

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-14

Property Owner: APS Investments, LLC

Petitioner: Edwin Thomas – Rocky River Road Associates, LLC

Location: Approximately 72.4 acres on the northeastern quadrant of the I-485/
Rocky River Road interchange

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

Request: R-3, single family residential, to R-8MF(CD), conditional multi-family residential, R-12MF(CD), conditional multi-family residential, and O-2(CD), conditional office district

Summary

This petition seeks approval for 646 multi-family units and 30,000 square feet of office space. About one-half the units are developed in townhouse style at eight units per acre and the other half at 12 units per acre. Another 60 units can be substituted for the office space.

Consistency and Conclusion

While the proposed land use is generally consistent with adopted plans, this location is challenged for infrastructure such as water, sewer, and road capacity. The TIS is still under review and an update will be provided at the public hearing. If infrastructure issues, and the site plan deficiencies noted below, can be resolved, this petition would be appropriate for approval.

Existing Zoning and Land Use

Property to the north is zoned R-3 and is under construction as a single family subdivision. Properties on the other side of I-485 are zoned R-3 and are a combination of single family homes and undeveloped land. To the south is a community shopping center in various zoning districts and to the east is undeveloped land in Cabarrus County zoned PUD (Planned Unit Development).

Rezoning History in Area

There have been several rezonings as the shopping center south of Rocky River Road has developed.

Public Plans and Policies

The *Rocky River Road Area Plan* (2006) recommends a mix of multi-family residential densities and/or office at this location. Multi-family residential was specifically recommended at this interchange since the rest of the plan study area had even less road capacity.

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

The development is phased with several road improvements. Parcel 1-B cannot be developed until the collector/spine road is completed to the entrance to Parcel 1-B. Parcel 1-A can't be developed until the bridge is placed over Fuda Creek and public street constructed. However, that street shall not be connected to Olivia Catherine Way until the collector/spine road is completed over Fuda Creek and connected to Farmington Ridge Parkway.

If the office space includes a bank it can have drive-thru windows. If developed with non-residential the office site shall not have vehicular access through the residential Parcel 2.

A minimum of 10% of the site is proposed as tree save area but the tree save area is not identified on the site plan.

Public Infrastructure

Traffic Impact / CDOT Comments. Daily trip generation is predicted to increase from 2100 to 4600 as a result of the development associated with this rezoning. A Traffic Impact Study has been requested. As of the preparation of this report CDOT had not commented on the revised site plan. The TIS was received 12/26/07 and is being reviewed.

CATS. CATS had no comment on this petition. The nearest transit service is on W.T. Harris Boulevard.

Connectivity. Connectivity will be evaluated as part of the Traffic Impact Study, which has not been reviewed by CDOT.

Storm Water. Water quality and quantity improvements have been included on the site plan.

School Information. CMS estimates that the proposed rezoning will generate fewer students than the existing zoning. There will be no impact on the school system.

Outstanding Issues

Land Use. The residential portion of this petition is consistent with the recently adopted Rocky River Road Area Plan (2006), which recommends the residential mix proposed in this petition.

It also recognizes that up to 30,000 square feet of office space would be appropriate at the interchange.

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

There needs to be a phasing plan that provides for the connection to Olivia Catherine Way without overloading that local residential street. We need connectivity without creating cut-through traffic. The TIS should be used to evaluate the potential number of trips at this connection. Limits on numbers of units may be needed until the collector/spine road is completed.

Since the site is so large the petitioner's proposal that pedestrian lighting will be installed in numbers and locations to the "discretion of the petitioner" is not an acceptable standard. A maximum separation distance or minimum light level is needed to ensure that the levels of illumination are adequate.

The proposed tree save of 10% is inadequate. Impervious area for a project like this should be in the range of 25-50%. Therefore a tree save of 17.5% is expected. Tree save areas also need to be identified as well as calculated.

Cross-sections or notes are needed that describe streetscape commitments along the interior private streets. Sidewalks and street trees are minimum components.

Usable common open spaces with specified amenities need to be committed to on the site plan.

The six-foot planting strip and five-foot sidewalk need to also be placed on Public Streets A & B. That standard may be modified by CDOT per the Urban Street Design Guidelines. The proposed minimum standard four-foot sidewalk and four-foot planting strip are inadequate on a collector street.

Potential locations for dumpsters and recycling containers are a required minimum standard for the numbers of units being requested.

There needs to be a commitment on the site plan that this development will be served by public water and sewer systems and that inter-basins transfer agreements are not being violated.