

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2008-078**

**Property Owner:** Once in a Lifetime Investments, LLC, MGB-Mallard Creek Church LLC, and Lester Herlocker & Associates Inc.

**Petitioner:** W.P. East Acquisitions LLC

**Location:** Approximately 8.12 acres located on the north side of E. Mallard Creek Church Road.

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

**Request:** INST, institutional to R-17MF (CD), multi-family residential, conditional

### **Summary**

This petition seeks to rezone 8.12 acres to R-17MF to allow 136 apartments for rent at a density of 16.75 dwelling units per acre.

### **Consistency and Conclusion**

Although this proposal is inconsistent with the *Northeast District Plan*, which recommends an institutional land use, the project is designed to function more as a college campus dormitory and, thereby, an institutional use. This petition is consistent with the Transit Station Area Concept for the proposed Northeast LRT Station Area Concept for the proposed Mallard Creek Road Station. In summary, this request is appropriate for approval.

### **Existing Zoning and Land Use**

The property to the south is developed with single-family homes and zoned R-3. To the west a parcel is zoned institutional and developed with multi-family residential uses. Mallard Creek Greenway is located nearby, just to the northwest of the subject parcel. Parcels to the north and northeast are undeveloped and also zoned institutional. Summit House is located to the east of the site, and is also zoned institutional. Summit House is an alternative to incarceration for female felons who are pregnant or have young children.

### **Rezoning History in Area**

A 27-acre tract to the south on E. Mallard Creek Church Road was rezoned from institutional to R-12MF (CD) to accommodate townhomes and apartments at a density of 12 dwelling units per acre, under petition 2003-07.

## **Public Plans and Policies**

**Northeast LRT Transit Station Area Concepts.** This parcel is on the edge of the 1/2 mile radius of a proposed Northeast Light Rail Transit (LRT) station at Mallard Creek Church Road and US 29/North Tryon Street. The station area concept for this proposed station recommends transit supportive residential land uses at a minimum of 15 dwelling units per acre as recommended by the *Transit Station Area Principles* that are part of the *General Development Policies*. The station area concepts are not adopted plans.

The Northeast Transit Corridor is currently in the Preliminary Engineering (PE) phase. During PE, alignment alternatives and stations will be finalized and enough design will be completed to begin property acquisition. The study will also assess the potential environmental impacts of construction and operations and will recommend measures to alleviate any adverse impacts.

**Northeast District Plan (1996).** The *Northeast District Plan* is the adopted land use policy document for this area and recommends Institutional land uses for this and surrounding parcels.

## **Proposed Request Details**

The site plan accompanying this petition shows a general layout for 136 apartments for rent, located within 2 buildings, with an overall density of 16.75 dwelling units per acre. Additional proposed details include:

- Buildings will have common entrances.
- 385 parking spaces are provided (2.8 spaces per unit).
- 20 bicycle parking spaces are provided.
- Amenities provided on the site include a swimming pool, sunning deck, BBQ, sitting/eating areas, and a gazebo/bus stop.
- The petitioner will restripe Bonnie Cone Lane to provide opposing left turn lanes onto E. Mallard Creek Church Road, if it can be accommodated within the existing right-of-way.
- A five-foot bike lane will be added to the portion of Bonnie Cone Lane that fronts the property.
- Parking lot screening will be provided along Bonnie Cone Lane and E. Mallard Creek Church Road.
- A 40 cubic yard compactor will be utilized, along with 2 recycling stations.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** With the array of uses allowed in the Institutional District zoning category, a wide range of trip generation is possible for the existing zoning scenarios. Given the size of the site and the size of the proposed development, CDOT feels that there should only be minor impacts to the transportation system resulting from this rezoning.

**CATS.** CATS did not comment on this petition.

**Connectivity.** The proposed apartment complex will have direct access onto Bonnie Cone Lane. The adjacent street to the north of the site, Stone Quarry Road is a private street, and no access is proposed on this street.

**Storm Water.** In their memo, Storm Water Services has reviewed the petition and notes that the petitioner should comply with the adopted Post Construction Controls Ordinance.

**LUESA.** Mecklenburg County Land Use and Environmental Services Agency has reviewed the petition and notes that parcel 051-401-06 is served with a private on-site water supply well, and an on-site wastewater disposal system (septic system). LUESA has provided comments regarding the abandonment or cordoning of the wellhead, the pumping, crushing, and backfilling of the septic system, submittal of a Solid Waste Management Plan, air quality, and adherence to the Post Construction Controls Ordinance.

**School Information.** The development under the current zoning would generate 0 students. Charlotte-Mecklenburg Schools notes that this development will add approximately 46 students to the schools in this area, however, these apartments are geared toward student housing for the UNCC, which should reduce the student impacts on elementary and secondary schools.

## **Outstanding Issues**

**Land Use.** The land use proposal is consistent with the *Northeast LRT Transit Station Area Concept* for the proposed Mallard Creek Road station which recommends transit supportive residential land uses at a minimum of 15 dwelling units per acre as recommended by the *Transit Station Area Principles* that are part of the *General Development Policies*.

The land use is also considered inconsistent with the *Northeast District Plan* which recommends institutional land uses. However, the project is designed as student housing and functions more as a college campus dormitory and, thereby, institutional use.

**Site plan.** The following site plan items remain outstanding and must be addressed in order to gain staff support of this request:

- It appears that there may be conflicts with how trash collection trucks will access the trash compactor area. Please review the alignment for accuracy.
- A minimum 50' front setback is requested along East Mallard Creek Church Road to match existing setbacks along this street.
- The petitioner should provide landscaping with trees and shrubs located in the front setback area, with a development note added detailing what landscaping will be provided. Building wall areas over 200 square feet and facing a public right-of-way shall provide a minimum of 1 large maturing tree per 30' of linear wall area, or one small maturing tree per 20' of linear wall no closer than 15' to the wall. The street trees shown along E. Mallard Creek Church Road cannot be counted toward this landscaping requirement.
- Provide a cross-section of the landscape plantings to be provided in the 50' front setback.
- The site data table should be revised to state that a minimum of 45% open space is required. Please provide the actual percentage of open space provided on the site.
- The site plan should be revised by adding labeling information describing the various dashed and solid lines that are located between Building #1 and E. Mallard Creek Church Road: 1) the current edge of the E. Mallard Creek Church Road right-of-way line, 2) the property line/proposed zoning line, and 3) the 50' setback as measured from the edge of the future rights-of-way. The current lines are difficult to identify.

- Revise the site plan to show the areas where parking lot screening will be provided. Modify note # 7 to state that the parking lot screening requirements of Section 12.303 of the Zoning Ordinance will be met.
- The planting strips along Bonnie Cone Lane are required to be eight feet wide, with a six-foot sidewalk, not a four-foot planting strip with a five-foot sidewalk.
- The bicycle parking area should not interfere with the pedestrian sidewalk system. The site plan should take into account the length of a typical bicycle, and no portion of the bicycle should extend into the seven-foot sidewalk pedestrian area.
- The building entrance sidewalks need to be a minimum of six feet wide.
- Provide building elevations for buildings facing East Mallard Creek Church Road and Bonnie Cone Lane, and elevations of the sides of the buildings facing Stone Quarry Lane. Label the building materials on the building. The provided elevation is not labeled as to what building it is, what street it faces, nor does it identify what building materials are proposed for the various portions of the building.
- Buildings should appear to front East Mallard Creek Church Road.
- All LUESA comments should be addressed including a commitment to a solid waste management plan and the addition of notes regarding the existing well and septic tanks.