

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-032

Property Owner: Full Moon of Union County and The Moser Group

Petitioner: Merrifield Partners LLC

Location: Approximately 6.77 acres located southeast of Eastfield Road and west of Prosperity Church Road

Request: R-3, single family residential to NS, neighborhood services

Summary

This petition proposes to rezone approximately 6.77 acre from R-3 to NS to accommodate a mixed-use development with 18 live work units and 33,000 square feet of retail uses.

Consistency and Conclusion

This petition is inconsistent with the Northeast District Plan and is not considered appropriate for approval. If this petition is considered for approval, all outstanding site plan issues should be addressed.

Existing Zoning and Land Use

The properties north of Eastfield Road are in the Town of Huntersville jurisdiction. The properties to the south are zoned and developed as single family residential. Across Prosperity Church Road, the property is zoned NS and is a shopping center.

Rezoning History in Area

The most recent rezoning in the area was in 2002 for 58 acres across Prosperity Church Road. The property was rezoned from R-3, single family residential to NS, neighborhood service district and MX-2, mixed-use district. The conditions associated with the petition allow the development of 25,000 square feet of office space, a retail component of 95,000 square feet, and residential components of 120 townhomes, 60 single-family detached homes and 10.6 acres of open space.

Public Plans and Policies

The *Northeast District Plan* (1996) provides current land use policy for the area that recommends residential land uses up to 4 dwelling units per acre.

All design criteria within the *GDPs* for a Convenience Size Retail-Oriented Mixed/Multi-Use Center will apply to this site.

Proposed Request Details

The proposed request will allow the development of a mixed-use center with a maximum of 33,000 square feet of retail and 18 live work units. Conditions associated with the rezoning include a “heavily landscaped” buffer with a wall along the adjacent residential property line, a center courtyard amenity, a freestanding bank and drugstore and one access to Eastfield and one access to Prosperity Church Road. The development standards offer an alternative for the live work units. The units may be used entirely for residential purposes but may not be combined to form a large commercial space.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 200 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 3,500 trips per day. This will have a significant impact on the surrounding thoroughfare system.

Therefore, we request that the developer submit a Traffic Impact Study (TIS) in order to evaluate the effect that site generated traffic will have on the thoroughfare system in the vicinity.

A traffic study is currently being prepared. 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:

- According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte. CDOT has determined that left-turn lanes are necessary to serve the traffic using the proposed public street/private driveway connections for this site. The engineering design and construction of the left-turn lanes are the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed driveway connections provided that left-turn lanes are constructed on both Eastfield Road and Prosperity Church Road. We recommend the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the driveway connections. These roadway improvements are required to meet the traffic demands of the proposed development. The left-turn lanes should be designed with a minimum 150 feet of storage, 15:1 bay tapers, and speed limit: 1 through lane tapers.
- The petitioner needs to commit to removing the existing brick wall adjacent to Prosperity Church Road and relocating the existing curbline on Prosperity Church Road to its future location, 37.5 feet from centerline.

- 8-foot planting strips and 6-foot sidewalks must be installed along both public street frontages. The sidewalk needs to connect to the Eastfield/Prosperity Church intersection, not loop around the parking lot of the drugstore as shown.
- A 6-foot wide sidewalk needs to directly connect the site with the sidewalk at the Prosperity Church/Eastfield intersection.
- The existing road improvements/pavement markings on Eastfield Road need to be shown. It is likely that the left-turn lane required for this site on Eastfield Road will connect to and directly align with adjacent/existing turn lanes on Eastfield Road.
- Indicate the required drive-through stacking for the bank and verify that it can be provided without blocking the access to required parking spaces or to the drugstore drive-through lane.
- Because of the location of the site within the acute angled-quadrant of the Eastfield Road/Prosperity Church Road intersection, a raised channelization island separating the eastbound through and right-turn lanes is needed for pedestrians. Additional right-of-way at the intersection may be necessary to accommodate the island and future roadway cross section. We request the petitioner to dedicate any additional right-of-way that may be necessary and to construct the island with other required improvements at the intersection.
- The proposed bike lockers need to be relocated to a location more central to the site.
- Proposed rights-of-way along Eastfield and Prosperity Church Roads are greater than 50 feet from centerline. Along Eastfield Road, the proposed right-of-way is 70 feet from centerline. Along Prosperity Church Road, the proposed right-of-way is 60 feet from centerline.

CATS. CATS is requesting the petitioner to provide sidewalks along Eastfield and Prosperity Church Rd.

Storm Water. The petitioner shall include the following notes on the petition:

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, storm water, and site development, etc.) will apply to the development site. Conditions set forth in this petition are supplemental 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 petitioner shall control and treat the entire runoff volume for the post-development 1-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours. Peak storm water release rates should match pre-development rates for the 2-year and 10-year 6-hour storm events.

The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) shall be incorporated into the site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development according to specifications in the most recent version of the N.C. Department of Environment and Natural Resources Best Management Practices Manual (Design Standards shall be met according to the City of Charlotte BMP Manual, when available).

LUESA. See the attached memo for Water Quality and Groundwater and Wastewater Services comments.

School Information. The school's planners indicate that this development will add approximately 3 students to three schools in this area. Under the current zoning, the property would generate 10 students.

Outstanding Issues

Land Use. The request is inconsistent with the *Northeast District Plan* that recommends residential land uses up to 4 dwelling units per acre.

Site plan. The following site plan issues are outstanding:

- All Storm Water Services and LUESA comments must be addressed.
- Provide elevations of the front of the live/work units.
- Describe the existing wall that is to remain undisturbed and **who owns it.**
- Provide a minimum 50-foot rear yard to the proposed buildings (adjacent to the single-family residential property) and provide a 20-foot class B buffer plus a wall.
- Create open space opportunities at the building edges to allow outdoor dining etc.
- A sidewalk should provide pedestrian access to the bank from the streets and parking area.
- Move the drug store building to the corner and relocated the drive thru to the interior end of the building.
- Eliminate maneuvering between the public street and the buildings.
- Provide elevations of each building facing existing public streets.
- Elevations must address issues such as blank walls, amount of clear glass, doorways, signage, etc.
- Limit uses with drive-thru windows to one.
- Spandrel glass should be prohibited
- Show the details on the brick screen wall.
- Note two under Access Points should say prior to the issuance of building permits.
- Show the locations of the storm water detention. It should not be allowed between buildings and public streets or in the buffer next to single-family homes.
- The existing brick wall along Prosperity Church Road falls with the setback and must be removed.
- Spandrel glass may not count as part of the 40% glass area for the buildings.