

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

**Rezoning Petition No. 2007-094**

**Property Owner:** Beatties Ford Road Retail Investors LLC

**Petitioner:** Beatties Ford Road Retail Investors LLC

**Location:** Approximately 19.63 acres located on the southwest corner of Beatties Ford Road and Mount Holly Huntersville Road

**Center, Corridor or Wedge:** Wedge

**Request:** B-1 (CD) SPA, neighborhood business conditional district site plan amendment

**Summary**

This petition proposes to amend the previously approved site plan in relation to the drive-through accessory uses. The square footage, the number of buildings and the access points are to remain as previously approved.

**Consistency and Conclusion**

This petition is consistent with the *North West District Plan* as amended by the 2003 rezoning of this property. The request is not consistent with the *General Development Policies* for a mixed-use center. These policies support one-independent out parcel for a neighborhood scale center and the proposed request contains three. Therefore the proposed modifications are not considered appropriate for approval.

**Background**

In 1994 the property was rezoned to a variety of districts including commercial uses. Staff opposed the commercial component which was approved and carefully limited to “sales and service of equestrian equipment and trailers” to complement the stables existing at that time. The stables have now been converted to a garage/warehouse for servicing trailers of all kinds.

The 1994 rezoning also allowed 74 single-family homes and 199 multi-family residential units to the west of the subject property (now known as the Fox Chase subdivision). In 1998, a portion of the site was rezoned from multi-family to single family residential.

In 2003, JDH Capital requested rezoning to allow the development of a 99,304 square foot shopping center on subject property (2003-020). The request was inconsistent with the *North West District Plan* but was approved.

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

The properties to the west of the petitioned site are zoned R-3 (CD) and are developed as the Fox Chase subdivision. The properties to the south are zoned R-3, single family residential, and beyond the Long Creek floodplain are used for residential purposes or vacant. To the east across Beatties Ford Road the properties are zoned a mix of B-1, neighborhood business, R-8 MF (CD), multi-family conditional and R-3, single family residential. Across Mount Holly-Huntersville Road, the properties are located in Huntersville Zoning jurisdiction and are zoned “rural.”

### **Rezoning History in Area**

In 2005, 6.99 acres near the northeast corner of Beatties Ford Road and Mount Holly Huntersville Road was rezoned R-3 and B-1 to R-8 MF(CD) for the purpose of developing 29 townhomes at a residential density of 4.14 dwelling units per acre (DUA). In 2003 the subject property was rezoned as noted in the “Background” above.

### **Public Plans and Policies**

*Westside Strategic Plan* (adopted 2000) does not propose any changes to the recommendations in the Northwest District Plan for the subject property.

*Northwest District Plan*, adopted 1990, recommends retail land uses for the subject property.

*General Development Policies* provide guidelines for the development of neighborhood size centers. Such centers should be a maximum of 100,000 square feet, have emphasis on pedestrian connectivity, be in scale with adjacent neighborhoods and have a maximum of one independent freestanding single tenant building.

### **Proposed Request Details**

The site plan includes most of the restrictions and notes approved in the 2003 rezoning. The following modifications are proposed:

- The allowable number of uses with drive-through windows is proposed to be increased from two (2) to three (3). The currently approved site plan specifically notes that the site is not to be developed with a gas station or restaurant with drive through service. The plan allows for two other uses with drive through service and lists bank or pharmacy as an example. This site plan amendment would modify the restrictions on drive thrus to allow up to 3 freestanding uses with drive thrus and list as examples, restaurants, bank, or pharmacy but does not allow a gas station.
- The allowable square footage is being reduced from 99,304 to 92,500.
- The elevations approved as a part of the 2003 rezoning petition have not been submitted with the current request. Note #9 on the site plan has been modified to reflect this change and to provide minimal building design standards.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments. Consistency with Transportation Action Plan (TAP):** The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

- Goal 1 of the TAP relies on the Centers, Corridors and Wedges land use strategy to be implemented. This project site is located in a Wedge and does not appear to support the Centers, Corridors, and Wedges land use strategy.
- Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians, and bicyclists. Specific comments are identified below that need to be addressed for CDOT's support of the petition and to bring the site plan into compliance with the TAP and best practices for multimodal transportation.

### **Vehicle Trip Generation**

This site could generate approximately 6,500 trips per day under existing or proposed zoning. This will have a significant impact on the surrounding thoroughfare system. Traffic impacts were analyzed under a previous rezoning.

Since access is proposed to an NCDOT-maintained roadway, they may also require a TIS as part of their driveway permit approval process. They may have additional or different requirements for their approval than what is identified in this rezoning process. The developer/petitioner is recommended to meet with NCDOT early in the development process to identify any issues that they may have.

CDOT has the following specific comments that are critical to their support of the rezoning petition:

- Curb and gutter locations along both Beatties Ford Road and Mt. Holly-Huntersville Road need to be 38 feet from centerline to face-of-curb.
- The proposed full-movement driveway to Mt. Holly-Huntersville Road must align with the site in Huntersville that was recently approved, Holly Crossing. Please contact Bill Coxe with the Town of Huntersville for more information about this at 704-766-2210.
- The median in Mt. Holly-Huntersville Road needs to be at least 6 feet in width.
- Consistency with the TAP and best practices:
  - The 6-foot sidewalk and 8-foot planting strip need to be provided along the site's entire frontage on Beatties Ford Road.
  - Bicycle lanes need to be provided on both Mt. Holly Huntersville Road and Beatties Ford Road. The bicycle lane on Beatties Ford Road needs to be relocated to the left side of the right-turn lane.
  - A pedestrian and bike connection to the Long Creek Greenway should be shown on the site plan. The plan should clarify if the greenway will traverse under Beatties Ford Road or cross over it. An overland crossing should be connected to the greenway and the sidewalk system, and provide facilities to make it easier, safer and more enjoyable for people to walk.
  - The site plan needs to provide a better internal system of sidewalks that connects the building entrance(s) to the sidewalk(s) along the street, and across parking lots.

**CATS.** CATS did not have comments on this petition.

**Connectivity.** The driveway connections shown on the site plan are consistent with the ones approved in the 2003 rezoning petition for this site. The plan indicates one (1) driveway connection to Beatties Ford Road, two (2) to Mount Holly Huntersville Road and one (1) to Foxthorne Drive.

**Storm Water.** Storm Water Services has no additional recommendations at this time.

**Park and Recreation.** The proposed subdivision is located in the Northwest Park District, and bordered by Long Creek to the south. Mecklenburg County Park and Recreation Department (MCPR) is requesting greenway dedication, joint – use/shared parking for shoppers and greenway users, and a better internal sidewalk system. MCPR is also requesting a meeting with the petitioner and CDOT to discuss the Beatties Ford sidewalk extension, greenway, and pedestrian bridge. See attached memo for additional information.

**School Information.** This petition does not contain a residential component and therefore will not impact the school system.

### **Outstanding Issues**

**Land Use.** The B-1(CD) land use is consistent with the *Northwest District Plan* land use recommendations for retail land uses. However, the request to increase the number of independent freestanding single tenant uses is inconsistent with the *GDP*.

**Site plan.** The following site plan issues are outstanding:

- The number of independent outparcels should be limited to 1 (one) as per the GDP for mixed-use centers. The current site plan shows three (3) independent outparcels and staff cannot support this request. The plan should note the total number of outparcels permitted.
- The elevations associated with petition 2003-020 should be included as a part of this petition. In addition, note #9 should reflect the original petition.
- Outparcel signs should be limited to 4-feet in height and 32 square feet. The petitioner has agreed to this condition only for Mount Holly-Huntersville Road.
- The drive-through at the rear of the proposed drugstore should be screened with a class “B” buffer. The petitioner has agreed to adding evergreen shrubbery on five-foot centers to the landscaping strip along the portion of Beatties Ford Road.
- The petitioner should provide 5-foot sidewalks and 6-foot planting strips along both sides of the private drives into the center. The petitioner has agreed to assess the feasibility of this and to the extent that space permits will incorporate such elements.
- The sidewalk and planting strip along Foxthorne Drive does not appear to be illustrated correctly. Please check.
- The greenway dedication should be expanded to include the 100-year floodplain plus 50-feet.