

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-068

Property Owner: Avtex Partners XI, LLC

Petitioner: Southern Holdings IV, LLC

Location: Approximately 11.05 acres located on the northeast corner of Eastfield Road and Highland Creek Parkway

Center, Corridor, or Wedge: Wedge

Request: R-9(PUD), single-family residential, Planned Unit Development to NS, neighborhood services

Summary

The purpose of the request is to revise the plan to accommodate a mixed-use of office, retail and residential up to 112,000 square feet. The site is currently undeveloped.

The subject parcel is part of the overall Highland Creek mixed-residential development that was approved by County Commission on February 19, 1990, rezoning approximately 1,035 acres from Rural to R-9 (PUD). The plan allowed for the construction of a mixture of single-family attached and detached units, a number of common facilities and open spaces, an 18-hole golf course, a small commercial center of 70,000 square feet, and a public school site.

Consistency and Conclusion

The request is inconsistent with the *Northeast District Plan* (1996); which recommends single-family residential. The current approved conditional zoning plan for this parcel (R-9 (PUD)) allows for 70,000 square feet of retail uses. The petitioner has worked with staff to design the site so as to enhance its form as a pedestrian-friendly development. An increase in retail square footage up to 100,000 (total) square feet is appropriate and up to 30,000 additional square feet of office or residential uses may be incorporated if the site plan issues are addressed.

The site plan was initially submitted with a residential component as part of the development proposal. Mecklenburg County Land Use and Environmental Services Agency (LUESA) recommended denial of this request due to its proximity to the Wallace Farm Compost Facility and its numerous nuisance odor complaints from existing nearby residences. The site plan has been revised to remove the residential component from the development proposal as non-residential development is a more appropriate use for this site.

Based upon the above, this request can be supported subject to the petitioner adequately addressing planning and transportation issues.

Existing Zoning and Land Use

The site is surrounded by single family residential, undeveloped land, and a composting facility on properties zoned R-3, R-4, and R-9 (PUD). The properties across Eastfield Road are in the Town of Huntersville.

Rezoning History in Area

There have been no recent rezonings in the immediate area.

Public Plans and Policies

The Northeast District Plan (1996). The *Northeast District Plan* recommends single-family residential uses at a density of four dwelling units per acre (dua) for this parcel. However, the previous rezoning to R-9 (PUD), the site is approved for up to 70,000 square feet of retail. Not more than 50,000 additional square feet may be dedicated for office or residential uses. Residential uses are encouraged, but not required.

General Development Policies – Retail-Oriented Mixed/Multi-use Centers. According to the GDP for Retail-Oriented Mixed/Multi-use Centers, neighborhood centers (up to 130,000 square feet) generally include one independent freestanding single tenant building which limits a drive through to that use only. Other considerations include an emphasis on pedestrian connectivity to and through the site. The neighborhood center should provide a well-defined pedestrian circulation system. Another consideration is that the scale (size and height) of the structures must be compatible with the scale and character of the adjacent neighborhood. The petitioner has worked with staff to improve overall pedestrian accessibility and ensure the design and height of the buildings are in keeping with the adjacent residential areas.

Proposed Request Details

The site plan attached to this rezoning request proposes a mix of non-residential uses, and the proposed improvements are as follows:

- Depiction of six buildings on site plan, with outparcels A and B each containing one structure.
- Up to 112,000 square-feet of gross floor area on site, with building height not to exceed 40 feet.
- Retail and restaurant uses limited to 81,000 square feet, with an option to convert 35,640 square feet of such uses into office and/or indoor recreational uses.
- Indoor recreation uses limited to 18,000 square feet; office uses limited to 57,000 square feet; and, child care uses limited to 12,500 square feet and 165 children.
- Limiting of uses with accessory drive-through windows to one, either associated with a drug store or a bank, to be located on Parcel A; and, Parcel B to be developed as either a childcare center or office use(s).
- Prohibition of restaurants with drive-through windows and gas station convenience stores.

- Alternate bank layout on Parcel A.
- Alternate parking storm water detention area layout.
- Provision of 50-foot Class B buffers along portions of the eastern property line, with the outer 20 feet undisturbed, and the inner 30 feet to be landscaped with 9 trees every 100 linear feet. A decorative fence will be installed within the buffer.
- Provision of a buffer adjacent to Parcel B to be reduced to 40 feet with the outer 20 feet undisturbed and the inner 20 feet landscaped with nine trees per 100 linear feet. A decorative fence will be installed within the buffer.
- Petitioner's commitment to funding and installation of standard traffic and pedestrian signals at the Eastfield Road/Highland Creek Parkway intersection when determined by CDOT/NCDOT that installation is warranted.
- Construction by petitioner of a southbound Eastfield Road left turn lane at Highland Creek Parkway.
- Relocation of existing Highland Creek Parkway crosswalk by petitioner.
- Installation of an eight-foot planting strip and six-foot sidewalk along Eastfield Road.
- Provision of storm water detention area.
- Proposed four-sided building architecture, with principle building materials to be brick, stone (including simulated stone), and pre-cast.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed this petition and notes that this site could generate approximately 5,400 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 7,800 trips per day. This will have a significant impact on the surrounding thoroughfare system. CDOT indicates that this petition can be supported without a traffic study if the developer/petitioner commits to constructing identified road/infrastructure improvements. However, since access is proposed to an NCDOT-maintained roadway, a TIS may be required as part of their driveway permit approval process. CDOT has made comments critical to CDOT supporting this petition pertaining to the following:

- Deletion of proposed driveway to Eastfield Road.
- Widening of Eastfield Road and the design of the required southbound Eastfield Road left-turn lane.
- Provision of minimum eight-foot planting strips and six-foot sidewalks along Highland Creek Parkway.
- The location and construction of the proposed public street and location of parking on the proposed public street.

CATS. CATS has not commented on this petition.

Connectivity. Vehicular connectivity to this site is proposed via two ingress-egress points onto Highland Creek Parkway, and one access point from Eastfield Road. A future connection between the rezoning site and adjacent parcel to the south is shown on the site plan. The petitioner has also provided an internal pedestrian system connecting to proposed buildings, parking areas, and sidewalks along the adjacent public rights-of-way.

Storm Water. Mecklenburg County Land Use and Environmental Services (LUESA) notes that this parcel is within 500 feet of the Wallace Farm Compost Facility and therefore may be impacted by activities at the Wallace facility. LUESA has submitted comments stating that within the past five years it has received and investigated numerous nuisance odor complaints from existing nearby residences concerning the Wallace Farm facility, which is near the subject site that is proposed for rezoning. Wallace Farm is not a permitted air pollution facility and its operations are not regulated by the Mecklenburg County Air Pollution Control Ordinance (MCAPCO). Solid Waste recommends **denying** the rezoning application for parcel 029-641-10 at this time due to fact that it will increase the occupancy level of the site.

It should be noted that when LUESA initially reviewed this petition, residential units were proposed as part of this development. The site plan has been revised to remove the residential component from the development proposal.

City of Charlotte Storm Water Services (SWS) has indicated that this site drains to a stream listed as impaired by the NC Division of Air Quality. SWS has requested that the petitioner add a note regarding compliance with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

School Information. CMS reviewed the site plan when construction of residential units were proposed as part of the mixed-use development. The site plan has since been revised to remove the residential component from the development proposal.

Outstanding Issues

Land Use. The *Northeast District Plan (1996)* recommends single family residential uses at a density of 4 dwelling units per acre (dua) for this parcel. However, due to the previous rezoning to R-9 (PUD), the site is approved for up to 70,000 square feet of retail. Not more than 50,000 additional square feet may be dedicated for office or residential uses. Residential uses are encouraged, but not required. Given the site's proximity to an existing composting facility, non-residential development is a more appropriate use of the site.

Site plan. The following items remain outstanding and must be addressed:

- Petitioner should add information under *Development Summary* regarding parking calculations and proposed number of parking spaces.
- Petitioner should add information under *Development Summary* regarding amount of tree save area.
- Petitioner should add under *Development Summary* maximum building height for structures on site.
- The petitioner proposes to not provide a six-foot sidewalk and eight-foot planting strip where a five-foot sidewalk and 12-foot planting strip exist along a portion of Highland Creek Parkway. Planning staff concurs with CDOT in that a minimum six-foot sidewalk should be provided while the existing 12-foot planting strip may remain.

- The site plan shows building footprints with potential building breaks. Petitioner should clarify the nature of these potential building breaks, as the intent should be to encourage a pedestrian-scale, pedestrian-friendly environment while reducing the number of freestanding structures on the site.
- Petitioner should provide elevations of the buildings.