

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

### **Rezoning Petition No. 2006-118**

**Property Owner:** Distributors of the South, Inc.

**Petitioner:** Capital Land Partners, LLC.

**Location:** Approximately 19.31 acres located on the north side of Old Concord Road, west of Fairhaven Drive

**Request:** I-1, light industrial to R-6 (CD), single family residential, up to six dwelling units per acre, conditional district request

### **Summary**

This petition seeks to rezone approximately 19.31 acres from I-1 to R-6 (CD) to allow the development of 84 single family detached residential dwellings, at an overall density of 4.35 dwelling units per acre.

### **Consistency and Conclusion**

The proposal is consistent with the Newell Area Plan land use recommendation of residential dwellings, up to eight dwelling units per acre. Therefore, upon resolution of the outstanding site plan comments, this petition is considered appropriate for approval from a land use perspective.

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

The subject property is zoned I-1 and is vacant. Properties north of Old Concord Road are zoned R-3, R-4, R-MH, I-1 and I-2 and are developed with single family residences, a manufactured housing development, and various industrial uses. Properties south of Old Concord Road are zoned I-1 and I-2 and are occupied by warehouses and various industrial uses or are vacant.

### **Rezoning History in Area**

There have been no recent rezonings in the immediate area.

### **Public Plans and Policies**

***Newell Area Plan (2002):*** The *Newell Area Plan* recommends residential land uses at a density of up to eight dwelling units per acre for this parcel.

## **Proposed Request Details**

The petition proposes to develop 84 single family detached residential dwelling units, at a density of 4.35 dwelling units per acre. The site plan that accompanies the petition has the following details:

- An eight-foot planting strip and six-foot sidewalk will be provided along the project frontage on Old Concord Road.
- 18.6 percent common open space will be provided.
- Provides 16.7 percent tree save in common open space.
- Area north of the SWIM buffer will be dedicated to Mecklenburg County Park and Recreation Department for greenway.
- A four-foot sidewalk and four-foot planting strip is proposed on internal streets.
- Use of Deluxe Acorn style scale street lights and Charleston style garage doors will develop a unique neighborhood identity.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 1,000 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 800 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to their support of the rezoning petition.

- Adequate intersection sight distance (ISD) must be provided at the site's connection to Old Concord Road. At least 555 feet of intersection sight distance must be available. A detailed ISD plan and profile does not need to be prepared at this time, but it will be required when this site is submitted for subdivision review. Depending on the available ISD, changes that are more than "minor" changes envisioned by conditional note #4 may have to be made. Note #4 needs to be modified to specifically address this sight distance issue.

**CATS.** There is currently no transit service provided to the site.

**Connectivity.** The site proposes street stub connections to the abutting properties to the south and north. Connectivity will be further addressed through the residential plan review process.

**Storm Water.** Add notes to the plan that pertain to Storm Water Quality Control, Storm Water Quality Treatment, Volume and Peak Control and S.W.I.M Buffers.

**Land Use and Environmental Services Agency (LUESA):** The Mecklenburg County Air Quality division of LUESA analyzed the area within a 2,500 foot radius of the subject property and found the following permitted sources of air pollution located within that radius:

- Rohm and Hass Chemicals, LLC (6101 Orr Road)
- Sign Art (6225 Old Concord Road)

Mecklenburg County Air Quality recommends that the petitioner and subsequent developers and builders be required to disclose the proximity and nature of nuisance complaints generated by the Rohm and Hass facility to all potential buyers. See attachment.

**School Information.** Adequacy of existing school capacity in this area is a significant problem. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at Newell Elementary School, Martin Luther King Middle School and Vance High School. This development will add approximately 50 students to the three schools in this area (23 elementary, 11 middle school and 16 high school). See attachment.

### **Outstanding Issues**

**Land Use.** The proposal is consistent with the Newell Area Plan land use recommendation of residential dwellings, up to eight dwelling units per acre.

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

- Add note that additional right-of-way on Old Concord Road will be dedicated and conveyed prior to subdivision approval.
- Specify minimum improvements to the common open space.
- Address CDOT comment.
- Add Storm Water notes that address Storm Water Quality Control, Storm Water Quality Treatment, Volume and Peak Control and S.W.I.M Buffers.
- Provide and label a minimum 40-foot wide pedestrian and bicycle access to the greenway from the proposed development. Dedicate to the Mecklenburg County Park and Recreation Department.
- Provide a 25-foot wide Class C buffer along Lots 51 through 59, abutting the manufactured housing park south of the site.
- Add a note, as requested by Mecklenburg County Air Quality, regarding notification and disclosure to future home owners of the adjacent industrial uses.