

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-017

Property Owner: Adanac Developments, Inc.

Petitioner: Steve McKirdy

Location: Approximately 59.22 acres located on the south side of Freedom Drive between Allenbrook Drive and Toddville Road.

Center, Corridor, or Wedge: Wedge

Request: MX-2 (LLWPA) SPA, mixed-use site plan amendment within the Lower Lake Wylie Protected Area

Summary

This petition proposed to move the previously approved owner occupied units to the north and to request innovative provisions for yard requirements, building separation and parking. In addition, the petition proposes to reduce the number of single-family lots from 84 to 77 and to reduce the number of townhomes from 390 to 374.

Consistency and Conclusion

The proposed site plan modification is consistent with the *Northwest District Plan* and upon resolution of the outstanding site plan issues, is considered appropriate for approval.

Existing Zoning and Land Use

The properties surrounding the petitioned site are a mixture of R-3, R-4, R-5, and R-17 MF zoning with a cemetery being located to the east. Uses are predominately single and multi-family residential. Burke's mobile home park was previously located on the subject property.

Rezoning History in Area

The most recent rezoning in the area was for the subject property in 2006 (2006-039). The property was rezoned from R-3 (LLW-PA), R-4 (LLW-PA), and R-17MF (LLW-PA) to MX-2 (LLW-PA). The approved development is composed of 83 single-family residential lots, 390 multi-family units, 24,000 square feet of live/ work units (24 units) and club house, 4,000 square feet for the office, club house pro shop, 1,500 square foot maintenance facility and a par 3 golf course running through the site.

Public Plans and Policies

The *Northwest District Plan* (1990) provides adopted land use policy for the area that recommends single-family up to 4 dwelling units per acre.

The residential portion of the *General Development Policies* (2003) applies to this site.

Assessment Criteria	Density Category - >6 up to 8 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Med)
Connectivity Analysis	2 (Med-low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 11

Proposed Request Details

The site plan accompanying this petition provides 17.5 % tree save area, design guidelines for the multi-family/townhomes, and requires 75% of the townhomes to be owner occupied. It also limits the uses to the following:

- 77 single family lots
- 374 townhomes
- 24,000 square feet of live-work space
- 4,000 square feet of clubhouse, golf pro shop and operations office
- 1,500 square foot maintenance structure

The site plan shows Development area “B” as townhomes. In the original 2006 petition, this area was shown as multi-family. The proposed innovative requests include the following:

- Setbacks, sides, front, and rear yards for principle and accessory structures. Front setback of 5-feet along public streets for townhomes and apartments.
- Building separation reduction to a 20-foot minimum.
- A 50% parking reduction in the requirement for the Par 3 golf course.

Public Infrastructure

Traffic Impact / CDOT Comments. Under the proposed zoning the site could generate approximately the same 4,000 trips per day as under the current zoning. This rezoning will not result in an additional impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- A public and private sidewalk network (5’ sidewalks and 8’ planting strips) needs to be shown on both the Technical Data Sheet and Illustrative Site Plan.
- Any new innovative design request for the proposed public and private street typical cross sections need to be in conformance with the recently Council adopted Urban Street Design Guidelines.
- Both the Technical Data Sheet and Illustrative Site Plan need to clearly show public right-of-way limits and the proposed streets to be constructed by the developer. This should include but not limited to a street stub that would align and extend to Lewhaven Drive to the west, the extension of Pinebrook Drive to the east, right-of-way to accommodate the roundabout with sidewalk, and the Burke Drive connection across the across the Paw Creek greenway.

- A future median opening “left-over” has not been approved by CDOT or the NCDOT at the main entrance on Freedom Drive. The Freedom Drive access will continue to be restricted to serving right-in/right-out movements only. It is our understanding that the developer of this site intends to seek approval from CDOT/NCDOT to construct a “left-over” at this location to additionally allow left-turn movements into the site. The note on the plans needs to be revised to clearly indicate that the future “left-over” is subject to review/approval by CDOT and NCDOT. Should the “left-over” be approved, then the developer is responsible for all costs associated with its design and construction as well as any other improvements that may be required as noted on the site plan.

CATS. CATS had no comments on this petition.

Connectivity. A stub street is provided for a future connection to Lewhaven Drive. In addition, Burke Drive and Pinebrook Drive will be extended into the property

Storm Water. Please revise the labeled Watershed Buffer to clearly show a 100’ Undisturbed Buffer on both sides of the stream throughout the length of the project. Please also remove any amenity from the rezoning plan such as a golf course which may disturb this zoning buffer. Please also remove language which is meant to interpret that this amenity area is allowed to exist in this buffer.

Watershed Buffer – *Source: Lower Lake Wylie Watershed Overlay – Charlotte Code* This site is located in the Protected Area of the Lower Lake Wylie Overlay Districts. For projects with defined watersheds greater than 24% built-upon area a 100’ undisturbed vegetated buffer is required along each side of perennial streams measured from the top of bank. The stream running through the site in this rezoning is a perennial stream and this project has an overall density of the site draining to this stream is greater than 24% built upon area therefore a 100’ buffer measured from top of bank should be clearly shown and labeled on both sides of the stream throughout the length of the project.

The Par 3 golf course planned to linearly parallel the stream as shown on the rezoning plan would impact the undisturbed nature of this buffer significantly as well by 1.) removing vegetation along a significant length of the required buffer which could filter and infiltrate pollutants from storm water runoff before it enters the stream and by 2.) adding pollutants and nutrients (i.e. fertilizer) to the stream from the golf course itself. Based on these storm water reasons we cannot support the petitioner showing this utilization in what would be a regularly required undisturbed buffer.

Parks and Recreation. As part of the original rezoning petition (2006-039), MCPR requested that the petitioner develop approximately 2,860 feet (0.55 miles) of greenway along Paw Creek within the floodplain, and dedicate the land and the greenway to the County. The site plan note on page Z2 #17 should read as follows, and contain the appropriate acreage for the dedication:

“Owner agrees to dedicate areas shown on Z1(____ acres total) to Mecklenburg County for future use by the County as part of the Paw Creek Greenway system. Petitioner is to construct Greenway along portion within site to MCPR standards. Maintenance of Greenway will be by MCPR. Owner retains the right to cross at a maximum two (2) locations the deeded portion of land for purposes of Golf Course paths. Maintenance of the Golf Course will be by the owner. Owner agrees to construct an access path to the Greenway from the western portion of public streets (Burke Drive) and eastern portion (Raspberry Knoll).”

The dedication area and location of the greenway is unclear on this rezoning site plan and must be clearly illustrated on all future plan submittals. If the alignment of the greenway changes from what was originally approved with rezoning petition 2006-039, MCPR shall review and approve the realignment. The greenway asphalt trail detail shall be incorporated within the construction documents.

Outstanding Issues

Land Use. The request is consistent with the *Northwest District Plan* which was modified by the previous petition for this property.

Site plan. The following site plan issues are outstanding:

- The note concerning the road over Paw Creek should be on this plan (see previous rezoning plan)
- The site plan must comply with Section 10.708 (3) (a) which states that no trees in the watershed buffer 2” or larger may be removed. This must be noted on the site plan.
- The wording on lighting should be changed to say “full-cut off fixtures” instead of fully shielded.
- Additional green space within the parking areas should be provided.
- All parking must be screened from the public R.O.W.
- Provide conceptual building elevations of facing public streets.
- Long straight drives/parking lots encourage noise and vehicular speed.