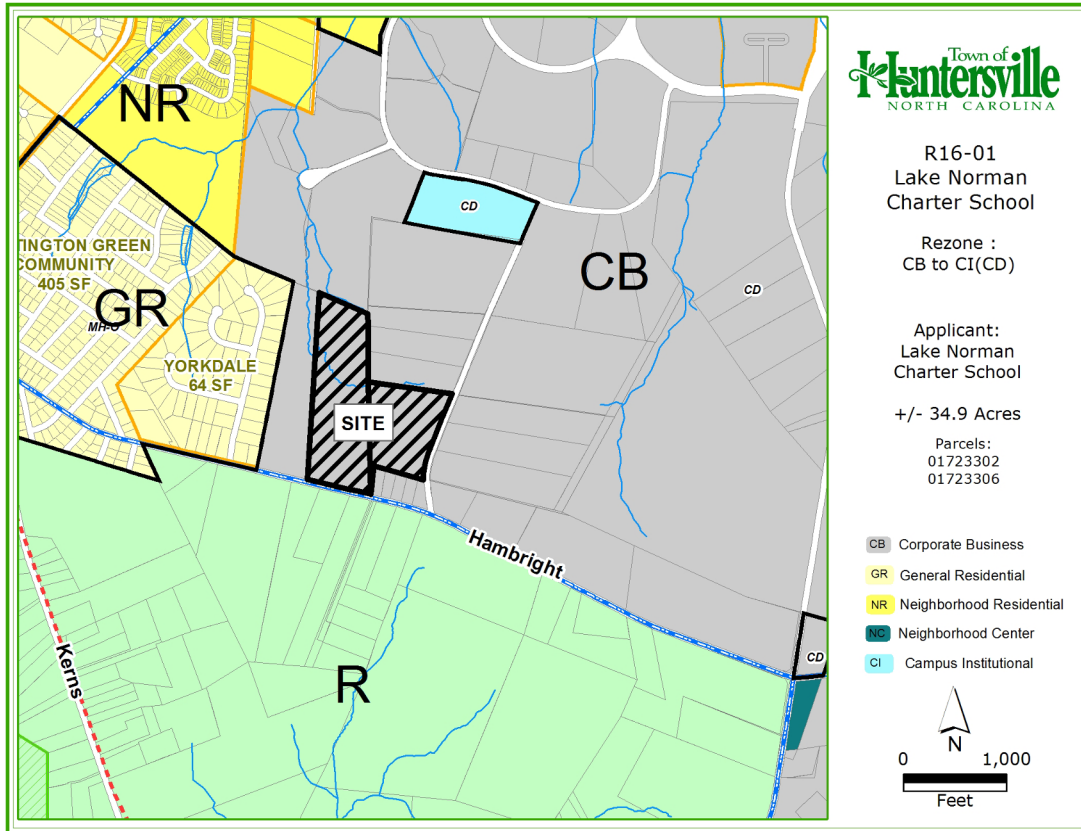


Petition R16-01 Lake Norman Charter Elementary School

PART 1: PROJECT SUMMARY



Applicant: Lake Norman Charter School

Property Owner: Margaret Horton and Hazeline Moss / Samuel Venable

Property Address: 10019 Hambright Road and N/A

Project Size: 34.9 acres

Parcel Numbers: 01723302 and 01723306

Current Zoning: Corporate Business (CB)

Current Land Use: Undeveloped/Tree Farm.

Proposed Zoning: Campus Institutional Conditional District (CI-CD).

Proposed Land Use: 500 student Lake Norman Charter Elementary School

Application Summary:

- Lake Norman Charter School has applied to rezone the property from Corporate Business (CB) to Campus Institutional Conditional District (CI-CD) in order to develop a 500 student elementary school. The school would have a phased opening with 300 students in 2017 located in temporary modular building units (and perhaps a gym). Then the permanent facility would be built in 2023 on Hambright Road accommodating a maximum of 500 students.

1. Adjoining Zoning and Land Uses

North: Corporate Business (CB), Office/Industrial/Undeveloped Land: Huntersville Business Park

South: Corporate Business (CB), Five small single family residential lots and Rural Residential (R), Single Family Residential/Horse Farm and Stables.

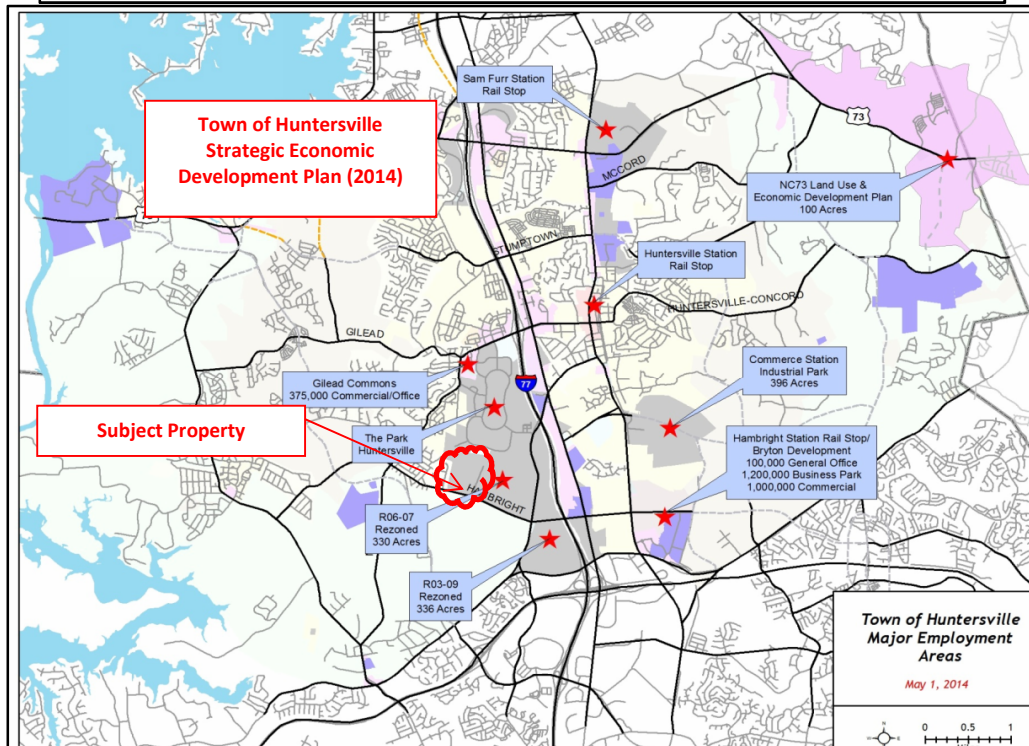
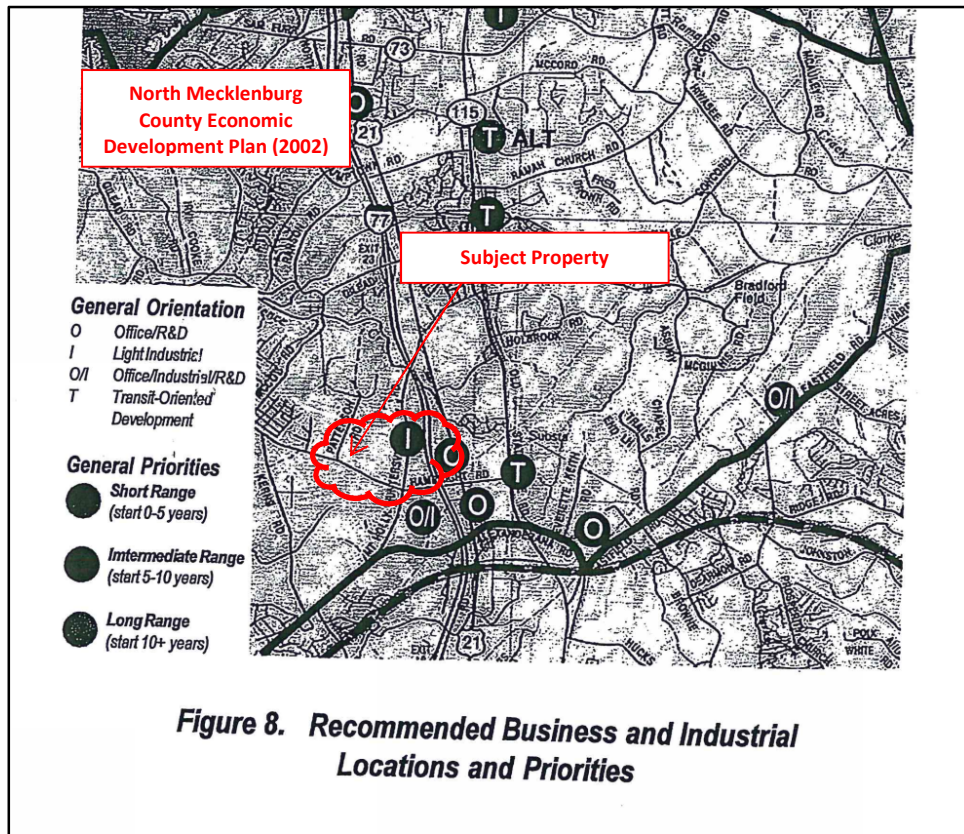
East: Corporate Business (CB), Undeveloped Land

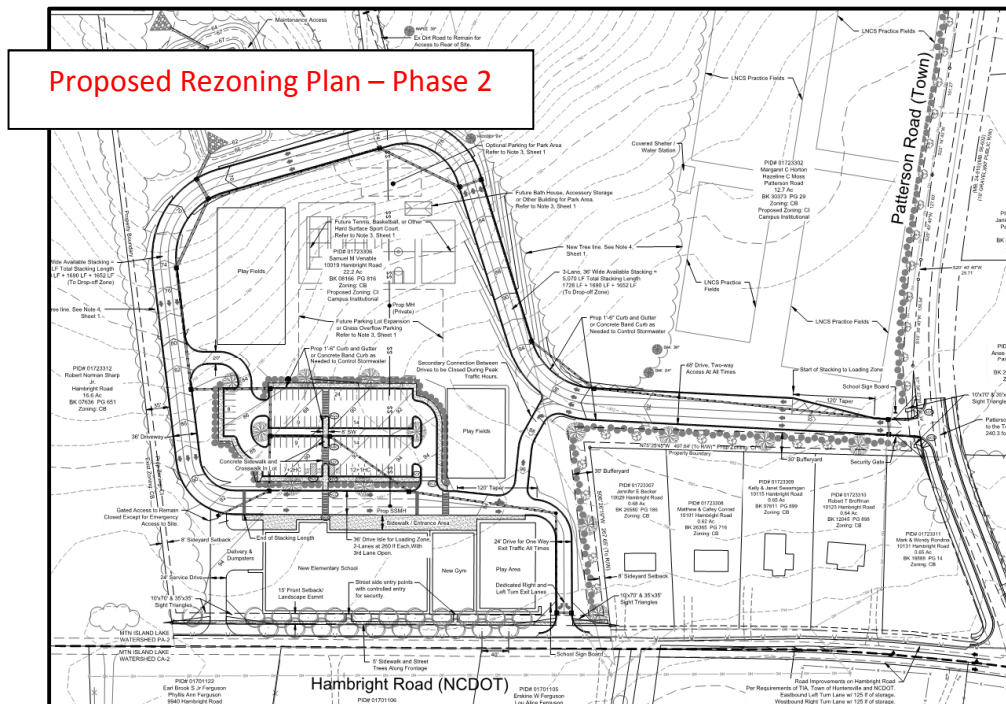
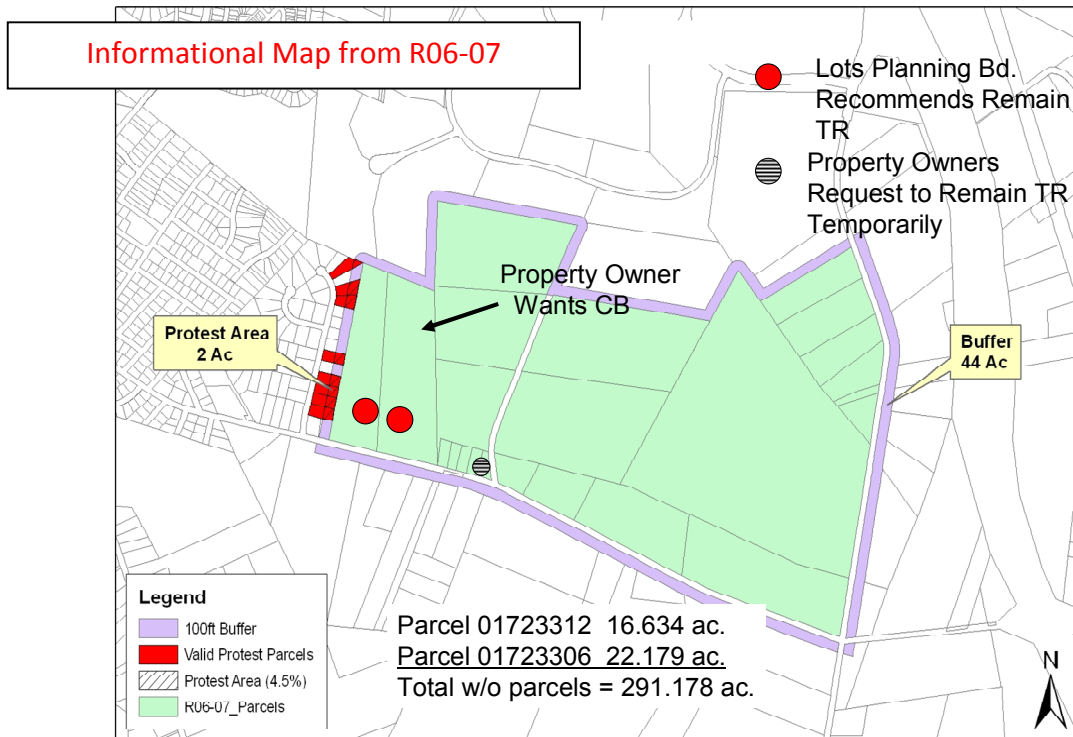
West: Corporate Business (CB), Undeveloped Land: General Residential (GR), Single Family Residential further west.

- The subject parcels are a portion of 330 acres that were rezoned by the Town of Huntersville from Transitional Residential (TR) and Rural Residential (R) to Corporate Business (CB) on September 5, 2006 (R06-07). The rezoning was in response to the North Mecklenburg County Economic Development Strategy plan (2002) that

identified this area as appropriate for light industrial uses and economic development type uses (please see page 3).

3. The subject parcels are included in the area the Town of Huntersville Strategic Economic Development Plan (2014) identifies as a "Major Employment Area" (see below). It also identifies this area as both a "Medium-Term" and "Long-Term" Opportunity area in regard to economic commercial development. Portions of the economic development plan are included separately in the agenda package for reference.
4. When R06-07 was under consideration for a rezoning to CB, there was discussion at the time to leave the two Hambright Road parcels to the west residential (one of which is a property included in this application). In response to the protest petitions filed in the "Yorkdale Subdivision", the Planning Board recommended that these two far western tracts remain residential in order to create a transition or buffer of less intense uses between the single family residential Yorkdale subdivision and the Patterson Road parcels that were deemed appropriate for industrial. Please see the R6-07 informational map on page 4. However, it was noted then that the property owner of the eastern tract of the two (the subject property in this application) desired that their parcel be rezoned to CB. Ultimately, the whole area under consideration was rezoned to CB.
5. A neighborhood meeting for this application was advertised for and held on February 24, 2016. An invitation list, attendance list and summary report on the meeting are attached. Many of the adjacent property owners attended the meeting and had several concerns regarding: required buffers, traffic congestion due to the school's location, traffic improvements in front of their properties on Hambright Road, the main driveway access and its close proximity to the back property line of the home owners, among others. In order to try to address some of the concerns an additional informal meeting was held at the middle school on March 2, 2016.
6. Currently all the properties are similarly zoned Corporate Business (CB), thus no buffers are required between existing and future development in the area. However once a school is developed, Article 7 of the Huntersville Ordinance will require that future, adjacent, commercial/industrial uses establish a minimum 10 foot visual buffer on their property adjacent to the lesser intense school use.
7. Phase 1 of the development includes only modular classrooms as shown in the attached photos uploaded into the agenda package for reference. The modular classrooms would accommodate up to 300 students starting in the 2017-2018 school year. After that time the gymnasium may or may not be built on the site depending on needs and funding (Phase 1A). Phase 2 of the school would include the main facility and gymnasium in the 2023-2024 school year. The maximum number of students would be 500, the maximum size of the facility will be an estimated 45,000 sqft. After phase 2 is complete, the modular units would be removed.
8. Sewer connection for the development is dependent on the Huntersville Business Park allowing a utility easement north of the property to Herbert Wayne Court. Water utilities are being extended by the school west along Hambright Road in coordination with Charlotte Water.
9. The Huntersville Park and Recreation Department has expressed interested in entering into a joint use agreement with the school on their proposed gymnasium and fields shown on the plan, wherever the Lake Norman Charter Elementary School is ultimately located.





PART 2: REZONING/SITE PLAN ISSUES

- Article 4 of the Huntersville Zoning Ordinance requires that the front elevations along the street of Civic Building Types (such as schools, churches and government buildings) “communicate an emphasis on the human scale and pedestrian environment”. Staff will work with the applicant to slightly modify the Hambright Road elevation for compliance with this section, consistent with other civic building types.
- The driveways for the development are located in close proximity to the property lines of adjacent single family residential homes. Article 7 of the ordinance requires that civic uses establish a 30 foot buffer in between the civic use and the residences. The 30 foot buffer can be reduced down to a 10 foot wide visual screen with shrubs only in some situations. A larger 30 foot buffer is shown on the proposed rezoning plan but is not landscaped per the 30 foot buffer requirement. Staff recommends that due to the proximity and intensity of the school’s main entrance near the residences, the shown 30 feet be landscaped per the 30 foot civic buffer requirement to create a full opaque buffer, not just a visual screen with shrubs (4 trees per 1,000 sqft and 7 shrubs per 1,000 sqft).
- Article 4 of the ordinance requires that dumpsters be located in the parking area. The applicants are requesting a modification of the ordinance in order to allow the dumpster to be located next to the building, visible from Hambright Road. A note on the plan states that the dumpster will be screened, but there is no detail as to how. Staff recommends the dumpster screening be included in the submittal to ensure that the intent of the ordinance is achieved.
- Staff recommends a note stating that per Article 9.35.3, no stacking will be permitted on the public right of way. And if there is stacking on the public right of way for whatever reason, it will be incumbent upon the school to take whatever necessary measures needed to cease the offsite stacking.
- Staff has reviewed the updated submitted plan and has several minor deficiencies still outstanding. It is recommended that final comments be addressed prior to final rezoning plan review by the Town Board.

PART 3: TRANSPORTATION ISSUES

- **Traffic Impact Analysis (TIA):** The traffic impact analysis submitted with the application had major deficiencies that require a resubmittal. As of the date of this report, the TIA has not been resubmitted or reviewed. Per engineering comments, there are several intersections around the proposed facility that may require mitigation and/or road improvements that are not mentioned in the current rezoning plan. In order to move forward, the TIA needs to be resubmitted, reviewed, approved and the required traffic improvements need to be described/shown in the rezoning plan.
- **Right of Way (ROW):** Part of the requirements for all road improvements is ensuring that there is enough right of way or public land for the road improvements to be placed in. One of the road improvements that is needed is a left turn lane from Hambright Road onto Patterson Road. It is unknown at this time however whether or not there is sufficient right of way width to accommodate this left turn lane or any other traffic improvement required by the TIA. It is incumbent upon the applicant to prove that sufficient ROW exists for the improvements and if it does not, obtain it from adjacent property owners prior to permitting.

PART 5: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the 2030 Huntersville Community Plan:

- **Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor.** The elementary school facility is appropriately located inside the 2 mile radius and is actually very close to Interstate 77.

STAFF COMMENT – Staff finds the proposed use not consistent with the following policies of the 2030 Huntersville Community Plan:

- **Policy ED-2: Preservation of Land Area for Non-Residential Development:** Both the Town of Huntersville Strategic Economic Development Plan (2002) and the 2030 Community Plan states that the Town should preserve areas that are “suitable for business and industrial development”. The subject properties were specifically rezoned for economic development purposes. Rezoning the property for an elementary school would remove at least 35 acres of property out of the Corporate Business zoning area.

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. **Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

STAFF COMMENT:

The proposed Campus Institutional (CI) zoning and school use would be surrounded by Corporate Business (CB) zoning to the west, north, and east. Therefore in the future, the proposed elementary school could potentially be surrounded by industrial uses. Staff is concerned that an elementary school use would not be best served in an industrial area due to potential noise, traffic, emissions, and safety issues. In addition, the rezoning would create a residual CB tract (the far western Hambright Road tract) located in between a residential use to the west and another less intense school use to the east.

The access to the school is proposed to be located on Patterson Road. This road in the future is proposed to be the main access for commercial/industrial zoned property currently vacant along Patterson Road. At some point in the future, commercial, industrial, shipping, and/or warehousing uses will be sharing direct access to Hambright Road with elementary school traffic. This mixture of traffic is not recommended if it can be avoided. Such a traffic mix could diminish the marketability of the Patterson tracts for economic development purposes.

If the Town Board is amenable to reducing the inventory of economic development land within the Town, staff recommends the rezoning be located on the two tracts to the west on Hambright Road. Although the use would reduce the Corporate Business (CB) inventory of land, the use would be on the very edge of the industrial area, leaving no residual or stand-alone CB pieces that may be difficult to market and develop.

Also, the school location on those two parcels would act as a “transition” use in between the less intense Yorkdale single family neighborhood to the west and the Corporate Business area to the east (as mentioned by the Planning Board back in 2006). Further, access to the school would be on Hambright Road and separated from the industrial traffic on Patterson Road. The moved access to Hambright Road would also move the entrance driveway away from the rear of single family residential CB lots, the owners of which expressed many concerns about.

2. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

- In regard to the adequacy of the roadway system, the Traffic Impact Analysis (TIA) submitted was reviewed and found to need several significant revisions. Engineering staff has sent their comments to the applicants and as of the date of this report, the TIA has not yet been resubmitted. The final and sealed TIA must be completed and accepted prior to Town Board final action. On January 8, 2016 the Planning Department issued a “Determination of Adequacy (DOA)” for Fire Vehicles and Station Space, Police Vehicles and Station Space, and Parks and Recreation Gym and Parks.

3. **Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”**

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental resources.

PART 7: PUBLIC HEARING

The Public Hearing is scheduled for April 4, 2016.

PART 6: STAFF RECOMMENDATION

Staff does not recommend approval of the application at this time based on the following:

1. The Traffic Impact Analysis is still outstanding, it is unknown what offsite improvements will be required to accommodate the increase in traffic the school will generate.
2. The proposal is removing areas zoned Corporate Business (CB) and it is not on the edge of the CB zoned area. Further, the school access will be shared with industrial traffic on Patterson Road and that could be detrimental to the marketability of the property for economic development purposes.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is scheduled for April 26, 2016.

PART 8: CONSISTENCY STATEMENT - R 16-01: Lake Norman Charter Elementary School

Planning Department	Planning Board	Board of Commissioners
Approval: N/A	APPROVAL: : In considering the proposed rezoning of Petition R16-01, Lake Norman Charter Elementary School, located on Hambright Road, the Planning Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends approving the conditional rezoning plan for the Lake Norman Charter Elementary School as shown in Rezoning Petition R16-01. It is reasonable and in the public interest to rezone this property because...(explain)	APPROVAL: : In considering the proposed rezoning of Petition R16-01, Lake Norman Charter Elementary School, located on Hambright Road the Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend approving the conditional rezoning plan for the Lake Norman Charter Elementary School as shown in Rezoning Petition R16-01. It is reasonable and in the public interest to rezone this property because... (Explain)
DENIAL: In considering the proposed rezoning of Petition R16-01, Lake Norman Charter Elementary School, located on Hambright Road, the Planning Staff finds that the rezoning is inconsistent with the Town of Huntersville 2030 Community Plan (ED-2) and other applicable long range plans. Staff recommends denial of the conditional rezoning plan for the Lake Norman Charter Elementary School as shown in Rezoning Petition R16-01. It is not reasonable and in the public interest to rezone this property <i>because the traffic impact analysis is not complete per ordinance requirements, the proposed school would be surrounded by incompatible uses, would mix industrial and school traffic, and remove a significant amount of Corporate Business (CB) land from the Town's inventory.</i>	DENIAL: : In considering the proposed rezoning of Petition R16-01, Lake Norman Charter Elementary School, located on Hambright Road Planning Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R16-01. It is not reasonable and not in the public interest to rezone this property because..... (Explain)	DENIAL: In considering the proposed rezoning of Petition R16-01, Lake Norman Charter Elementary School, located on Hambright Road, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R16-01. It is not reasonable and not in the public interest to rezone this property because..... (Explain)