

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

### **Rezoning Petition No. 2007-43**

**Property Owner:** Jo Ellen Hall/ John Edwin Jones/ JMW Investments, LLC

**Petitioner:** Bo Buchanan

**Location:** Approximately 16 acres on the east side of Lancaster Highway (US521), north of Ardrey Kell Road

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

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

### **Summary**

This petition seeks approval for 220 multi-family rental units on 16 acres, with a resulting density of 13.8 units per acre.

### **Consistency and Conclusion**

This proposal is consistent with the residential land use recommendations of the South District Plan. While the density is greater than is supported by the basic General Development Policies, the site is sandwiched between two commercial developments along a four-lane divided highway. In this circumstance the staff feels that the Opportunities & Constraints portion of the GDPs support this higher density. Upon correction of the site plan deficiencies noted below this petition would be appropriate for approval.

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

A church and a shopping center (under construction) are to the south in R-3 and NS zoning districts, respectively. Across US 521 to the west is an undeveloped tract that is in permitting for townhomes in the MX-2 district. To the north is a shopping center in the NS district and a cell tower in R-3 zoning. The petitioned site has two rural residences on it.

### **Rezoning History in Area**

There have been numerous recent rezonings in the immediate vicinity, some for non-residential development and some for multi-family residential projects.

## **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 site's score is as follows:

Assessment Criteria	Density Category – 17 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium; 3 uses in ½ mile)
Connectivity Analysis	2 (Medium Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	Sandwiched between higher intensities (2)
<b>Minimum Points Needed: 13</b>	<b>Total Points: 13</b>

Without the additional points for Opportunities and Constraints the site would be appropriate for development up to only 8 dwelling units per acre.

## **Proposed Request Details**

The site plan accompanying this petition contains these additional provisions:

- Vehicular access is provided to the commercial site to the south and the townhouse development to the east. They are public streets that then extend out to US 521.
- There are three different styles of buildings proposed.
- Wetlands have been identified on the site.
- This is a forested site except near the front of the property.
- This is a rental community with a number of private streets and “residential alleys”.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT estimates that trips generated by this site will increase from 130 to 1500 as a result of this rezoning. They are requesting modified rights-of-way widths. NCDOT will require a right turn lane into the site. See attached memo for detailed comments.

**CATS.** CATS had no comments on this petition.

**Connectivity.** The staff is requesting an additional stub street to the north, on the eastern portion of the site.

**Storm Water.** The petitioner has satisfied the requests of Storm Water Services for peak/volume and water quality improvements.

**School Information.** The existing zoning would generate an estimated 25 students, while the proposed rezoning would generate an estimated 32 students, a net increase of seven students.

## **Outstanding Issues**

**Land Use.** The staff believes this proposal is consistent with the South District Plan, which uses the General Development Policies to evaluate higher residential densities. The basic GDPs only support eight units per acre on this site. However, the Opportunities & Constraints portion of the GDPs provides consideration for sites “sandwiched” between higher intensity sites. This site meets that criteria for an associated density increase. This petition is appropriate for approval from a land use perspective.

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

- There is no specific tree save area. If the undisturbed open space is all tree save that is still less than 10% of the site. The site plan needs to provide additional tree save and document the size of the area(s).
- The public street needs to be extended north to the cell tower site on the eastern half of the site. If the extension is not a public street it will need a public access easement.
- The note regarding undisturbed open space needs to be returned to the site plan minus the reference to the post-construction ordinance.
- Note #3 under Open Space reserves the right to build certain amenities – it is not a commitment to build them. The language needs to be modified to **commit** to the installation of specific amenities.
- Pedestrian scale lighting is 12-15 feet height. Modify the note that allows a 30-foot height limit. The note also needs to commit to pedestrian lighting on private streets as well as public.
- The Permitted Uses note on the site plan allows any use permitted in the UR-2 district. Permitted uses in the UR-2 include retail and office uses. This note needs to be modified to permit only planned multi-family residential and its accessory uses.