

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-081

Property Owner: Jimmie R. Reitzel and wife, Barbara Reitzel
The Gullledge Family, LLC

Petitioner: Raley Miller Properties

Location: Approximately 9.26 acres located on the northeast corner of Ridge Road and Prosperity Church Road

Center, Corridor, or Wedge: Center

Request: R-3, single-family residential to NS, neighborhood services and UR-2(CD), urban residential, conditional

Summary

The purpose of the request is to allow the construction of 19,320 square feet of retail and up to 43 townhomes.

Consistency and Conclusion

The non-residential component of this request is inconsistent with the *Prosperity Church Road Villages Plan*, which recommends multi-family and townhouse residential land uses and does not contemplate non-residential uses at this location.

There are extensive outstanding site plan and design issues remaining that need to be addressed if the petition is to be considered for approval.

Existing Zoning and Land Use

The site is generally surrounded by a mix of commercial, single-family, and multi-family land use and zoning designations on properties zoned R-3, MX-2, CC, R-22MF(CD), and NS.

Rezoning History in Area

Rezoning Petition 2007-112 was approved on October 17, 2007, rezoning approximately 9.39 acres located east of Prosperity Church Road and south of Ridge Road from B-1(CD) and R-22MF(CD) to UR-2(CD) to accommodate up to 128 multi-family residential units at a density of 13.63 units per acre.

Public Plans and Policies

The *Prosperity Church Road Villages Plan* (1999) proposes two villages, developed on opposite sides of I-485 that are connected across the interstate with three bridge crossings.

Higher intensity non-residential uses are concentrated closer to the interchange, transitioning to higher than lower intensity residential uses further from the interchange. The plan recommends multi-family residential uses (15-30 dwelling units per acre) on the parcel fronting Ridge and Old Ridge Roads and townhouses (8-20 dwelling units per acre) fronting a recommended street connection that would be constructed through the development process. Proposed street connections constructed as development occurs are a crucial factor in the success of the land use scenario recommended in the plan.

Proposed Request Details

This request involves the proposed construction of up to 19,320 square feet of retail and up to 43 townhouse units. The site plan attached to this request provides the following details:

- Construction of a one-story, 14,820 square-foot pharmacy with drive-thru and bypass lanes and associated parking and loading areas. Loading area adjacent to Prosperity Church Road will be screened by a proposed wall and landscaping.

- Construction of a one-story, 4,500 square-foot building with five (5) drive-thru lanes and associated parking area.

- Construction of 43 townhouse units with direct access onto proposed internal public streets and alleyway. The residential portion will include common open space.

- Installation of internal public streets and alleyway, and a median on Ridge Road.

- Installation of sidewalks and planting strips along Prosperity Church and Ridge Roads, and along proposed internal public streets.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed the project and states that as currently zoned the site could generate approximately 270 trips, and 2,900 trips under the proposed zoning. The proposed zoning would have a significant impact on the surrounding thoroughfare system. CDOT indicates that in lieu of doing a traffic impact study (TIS), CDOT can support this petition if identified infrastructure improvements are completed. In addition, as access is proposed to NCDOT maintained roadway, they may require a TIS as part of their driveway permit approval process.

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

- Construction of left-turn lanes on Ridge and Prosperity Church Roads.

- Installation of curb and gutter on the site's Ridge Church and Prosperity Church Road frontages, corresponding to the ultimate Prosperity Village cross-sections.

- Installation of eight-foot planting strips and six-foot sidewalks on all streets, including private streets.

- Prohibition of internal driveway to the drugstore closest to Prosperity Church Road.

- Stubbing of northernmost east-west street to the east.

- Design of internal public streets as Residential Medium streets with six-foot sidewalks.

- Deletion or removal of Development Note #13 as relating to speed humps.

Additional comments provided by CDOT relate to required right-of-way along Prosperity Church and Ridge Roads; adequate sight triangles at proposed street entrances; driveway permits; and, Right-of-Way Encroachment Agreement.

CATS. CATS has not submitted comments on this petition.

Connectivity. Access is proposed from Prosperity Church and Ridge Roads.

LUESA. Mecklenburg County Land Use and Environmental Services Agency (LUESA) has provided comments pertaining to submittal of a Solid Waste Management Plan.

Storm Water Services. Charlotte-Mecklenburg Storm Water Services has reviewed the petition and requested the removal of six (6) notes and the addition of one (1) note stating the petitioner will comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

School Information. Charlotte Mecklenburg Schools states that the existing zoning designation could generate 11 students. Development under the proposed zoning would produce 8 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0 students.

Outstanding Issues

Land Use. The *Prosperity Church Road Villages Plan* recommends multi-family residential uses (15-30 dwelling units per acre) on the parcel fronting Ridge and Old Ridge Roads and townhouses (8-20 dwelling units per acre) fronting a recommended street connection that would be constructed through the development process. The request is inconsistent with the recommendations contained within the *Prosperity Church Villages Plan*, which recommends single and multi-family residential development and does not recommend non-residential development on this site.

Staff can support the residential component of this request subject to the petitioner addressing several outstanding site plan items.

Site plan. There are several outstanding site plan issues the petitioner must address:

The petitioner should revise the site plan to identify *Rezoning Petition 2008-081*.

On the site plan under “Building Data”, the petitioner should note “Town Homes For Sale”.

The “Site Data” on the site plan indicates the front setback for a principle structure is 14 feet. The site plan should be revised to indicate the 20-foot setback required for garages. Staff has concerns that some of the units as shown on the site plan do not meet this requirement.

The petitioner should clearly show on the site plan the minimum required street setback in the UR-2(CD) and NS zoning districts. Be aware that stairways cannot encroach into this setback and doorways cannot open into the required setback.

The petitioner should revise the site plan to provide and clearly label required sidewalks and planting strips along all public streets, and along Ridge and Prosperity Church Roads. All internal sidewalks should connect to all public streets. In addition, the petitioner should provide and show crosswalks on the site plan.

The petitioner should revise the site plan and place the street trees in the planting strips along Ridge and Prosperity Church Roads.

The petitioner should revise the site plan to show the requested Class “C” buffer along the portion of the subject property abutting R-3.

The parking located along the entrance way on Ridge Road should be removed and the area redesigned to provide more of a “main street” with sidewalks and planting areas. Sidewalks should connect to Ridge Road sidewalk, including a pedestrian connection between the proposed southernmost east/west public street and Ridge Road.

The petitioner should revise the site plan and extend walkways adjacent to the bank and pharmacy to the sidewalk along Ridge Road.

Some of the proposed parking spaces facing Ridge Road encroach into the established setback. The petitioner should revise the site plan to either move the buildings closer to the street, or to remove those parking spaces.

The petitioner should show and indicate percentage of tree save area on the site plan.

The petitioner should revise General Note 4 on the site plan to indicate modifications to the site plan will be done in accordance with Chapter 6 of the Zoning Ordinance.

The petitioner should revise General Note 10 on the site plan to reference non-residential buildings.

The petitioner should revise General Note 14 on the site plan to indicate that the developer may request to install speed humps. The road must qualify for speed humps in order to permit their installation.

The petitioner should show site triangles on the site plan.

The petitioner should revise the site plan to depict location and number of bicycle parking spaces in accordance with off street parking standards.

The petitioner should revise the site plan to show the locations of the solid waste/recycling area for the proposed bank and multi-family development.

Petitioner needs to ensure that the townhouse development meets minimum subdivision requirements.

The petitioner should provide a note indicating minimum 400 square foot sub lots for private open space.

Parking lots must be screened from all public rights-of-way. In order to enhance the appearance and improve the appearance of the parking areas, staff requests a 2.5-3' high finished masonry wall which is 40-50% open for security purposes and a minimum three foot wide planting strip for small evergreen shrubs 5' on center.

The petitioner should modify the west (Prosperity Church Road) elevation and south (Ridge Road) elevations for the proposed retail site to show more visual articulation such as sconces, lighting, logs, extensive landscaping, etc. and to provide more visual interest and break up the monotony of the blank walls. Blank walls will not be permitted.

The petitioner should provide pedestrian scale lighting throughout the development, and locations should be shown on the site plan.

The petitioner should modify the elevations for the nonresidential buildings to have all first floor windows consist of clear vision glass.

Old Ridge Road needs to be abandoned.

The petitioner should address any outstanding CDOT and storm water items.