

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

### **Rezoning Petition No. 2006-060**

**Property Owner:** Dianne Laws, Wingspread Investments, LLC, Cox Investment Properties, Ltd. Cynthia Cox, Cox Investment Management, LLC, Metrolina Properties Partnership, and William Lanham

**Petitioner:** Withrow Capital, Investments, LLC and Cambridge Properties, Inc.

**Location:** Approximately 120 acres located north of the intersection of Brookshire Boulevard and Interstate 485.

**Request:** R-3, single family residential, R-4, single family residential, O-1 (CD) office conditional district and B-1 (CD), neighborhood business conditional district all in the LW-PA to NS, neighborhood services and B-D (CD), distributive business all in the LW-PA

#### **Summary**

This request will allow the development of a mixed-use center with residential, office, retail, and 127,000 square feet of mini-storage.

#### **History**

A portion of the property was rezoned in 1996 [1996-17(c)] from R-3 to B-1 (CD) and O-1 (CD). This rezoning occurred prior to the right-of-way purchase for Interstate 485. The uses included 70,000 square feet of retail, 50,000 square feet of office and 35,000 square feet of office, that could be converted into a 150-room hotel. The conditions associated with the 1996 rezoning included the limitation of 3 driveways onto Mt. Holly Huntersville Road; dedication of 50 feet from the center line of Mt Holly Huntersville Road; the construction of a left turn lane into the site from Mt. Holly Huntersville Road; 8-foot buffer strip along Mt holly Huntersville Road; and a 100-foot undisturbed buffer along NC 16.

#### **Consistency and Conclusion**

The *Brookshire Boulevard/I-485 Area Plan* recommends a Mixed Use for the area consisting of office, multi-family, and retail land uses. This petition is appropriate for approval upon resolution of the outstanding site plan and transportation issues.

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

The predominant zoning and land use around the Brookshire and Mt Holly Huntersville Road intersection is commercial. Single family and multi-family are located beyond the commercial properties.

### **Rezoning History in Area**

Multiple rezonings and site plan amendments have been approved in the surrounding area since the late 1980's. The majority of the cases involved rezoning with commercial components while two cases involved multi-family uses.

### **Public Plans and Policies**

The *Brookshire Boulevard/I-485 Area Plan* provides current adopted land use policy for the area. The plan recommends a Mixed Use for the area consisting of office, multi-family, and retail land uses.

Per the *Brookshire Plan*, Mixed Use is intended to include at least 2 of the following uses integrated within the same building: office, multi-family residential, and retail. Office uses are limited to 3 stories with a maximum gross acreage-to-square foot ratio of 1:5,000. Residential density may not exceed 12 units per acre based on the gross site acreage. Single tenant retail is limited to 25,000 square feet (per building) on the ground floor and in part of a mixed use building.

For this particular geography, a single retail user greater than 25,000 square feet and up to 135,000 square feet would be considered under the following conditions:

- No other retail space is available within the retail service area.
- Traffic study is required.
- Square foot ratio of all retail to other uses within the development cannot exceed 1:3.
- All buildings must be architecturally integrated with one another.
- All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.
- The single tenant retail building should be architecturally integrated the rest of the development to allow for future reuse opportunities.
- Additional single tenant retail buildings cannot exceed 25,000 square feet and are subject to the 1:3 ratio of total retail to other uses.
- Office uses are limited to 3 stories with a maximum gross acreage-to-square foot ratio of 1:5,000.

The residential portion of the *General Development Policies* (2003) do not apply since the *Brookshire Plan* recommends a residential density not to exceed 12 units per acre based on the gross site acreage.

### **Proposed Request Details**

The requested rezoning will allow the development of 360,000 square feet of retail uses, 165,000 square feet of office uses, 127,000 square feet of underground climate controlled storage, and 625 residential units. The site plan accompanying the petition includes the following:

- The BD component of the site (parcel C) is limited to below grade climate controlled storage, an above grade office with associated storage space, accessory uses, and parking.
- No one retail use on Parcel A may be more than 175,000 square feet.

- The grocery store on parcel B may not be more than 55,000 square feet.
- No more than four uses on parcels A and B will have drive-through facilities.
- Parcel E may be developed with up to 625 for sale and/or for rent residential units or a nursing home, rest home or home for the aged with the exchange rate of 22 independent living units for 18 residential units and 70 dependent living beds for 18 residential units.
- Architectural controls include non-opaque windows along “Street 5,” no large expanses of solid walls exceeding 40 linear feet, and architectural integration of exterior materials.
- Parcel D may be developed as an elementary and secondary school.

### **Public Infrastructure**

**Traffic Impact / CDOT Comments.** See attached memo.

**CATS.** CATS did not comment on this petition.

**Connectivity.** The site plan indicates connectivity to Chastain Park Drive and to the properties between Mount Holly-Huntersville Road and the site.

**Storm Water.** Storm Water Services previously commented on this petition and the revised site plan addresses their issues (see attached memo).

**School Information.** Adequacy of existing school capacity in this area is a significant problem. CMS planners are particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development will exacerbate this situation. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at the schools listed below. The development allowed under existing zoning would generate 118 students, while the development allowed under the proposed zoning will produce 305 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 187. (Note: The Average Student Yield per Unit is determined to be 0.3524 for apartments as the residential units will be a mix of for sale and rental with no known break out. The factor for apartments was applied as a worst-case scenario).

### **Outstanding Issues**

**Land Use.** Certain elements of this request are consistent with the *Brookshire* land use recommendations. However, the following inconsistencies are outstanding:

- The plan recommends a single retail user greater than 25,000 square feet and up to 135,000 square feet with a list of conditions to be met. Parcel A has a single retail user greater than 135,000 square feet. The rezoning notes calls for a single retail use no larger than 175,000 square feet.
- The Plan recommends that additional single retail buildings cannot exceed 25,000 square feet. The rezoning notes calls for a grocery store option on Parcel B not to exceed 55,000 square feet.

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

- A note should be added to the plan that limits the number of independent out-parcels to no more than two. All other out-parcels must be inter-connected as defined by the General Development Policies.
- Detached residential units should also be allowed to be constructed in area one. The notes should be modified to allow detached homes and a set of standards for the lots should be provided. (i.e. single-family homes may be constructed as long as they meet the standards of the R-6 district).
- The development notes for Parcel F allow either 140 for-sale attached residential units or 100 residential units. The notes should clarify what type of units these will be.
- Section four “Design and Performance Standards” of the development standard should be revised to require any alterations to the schematic plans to be approved by the planning staff. Currently the plan would allow a series of modifications without any approval of the planning staff. We are concerned that these changes could substantially alter the character of the development.
- Notes, standards, and elevations indicating the relationship between the buildings and streets 5 and 6 should be provided. These building elevations must avoid blank walls, have entrances, and clear windows.
- Expanses of blank walls must be limited to 20 feet not 40 as indicated on note 4(a) (i).
- The notes refer to allowing opaque windows to face Mt. Holly-Huntersville Road. The term opaque needs to be defined. The majority of the windows facing public streets should be clear not opaque. If some of the windows facing the public streets cannot be clear they should be frosted so that light will pass through the windows.
- The public open spaces need to be indicated on the schematic plans. A minimum size for the public open space spaces should be provided. These spaces should be provided in the areas of highest pedestrian activity.
- To confirm compliance with the approved conditional plans, a note requiring design review and approval by the planning staff should be added to the site plan. The review and approval should occur for each development phase and prior to the issuance of a building permit.
- The plan commits to using 100 percent masonry materials on the self storage facility. The plan should also include architectural standard for the portions of this facility that are going to be visible from the adjoining streets to avoid blanks walls.
- The petitioner has agreed to construct the residential buildings on the site with a minimum of 25% masonry materials and has restricted the use of aluminum and spandrel glass. The note should be modified to increase the percentage of masonry materials to 35% and to restrict the use of vinyl siding to be consistent with the commercial portion of the site.
- The petitioner has reserved the right to remove trees 4 inches in caliper or smaller from the Duke Power right-of-way along Highway 16. We request that this note be modified to allow the removal of trees 2 inches in caliper or smaller.
- Any additional right-of-way that is to be dedicated should be dedicated and conveyed prior to the issuance of building permits not certificates of occupancy.
- The reference to the use of Section 11.208 Innovative development standards is not applicable to NS zoning classification and must be removed.