

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-044

Property Owner: Harris Woods Land Investors, L.P.

Petitioner: Cambridge Properties, Inc.

Location: Approximately 12.4 acres located on the southwest corner of Davis Lake Parkway and Harris Woods Boulevard.

Center, Corridor, or Wedge: Wedge

Request: O-1 (CD), office, conditional district, to MX-2 Innovative, mixed use, innovative.

Summary

This proposal is to rezone approximately 12.40 acres located on the southwest corner of Davis Lake Parkway and Harris Woods Boulevard from O-1(CD) to MX-2 Innovative to increase the number of residential buildings allowed. The increase in the number of buildings results in a decrease in the number of units from the previous site plan with 154 apartments to 92 resulting in a decrease in density from 12 dwelling units per acre (dua) to 7.43 dua.

Consistency and Conclusion

The proposal is consistent with the *Northeast District Plan* recommendation for a mixture of residential/office/retail and institutional uses on this site (with the nonresidential uses developed on adjacent parcels), but is over the density recommended using the *General Development Policies* Residential Location Criteria. The *General Development Policies* serve as guidelines for density. However, the current plan includes development rights for up to 12 dwelling units per acre (dua) and this plan represents a decrease in residential density to 7.43 dua. Upon resolution of outstanding site plan comments, this petition is appropriate for approval.

Existing Zoning and Land Use

The properties to the north and east are zoned R-4, RU (CD) and R-15MF (CD), and have single-family homes, town homes and condominiums. Other properties to the north are zoned O-1 and O-1 (CD) and are offices, a child care center, and a senior care facility. Property to the west is zoned I-1 and used for office/warehousing. A shopping center, zoned CC is located to the south.

Rezoning History in Area

In 1996, petition #1996-09(c) rezoned this property to O-1 (CD) to allow up to 172,000 square feet of office plus 154 apartments. Rezoning petition #2000-003 rezoned nearby property from I-1 to R-8 MF (CD) to allow 58 town homes for sale.

Public Plans and Policies

Northeast District Plan (1996). The *Northeast District Plan* (1996) recommends a mix of residential, office, retail and institutional uses for this parcel.

General Development Policies. The *General Development Policies* Residential Location Criteria analysis is used to determine the appropriate residential density where it is not specified in the land use policy document. The *Northeast District Plan* recommends a mix of uses that includes multi-family and single family residential uses, but does not specify a density.

Assessment Criteria	Density Category – 6-8 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Med)
Connectivity Analysis	1(Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 10

The site scores a total of 10 points making it appropriate for a residential density of 4-6 dwelling units per acre.

Proposed Request Details

This rezoning would permit up to a maximum of 92 town home attached dwelling units with other uses permitted in the MX-2 zoning district. This is a reduction of 62 units from the 1996 approved site plan that permitted 154 apartments plus 172,000 square feet of office under the O-1 (CD) designation. The petitioner is requesting a number of innovative development standards which include, but are not limited to:

- Street type, dimensions and construction standards
- Sidewalks, curbs and gutter
- Minimum lot size and lot width
- Setbacks, side, front and rear yards for principal and accessory structures
- Building separation

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed this petition and notes that this site could generate approximately 2,000 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 600 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has submitted the following comments:

- CDOT has determined that a left-turn lane is necessary to serve the traffic using the proposed public street connection to Davis Lake Parkway. The engineering design and construction of the left-turn lanes is the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience.

CDOT will only approve the proposed public street/private driveway connection(s) provided that left-turn lanes are constructed on Davis Lake Parkway. CDOT recommends the rezoning plan reflect the design of these required left-turn lanes prior to submittal/approval of the public street/private driveway connections. This roadway improvement is required to meet the traffic demands of the proposed development. The left-turn lanes need to be designed to NCDOT standards with a minimum 150 feet of storage.

- New streets need to be designed as wide local residential streets in accordance with the adopted Urban Street Design Guidelines (USDG). Adequate parking needs to be identified on the plan through parking calculations.
- The new curb line along David Cox Road needs to provide room for 5-foot bike lanes as a key east-west alternative to high-speed WT Harris Boulevard.
- The petitioner needs to provide 6-foot sidewalks and 8-foot planting strips along all public streets, including Harris Woods Boulevard, Davis Lake Parkway, and David Cox Road. In the case of David Cox Road, these items will be measured from the new curb line.
- It appears that as the buildings are located on the plan, driveways may not be able to meet minimum requirements. The plan needs to show driveways on the plan to ensure the standards can be met.
- Buildings need to be located such that the parking pad length is 20 feet from face of garage to back of proposed sidewalk.
- Sidewalks need to be included on both sides of the streets. Reducing the required sidewalk to one side of Public Street B will not be supported as “Innovative” in the proposed MX-2 (Innovative) district
- Sidewalk adjacent to parking needs to be a minimum of 7 feet in width. A reduction in this width will not be supported as “Innovative” in the proposed MX-2 (Innovative) district.
- A reduction in planting strip width will not be supported as “Innovative” in the proposed MX-2 (Innovative) district. For best practices and urban street design, the “Wide Local Residential Street” segment should be used which indicates an 8-foot planting strip and a 6-foot sidewalk.
- The 40-foot and 43-foot proposed rights-of-way indicate “Local Limited” residential street. This street type cannot be used to handle the traffic for more than 50 units as per the subdivision ordinance. Reduced street widths and public right-of-way will not be supported as “Innovative” in the proposed MX-2 (Innovative) district.
- Requests for alternate design standards are reviewed during the subdivision process and are not reviewed or approved through the zoning process. The proposed cross sections shown on the site plan need to be removed from the plan.
- Pedestrian access should be provided from Public Street B to Davis Lake Parkway.
- A note needs to be added to plan stating that it is conceptual in nature and that where conditions on the approved conceptual site plan differ from ordinances, standards, and policies in place at the time of engineering plan review in subsequent permitting processes, the site plan will be revised to meet or exceed current standards.
- Adequate sight triangles must be reserved at the existing/proposed street entrance(s). Two 35’ x 35’ and two 10’ x 70’ sight triangles are required for the entrance(s) to meet requirements. All proposed trees, berms, walls, fences, and/or identification signs must not interfere with sight distance at the entrance(s). Such items should be identified on the site plan.

CATS. CATS has no comments at this time.

Connectivity. There is one entry access to the site provided by extending Harris Woods Boulevard (40') into a narrower street extension (22').

Storm Water. Downstream complaints consist of erosion, flooding and blockage. SWS has requested that notes be added pertaining to storm water quantity control, storm water quality treatment, and volume and peak control.

School Information. The development allowed under existing zoning would generate 27 students, while the development allowed under the proposed zoning will produce 12 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0.

Outstanding Issues

Land Use. This proposal is consistent with the *Northeast District Plan* recommendation for a mixture of residential/office/retail and institutional uses (with the nonresidential uses developed on adjacent parcels), but is over the density recommended using the *General Development Policies* Residential Location Criteria. However, the current plan includes development rights up to 12 du and this plan represents a decrease in residential density to 7.43 du.

Site plan. The following site plan comments are outstanding:

- The petitioner should revise the site plan to address CDOT's comments. *Several meetings with the petitioner and agent have resulted in some progress toward addressing these concerns.*
- The petitioner should remove several on-street parking spaces that do not count toward the required minimums. These parking spaces are difficult to access, and create a safety issue when cars have to back out of the stub street areas. *The petitioner is agreeable to this change.*
- In order to promote future connectivity, the petitioner should extend the 3 stub streets to the property line. *The petitioner is agreeable to this modification.*
- The petitioner should provide a second vehicular access point to David Cox Road since the development has over 50 dwelling units.
- "Mulched paths" are an unacceptable material for pedestrian connections, however, the petitioner is investigating the use of pervious, durable surfaces for the following locations:
 - From Public Street B to Davis Lake Parkway.
 - From the sidewalk on Street A to the Shopping Center to west.
 - From Street A to Street D in two places, to provide pedestrian access to "community open space."
- A minimum of 10% common open space requirement is required. Buffers, rear yards and side yards may not be counted toward this total. The wet detention pond can not count toward open space, without some amenities around it, such as trails, benches, etc. Reverse frontage areas can be counted, if they are recorded as "common open space" or an easement is recorded. The petitioner should provide acreage or square footage totals of each area counted toward common open space in the site tabulation table. *The petitioner is agreeable to revising the site plan to meet this requirement.*

- There is a requirement to provide a minimum of 400 square feet of private open space per dwelling unit. Buffers can not count towards the minimum 400 square feet. Private open space can not count as common open space. *The petitioner is agreeable to modifying the site plan, or adding a note that this will be provided.*
- The petitioner should add a note that the reverse frontage buffer provided along Davis Lake Parkway and David Cox Road will be deed restricted, recorded, and placed in common ownership, or shall be recorded as a landscape easement in accordance with Section 12.308. This will also be so labeled on the site plan. The petitioner should also indicate the width of the reverse frontage areas and label them as common open space. The minimum width is 30'. The petitioner should also add a note that the reverse frontage lot requirements of Section 12.308, which address landscaping requirements, berms, and walls/fences for reverse frontage lots, will be met. *The petitioner is agreeable to address these concerns.*
- The petitioner should specify what landscape materials will be provided around the detention pond.
- The petitioner should provide a fence a minimum of 5' in height, for safety reasons, around the detention pond and along the top of the retaining wall closest to Harris Woods Blvd.
- The petitioner should indicate the number of planting materials that will be provided in the Class A buffer along the eastern boundary (trees and shrubs per 100 linear feet; 40% of the trees shall be large maturing trees, and a minimum of 25% shall be evergreen), and the type of planting that will be provided in the 10' landscaped easement next to the shopping center.
- The dumpster locations shown on the site plan within the right-of-way and at the end of the public streets will not be approved. *The petitioner is agreeable to relocate them so that they can be accessed via a driveway that is perpendicular to the building frontage curb line and not at the end of the stub street.*
- The petitioner should remove the cross-sections from the site plans, and remove the list of innovative development standards 1-11, that specify what innovative development standards they will use. The innovative approval process is a separate process from the rezoning. . *The petitioner is agreeable to remove them.*
- The petitioner should add a note that reads:

"The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission, the stricter condition or existing requirements shall apply."
- A note needs to be added to plan stating that it is conceptual in nature and that where conditions on the approved conceptual site plan differ from ordinances, standards, and policies in place at the time of engineering plan review in subsequent permitting processes, the site plan will be revised to meet or exceed current standards.