (Innovative Mixed-Use)

**NOTE: A subdivision variance to not extend the existing stub street will be required before this petition will be appropriate to go to public hearing. Therefore, this petition needs to be deferred until the subdivision variance has been obtained.**

### **Summary**

This petition seeks approval for 170 townhomes, with a resulting density of 7.1 dwellings per acre.

### **Consistency and Conclusion**

With respect to the locational criteria for higher densities contained in the General Development Policies, this proposal would be consistent if the GDP's residential design guidelines were met. However, this proposal fails to meet the following design guidelines:

- Pedestrian amenities are lacking.
- The circulation system does not meet standards for connectivity.
- There is inadequate tree save area proposed, and wetland areas are unprotected, thereby failing to respect the natural environment of the site.

**Cumulatively, these deficiencies prevent the staff from recommending approval of this petition.** Additional site plan deficiencies exist.

### **Existing Zoning and Land Use**

The 23.83-acre parcel borders multi-family and townhouse development to the north and south (zoned R-8MF(CD)), and a single-family residential subdivision in R-3 zoning to the west. Across Lancaster Highway to the east are retail shopping centers, a church, and additional vacant land.

## **Rezoning History in Area**

The petitioned site was the subject of an attempted rezoning in 2002. That petition sought a mix of retail, office, and multi-family residential. The petition was denied despite deleting the vehicular connection to Bridgemount Avenue and substituting a pedestrian connection. Several rezoning for retail and office development have been approved in recent years at the intersection of old Lancaster Highway and the new US 521. A shopping center rezoning was approved in 2005 on the northeast corner of Ardrey Kell Road and US 521. An indoor sports facility was approved in 2005 on the southeast corner of the same intersection.

## **Public Plans and Policies**

The *South District Plan* (1993) shows the subject property as single-family residential. The *South District Plan* references the residential location criteria of the General Development Policies for potential areas of higher density development.

## **Proposed Request Details**

This petition seeks approval for 170 townhomes, with a resulting density of 7.1 dwellings per acre. The site plan accompanying this petition contains these additional provisions:

- There are vehicular connections to US 521 and Copper Mountain Boulevard via private streets.
- A 50-foot Class “C” buffer is proposed abutting existing single family homes but the petitioner reserves the right to reduce that buffer by 25% with a fence, wall, or berm. The buffer area is also identified as a potential tree save area.
- Three types of townhomes, varying by unit widths, are proposed
- Sidewalks will be provided on one side of internal streets.
- A minimum of 10% open space will be provided. Three potential areas are identified. Improvements may consist of benches, arbors, plantings, or paved trails. However, petitioner reserves the right to omit those improvements based on “market conditions and design criteria.”
- An alternative design with alley loaded units along US 521 is included.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** Development under the existing zoning would generate approximately 680 trips per day while development under the proposed rezoning would generate 1100 trips per day. A minimal network of public streets is needed through the development. CDOT is seeking a vehicular connection between this site and the townhome site under development to the south. See attached memo for additional detailed comments.

**CATS.** CATS requested a sidewalk along US 521 and an easement for a bus shelter pad.

**Connectivity.** Section 6.200.2 of the Subdivision Ordinance states, “The proposed street system shall extend existing streets on their proper projection.” Since the petitioner’s site plan fails to do that, a variance from this provision of the subdivision ordinance is needed. As is the case when similar zoning variances are required, the variance must be approved prior to the public hearing for the petition.

**Storm Water.** Storm Water Services has requested water quality improvements as detailed on the attached memo. The following note needs to be added to the site plan: “The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria, (for example those that regulate streets, sidewalks, trees, stormwater, and site development, etc.) will apply to the development site. Conditions set forth in this petition are supplementary requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission the stricter condition or existing requirements shall apply.”

**School Information.** CMS estimates that the proposed development would generate less school children that would development under the existing zoning. Therefore, there is no added impact to the school system from this rezoning petition. See attached memo for details.

### Outstanding Issues

**Land Use.** The Residential Location and Design section of the *General Development Policies* (2003) (GDP) provide the criteria for determining appropriate locations for higher density development. The assessment consists of a point system used to evaluate individual sites. Included in the GDP criteria are General Design Guidelines for Multi-family and Attached Single-family Development. In order to gain the four points from the Design Guidelines item, all of the standards must be met. The site’s score is as follows:

Assessment Criteria	Density Category – 8 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium; 2 uses in ¼ mile; 2 in ½ mile)
Connectivity Analysis	3 (Medium based on potential)
Road Network Evaluation	0 (No)
<b>Design Guidelines</b>	0 (No)
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 11</b>	<b>Total Points: 8</b>

- Based on the score, the site would be appropriate for development at the density proposed, **but only under a design that fully complies with the Residential Design Guidelines of the General Development Policies. The current site plan does not comply with those guidelines.**

**Site plan.** The site plan accompanying this petition contains the following deficiencies:

- The following note needs to be added to the site plan: “The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria, (for example those that regulate streets, sidewalks, trees, stormwater, and site development, etc.) will apply to the development site. Conditions set forth in this petition are supplementary requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission the stricter condition or existing requirements shall apply.” The current note attempts to summarize the above note but deletes significant portions.
- The site plan needs to commit to, and show the location of, a 17.5% tree save area(s). Wetlands identified on the site, along with required buffers with existing tree cover, should make identification of tree save areas very feasible.
- A “Y-shaped” street network of public streets is needed that connects Bridgemount Avenue, Copper Mountain Boulevard and Lancaster Highway. Currently, there is no connection to Bridgemount Avenue and the streets are private.
- If the required private open space is to be at the rear side (Highway 521) in the alternate alley development there is not enough room for the 36 feet required for a 6-foot berm plus the 400 square feet of private open space per unit. The private open space may not be part of the berm. The height of the berm needs to be specified. Also, the six-foot sidewalk along Lancaster Highway is not normally allowed in the right-of-way by NCDOT. Therefore, a sidewalk easement is needed on the petitioned property. It also cannot be part of the proposed berm area. The illustration of a five-foot sidewalk needs to be modified to six feet. If the alley alternate is developed the units will need front doors and sidewalks connecting the units to the public sidewalk along Lancaster Highway. The site plan needs to be modified accordingly.
- The 40-foot “buffer” proposed along Lancaster Highway is not a required buffer and contains no details as to what the “buffer” would consist of. Therefore, it is unenforceable by reviewing agencies. Details of the “buffer” must be provided.
- The bus stop note needs to be modified to provide the easement for the stop and construction of the concrete pad. CATS will construct the shelter.
- The parking note commits to 20 feet between streets and buildings but the illustrative shows 15 feet as “typical”. This conflict needs to be resolved.
- CDOT’s requested vehicular connection to the townhomes to the south appears feasible and needs to be shown on the plan in the proper location to connect. Future agreement to connect the developments may be possible even if current owners do not approve the connection.
- The “+/- 170 units” on the site data table needs to be amended to reflect a maximum of 170 units.
- The “Illustrative Schematic Plan” note states that that plan may not be used for regulatory or development review. The schematic site plan will, in fact, be used for those reviews and the note needs to be replaced by a note that refers to administrative alterations of the plan as allowed by, and described in, Chapter 6 of the Zoning Ordinance.
- No pedestrian amenities are provided within the site as required by the Residential Design Guidelines of the General Development Policies.
- Sidewalks need to be extended from the dead end streets out to the public sidewalk along US 521.
- Required rear yards need to be shown on the site plan.
- A commitment needs to be made to preserve the existing trees that mark the “Alice Bingham Garden” open space area. Open space amenities should not be subject to “market conditions and design criteria.”