

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.

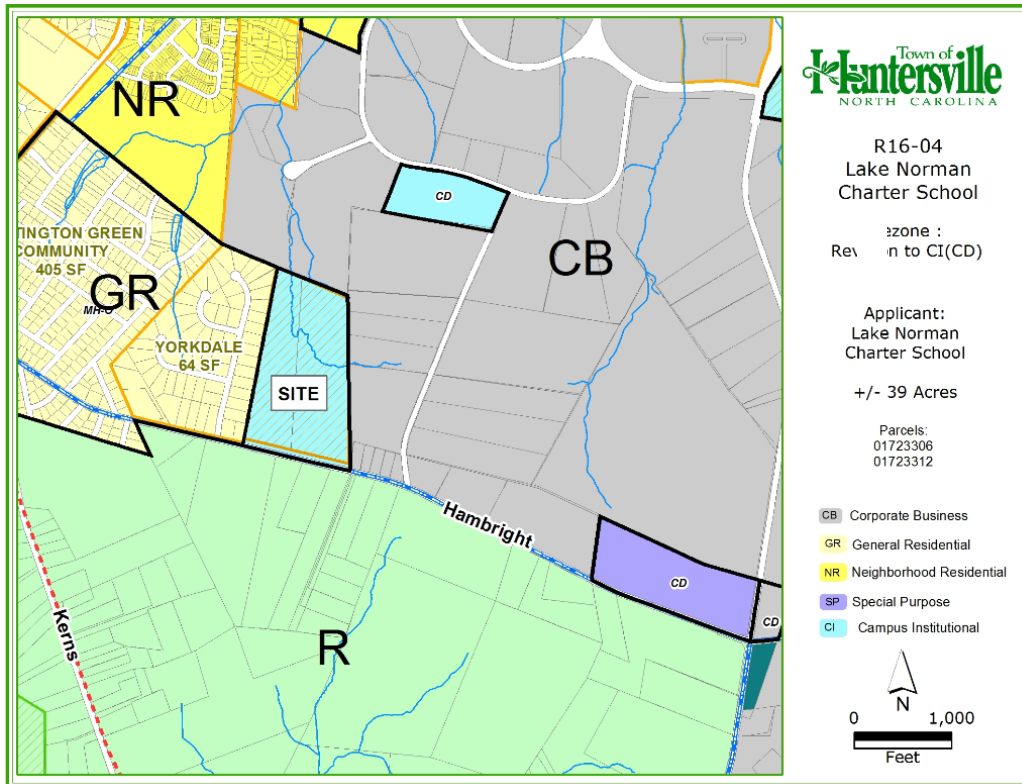
Property Address: 10015 Hambricht Road

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 Hambricht 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.
 - **UPDATE 7/16/18:** Notes 12 and 13 have been amended to match the discussion and recommendation by the Planning Board. Please see the amended language on page 3 below. Staff supports the proposed amended notes.

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 new "Phase 2" building is scheduled to open for the 2019-2020 school year. Enrollment shall be capped at 500 students during all phases of construction. 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 "Phase 2" building, 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. The modular unit shall remain up to 7-years past the occupancy of the new school building. If after the 7-year period, construction permits have not been obtained to build a new administrative office, LNCS shall request an amendment of the conditional rezoning plan based upon the remaining time needed to implement an LNCS approved replacement plan.
- 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.
- 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. LNCS expects this to occur within 3 months of occupancy of the new building and will make every effort to ensure this happens, barring acts of God.

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 was held for the application on June 4, 2018. No one from the public spoke for or against the application. During the hearing the Town Board, Planning Board, and applicant discussed the future plans of the school and when the modular units would be able to be replaced with a permanent structure. The applicant committed to working with staff to craft language that would meet both the needs of the school and the intent of the adopted ordinances of the town.

PART 6: STAFF RECOMMENDATION

Staff recommends approval of the revised rezoning amendment application.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board reviewed the application at their June 26, 2018 meeting. After discussion with the applicant and staff, the Board unanimously recommended approval of the application with three clarification modifications to the notes. The applicant agreed to the changes and has updated the plan to include the Planning Board's recommendations.

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

Planning Department	Planning Board	Board of Commissioners
<p>Approval: 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>APPROVAL: In considering the proposed amendment of rezoning 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 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 modular units will be temporary, screened from the street and adjacent properties, and allow the school additional administration space.</p>	<p>APPROVAL: In considering the proposed amendment of rezoning 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 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>DENIAL: N/A</p>	<p>DENIAL: N/A</p>	<p>DENIAL: In considering the proposed rezoning amendment 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></p>