

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

### **Rezoning Petition No. 2007-145**

**Property Owner:** Trustees of Unity Baptist Church

**Petitioner:** Tribek Properties

**Location:** Approximately 6.35 acres located on the southwest corner of Mt. Holly-Huntersville Road and West WT Harris Boulevard

**Center, Corridor, or Wedge:** Wedge

**Request:** R-3, single family residential to NS, neighborhood services and R-12 MF (CD), multi family residential conditional district.

### **Summary**

This petition proposes to rezone approximately 6.35 acres for the development up to 15,000 square feet of retail and 29 townhomes.

### **Consistency and Conclusion**

The draft *Northlake Area Plan* indicates that should the church use cease, staff will consider the adaptive reuse of the existing structure and/or small scale retail up to 15,000 square feet interconnected with residential up to 6 dwelling units to the acre. However, the site plan associated with this petition has many unresolved issues and cannot be supported. For this reason, staff recommends denial of this petition.

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

The property across Mr. Holly-Huntersville Road is located in the Town of Huntsville. The properties to the east are zoned CC and are developed for retail purposes. The properties to the west and south are zoned R-3 and R-9 PUD and are residential in nature.

### **Rezoning History in Area**

No rezonings have occurred in the immediate area in the last five years. However, the site is located close to the North Lake Mall area where many rezonings have been approved in recent years.

## **Public Plans and Policies**

*The Northlake Area Plan (under development)* recommends institutional land uses; however, should the church use cease, the adaptive reuse of the existing structure and/or small scale retail up to 15,000 square feet interconnected with residential up to 6 dwelling units to the acre will be considered.

*Northwest District Plan (1990)* recommends residential land uses up to 4 dwelling units per acre. *The Northwest District Plan* will be updated by the *Northlake Area Plan* once it is adopted.

*Mecklenburg-Union MUMPO Thoroughfare Plan* shows the alignment for Vance Road Extension as impacting the petitioned site. Staff has provided the petitioner the approved alignment which should be indicated and reserved on the site plan.

## **Proposed Request Details**

The site plan accompanying this petition shows the development of up to 15,000 square feet of retail uses. Uses are limited to those in the B-1 district with the exception of ABC Stores, automotive service stations, funeral homes and veterinary clinics, etc. The site plan also includes 29 townhomes. Three access points are shown: two from W. WT Harris and one from Mt. Holly-Huntersville Road.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 180 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 1,500 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:

- Due to its proximity to the intersection, the driveway on Vance Road serving the retail site will be restricted to right-in/right-out movements only. A raised concrete median is required to physically prohibit left-turns into and out of the site. The petitioner/developer is responsible for all costs associated with the design and construction of this median from Mt Holly-Huntersville Road to the first townhouse driveway.
- 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 a left-turn lane on Mt Holly-Huntersville Road is necessary to serve the traffic using the proposed public street/private driveway connection(s) for this site. The engineering design and construction of the left-turn lane(s) is 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 public street/private driveway connection(s) provided that a left-turn lane(s) is constructed on Vance Road into the multi-family portion of the site. Where there are no existing eastbound left-turn lanes opposite the required westbound left-turn lanes, the petitioner/developer is required to

construct them for reasons of safety. CDOT recommends the rezoning plan reflect the design of this required left-turn lane(s) prior to submittal/approval of the public street/private driveway connection(s). These roadway improvements are required to meet the traffic demands of the proposed development. The left-turn lane(s) need to be designed using NCDOT standards with a minimum 150 feet of storage.

- Vance Road is shown on the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) Thoroughfare Plan as being realigned in this location. It is our understanding that there is an approved alignment for this roadway that will impact this property along both roadway frontages. Developer/petitioner needs to contact Stuart Basham of MUMPO at 704-336-4695 to obtain this alignment. In order for us to continue our review of this petition, the site plan needs to be revised to show the proposed thoroughfare realignment in the next submittal. CDOT requests that the petitioner dedicate this right-of-way.
- To facilitate area connectivity, the site plan needs to provide at least one public street opposite Forest Drive to the western edge of the property. Additionally, the petitioner needs to provide a stub-street near the middle of the subdivision for future residential redevelopment to the west.
- The site plan needs to correctly show existing conditions for full review. The access points across both public streets need to be shown in their actual dimensions. The Forest Drive right-of-way needs to be shown. Existing pavement markings and centerlines also need to be shown for correct curb placement.
- CDOT strongly recommends that the developer/petitioner meet with the North Carolina Department of Transportation (NCDOT) prior to resubmittal. Both Vance Road and Mount Holly-Huntersville Road are state-maintained roads. An NCDOT driveway permit will need to be obtained in later phases of this project and CDOT recommends any NCDOT issues be identified at this time and incorporated with the next submittal.

**CATS.** The petitioner needs to provide 6-foot sidewalks and 8-foot planting strips on Vance Road (need to show future realigned and widened right-of-way) and Mount Holly-Huntersville Road (need to show future widened right-of-way) based on the TAP and best practices. The site plan needs to provide an internal system of sidewalks that connects the building entrances to the sidewalks along the street.

**Storm Water.** Storm Water Services requests that the petitioner remove the existing note and include their normal provisions to address storm water quality and peak/volume controls. (See attached memo.)

**School Information.** The development allowed under existing zoning would generate 13 students, while the development allowed under the proposed zoning will produce 6 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0. (See attached memo for more information)

## **Outstanding Issues**

**Land Use.** The proposal to rezone Tract A to B-1(CD) is consistent with the recommendations within the draft *Northlake Area Plan* which recommends institutional land uses; however, should the church use cease, staff will consider the adaptive reuse of the existing structure and/or small scale retail up to 15,000 square feet interconnected with residential up to 6 dwelling units to the acre.

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

- The building should be moved to the corner with parking to the rear and side.
- The location of the storm water detention and water quality treatment areas should be shown on the plan. A note should be added to the site plan that such areas will not be permitted in the buffers.
- Building elevations should be provided.
- A site development table should be added indicating the proposed zoning, retail square footage, number of residential units, parking calculations, etc.
- The maximum height of freestanding light fixtures should be limited to 25-feet.
- The setback along WT Harris should be increased to match the multi-family setback (30-feet) measured from the future right-of-way line.
- A 20-foot rear yard and a buffer should be provided between the town homes and the retail area. The buffer should include a solid 8-foot masonry wall.
- The planned multi-family rear setbacks along the adjoining residential properties should be increased to 50-feet.
- All existing vegetation within the buffer areas should remain undisturbed.
- The site plan should include details of the fence/wall used to reduce the buffer widths.
- Staff reserves the right to review the road alignment of WT Harris based on a more definitive, computer drawn site plan.
- Staff requests that the future right-of-way for the realignment of WT Harris be dedicated and conveyed prior to the issuance of building permits.
- Connect proposed uses to the streets via 5-foot sidewalks.
- The distance between the retail building and the residential buildings should be shown on the plan.
- The setbacks along Mt. Holly-Huntersville Road should be increased to 30-feet from the future right-of-way line.
- All other department comments should be addressed.