

PRE-HEARING STAFF ANALYSIS
Rezoning Petition No. 2008-031

Property Owner: Ronald J. Withrow, Withrow Capital Investments, LLC, Metrolina Properties LLP, Morris Field Associations, Mountain Island Promenade, LLC

Petitioner: Kimberly Young, Mountain Island Promenade, LLC

Location: Approximately 116.4 acres located north of the intersection of Brookshire Boulevard and Interstate 485.

Center, Corridor, or Wedge: Wedge

Request: NS, neighborhood service and B-D (CD) distributive business, conditional district, LW-PA, Lake Wylie Protected Area to NS, neighborhood service and B-D (CD) distributive business, conditional district, LW-PA, Lake Wylie Protected Area, site plan amendment

Summary

This site plan amendment will allow an additional 55,500 square feet of retail and a potential reduction of 36,000 square feet of office. It also proposes several site plan changes including the reallocation of multi-family residential, alternate retail building locations and numbers and transportation changes, and changes to the width of the buffer. The properties are located in the Lake Wylie Protected Area. The petition is requesting a five (5) year vesting of this petition.

History

This property was rezoned in 2006 (2006-060) from R-3, R-4, O-1 (CD), and B-1 (CD), to NS, and B-D (CD), all in the LW-PA. The rezoning allowed the development of 765 residential units, 165,000 square feet of office uses, 360,000 square feet of retail uses, and 127,000 square feet of underground climate controlled storage.

Consistency and Conclusion

This request is consistent with the *Brookshire Boulevard/I-485 Area Plan* which recommends mixed-uses for the area consisting of office, multi-family, and retail land uses. The proposed site plan changes which are unrelated to the addition of 55,500 square feet of retail are acceptable. However, the additional retail and the proposed big box are inconsistent with the village center concept proposed for this area. Therefore staff is recommending that this petition be denied.

Existing Zoning and Land Use

The predominant zoning and land use around the Brookshire and Mt Holly Huntersville Road intersection is commercial. Single family and multi-family are located beyond the commercial properties.

Rezoning History in Area

Multiple rezonings and site plan amendments have been approved in the surrounding area since the late 1980's. The majority of the cases involved rezoning with commercial components while two cases involved multi-family uses.

Public Plans and Policies

The *Brookshire Boulevard/I-485 Area Plan* recommends a mixed-use for the area consisting of office, multi-family, and retail land uses.

Per the *Brookshire Plan*, the term mixed-use is intended to include at least 2 of the following uses integrated within the same building: office, multi-family residential, and retail. Office uses are limited to 3 stories with a maximum gross acreage-to-square foot ratio of 1:5,000. Residential density may not exceed 12 units per acre based on the gross site acreage. Single tenant retail is limited to 25,000 square feet (per building) on the ground floor and in part of a mixed use building.

For this particular geography, a single retail user greater than 25,000 square feet and up to 135,000 square feet would be considered under the following conditions:

- No other retail space is available within the retail service area.
- Traffic study is required.
- Square foot ratio of all retail to other uses within the development cannot exceed 1:3.
- All buildings must be architecturally integrated with one another.
- All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.
- The single tenant retail building should be architecturally integrated the rest of the development to allow for future reuse opportunities.
- Additional single tenant retail buildings cannot exceed 25,000 square feet and are subject to the 1:3 ratio of total retail to other uses.
- Office uses are limited to 3 stories with a maximum gross acreage-to-square foot ratio of 1:5,000.

Proposed Request Details

The site plans accompanying this petition propose to add 55,500 square feet of retail. The majority of the requested changes are related to the allocation or layout of the development and are as follows:

“Area A”

- Reduction of retail by 42,500 square feet from 360,000 to 317,500 square feet.
- Relocation of two buildings moving them closer to Mt. Holly Huntersville Road
- Redesigned of one building to allow for a drugstore drive thru.
- A new driveway for the gas station /convenience store to allow for tanker truck circulation.

“Area D”

- For site plan purposes, former “Area D” (approved for 165,000 square feet of office) is being divided into “Area D” and “Area D-1”.
 - New “Area D” proposes an 80,000 square foot elementary school or 84,000 square feet of office.
 - New “Area D-1” proposes three options:
 - 98,000 square feet of big box retail; or
 - 81,000 square feet of office and 35,000 square feet of retail; or
 - 45,000 square feet of office and 85,000 square feet of retail.

“Area E”

- The number of multi-family units in “Area E” has not changed from the 625 approved in 2006.
- Boundaries of “Area E” have increased by two acres.

- Number of buildings, location, and internal driveways have been modified.

“Area F”

- The 100-foot approved buffer is proposed to range between 90 feet and 130 feet.
- Some buffer areas may be disturbed to allow for grading and will be replanted with evergreens.
- If the 80,000 square foot school is constructed in “Area F” the approved townhomes are proposed to be increased from 100 to 125.

Other

- The petitioner also proposes to reduce the sidewalks on all public streets except 1 and 2 from 6-feet to 5-feet.
- If and when warranted by CDOT and or NCDOT the petitioner will contribute 100% of the total cost of a speed bump to be installed on Valley Walk Drive. The Chastain Parc HOA will petition CDOT and /or NCDOT for such speed bump.

Public Infrastructure

Traffic Impact / CDOT Comments. Consistency with Transportation Action Plan (TAP): The two goals of the TAP that most directly affected the staff’s review of this petition define the integration of land use and transportation, and the provision of transportation choices.

- Goal 1 of the TAP relies on the Centers, Corridors and Wedges land use strategy to be implemented. This project site is located in a Center and appears to support the Centers, Corridors and Wedges land use strategy.
- Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians and bicyclists. Specific comments are identified below that need to be addressed for CDOT’s support of the petition and to bring the site plan into compliance with the TAP and best practices for multimodal transportation.

Vehicle Trip Generation

This site could generate approximately 19,400 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 24,400 trips per day. This will have a significant impact on the surrounding thoroughfare system.

This site could generate approximately 19,400 trips per day (“new” trips from Kublins Transportation Group’s 2006 TIS) as currently zoned. CDOT previously reported that development under the proposed zoning could generate approximately 24,400 trips per day. This amount does not include reasonable and customary consideration for trips that are made internally within the development or trips (“pass-by”) that are already on the adjacent thoroughfare system. Internal and pass-by trips are not considered as “new” trips added to the external street system. We initially requested that the petitioner submit a traffic impact study (TIS) for our review based on our threshold of 2,500 new/additional trips per day.

However, the trip generation comparison above is not accurate because CDOT did not have “new” trip generation amounts for the proposed zoning at the time. Based on the revised development plan and consideration for internal and pass-by trips, the proposed zoning could generate approximately 19,630 “new” trips per day. With consideration of “new” trips, the proposed zoning will result in approximately 230 additional trips per day and have only a minor impact on the thoroughfare system in the vicinity. For this reason CDOT did not request that a TIS be submitted for review.

CDOT has the following specific comments that are critical to their support of the rezoning petition:

- Street 3 needs to be designated only as a “public” street to provide a better public street system and consistency of public street design.
- New streets need to be designed as Medium Local Residential Streets per Urban Street Design Guidelines (USDG). However, if on-street parking is provided on both sides of the street, the Wide Local Residential Street (wider section with on-street parking) cross section is applicable.
- Centers have preferred block lengths of 500 feet and maximum block lengths of 650 feet. The site plan needs to ensure the block lengths are in this range.

Additional comments are attached.

CATS. CATS has the following comments/requests:

- CATS requests 50 non-exclusive Park and Ride parking spaces to be located in the parking area bounded by Street 1 (public), Street 5 (private), Street 6 (private), and Mt. Holly-Huntersville Rd.

Non-exclusive park and ride spaces are shared parking with existing parking located within the petitioner’s site, available to the customer on a first-come first-serve basis, and count toward the required parking spaces for the requested zoning; thus the petitioner does not need to construct a separate parking lot for CATS Parking.

- Street 1 (public), Street 5 (private), and Street 6 (private), and Mt. Holly-Huntersville Rd. should be constructed with heavy duty pavement to enable bus travel.
- CATS additionally requests the petitioner to construct a shelter pad constructed to CATS Development Standards 60.03 A. The shelter pad should be constructed at least 60’ from the intersection of Street 1 (public) and Street 5 (private), along Street 5 (private) with direct and accessible access to the 50 non-exclusive CATS Park and Ride spaces.
- While CATS recognizes the petitioner’s depiction of “Future CATS Parking (50 spaces)” in the petitioner’s proposed site plan, CATS must reject the proposed parking area for the following reasons:
 - CATS is concerned that the proposed location depicted by the petitioner as “future CATS parking” is located within the 200’ Duke Power Right-Of-Way.
 - Furthermore, the currently depicted location of the “Future CATS Parking” is not directly accessible by bus. CATS Park and Ride parking must be located within close proximity to bus access and have a clear and accessible path to the bus stop from the parking; or the parking must be designed to permit direct bus operations. As currently depicted, a bus cannot maneuver to access the driveway for the proposed “future CATS Parking.” Additionally, the currently depicted location of the “future CATS parking” is too close to the intersection of Brookshire Freeway (NC 16) and Mt. Holly-Huntersville Rd. for it to be serviced on-street from Mt. Holly-Huntersville Road.
 - Lastly, CATS is also concerned that the petitioner’s current depiction of the proposed parking is detailed as “future CATS parking;” and the petitioner does not indicate the intention to construct or have a timeframe for the construction of the parking lot.

Connectivity. Vehicular access to this site is provided by two access points on Mt. Holly-Huntersville Road.

Storm Water. Storm Water Services has no additional comments.

School Information. Since the number of dwelling units is unchanged, the net change in the number of students generated from the existing zoning to the proposed zoning is zero.

Outstanding Issues

Land Use. Certain elements of this request are consistent with the *Brookshire Plan* recommendations, and others are inconsistent. The following inconsistencies are outstanding:

- The *Brookshire Plan* recommends a mixture of commercial, office, and residential land uses, but these site plans serve to further compartmentalize uses in Parcels D, D-1, A, and B rather than integrate these uses into a village center of activity. Instead of a vibrant village center, the site plans consist of big box retailers, outparcels, and parking lots.
- The *Brookshire Plan* recommends that any additional single retail buildings on a development site cannot exceed 25,000 square feet. The development notes state:
 - Single retail buildings located in Parcel A and B can be up to 26,500 square feet in size, which is slightly over this limit.
 - An additional big box retail is proposed in Parcel D-1. No maximum size is specified in the development notes for a single retail building.
- The addition of the big box retailer fails to create a vibrant mix of uses within a walkable village center. The vision statement in the *Brookshire Plan* calls for:
 - 1) Incorporating a mixture of commercial, office, and residential land uses within walkable village centers that serve as centers of activity;
 - 2) Employing land use strategies to create a vibrant public realm, buildings oriented to the street, interconnected streets, village centers, and an open space network,; and
 - 3) Providing for an interconnected network of street, pedestrian and bicycle paths, parks and open space, among others.
- The retail ratio adopted in the *Brookshire Plan* states that the square foot ratio of total retail to other uses for the entire site may not exceed 1:3. This site plan amendment increases the ratio to 1:3.2.

Site plan. The following site plan issues are outstanding:

- The site plan should be revised to show usable open space. Planting strips between streets and/or parking lots are not usable open space.
- All CATS comments should be addressed.
- CDOT is requesting that Street #3 should be designated as “public”, not “public or private” in order to provide a better public street system and consistency of public street design.
- The petitioner should label the minimum width dimensions along the “undisturbed buffer” located along the east side of the property.
- Development Notes (c) (iii) should be revised to commit to an 8’ planting strip and 6’ sidewalk in Parcel F.
- The petitioner should add the following note to the rezoning site plan and/or related rezoning documents:

“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."



Charlotte Department of Transportation

Memorandum

Date: February 22, 2008

To: Keith MacVean
Charlotte-Mecklenburg Planning Department

From: 
Scott L. Putnam
Development Services Division

Subject: Rezoning Petition 08-031: Located on the northeast quadrant of the Brookshire Boulevard & I-485 Interchange (revised 1/18/08)

We previously commented on this petition in our December 19, 2007 memorandum to you.

Consistency with Transportation Action Plan (TAP): The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

- Goal 1 of the TAP relies on the Centers, Corridors and Wedges land use strategy to be implemented. This project site is located in a Center and appears to support the Centers, Corridors and Wedges land use strategy.
- Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians and bicyclists. Specific comments are identified below that need to be addressed for CDOT's support of the petition and to bring the site plan into compliance with the TAP and best practices for multimodal transportation.

Vehicle Trip Generation

This site could generate approximately 19,400 trips per day ("new" trips from Kubilins Transportation Group's 2006 TIS) as currently zoned. We previously reported to you that development under the proposed zoning could generate approximately 24,400 trips per day. This amount does not include reasonable and customary consideration for trips that are made internally within the development or trips ("pass-by") that are already on the adjacent thoroughfare system. Internal and pass-by trips are not considered as "new" trips added to the external street system. We initially requested that the petitioner submit a traffic impact study (TIS) for our review based on our threshold of 2,500 new/additional trips per day.

However, the trip generation comparison above is not accurate because we did not have "new" trip generation amounts for the proposed zoning at the time. Based on the revised development plan and consideration for internal and pass-by trips, the proposed zoning could generate approximately 19,630 "new" trips per day. With consideration of "new" trips, the proposed zoning will result in

approximately 230 additional trips per day and have only a minor impact on the thoroughfare system in the vicinity. For this reason we will not request that a TIS be submitted for review.

It should be noted that the phased development plan and corresponding transportation improvements that were required to mitigate the impacts of this development under the current zoning (2006-060) are also included in the development standards of the proposed conditional site plan. These transportation improvements will mitigate the impacts of the proposed development.

Some improvement to traffic conditions on Mt. Holly-Huntersville Road should occur when I-485 is opened between Brookshire Boulevard and Old Statesville Road (expected October 2008). Currently, this section of Mt. Holly-Huntersville Road has an Average Annual Daily Traffic (AADT) of approximately 20,000 vehicles per day. Our experience with the opening of I-485 between Independence Boulevard and Rea Road resulted in a 20-30% reduction of traffic volumes on Pineville-Matthews Road (NC 51). We expect that there will be similar reductions of traffic on Mt. Holly-Huntersville Road.

We have the following specific comments that are critical to CDOT's support of the rezoning petition:

1. In order to provide a better public street system and consistency of public street design at the intersection of Street 1 (Public), Street 2 (Public), Street 3 (Public or Private), and Street 7 (Private), we request that Street 3 be designated only as a "Public" street. Currently the site plan indicates that it could be public or private.
2. Although not specifically stated on the site plan, the petitioner indicated at the February 18, 2008 zoning public hearing that one of the requested changes to the existing conditional site plan is to change the design of the Private Street 6/Private Street 5 intersection. The current left-over design for this intersection was required because of its proximity to the signalized main entrance (Private Street 6/Mt. Holly-Huntersville Road) as part of CDOT's support of the petition and agreed to by the petitioner just prior to the beginning of the July 26, 2006 Zoning Committee meeting. We will not approve this change to provide a full access intersection at this location.
3. Centers have preferred block lengths of 500 feet and maximum block lengths of 650 feet. The site plan needs to ensure the block lengths are in this range. (*Previous Comment-2*)

If we can be of further assistance, please advise.

SLP

- c: R. H. Grochoske (via email)
M.A. Cook – Review Engineer (via email)
B. D. Horton (via email)
A. Christenbury (via email)
E.D. McDonald (via email)
Mountain Island Promenade, LLC/Kimberly Young(via email)
Kennedy Covington/John Carmichael & Laura Simmons (via email)
Louis Mitchell/NCDOT (via email)
Scott Cole/NCDOT (via email)
Rezoning File



Charlotte Storm Water
600 East Fourth
Street
Charlotte, N C 28202-2844
OFFICE: 704 . 336 . RAIN
FAX: 704 . 336 . 658



CHARLOTTE

Rezoning Petition Review

To: Keith MacVean, CMPC

From: Matthew Anderson / Doug Lozner / Jeff Hieronymus

Date of Review: December 17, 2007 (**Revised January 30, 2008**)

Rezoning Petition #: 08-31

Existing Zoning: BD(CD)& NS

Proposed Zoning: BD(CD)SPA & NS SPA

Location of Property: Approximately 116.30 acres located on the northeast quadrant of Brookshire Blvd. & I-485 Interchange

Downstream Complaints and analysis: Downstream complaints consist of flooding and blockage.

Source Citation: A portion of the water quantity and quality comments reference information gained from the "Post-Construction Ordinance Stakeholders' Group Final Report". This report reflects consensus reached during the Council-approved process to include community input on the proposed ordinance language. Other comments, including the environmental permit, stream buffer and some detention requirements reflect existing regulations and ordinances.

Recommendations

Concerning Storm Water: **No additional recommendations are needed at this time.**



PLAN REVIEW SHEET

Date:	12/19/07	Staff Contact:	David McDonald
Petitioner:	Ms. Kimberly Young	Telephone:	704-336-6900
Petition:	2008-031	Fax:	704-432-1277
		Email:	
	dmcdonald@ci.charlotte.nc.us		
Location:	Approx. 116.30 acres on NE Shelter_Concrete_Standards.pdf	Attachments:	(See 60.03A)
	Quadrant of Brookshire Blvd./ I-485 Interchange		
Existing Zoning:	B-D(CD) (LWPA) and NS (LWPA)		
Requested Zoning:	B-D(CD) S.P.A. (LWPA) & NS S.P.A. (LWPA) (To accommodate several modifications to the site plan for the previously approved ped-oriented multi-use development)		

I. SUMMARY REMARKS:

FIRST SUBMITTAL

CATS acknowledges receipt of the rezoning application and site plan and submits the following to the petitioner:

- 1) **CATS requests 50 non-exclusive Park and Ride parking spaces to be located in the parking area bounded by Street 1 (public), Street 5 (private), Street 6 (private), and Mt. Holly-Huntersville Rd.**
 - Non-exclusive park and ride spaces are shared parking with existing parking located within the petitioner’s site, available to the customer on a first-come first-serve basis, and count toward the required parking spaces for the requested zoning; thus the petitioner does not need to construct a separate parking lot for CATS Parking.
 - Street 1 (public), Street 5 (private), and Street 6 (private), and Mt. Holly-Huntersville Rd. should be constructed with heavy duty pavement to enable bus travel.

- 2) **CATS additionally requests the petitioner to construct a shelter pad constructed to CATS Development Standards 60.03 A (see attached).**
 - The shelter pad should be constructed at least 60’ from the intersection of Street 1 (public) and Street 5 (private), along Street 5 (private) with direct and accessible access to the 50 non-exclusive CATS Park and Ride spaces.

- 3) **While CATS recognizes the petitioner’s depiction of “Future CATS Parking (50 spaces)” in the petitioner’s proposed site plan, CATS must reject the proposed parking area for the following reasons:**
 - CATS is concerned that the proposed location depicted by the petitioner as “future CATS parking” is located within the 200’ Duke Power Right-Of-Way.
 - Furthermore, the currently depicted location of the “Future CATS Parking” is not directly accessible by bus. CATS Park and Ride parking must be located within close proximity to bus access and have a clear and accessible path to the bus stop from the parking; or the parking must be designed to permit direct bus operations. As currently depicted, a bus cannot maneuver to access the driveway for the proposed “future CATS Parking.” Additionally, the currently depicted location of the “future CATS parking” is too close to the intersection of Brookshire Freeway (NC 16) and Mt. Holly-Huntersville Rd. for it to be serviced on-street from Mt. Holly-Huntersville Road.
 - Lastly, CATS is also concerned that the petitioner’s current depiction of the proposed parking is detailed as “future CATS parking;” and the petitioner does not indicate the intention to construct

or have a timeframe for the construction of the parking lot.

- 4) **Thus, CATS requests the petitioner to please designate requested summary remarks #1 & #2 in the petitioner's site plan and accompanying notes.**

Please contact Leonard Ganther (CATS Operations) @ 704.432.1283 prior to demolition or construction, to coordinate the final location of the requested shelter pad.



MECKLENBURG COUNTY

Land Use and Environmental Services Agency

December 17, 2007

Mr. Solomon Fortune
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, North Carolina 28202

**Re: Rezoning Petition 2008-031
Approximately 116.30 acres located on the northeast quadrant of the
Brookshire Boulevard/ I-485 Interchange**

Dear Mr. Fortune:

Representatives of the Air Quality (MCAQ), Groundwater & Wastewater Services (MCGWS), Solid Waste (MCSW), Storm Water Services (MCSWS), and Water Quality (MCWQ) Programs of the Mecklenburg County Land Use and Environmental Services Agency (LUESA) have reviewed the above referenced rezoning petition. In order for the Mecklenburg County LUESA to support this rezoning, the following recommendations should be implemented and appear as notes or modifications on site plans:

Air Quality

Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or renovation of an existing structure. A letter of notification and the required forms will be mailed directly to the petitioner by MCAQ.

The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance (MCAPCO) Regulation 2.0805 - "Parking Facilities". A letter of notification and copy of the regulations will be mailed directly to the petitioner by MCAQ.

Groundwater & Wastewater Services

The age of home construction and/or Charlotte-Mecklenburg Utilities billing data indicates that parcels 033-041-10, 033-041-11, 033-041-15, 033-041-24, 033-201-01, and 033-201-04 have water supply wells. No demolition or grading activity should be conducted until existing wells are either properly abandoned or the wellhead cordoned off to protect it from damage. The Mecklenburg County Groundwater & Wastewater Services (GWS) Program should be contacted at 704-336-5500 prior to undertaking any well related activity.

The age of construction also indicates that at one time these homes were served by individual on-site wastewater disposal systems (septic system). No regulation governs the abandonment of septic systems; however, GWS does recommend that septic tanks be pumped by a licensed waste hauler to removal any residual contents, and then crushed and backfilled. This recommendation is made because tanks that collapse pose a safety hazard and improperly abandoned septic tanks may not be able to support the weight of vehicular traffic, structural foundations, or people.

Groundwater & Wastewater Services request the following statements be added to the notes of the site plan:

Any water supply wells located shall be abandoned per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity.

Existing septic tanks shall be located, pumped by a licensed waste hauler to removal residual contents, crushed and backfilled prior to any demolition or grading activity.

Solid Waste

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. Additionally, the plan should specify that all land clearing and inert debris shall be taken to a properly permitted facility. The Plan shall also state 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 all facilities receiving disposed or recycled materials.

Mecklenburg County is committed to reduction of construction/demolition waste. Technical assistance is available at no charge to those companies willing to partner with the County in this effort.

Storm Water

No Comment.

Water Quality

No Comment.

Please contact the staff members who conducted the reviews if you have any questions. The reviews were conducted by, Leslie Rhodes (Leslie.Rhodes@mecklenburgcountync.gov) with MCAQ, Jack Stutts (Jack.Stutts@mecklenburgcountync.gov) with GWS, Joe Hack (Joe.Hack@mecklenburgcountync.gov) with MCSW, Bill Tingle (Bill.Tingle@mecklenburgcountync.gov) with MCSWS, and Rusty Rozzelle (Rusty.Rozzelle@mecklenburgcountync.gov) with the MCWQ.

Respectfully,

Heidi Pruess
Environmental Policy Administrator

ENGINEERING AND PROPERTY MANAGEMENT DEPARTMENT

MEMORANDUM

Date: December 14, 2007
To: Keith MacVean
Planning Commission
From: Alice Christenbury
Land Development Services
Subject: Rezoning Petition No. 2008-031, 116 Acres Bounded By I-485 and Brookshire Blvd. and Mt. Holly Huntersville Rd.

General Site Plan Requirements

The EPM Land Development Services Division has reviewed the site plan submitted in connection with the subject rezoning petition and has the following comment.

- Add the following note to the rezoning site plan and/or related rezoning documents:
"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."
- The possibility of wetlands and/or jurisdictional streams has been determined. Please add a note to the plans that reads:
- "Any jurisdictional wetlands or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance. For 401 permits contact DEHNR. For 404 permits contact the Army Corps of Engineers."
- Contact John Geer for any questions at 704-336-4258.
- Add note: "Location, size, and type of any Stormwater Management Systems depicted on rezoning site plan is subject to review and approval with full development plan submittal and is not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual stormwater treatment requirements and natural site discharge points."
- We request that any revisions or changes be submitted to the Land Development Division.
- After zoning approval, pre-submittal meetings are available to discuss specific requirements.

Should you need additional information, contact Mark Chapman at (704)432-0409.

CC: Site Inspector Gary Benner.

Petition No: 2008-031

RECOMMENDATION

We have the following comments that are critical to CMS' support of this petition:

Adequacy of existing school capacity in this area is a significant problem. We are particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development will exacerbate this situation. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at the schools listed below.

The total estimated capital cost of providing the additional school capacity for this new development is \$6,470,000 calculated as follows:

Elementary School: **128**x \$20,000 = \$2,560,000

Middle School: **62**x \$23,000 = \$1,426,000

High School: **92** x \$27,000 = \$2,484,000

CMS recommends the petitioner schedule a meeting with staff to discuss any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development.

TOTAL IMPACT FROM PROPOSED DEVELOPMENT

Proposed Housing Units: 540 for town homes for rent and 225 single family units for sale under NS and BD (CD) zoning

CMS Planning Area: 17

Average Student Yield per Unit: 0.2485 (town homes) and 0.6592 (single family)

This development will add approximately 282 students to the schools in this area.

The following data is as of 20th Day of the 2007-08 school year.

<i>Schools Affected</i>	<i>Capacity Without Mobiles</i>	<i>20th Day, 2007-08 Enrollment (non-ec)</i>	<i>Additional Students As a result of this development</i>	<i>Total Enrollment As a result of this development</i>	<i>20th Day, 2007-08 Utilization (Without Mobiles)</i>	<i>Utilization As a result of this development (Without Mobiles)</i>	<i>Number of Mobiles</i>
*Mountain Island ES	682	1258	128	1386	184%	203%	36
Bradley MS	1034	1090	62	1152	105%	111%	0
Hopewell HS	1880	2616	92	2708	139%	144%	33

* The data shows the impact on Mountain Island ES for the 2007-08 school year and is not applicable for 2008-09. Mountain Island enrollment changes for the 2008-09 school year.

INCREMENTAL IMPACT FROM PROPOSED DEVELOPMENT*

Existing number of housing units allowed: No residential use allowed under BD (CD) SPA and NS (LWPA) SPA

Number of students potentially generated under current zoning: None

The development allowed under existing zoning will generate zero (0) students, while the development allowed under the proposed zoning will produce 282 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 282.

As requested, we are also providing information regarding the difference in the number of potential students from the existing zoning to the proposed zoning. Please note that this method of determining potential numbers of students from an area underestimates the number of students CMS may gain from the new development

Petition No: 2008-031

RECOMMENDATION

We have the following comments that are critical to CMS' support of this petition:

Adequacy of existing school capacity in this area is a significant problem. We are particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development will exacerbate this situation. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at the schools listed below.

The total estimated capital cost of providing the additional school capacity for this new development is \$10,657,000 calculated as follows:

Elementary School: **244**x \$20,000 = \$4,880,000

Middle School: **115**x \$23,000 = \$2,645,000

High School: **116** x \$27,000 = \$3,132,000

CMS recommends the petitioner schedule a meeting with staff to discuss any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development.

TOTAL IMPACT FROM PROPOSED DEVELOPMENT

Proposed Housing Units: 540 for multi-family for rent and 225 single family units for sale under NS and BD (CD) zoning "worst-case"

CMS Planning Area: 17

Average Student Yield per Unit: 0.6063 (multi-family) and 0.6592 (single family)

This development will add approximately 475 students to the schools in this area.

The following data is as of 20th Day of the 2007-08 school year.

<i>Schools Affected</i>	<i>Capacity Without Mobiles</i>	<i>20th Day, 2007-08 Enrollment (non-ec)</i>	<i>Additional Students As a result of this development</i>	<i>Total Enrollment As a result of this development</i>	<i>20th Day, 2007-08 Utilization (Without Mobiles)</i>	<i>Utilization As a result of this development (Without Mobiles)</i>	<i>Number of Mobiles</i>
*Mountain Island ES	682	1258	244	1502	184%	220%	36
Bradley MS	1034	1090	115	1205	105%	117%	0
Hopewell HS	1880	2616	116	2732	139%	145%	33

* The data shows the impact on Mountain Island ES for the 2007-08 school year and is not applicable for 2008-09. Mountain Island enrollment changes for the 2008-09 school year.

INCREMENTAL IMPACT FROM PROPOSED DEVELOPMENT*

Existing number of housing units allowed: No residential use allowed under BD (CD) SPA and NS (LWPA) SPA

Number of students potentially generated under current zoning: None

The development allowed under existing zoning will generate zero (0) students, while the development allowed under the proposed zoning will produce 475 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 475.

As requested, we are also providing information regarding the difference in the number of potential students from the existing zoning to the proposed zoning. Please note that this method of determining potential numbers of students from an area underestimates the number of students CMS may gain from the new development.