

## Petition R16-04 Lake Norman Charter Elementary School Amendment

### PART 1: PROJECT SUMMARY

**Application Summary:**

Lake Norman Charter Elementary School has applied to modify their approved conditional district rezoning plan. The purpose of the amendment is to change the notes on the plan to allow the school to keep the temporary modular units on the site.

**Applicant:** Lake Norman Charter School

**Property Owner:** Lake Norman Charter, LLC.

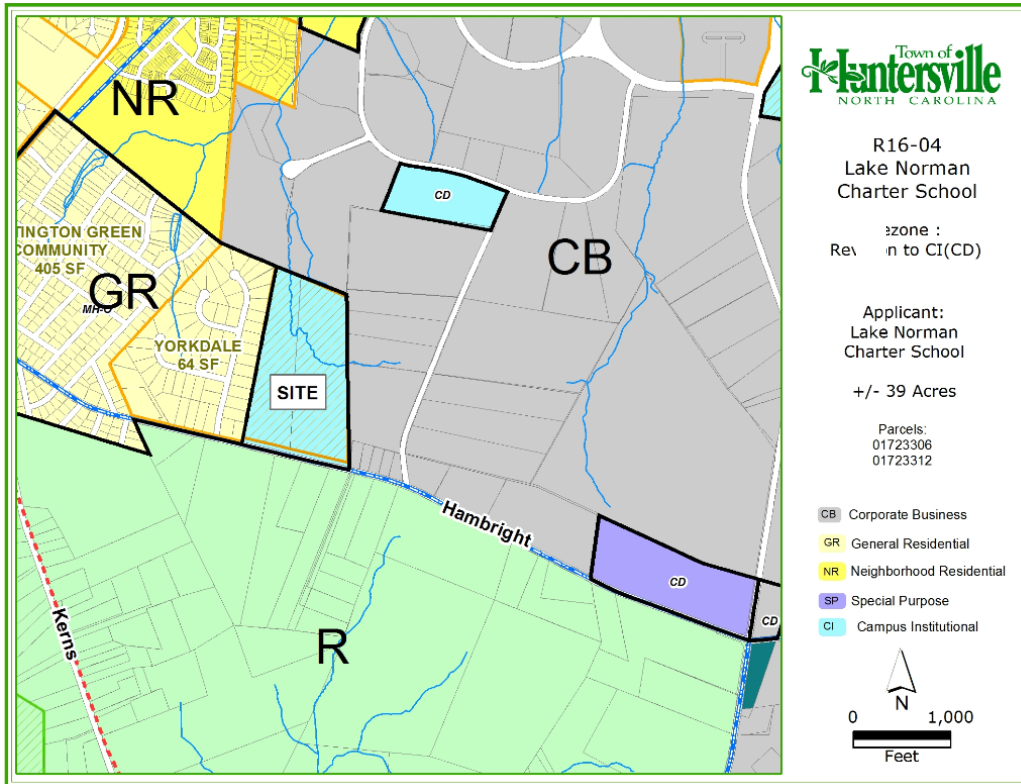
**Property Address:** 10015 Hambright Road

**Project Size:** 37 acres

**Parcel Numbers:** 01723306

**Current Zoning:** Campus Institutional District (CI- CD)

**Proposed Zoning:** Same, with modified notes on the rezoning plan



1. 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.

2. The Lake Norman Charter Elementary School conditional rezoning plan was approved on June 20, 2016. The plan allowed the development of the school facility in two phases. The first phase of the school would include 6 modular or mobile trailer units. The second phase of the school would include the construction of a two story 70,000 sqft school building along Hambright Road.

3. On the approved rezoning plan, site development notes were placed on the plan that stated that the temporary modular units would be removed upon construction of phase 2 or permanent facility. See site development notes 12 and 15 below on page 2.

4. The first phase of the school (modulars) has been constructed and in operation for about a year. The applicants have recently submitted a building permit application for construction of phase 2, the permanent building along Hambright Road. However the current plan for the school is to keep one of the modular units on site as an administrative office indefinitely, and keep two others on site until they can be sold.
  5. In order to keep the modular units on site after the completion of the permanent building, modification of the conditional rezoning notes which require their removal is necessary. Therefore the applicants have submitted a rezoning request to modify the notes below and update the notes with the earlier construction timeframes.
12. The School shall begin operations in the 2017-2018 school year with 300 elementary school students. Enrollment will increase to 500 students in the 2018-2019 school year. Enrollment shall be capped at 500 students in all phases. The school shall operate out of temporary Modular Classrooms thru the 2021-2022 school year. Starting with the 2022-2023 school year, the school shall operate out of the new facility, at which time, the temporary mobile units shall be removed from the site. The grades taught will be K thru 4. The 5th grade will still continue to be taught at the existing LNCS Middle School.
  15. Phase 2 shall include all site work, electrical, plumbing, etc. necessary to open the new facility, with gym, along Hambright Road as shown on Sheets 3 and 4. Temporary facilities shall be removed from the site. Construction is expected to begin in June of 2021 in order to move into the new facility and begin use in the 2022-2023 school year.

## PART 2: REZONING/SITE PLAN ISSUES

- Please find the proposed updated rezoning notes 12 and 13 below on page 3. Note 13 states that that one of the modular units would be used as an administrative office for the school. There is no timeframe associated with the note, therefore it's assumed that the intent is to allow the modular to remain indefinitely. Staff has no issue with the temporary use of the modular as an office. However Article 4 of the Huntersville Zoning Ordinance under the architectural standards of the Civic Building Type states that "Trailers, (mobile units) shall not be used as permanent civic buildings." Therefore to conform to the ordinance there should be some timeframe submitted in the note outlining when the mobile unit would be removed and/or when it would be replaced with a permanent structure.
- Note 12 has been proposed to be amended so that the cap or maximum of 500 students for all phases of the school construction has been removed. Staff recommends that conditional note be re-inserted. If the intent is to raise the amount of students permitted, a new discussion will need to be had with the applicant on the effect of the site review. However it is staff's understanding the maximum number of students is intended to be 500.
- Staff recommends some cleanup of the notes in the updated plan. Amending some notes and not others creates some note contradictions.

11. Road Improvements along Hambright Road, as recommended by Ramey Kemp in the TIA, are shown on sheets 2-4. They shall be installed prior to the opening of Phase 1 operations.
12. The School shall begin operations in the 2017-2018 school year with 300 elementary school students. Enrollment will increase to 500 students in the 2018-2019 school year. The grades taught will be K thru 4. The 5th grade will still continue to be taught at the existing LNCS Middle School.
13. Upon the opening of the new facility, the modular units shall be removed in accordance with the following conditions:
  - 13.1. One modular unit shall remain to be used as a central administrative office.
  - 13.2. Two modular units owned by LNCS shall be sold. The units shall remain on the campus until sold, but shall not be used as classroom space or office space by LNCS.
  - 13.3. The three remaining units are leased and the leasing company shall retake possession of the units shortly after the opening of the new building.
14. Phase 1 shall consist of all site work, electrical, plumbing, etc. necessary to operate out of the 6 Modular Classrooms as shown on Sheet 2, Phase 1 Development. This work includes the construction of roadway improvements along Hambright Road per the TIA. The sidewalk along

**PART 3: TRANSPORTATION ISSUES**

- Transportation staff has no issues with the proposed rezoning modification.

**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.

**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:

Amending the notes to allow the temporary use of modular units will be consistent with adjacent development. The proposed units will be behind the permanent structure on Hambright Road and buffered from the adjacent residential properties to the west.

- 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:

- Adding temporary offices will not have an effect on the traffic impact of the facility. As part of the original rezoning, the applicant entered into an agreement with the Town of Huntersville for various road intersection improvements. The Town would complete the road improvements and the school would contribute two payments totaling \$400,000. The first \$200,000 payment has been received. The second \$200,000 payment is due in July of this year.

**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 June 4, 2018.

**PART 6: STAFF RECOMMENDATION**

Staff recommends the plan be amended to address the site plan issues in part 2 above prior to approval. Once the plan has been amended to address the issues, staff recommends approval.

**PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board meeting is scheduled for June 26, 2018.

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

Planning Department	Planning Board	Board of Commissioners
<p><b>Approval:</b> In considering the proposed amendment of rezoning Petition R16-04, Lake Norman Charter Elementary School located on Hambright Road, the Planning Staff finds that the rezoning is consistent with Policy CD-2 of the Town of Huntersville 2030 Community Plan. Planning Staff recommends approving the conditional rezoning amendment for Lake Norman Charter Elementary School with the condition that the site plan issues are addressed. It is reasonable and in the public interest to rezone this property because the modular units will be temporary, screened from the street and adjacent properties, and allow the school additional temporary administration space.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment of rezoning Petition R16-04, Lake Norman Charter Elementary School, located on Hambright Road, the <b>Planning Board</b> 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 amendment 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></p>	<p><b>APPROVAL:</b> In considering the proposed amendment of rezoning Petition R16-04, Lake Norman Charter Elementary School, located on Hambright Road the <b>Town Board</b> 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 amendment 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></p>
<p><b>DENIAL:</b> N/A</p>	<p><b>DENIAL:</b> In considering the proposed amendment of Petition R16-04, Lake Norman Charter Elementary School, located on Hambright Road <b>Planning Board</b> 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></p>	<p><b>DENIAL:</b> In considering the proposed rezoning amendment of Petition R16-04, Lake Norman Charter Elementary School, located on Hambright Road, the <b>Town Board</b> 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></p>