

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007 - 112

Property Owner: The Mulvaney Group

Petitioner: Charter Properties, Inc. c/o John Porter, III

Location: Approximately 9.39 acres located east of Prosperity Church Road and south of Ridge Road, just north of Future I-485

Center, Corridor or Wedge: Center

Request: B-1(CD) (neighborhood business, conditional) and R-22MF(CD) (multi-family residential, conditional) to UR-2(CD) (multi-family residential, conditional)

Summary

The request is to rezone approximately 9.39 acres to accommodate up to 128 multifamily residential units at a density of 13.63 units per acre. A portion of the site is developed with a single family home and the remaining acreage is vacant.

Consistency and Conclusion

The request is consistent with the *Prosperity Church Road Villages Plan*

. There are still outstanding site plan issues, most notably identified conflicts between development boundaries and proposed traffic improvements on Ridge and Prosperity Church Roads, and the proposed frontage road parallel the south property line and the future I-485. This petition can be supported subject to the petitioner adequately addressing the above and other outstanding site plan issues.

Existing Zoning and Land Use

The subject parcel is surrounded by a mix of residential and commercial uses and zoning designations. To the north is vacant land zoned R-22MF (CD). To the northeast and east are vacant land, condominiums, and single-family homes on properties zoned B-1(CD), R-5(CD) and R-8(CD). Properties to the northwest and west are retail and vacant land on properties zoned CC and NS. And, to the south are scattered single-family homes on properties zoned R-3.

Rezoning History in Area

The subject property is a portion of a larger 63.89 acre tract of land rezoned in 1997 [Rezoning Petition 1997-34(c)], from R-3 to R-5 (CD), R-8 (CD), R-22MF (CD) and B-1 (CD) to accommodate 107 townhomes, 84 single family homes, 361 multi-family units and 160,000 square feet of office and retail uses. A site plan amendment was approved for 16.82 acres to the north to adjust the alignment of the proposed Prosperity Church Road through the R-22MF (CD) portion of the site with the approval of Rezoning Petition 2002-125.

Public Plans and Policies

The *Prosperity Church Road Villages Plan* (1999) recommends “mixed commercial” and multi-family land uses at this location. Mixed commercial includes, “...business uses including retail, restaurant, office, entertainment and lodging. High density residential is also appropriate...” The plan also indicates that each building should be designed to be a part of the larger composition of the area it is located in.

The Plan makes recommendations on the design of multi-family residential development, encouraging between two and four stories, with taller buildings closer to I-485. Design guidelines also provide recommendations for entrances, facades and parking lot location.

Proposed Request Details

The proposed rezoning is being requested to allow 128 multi-family residential units. This project will be part of the multifamily residential development to the north. The site plan accompanying the petition proposes the following:

- Construction of 128 multi-family residential units.
- Provision of two main points of access, including one ingress/egress point on the proposed frontage road directly south of the site, and one ingress/egress point on Prosperity Village Road.
- Pedestrian and bicycle connections to the associated development to the north.
- Internal drives, landscaped parking areas, and pedestrian connections.
- Primary entrance from Prosperity Village Church Road.
- Identified traffic improvements/commitments for Prosperity Village Church Road and Ridge Road.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT notes that the site could generate approximately 5,000 trips per day as currently zoned. CDOT indicates that the proposed zoning on the site could generate approximately 1,150 trips per day and will have a lesser and minor impact on the surrounding thoroughfare system. CDOT has also provided comments pertaining to the following:

- Proper identification of future rights-of-way for I-485, frontage roads and roundabouts on the site plan.
- Construction of Prosperity Village Road.
- Location of proposed driveway to Prosperity Village Road.
- Vehicular connection to Crosland shopping center.
- Provision of planting strips and sidewalks along I-485 frontage road and along both sides of Prosperity Village Road.
- Internal sidewalk system connections.
- Other notes regarding adequate sight triangles, driveway permits, issuance of certificate for fence or wall construction, and right-of-way encroachment agreement.

CATS. CATS has reviewed the petition and has no comments.

Connectivity. An ingress/egress point on to Prosperity Village Church Road and ingress/egress point on to the proposed future frontage road parallel to the parcel's south property line are proposed with this project.

Storm Water. Mecklenburg County Land Use and Environmental Services Agency and Charlotte Storm Water Services have reviewed the petition and provided comments pertaining to downstream complaints consisting of erosion and blockage, stream buffers, storm water quantity control and quality treatment, and storm water volume and peak controls.

School Information. CMS has reviewed the petition and indicates that the existing zoning would generate 0 students, and the proposed zoning would generate 27. CMS has indicated that adequacy of existing school capacity in the area is a significant problem. See memo for additional details.

Outstanding Issues

Land Use. The request is consistent with the *Prosperity Church Road Villages Plan*, subject to the development meeting the plan's design requirements.

Site plan. The following site plan items remain outstanding and must be addressed in order to support approval of this request:

- The site plan should be revised proposed zoning boundary.
- Add a note on the site plan indicating that this site and the parcel to the north will be developed as a unified site.
- The site plan indicates that common solid waste collection is proposed off-site, which may require an agreement with the development to the north.
- Provide right-of-way width for future frontage road to the south of the parcel in question.
- Indicate the height of the buildings on the site plan.
- Show the proposed and required setbacks on the site plan.
- Provide pedestrian scale lighting throughout the site.
- Show the required number of parking spaces and proposed number of spaces on the site plan.
- On site plan show the requested 10% tree save area.
- Address storm water comments.