

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

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

Summary

This petition seeks approval for 129 townhomes with 30% of the site in common open space. This results in a potential overall density of 8.0 units per acre. Another alternative is 124 townhomes and a volunteer fire station. An alternative for 110 units (with 17.5% open space) at a density of six units per acre is noted but no layout for that alternative was submitted.

Consistency and Conclusion

The density of this proposal is inconsistent with adopted land use plans for the area and with the *General Development Policies* (GDPs), which suggest that a density of only six units per acre is appropriate for this location. The current site plan does not meet the Residential Design Guidelines and would not support even that density. Therefore, this petition is not 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	0 (No)
Other Opportunities or Constraints	NA
Minimum Points Needed: 10	Total Points: 6

- **Based on the score, the site is only appropriate for development up to 4 dwelling units per acre. The site plan as currently submitted does not meet the residential design guidelines of the GDP's. With a design that fully complies with the residential design guidelines the site would be appropriate for up to 6 units per acre.**

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.
- Up to 5.5 acres of open space is proposed on the site.
- Right-of-way measuring 36.5 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. CDOT has requested a stub street for future connectivity to the east. This will also entail a public street on this site from Old Ardrey Kell Road to Providence Road West. The attached memo is based on the previous site plan. CDOT's review of the latest site plan will be available at the public hearing.

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

Connectivity. CDOT is requesting a stub street to the east for additional connectivity.

Storm Water. While the petitioner has included notes to address water quality and quantity improvements, Storm Water Services is seeking revisions to portions of those notes.

School Information. The school system estimated that 23 school children would be generated under the proposed zoning for 147 townhomes (now reduced to 129) and 28 under the existing zoning. This petition does not impact the school system.

Outstanding Issues

Land Use. This petition is inconsistent with the densities recommended by the *General Development Policies*. The GDP's recommend a maximum of six units per acre even if the residential design guidelines are met. Since it does not meet the residential design guidelines of the GDP's, it cannot be recommended for approval at any density.

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

- The water quality and peak/volume improvements requested by Storm Water Services need to be added to the site plan.
- The units along the public streets need to address the public streets with stoops/porches, operating doors, windows, and sidewalks to the public sidewalks. The revised site plan with exterior private street still incorporates garage doors as the chief element the public views.
- The trail system needs to be restored to the site plan as a single path and it needs to connect to the public streets at each end. A note needs to commit to construction of the trail prior to issuance of certificates of occupancy for the unit marking 75% of buildout. Without the trail, this buffer area is not a common open space.
- Pedestrian scale lighting is needed internally and on the public streets. "Any detached lighting on the site..." is not a commitment to provide lighting.
- Include building elevations from the public streets.
- Indicate locations for trash and recycling containers/compactors per section 12.403(4) of the Zoning Ordinance.
- Tree Ordinance requirement for internal trees. Since there is so much of the frontage on internal streets in driveways there can be no trees in the planting strip. Therefore, reduce the planting strip to four feet in width, adding some space to the planting strips between driveways.
- The note in the Permitted Uses paragraph that contemplates a 180 degree flip of units facing existing public streets needs to be accompanied by a cross-section and resulting building elevations.
- The Site Data Table seems to imply a density bonus for 30% open space. The density bonus is for usable common open space not just open space (containing no buildings).
- Calculations and delineations are needed for the tree save and open spaces areas. For example, while the detention ponds may be open space, they are not common open space or tree save areas.
- Since the site acreage is different than that provided on the public GIS system a survey will be needed.