

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-17

Property Owner: Warren N. Ferguson, J.L. & Martha Quick, Aaron M. Prakin, Carolina Volunteer Fire Department, LLC

Petitioner: The McAlpine Group, LLC

Location: Approximately 18.43 acres on the southeast corner of Providence Road West and Old Ardrey Kell Road

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

Request: R-3, single family residential, to MX-2, mixed-use district

Summary

This petition seeks approval for 116 townhomes. This results in a potential overall density of 6.3 units per acre. The petitioner is requesting a five-year vesting period.

Consistency and Conclusion

The density of this proposal is consistent with adopted land use plans for the area. The *General Development Policies* (GDPs), suggest that a density of 6.3 units per acre is appropriate based upon the site plan that has been submitted. Upon correction of the site plan deficiencies noted below, this petition would be appropriate for approval.

Existing Zoning and Land Use

A church abuts the site to the east, with a single family subdivision to the south, both in the R-3 zoning district. There are rural residences to the west and north, also in the R-3 zoning district.

Rezoning History in Area

In 2006, a rezoning was approved at the corner of Providence Road West and Community House Road for two day care facilities.

Public Plans and Policies

The *South District Plan* (1993) shows the subject property as single family residential. The *South District Plan* references the residential location criteria of the *General Development Policies* for areas of higher density development.

- The Residential Location and Design section of the *General Development Policies* (2003) (GDP) provide the criteria for determining appropriate locations for higher density development. The assessment consists of a point system used to evaluate individual sites.

Included in the GDP criteria are General Design Guidelines for Multi-family and Attached Single-family Development. In order to gain the four points from the Design Guidelines item, all of the standards must be met. The site's score is as follows:

Assessment Criteria	Density Category – 6 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium; 3 uses in ½ mile)
Connectivity Analysis	1 (Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 10	Total Points: 10

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- There is one access to Providence Road West and one to Old Ardrey Kell Road.
- An undisturbed 50-foot class “C” buffer is provided along the eastern and southern boundaries of the site.
- A volunteer fire station is provided for in the northeast portion of the site.
- Either 20 or 27% of the site is proposed for open space. A minimum of 13% of the site is proposed tree save.
- Right-of-way measuring 30 feet from the centerline of Old Ardrey Kell Road and Providence Road West will be conveyed to the public.

Public Infrastructure

Traffic Impact / CDOT Comments. As of the preparation of this report CDOT had not commented on the latest revisions to the site plan.

CATS. CATS did not comment on this petition. The nearest transit service is express bus service at Ballantyne Commons Parkway.

Connectivity. CDOT's review of this petition may comment on connectivity.

Storm Water. The petitioner has included notes to address water quality and quantity improvements. Storm Water Services is seeking revisions to portions of those notes. Storm Water Services will not accept responsibility for the proposed wet ponds since they have such small drainage areas and will likely need supplemental water to remain functional.

School Information. The school system estimated that fewer school children will be generated under the proposed zoning than under the existing R-3 zoning. Townhomes produce significantly fewer school children than single family detached homes.

Outstanding Issues

Land Use. This petition is consistent with the densities recommended by the *General Development Policies* based upon the site plan accompanying this petition.

Site plan. The site plan accompanying this petition contains the following deficiencies:

- The note regarding pedestrian scale lighting needs to commit to the provision of lighting on public and private streets. The current note needs to delete “as per the City of Charlotte Zoning Ordinance” since the pedestrian scale lighting is not a minimum requirement of the Ordinance.
- Indicate locations for trash and recycling containers/compactors per section 12.403(4) of the Zoning Ordinance. This is required to demonstrate that space has been reserved for containers if public trash collection is requested in the future.
- Since there is so much of the frontage on internal streets in driveways there can be no trees in the planting strip. Therefore, provide details of how street trees will be planted on streets with driveways.
- The note in the Permitted Uses paragraph states there are up to 122 units allowed. This needs to be changed to reflect the 116 units listed on the site data table and illustrated on the site plan, including the four additional townhomes to replace the fire station.
- The recent survey indicates a “gap” along the southern property line. The gap needs to be resolved prior to rezoning approval. (If the gap belongs to another owner they would need to sign the rezoning application.)
- The three-foot walking trail needs to be at least five feet in width and the material of the trail needs to be specified.
- The location of the tree save should refer to the attached map on sheet SK-3. Delete the general description in the Tree Save Areas note.
- Where the internal trail/sidewalk crosses street section “B” there needs to be a raised crosswalk/speed table with appropriate signage.
- Delete the “Public Transportation” note since CATS did not request a shelter pad on this site.
- A dimension for the tree save area along the east boundary is needed.
- Add the requested Storm Water Services notes. Since the drainage areas are so small keeping the proposed wet ponds wet appears problematic, especially since they are also intended to function as amenities with “water features” such as fountains. Because of this, the City will not accept maintenance responsibility.
- There are conflicting notes for 20% and 27% open space on the site. This needs to be resolved.