

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-157

Property Owner: BVB Properties

Petitioner: Harris, Murr and Vermillion, LLC

Location: Approximately 42.5 acres located on the south side of Sunset Road between Millhaven Lane and Statesville Road

Request: B-1, neighborhood business, B-1 SCD, shopping center, B-2, general business and R-4, single family residential to CC, commercial center

Summary

This petition proposes to expand the existing shopping center by adding land and redesigning the previously approved shopping center layout. The maximum square footage currently allowed on the retail portion of the site is 222,000. This proposal will increase the square footage to 308,400 square feet.

Consistency and Conclusion

The retail uses at this location are consistent with the intent of the adopted plan however the petition proposes an increase in retail beyond what is recommended in the GDP's for a community center. In addition, the schematic plan does not meet many of the design elements for a Community Size Center and the center is not connected to 1,000 residential units within ¼ mile. If all outstanding site plan issues were resolved and an exceptional site plan submitted this petition could be considered appropriate for approval. However in its current state this petition does not meet the criteria for the proposed increase in square footage outlined in the GDP's and is not considered appropriate for approval.

Background

This site was rezoned in 1985 to allow 199,500 square feet of retail and office development, including a total of five (5) outparcels. A site plan amendment in 1989 increased the total square footage for the entire project including a total of seven (7) outparcels to 222,000 square feet of retail. In 2003, an administrative review allowed the main center to be split into two (2) buildings to accommodate multiple tenants.

In 1992, the B-1SCD district was eliminated when the current zoning ordinance was adopted. Properties zoned B-1SCD will remain so until new development is requested. Then the properties must rezone to a current zoning classification.

In 2004, a rezoning request to add 29,000 square feet of commercial space to the approve 222,000 square foot shopping center was withdrawn.

Existing Zoning and Land Use

The properties to the north of the petitioned site are zoned industrial or business. Several parcels housed the former Carolina Freight operation, one parcel is developed as a McDonald's, and the remaining parcels are used for industrial purposes. The properties to the east, west and south are either business or residential and are vacant, developed with a mix of office, commercial uses, hotels, or residential uses.

Rezoning History in Area

In 2004 (2004-34), a request was made to rezone the R-4 portion of the current petition from R-4 to R-12MF(CD) to allow development of up to 82 multi-family dwelling units at a density of 9.52 dwelling units per acre. This petition was denied therefore, the R-4 zoning remains in place.

In 2003 (2003-53), a request was made to rezone 8.9 acres located on the east side of Statesville Road, from R-3 to O-1(CD) for the development of 44,900 square feet of office use and a 5,000 square foot child care center.

Public Plans and Policies

Northeast District Plan (1996). This property is included in the *Northeast District Plan* that recommends a community size center at this location. In general, the *Northeast District Plan* recommends industrial and a mix of single and multi-family land uses adjacent to the subject site, and typically the same in the surrounding area with the exception of Nevin Park located to the southeast along Old Statesville Road. The area is generally zoned commercial, industrial, office, and a mix of single and multi-family residential.

North Corridor Major Investment Study (2002). The subject site is located within the North Transit Corridor. The nearest transit station proposed in the major investment study completed in September 2002 for the North Transit Corridor is at Old Statesville and Gibbon Roads. The subject site is located outside the station area. The *Transit Station Area Principles (2001)* emphasize the need to concentrate a mix of complementary, well-integrated land uses within walking distance of transit stations; promote good walking, bicycling and transit connections; and design development to complement transit.

General Development Policies (2003). The proposed center size is similar to a Community size center as defined in the recently adopted GDPs. A retail-oriented Community size center should have an integrated mix of retail and residential. A maximum of 225,000 square feet may be devoted to retail and a maximum of 75,000 square feet may be devoted to office uses. (Note that the maximum size of a single tenant may be increased from 90,000 to 130,000 square feet as long as the site plan addresses substantially all General Development Guidelines, with a special focus on pedestrian mobility. The maximum Community size center will then be adjusted for additional retail, to a maximum of 265,000 square feet, and the overall maximum center size to 340,000 square feet. The maximum office space would remain 75,000 square feet.

According to the GDPs, community size centers must be well connected with pedestrian and vehicular linkages to at least 1,000 residential units within ¼ mile. This includes any units planned on site plus any existing, planned, zoned, or shown on adopted land use plans within the ¼-mile area, measured from the edge of the site. A maximum of two (2) independent freestanding single tenant buildings are allowed. There is no limit on the number of interconnected freestanding uses.

Proposed Request Details

The site plan associated with this petition indicates the size of the existing center to be 65,000 square feet. The proposed request will add 208,400 square feet to the main center and 20,000 square feet in three outparcels for a total of 308,400 square feet. The plan shows the location of two new retail buildings along Statesville Road.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 6,900 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 7,500 trips per day. This will have a significant impact on the surrounding thoroughfare system.

Therefore, we have requested 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 TIS has been submitted for review by the petitioner's traffic consultant. NCDOT has stated that they will also require a TIS. They may have additional or different requirements for their approval than what is identified in this rezoning process. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- The driveway to the Ivy Hollow Apartments that is opposite to the proposed driveway on Milhaven Lane needs to be shown on the site plan. The location of the site's proposed driveway must directly align with the driveway serving the apartments. (*Previous review comment*)
- Given the spacing between the site's driveways, proximity to the Milhaven/Sunset intersection, and existing driveways on the west side of Milhaven Lane from this site, a three-lane section on Milhaven Lane may be necessary to accommodate the required left-turn lanes committed to in site note #16. The site plan needs to reflect these road improvements. (*Previous review comment*)
- Show all existing road improvements/pavement markings on Milhaven Lane, Sunset Road, and Statesville Road as is shown at the site's main driveway on Statesville Road. (*Previous review comment*)
- 8-foot planting strips and 6-foot sidewalks need to be provided on all abutting public streets, not just Statesville Road. Also, 8-foot planting strips and 6-foot sidewalks need to be constructed on the main driveway to Sunset Road (the one that serves the traffic circle) and the main driveway to Statesville Road, providing a connected network of 6-foot sidewalk. In addition, 8-foot planting strips and at least 5-foot sidewalks need to be provided along all other internal private streets and driveways. (*Previous review comment*)

- The main driveway to Statesville Road, providing a connected network of 6-foot sidewalk. 8-foot planting strips and at least 5-foot sidewalks need to be provided along all other internal private streets and driveways. (*Previous review comment*)
- At least 150 feet of internal channelization is required at every driveway to a public street, measured from the right-of-way. No parking or internal driveways are allowed within the internal channelization. (*Previous review comment*)
- The site plan needs to identify which driveway corresponds to which access point designation listed under “Improvements by Developer” (Access B, Access C, etc.).
- Additional comments will follow our review of the TIS.

CATS. CATS acknowledges receipt of the revised site plan and the petitioner’s willingness to provide 20 park and ride spaces and a shelter pad as requested. However, due to the bus-routing and circulation pattern on Sunset and Statesville roads, CATS would like the shelter pad and park and ride spaces to be located near outparcel 4 and outparcel 5 instead of in the location depicted on the site plan. The park and ride spaces maybe located in the parking lot adjacent to retail 2 and retail 4. Additionally, CATS would like to reiterate its requests for construction of heavy-duty pavement to enable bus-travel within the site and construction of waiting pads as per CATS Development Standards 60.01A for the two existing stops adjacent to the site on Sunset Road. CATS will provide and install the shelter after the construction of the shelter pad.

Storm Water. Storm Water Services are requesting the attached notes on Storm Water Quality Control, Storm Water Quality Treatment and Volume and Peak Control.

School Information. This petition will not affect the school system.

Outstanding Issues

Land Use. The request is to rezone approximately 42.5 acres located on the south side of Sunset Road between Millhaven Lane and Statesville Road from B-1 (Neighborhood Business), B-1 SCD (Business, Shopping Center District), B-2 (General Business) and R-4 (Single Family Residential, up to 4 dwelling units per acre) to CC (Commercial Center, Conditional) to accommodate the expansion of an existing shopping center. The proposal includes 308,000 square feet of retail development with a maximum tenant size of 175,000 square feet.

While retail uses at this location are consistent with the intent of the *Northeast District Plan*, the petition proposes an increase in retail (total of 308,000 square feet) beyond that recommended in the *Northeast District Plan* (Community Sized Center), the GDPs retail limit for Community size centers (a maximum of 225,000 square feet of retail) and in Rezoning Petition 89-14(C). In addition, the preliminary schematic plan does not meet many of the elements for a Community Size Center as recommended in the GDPs including the lack of connections to 1,000 residential units and exceeding the largest tenant size of 90,000 square feet on the ground floor.

Site plan. The following site plan issues are outstanding:

- 6-foot sidewalks and 8-foot planting strips should be provided along all street fronts.

- An additional crosswalk from the new parking lot to the proposed “large” retail site should be provided near the western end of the building.
- Buffers should be provided along Millhaven Lane.
- The property in the northwest corner is labeled B-2. Is this area being rezoned? What will be the use?
- The rezoning line along the northeastern property boundary should be corrected to follow property lines.
- The parking requirements should be shown on the site plan. Also note if additional parking will be required if the proposed retail expands to the limits of the envelope?
- If the retail building expands to the limits of the envelope, will the total square footage still equal 308,400?
- All building setbacks should be labeled.
- The developer should establish and label open space/amenity areas within the site which will include benches, picnic tables, water features, decorative landscaping and or any other design/architectural features which would comply with the GDP guidelines.
- Add the following note to the rezoning site plan and/or related rezoning documents:

"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 require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. 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."
- A tree survey of the setbacks is required WITH the rezoning petition for commercial sites. A survey is needed of the wooded areas along Statesville Road and Milhaven.
- The note regarding the architectural treatment of buildings one through six need to be expanded and include buildings within outparcels three, four and five.
- Since the plan has not indicated how the buildings on outparcel three, four and five will be interconnected, note 13 should be amended to require Planning Department review and approval prior to submitting plans for building permits. This is to ensure compliance with the general development policies.
- Provide a cross-section of the private street in front of the large retail building.
- The parrallel parking on the main public street should be extended fruther along the proposed retail building.