

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008 -27

Property Owner: Various property owners

Petitioner: Sagrado Builders Corporation

Location: Approximately 5.83 acres located on the north side of Ballantyne Commons Parkway between Annalexa Lane and Providence Road.

Center, Corridor, or Wedge: Center

Request: R-3, single family to UR-2(CD), urban residential conditional

Summary

This petition proposes the development of 27 townhomes for sale for an overall density of 4.63 units per acre. The petitioner is seeking an urban residential district to:

- Take advantage of the decreased setback for the purpose of increasing the perimeter wall height. Such walls may be increased above five-feet only when outside the setbacks. The setbacks in a typical multi-family district are 30-feet compared to 14-feet in the urban residential district.
- Eliminate the buffer requirements along the access road to the shopping center.

Consistency and Conclusion

The proposed land use is consistent with the *Providence Road / I-485 Area Plan Update*. Therefore upon resolution of the outstanding site plan issues, this petition is appropriate for approval.

Existing Zoning and Land Use

The subject property is currently zoned R-3 and is developed with a single family home. The land to the north and west is zoned R-3 and developed with single family homes. The property to the south is zoned R-8 MF (CD), R-12 MF (CD), and B-D (CD) for a mini storage. The property to the east is zoned CC, commercial center, which is developed.

Rezoning History in Area

The most recent rezoning in the area was for Self Storage Development LLC for the property south of the site. The property was rezoned in 2006 from R-3 to B-D (CD) for a self storage facility.

Public Plans and Policies

Providence Road / I-485 Area Plan Update. The proposed development is consistent with the *Providence Road / I-485 Area Plan Update*, which recommends 6 dwelling units per acre. Once the site plan issues have been addressed, this request is compatible with the surrounding land uses and therefore appropriate.

Proposed Request Details

The site plan attached shows a gated community enclosed by a wall and gates at the entrances. The townhomes will have individual driveways and be front loaded with garages.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has the following specific comments that are critical to CDOT's support of the rezoning petition:

- The "Access Points" note #5 needs to be modified to state the left-turn lane needs to be designed using NCDOT standards with a minimum 150 feet of storage.
- A note needs to be included on the plan stating that any required modifications to the existing pavement markings and curb ramp on the Lowe's driveway will be the responsibility of the petitioner/developer.

CATS. CATS had no comments on this petition.

Storm Water. Storm Water Services is requesting that the Storm Water Management notes on the site plan be removed and replaced with the normal provisions to address storm water quality and peak/volume controls. (See attached memo for additional information).

School Information. The development allowed under existing zoning will generate 13 students, while the development allowed under the proposed zoning will produce 5 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero.

Outstanding Issues

Land Use. The proposed development is consistent with the *Providence Road / I-485 Area Plan Update* and is appropriate for approval from a land use perspective.

Site plan. The following site plan comments are outstanding:

- The site plan should indicate the percentage and location of the tree save area. A minimum of 10% should be provided.
- The notes indicate a 24-foot undisturbed buffer along the northern property line. This should also include the western property line. The width of the buffer should be depicted on the drawing and labeled as a Class "C".
- Each unit is required to have 400 square feet of open space. This should be shown on the site plan.
- The 8-foot planting strip and 6-foot sidewalk along Ballantyne Commons Parkway are not to scale and should be corrected.
- The face of the garages must be setback a minimum of 20-feet from the back of curb or face of the sidewalk. This should be shown on the site plan.
- Building heights should be labeled on the elevations.