

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-80

Property Owner: Griffith Equities, LLC; Harris Woods, LLC; John Patrick Fraser; Barbara F. & James McHenry

Petitioner: Griffith Equities, LLC

Location: Approximately 395 acres east of Old Statesville Road and south of W.T. Harris Boulevard

Center, Corridor, or Wedge: North Corridor (station area)

Request: R-4, single family residential, I-1, light industrial, and I-1(CD), conditional light industrial, to MUDD-O, mixed-use development district with optional provisions, and MX-3, mixed-use with innovative standards

Summary

This petition seeks approval for a large mixed-use development with two primary components. The first is a mixed residential development of approximately 1100 units for a relatively low density of 3.4 du/a. The second is a mixed-use development with a strong non-residential base (about 800,000 square feet) and high intensity residential (1788 units), located in close proximity to the proposed commuter rail transit station on the North Corridor. The petitioner is also requesting vested rights for a period of five (5) years.

Consistency and Conclusion

This petition is considered to be consistent with the *Northeast District Plan* and the *Transit Station Principles*. However, the Traffic Impact Study (TIS) has been analyzed and conclusions on phasing or mitigation cannot be reached until corrections to the TIS have been completed. This petition appears appropriate for approval, subject to resolution the site plan deficiencies noted below and agreements to resolve the transportation impacts.

Existing Zoning and Land Use

There is a mix of commercial and residential units west of the site across the railroad and Old Statesville Road, all in the B-2 (general business) zoning district. To the north is a mixture of industrial, commercial, and multi-family residential uses in a variety of zoning districts. East of the petitioned site is a multi-family residential development zoned R-12MF(CD) and single family residential development zoned R-4. To the south are several industrial uses zoned I-1(CD) and I-2(CD).

Rezoning History in Area

There was a rezoning to I-1(CD) for a site just south of this property in 1996 when the site was under county jurisdiction. There has not been any recent rezoning activity in the immediate vicinity.

Public Plans and Policies

Transit Station Area Principles (2001). This document provides guidance for intensity and design within areas influenced by planned transit stations.

Northeast District Plan (1996). The subject property is located in the *Northeast District Plan* that calls for the majority of the site to be developed with single family residential development (up to 4 units/acre), with the portion west of the Duke Energy transmission lines scheduled for industrial development. The Plan shows the prescribed residential portion with a small segment of the future Mallard Creek greenway entering the site from the east. On the southern-most portion of the site (about 40 acres) the *Northeast District Plan* calls for light industrial. The site also lies immediately east of the North transit Corridor alignment and the proposed Harris commuter rail station location, and approximately 40 percent of the site lies within ½ mile of the station location.

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- The site contains approximately 129 acres of open space in the mixed residential component and 23.6 acres in the transit supportive “village”. It is unclear how much of the open space is tree save.
- The transit supportive village provides for 271,500 square feet of retail space, 528,000 square feet of office area, 1788 multi-family residential units, and 23.6 acres of open space.
- The mixed residential component is broken into seven parts of varying housing styles.
- Reservation of greenway easements is proposed and several access points to the future greenway are provided. The lakes currently on the site will be retained.
- Five-year vesting is being requested.
- In the mixed-use portion of the site there are conversion rights to exchange some of the non-residential space to residential units. Conversion rights also are proposed in the urban “village”.
- The proposed “West Sugar Creek Road extension” location in the petition is inconsistent with the Thoroughfare Plan. The proposed new alignment requires approval of MUMPO.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT estimates that under the current zoning the site would generate about 14,000 trips per day. Under the proposed zoning the site could generate

approximately 50,000 trips per day. This will have a very significant impact on the surrounding thoroughfare system. Therefore, a Traffic Impact Study has been performed and also submitted to NCDOT.

CDOT has evaluated the TIS and summarized its findings as follows: “In general, the scope of the proposed mitigation seems reasonable given the scope and size of the development. However, the corrections that need to be made to the study prevent CDOT from evaluating the traffic mitigation requirements at this time. **At this point, CDOT cannot adequately quantify the impacts that this development will have, and any discussion on phasing or mitigation would need to be discussed after the TIS has been revised.**” See attached memo for detailed comments.

CATS. CATS has requested that certain roads within the project be constructed to standards that would support the typical 40-foot CATS bus. The developer has agreed to these standards for Davis Lake Parkway/Griffith Lakes Parkway and Sugar Creek Road extension. Additional CATS comments are included in the attached memo.

Connectivity. Numerous connections have been requested from this site and within the site. Most have been satisfied.

Storm Water. The petitioner has satisfied all of Storm Water Services requests for water quality and peak/volume controls.

School Information. CMS estimates that 755 students would be generated under the existing zoning. They estimate that 850 students would be generated under the proposed zoning. This results in a net increase of 95 students. See attached memo for details.

Mecklenburg County Parks and Recreation. Offers of greenway easements have been made but it is not clear if they satisfy the requests of Parks & Recreation. See attached memo.

LUESA. Groundwater & Wastewater Services request the following statement be added to the development standards:

Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities. The Plan shall specify that monthly reporting of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program. The report shall include the identification and location of facilities receiving disposed or recycled materials.

Outstanding Issues

Land Use. The overall residential densities prescribed in the petitioner’s plan for the portion of the development east of the tracks is approximately 3.4 units/acre, below the proposed 4

units/acre in the *Northeast District Plan*, although a considerable amount of the proposed housing appears to be either attached or multi-family, which contrasts with the Plan's "single family" recommendation. Overall, the residential components of the proposal are considered to be consistent with the recommendations of the *Northeast District Plan* and *Transit Station Area Principles*.

The petitioner's residential plan contrasts with the Plan's light industrial recommendation on the 40-acre southern portion of the site. Since a main entrance to this large mixed-use project will be the new thoroughfare connecting to NC115 it would not make for good land use relationships for the residential area to be accessed through an industrial area. Therefore, staff is supporting this alteration from the adopted plan for the area.

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

- Tree save areas need to be better identified in order to evaluate whether there is adequate tree save on the site.
- The proposed new alignment of the Sugar Creek Road Extension requires approval by MUMPO before it can be approved in its proposed location. The site plan needs to show an "alternate" scheme of development based upon the existing alignment of the Sugar Creek Road Extension.
- The note on greenway dedication needs to clarify that the dedication will be the 100 feet from top of bank on Mallard Creek and 50 feet from top of bank on the tributary that comes south from W.T. Harris Boulevard, as requested by Parks and Recreation. Parks and Recreation is also requesting dedication of all the abutting open space near MX component 3. See attached memo.
- A note needs to be added to cross-section #8 that on private streets, street trees will be provided 40 feet on-center. Planting strips need to be a minimum of six feet in width.
- The 15% tree save is calculated on only 238.4 "eligible" acres, which do not include right-of-way, lakes, or easements. The eligible acres need to include proposed new rights-of-way and easements.
- MX Component 7 indicates 140,000 square feet of office/retail. This needs to be modified to 110,000 retail and 30,000 office. A note needs to be added that the 110,000 requires a grocery anchor. Without it, the maximum retail square footage is 100,000.
- The issues raised in the Mecklenburg County Parks and Recreation memo need to be satisfactorily resolved.