

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-031

Property Owner: See Attached List

Petitioner: Tribek Properties

Location: Approximately 4.40 acres located on the northeast corner of W. Sugar Creek Road and Mineral Springs Road.

Center, Corridor or Wedge: Corridor

Request: R-17 MF, multi-family residential to NS, neighborhood services

Summary

This petition proposes to rezone 4.40 acres for the development of a neighborhood service center.

Consistency and Conclusion

The requested zoning is inconsistent with the *Northeast District Plan* recommendation for residential land uses. Therefore staff is recommending denial of this petition.

If this petition is considered for approval, all outstanding site plan comments should be addressed.

Existing Zoning and Land Use

The zoning to the north east and south of the petitioned site is R-17 MF and the properties are developed as residential or are vacant. The properties across W. Sugar Creek Road are zoned B-2 and are residential, vacant or developed for commercial purposes.

Rezoning History in Area

No rezonings have occurred in the immediate area in the last five years.

Public Plans and Policies

Northeast District Plan (1996). The *Northeast District Plan* recommends residential land uses at a density of up to 8 dwelling units per acre. The Sugar Creek/Mineral Springs Roads area is seen as appropriate for residential development.

Proposed Request Details

The site plan associated with this petition includes the exclusion of 26 uses that are normally permitted within the NS district. The maximum square footage is limited to 25,000 and may be located within two buildings. One access will be located on W. Sugar Creek Road and two on Mineral Springs Road. A gated access for the adjoining church will be located in the northeast corner of the site.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 500 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 2,900 trips per day, changed from 3,400 trips per day because of the conversion to a conditional plan. This will have a significant impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- A traffic impact study will be necessary for this development in order to evaluate the effect that site generated traffic will have on the thoroughfare system in the vicinity. The preparer of the TIS must contact Matt Magnasco (704-336-3368) of the Charlotte Department of Transportation (CDOT) prior to beginning the TIS to determine the study requirements. Since access is proposed to an NCDOT-maintained roadway, they may also require a TIS as part of their driveway permit approval process. They may have additional or different requirements for their approval than what is identified in this rezoning process. The developer/petitioner is recommended to meet with NCDOT early in the development process to identify any issues that they may have.
- NCDOT has a funded TIP project to extend Graham Street. Project U-2507A is currently scheduled to be let for construction in 2010. NCDOT has reconfirmed that the road will be controlled access as presented at the public hearing for this project several years ago. As a controlled-access facility, no driveway connections will be permitted within the controlled access limits. Driveways to Graham Street Extension must be removed from the plans unless the petitioner can furnish documentation from NCDOT stating (1) that the driveways will not be in conflict with the controlled access, or (2) that the road will not be controlled access.
- Because of the number of trips generated by the proposed development and the expected significant impact to this site during construction of the NCDOT's widening project, development of this site needs to be conditioned on the completion of the realignment project.
- The site plan shows that Sugar Creek will be widened to 7 lanes (including dual left-turn lanes) for some distance north of Graham Street Extension. Typically dual left-turn lanes require a median. Any driveway to Sugar Creek Road will be limited to right-in/right-out (RIRO) movements only as part of the Graham Street Extension project. Should this site receives driveway permits before the Graham Street Extension project is let, the developer/petitioner will be responsible for constructing a 4-foot-wide median in Sugar

Creek Road from a point at least 50 feet north of the driveway south to the Graham Street intersection.

- The driveway to Graham Street Extension closest to Sugar Creek Road will not be supported and must be removed, irrespective of the controlled access. If a driveway is allowed by NCDOT, it would be the driveway to Graham Street Extension furthest away from Sugar Creek Road and would be limited to RIRO operation only by the construction of a median.
- Insufficient internal channelization is provided at the site's driveways. A minimum of 100 feet is necessary exclusive of any parking or internal parking aisle intersections.
- The drive aisle/drive-through operation adjacent to Building A will not be approved as shown. This portion of the site will need to be revised for a one-way operation and further modifications will be necessary to provide effective circulation and to reduce confusion/potential for conflicts.
- 8-foot planting strips and 6-foot sidewalks must be constructed on the site's Sugar Creek Road and Graham Street Extension frontages per NS requirements. Rather than constructing them and have them be torn up during construction of Graham Street Extension, the equivalent cost of these should be contributed to NCDOT instead for inclusion in their project.
- CDOT is assuming that the right-of-way and road geometry (alignment, number of lanes, etc.) shown for Graham Street Extension and associated non-mainline improvements (Sugar Creek Road, Mineral Springs Road, etc.) is correct and has been obtained from NCDOT. It will be the responsibility of the petitioner to verify this information. The final plans from NCDOT regarding right-of-way and road geometry will supersede any design shown on this conditional plan.

CATS. CATS did not have comments on this petition.

Storm Water. Storm Water Services is requesting their normal provisions to address storm water quality and peak/volume controls. See attached memo.

School Information. This petition will not impact the school system.

Outstanding Issues

Land Use. The request is inconsistent with the *Northeast District Plan* which recommends residential uses at this and surrounding locations.

Site plan. The following site plan issues are outstanding:

- The setback on W. Sugar Creek Road is 30-feet due to the adjacent residential properties. This distance should be measured from the future right-of-way and should be shown on the site plan.
- The existing and proposed rights-of-way should be labeled.
- The setback along Mineral Springs Road should be increased to 25-feet from the future right-of-way.
- Building “A” should be brought to the corner of Sugar Creek and Mineral Springs Road with parking to the sides and rear. Building “B” should be moved to the street with the parking to the side or rear.
- A class “B” buffer should be provided along the northern and eastern property lines in addition to the proposed brick wall. Details of the brick wall should be shown.
- The location of the storm water detention and water quality treatment areas should be shown.
- Provide 10% tree save area.
- 6-foot sidewalks and 8-foot planting strips should be shown along both streets.
- The site plan should indicate how the two buildings will be interconnected for pedestrian access and the sidewalk connections from the buildings to the sidewalks along the streets.
- Building elevations should be provided.
- The maximum lighting height should be 25-feet and fully shielded with no wall “pak” lighting.
- All CDOT and Storm Water comments should be addressed.