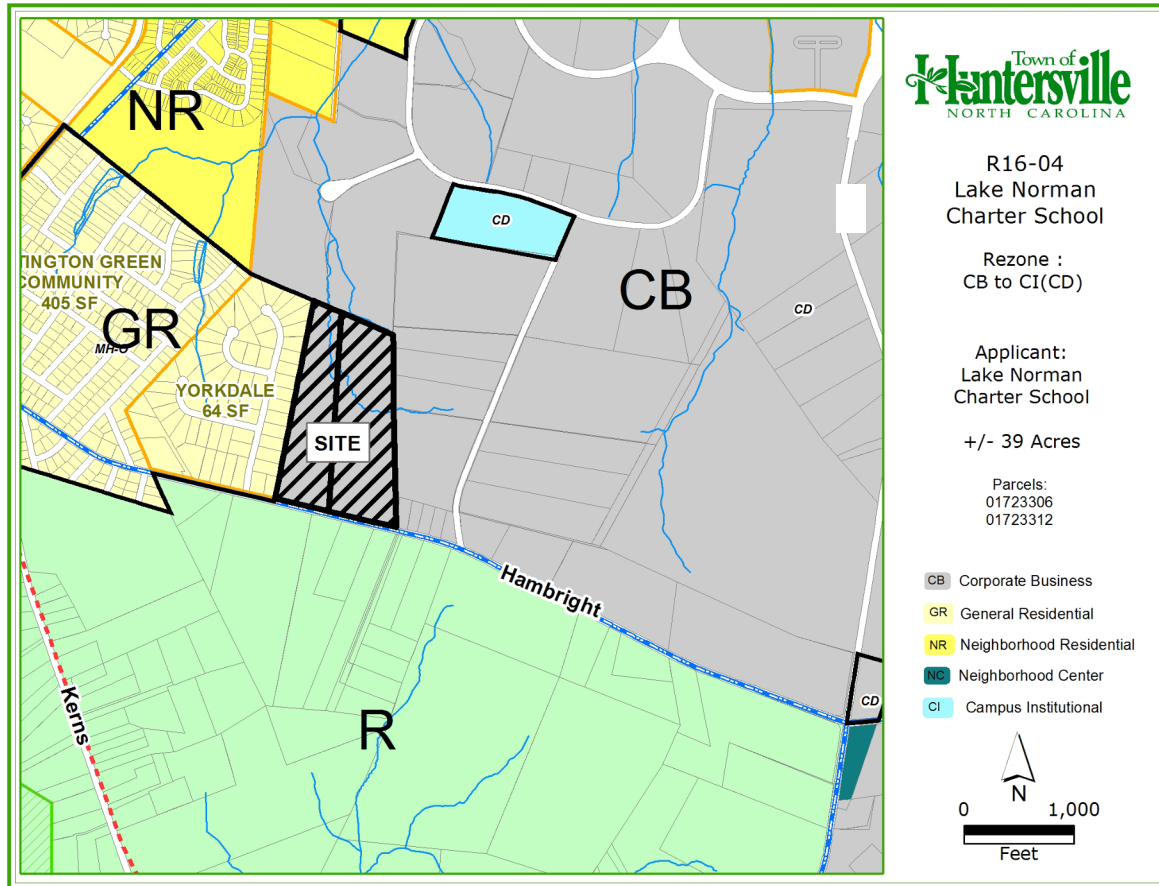


Petition R16-04 Lake Norman Charter Elementary School

PART 1: PROJECT SUMMARY



Applicant: Lake Norman Charter School

Property Owner: Samuel Venable / Robert Norman Sharp and Margaret Sharp, and others.

Property Address: 10019 Hambright Road and N/A

Project Size: 39 acres

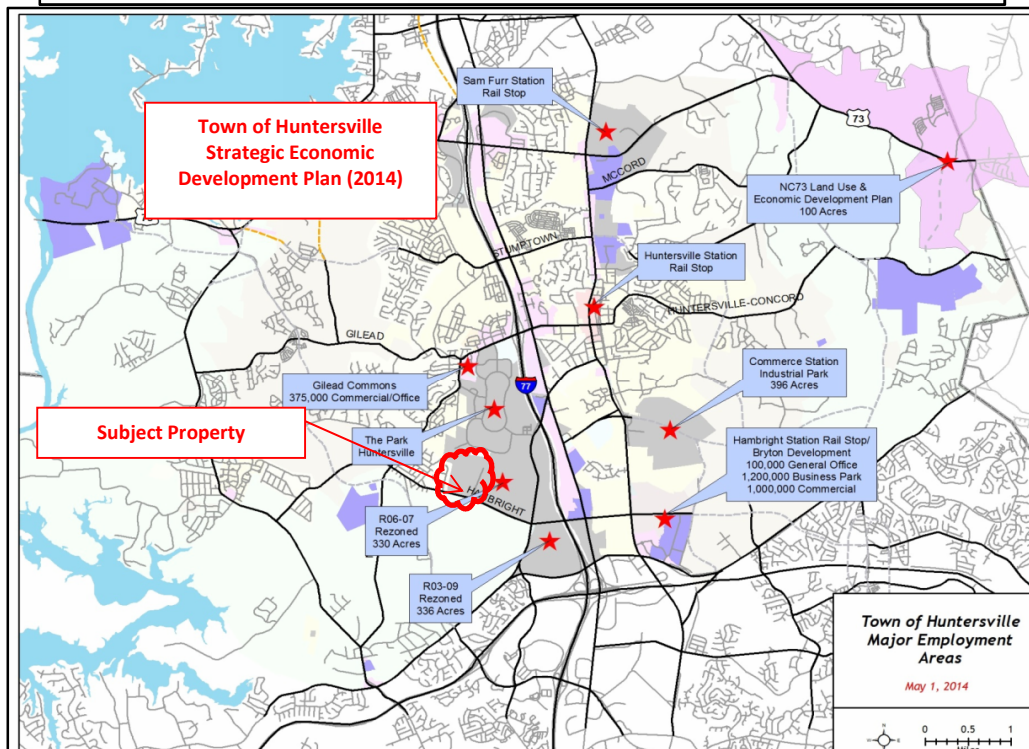
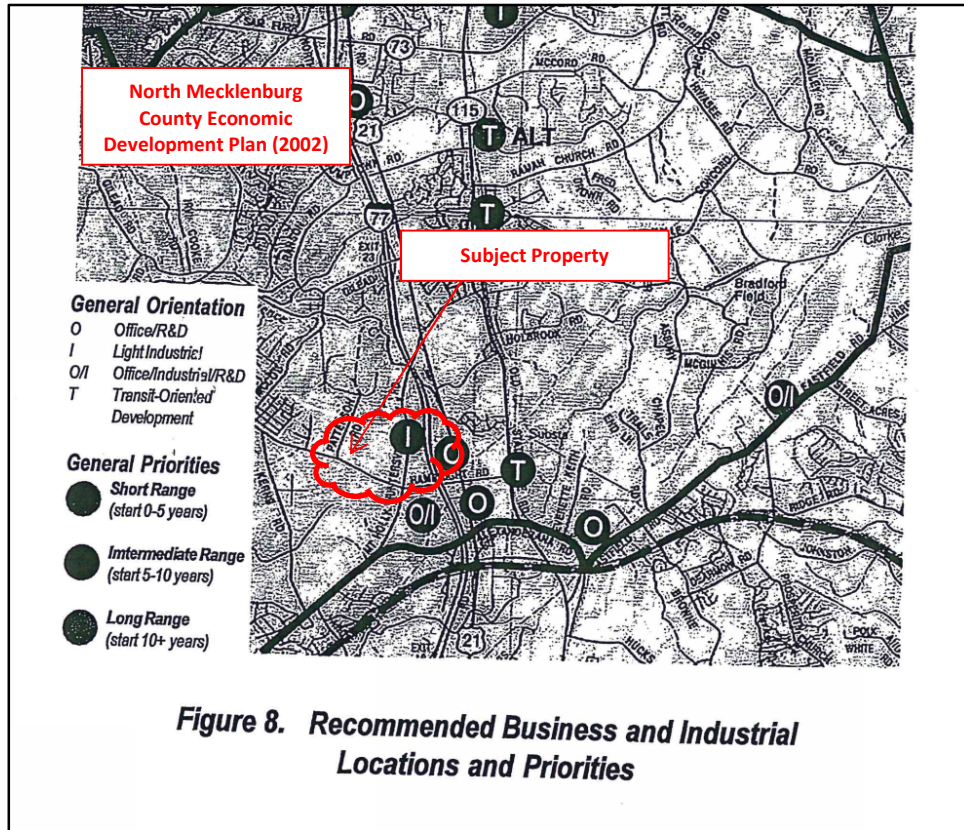
Parcel Numbers: 01723312 and 01723306

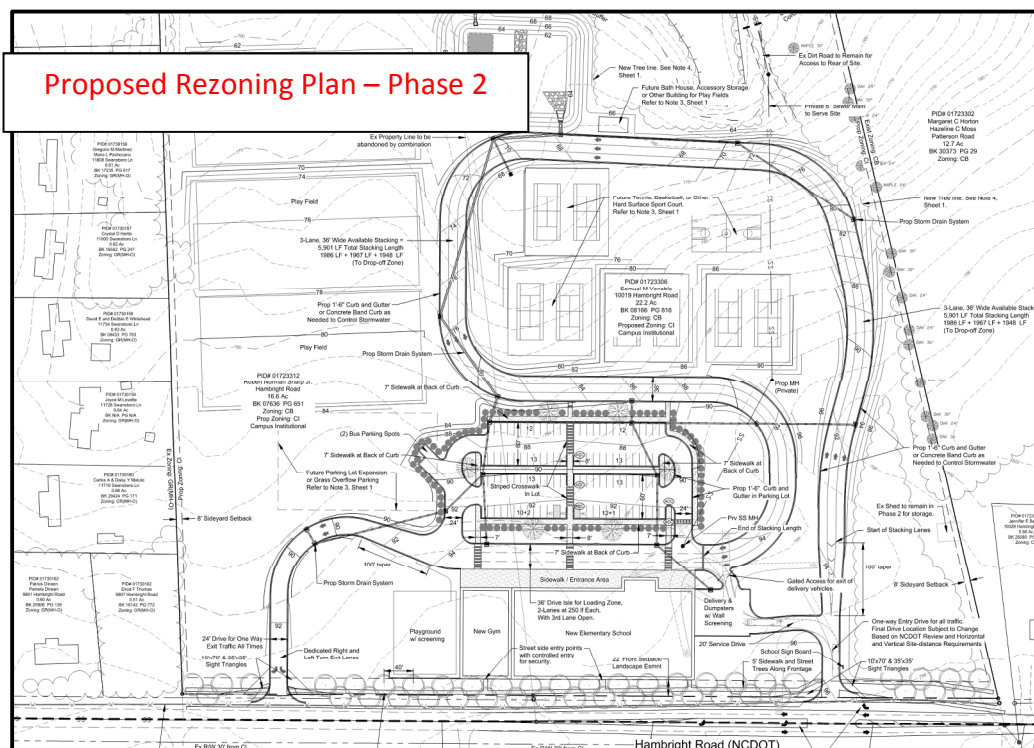
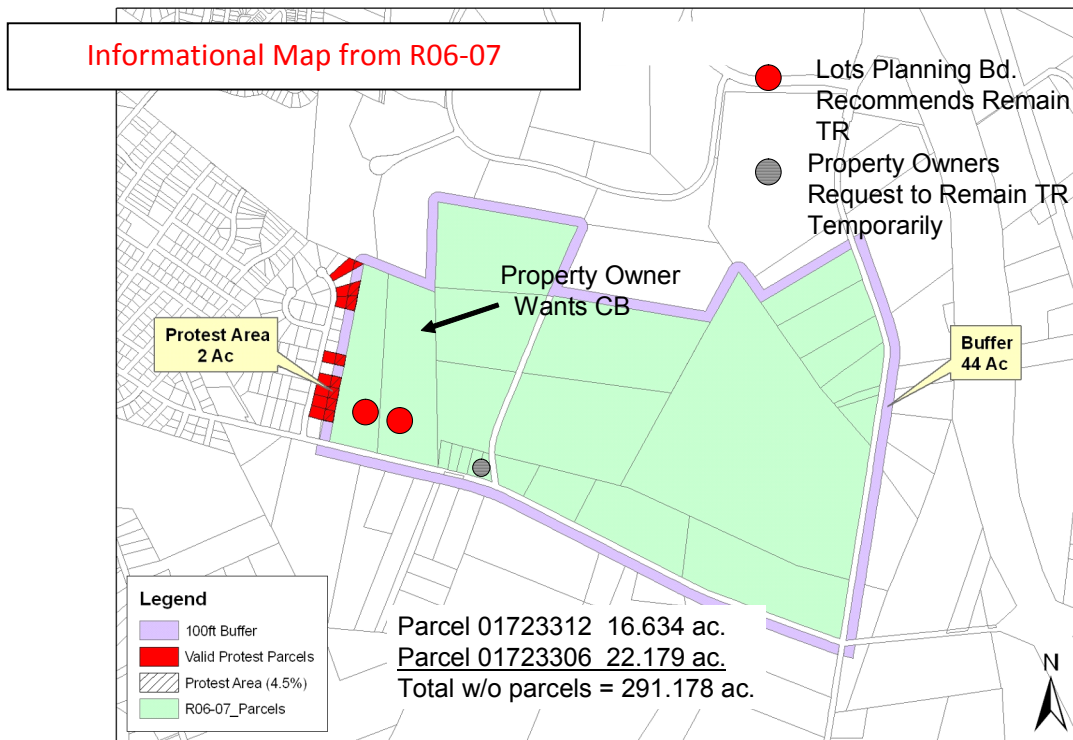
Application Summary:

1. 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.
2. R16-04 modified the withdrawn R16-01 application by transferring one of the proposed development tracts from Patterson Road to Hambright Road.
3. Adjoining Zoning and Land Uses
North: Corporate Business (CB), Office/Industrial/Undeveloped Land: Huntersville Business Park
South: Rural Residential (R), Single Family Residential/Horse Farm and Stables.
East: Corporate Business (CB), Undeveloped land and five small single family residential lots.
West: General Residential (GR), Manufactured Home Overlay (MHO), Yorkdale Subdivision: Single family residential/manufactured home neighborhood.
4. 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 and other economic development type uses (please see page 3).

5. The subject parcels are included in the area the Town of Huntersville Strategic Economic Development Plan (2014) identifies as a "Major Employment Area" (see page 3). 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.
6. When R06-07 was under consideration for a rezoning to CB, there was discussion at the time to leave these two subject properties residential. 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 Hambright tract desired that their parcel be rezoned to CB. Ultimately, the whole area under consideration was rezoned to CB.
7. A neighborhood meeting for this application was advertised for and held on April 11, 2016. An invitation list, attendance list and summary report for the meeting are included in the agenda packet. Since this meeting was held prior to the new R16-04 site plan being officially submitted, another neighborhood meeting is scheduled for April 26, 2014. The report of that meeting will also be forwarded to the Planning Board and Town Board. Per the report of the April 11 meeting, the moving of the driveway away from the back of the single family homes on Hambright Road was positively received by the neighbors. Concerns were still relayed however in regard to the widening of Hambright Road and the need for additional right of way.
8. 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.
9. 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.
10. 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.
11. 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, wherever the Lake Norman Charter Elementary School is ultimately located.





PART 2: REZONING/SITE PLAN ISSUES

- Article 7 of the Zoning Ordinance requires that developments in the Campus Institutional (CI) zoning district establish an 80 foot buffer adjacent to residential zoning districts. The proposed development is now directly adjacent to the Yorkdale subdivision which is zoned Transitional Residential (TR). Therefore, an 80 foot buffer is required along the school's western property boundary. No buffer is shown on the plan and the proposed fields encroach into the 80 feet. The plan would need to be modified to move the fields out of the required buffer and landscape it per Article 7.
 - The school may also request that the buffer requirements be "modified" as part of the conditional rezoning process per Article 11.4.7 K as long as the spirit of the regulation is maintained. Staff would support the modification of the buffer to reduce its width. Schools are an allowed use in many other residential zoning districts such as Rural, General Residential, Neighborhood Residential, etc. If the school requested the rezoning to one of these zones, only a 10 foot buffer in between the school and the residential neighborhood would be required. However adjacent Corporate Business (CB) development would have then been required to establish an 80 foot buffer between the CB uses and those residential zones; imposing a hardship on adjacent development. The CI district was chosen because it allows schools and does not require an 80 foot buffer between it and CB development.
- 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.
- 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.
- When the application shifted to the Hambright Road property, the tree save requirements and calculations changed based on the new existing conditions of the site. The submitted plan has not been updated to show the new tree save requirements and calculations for the new property.
- With the change in the location of the driveway and left turn lane, the proposed cross section of Hambright Road does not quite match the plan layout. It is recommended that the cross section be amended to match what the site plan generally shows.
- Although the Traffic Impact Analysis (TIA) was resubmitted to the Town on 4/13/16, it has not yet been accepted and approved by Huntersville Engineering staff. Per Article 14.2.3 the zoning ordinance, the TIA is required to be completed and accepted by town staff prior to final action by the Town Board. Also, the latest TIA submittal does call for mitigation improvements to several intersections (see transportation comments on page 4) but the rezoning plan does not match the TIA improvements listed. Once the TIA is accepted and approved, any mitigation required by the ordinance should be committed to by the applicant on the rezoning plan.
- 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 into the school. 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.

- 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):** A TIA for the site was received on 4/13/16 and is currently under review. To date, NCDOT has not provided any feedback on the TIA other than what was submitted by the applicant was incomplete. Listed in the TIA's summary of results are improvements to the following intersections:
 - Hambright Road at Mt Holly Huntersville Road
 - Hambright Road at Statesville Road (proposed mitigation does not meet standards in Article 14 of the Ordinance)
 - Mt Holly Huntersville Road at South Old Statesville Road
 - Mt Holly Huntersville Road at US 21 southbound ramps (proposed mitigation does not meet standards in Article 14 of the Ordinance)
 - Hambright Road at the site entrance
- **Site Plan:** Revisions to the site plan are needed to address the minimum roadway cross section for Hambright Road. These changes may result in the building and parking areas shifting a few feet further north

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 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 (2014) and the 2030 Community Plan state 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 39 acres of property out of the Corporate Business zoning area. Please see the staff comment on page 7 note 1 however in regard to the proposed zoning’s consistency with the overall character of existing development.

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 adjacent to Corporate Business (CB) zoning to the north, and east. Therefore in the future, the proposed elementary school could potentially be directly adjacent to 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.

To the west, the school would be adjacent to a single family residential subdivision. The establishment of the required vegetative or undisturbed buffer though will sufficiently separate the uses and create an opaque screen between them.

If the Town Board is amenable to reducing the inventory of economic development land within the Town, staff considers the proposed location the most suitable of the CB zoned land in the area for a school use. Although the use would reduce the Corporate Business (CB) inventory of land, the use would be on the very edge of the CB area, leaving no residual or stand-alone CB pieces that may be difficult to market and develop. Also, the school location on these 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 (consistent with the Planning Board recommendation back in 2006).

- 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) has been resubmitted and shows needed improvements to 5 intersections as described above. As of the date of this report, engineering staff has not completed their review of the resubmitted TIA. The final and sealed TIA must be completed and accepted prior to Town Board final action. On April 11, 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 May 2, 2016.

PART 6: STAFF RECOMMENDATION

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

1. The Traffic Impact Analysis has not been finalized and accepted, nor does the current mitigation proposed in the latest TIA match the commitments on the rezoning plan.
2. Several site issues are still outstanding, including the 80 foot CI buffer.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is scheduled for May 24, 2016.

PART 8: CONSISTENCY STATEMENT - R 16-04: Lake Norman Charter Elementary School

Planning Department	Planning Board	Board of Commissioners
Approval: To be determined. Please see the Staff Recommendation for comment.	APPROVAL: In considering the proposed rezoning of Petition R16-04, 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 R16-04. It is reasonable and in the public interest to rezone this property because... <i>(explain)</i>	APPROVAL: In considering the proposed rezoning of Petition R16-04, 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 R16-04. It is reasonable and in the public interest to rezone this property because... <i>(Explain)</i>
DENIAL: To be determined: Please see the Staff recommendation for comment.	DENIAL: In considering the proposed rezoning of Petition R16-04, 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 R16-04. It is not reasonable and not in the public interest to rezone this property because..... <i>(Explain)</i>	DENIAL: In considering the proposed rezoning of Petition R16-04, 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 R16-04. It is not reasonable and not in the public interest to rezone this property because..... <i>(Explain)</i>