



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: September 14, 2018

Re: PD #2016-5-A2
Ryan Companies US, Inc., applicant
Parcel ID# 32850

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on October 1, 2018.

REQUEST

The applicant is requesting an amendment to the master plan for the Wildbrook planned development to permit a charter school to open in August 2019 under a temporary certificate of occupancy if certain roads in the adjoining Rivercross development are not complete, on the conditions that the school provide a financial guarantee for the completion of the roads and hire an off-duty officer to help manage traffic.

The 73-acre Wildbrook site was rezoned to Planned Development Residential (PD-R) and approved for up to 180 single-family detached homes in October 2016. Site development work started last year. The Board of Commissioners approved an amendment to the Wildbrook master plan in November 2017 to permit a charter school with grades K-8 and a maximum of 765 students on a 10.6-acre portion of the development site, adjacent to Triangle Circle, where 30 homes had been planned.

Wildbrook is adjacent to the site of the planned Rivercross mixed-use development. Two of the ways to reach Wildbrook and the charter school will be via Rivercross, which has entrances planned off Triangle Circle and off N.C. 16 Business. Other access points to Wildbrook and the charter school are on Rufus Road and Airlie Parkway.

The terms of the 2017 amendment stipulated that the charter school could not open until all of the access roads are complete, including the Rivercross main entrance off N.C. 16 Business and a connector road linking the main access to the Triangle Circle entrance. (See attached map and highlighted portion of Item #10 on page 2 of attached approved terms.)

Charter school officials are concerned that those two roads may be nearing completion but not ready to open for traffic by the time the school is scheduled to open in August 2019. The school plans to begin enrolling students next March.

Ryan Companies US will build the school for Charter Schools USA, which will own and operate the facility. Ryan Companies has already submitted construction plans for the school and applied for a building permit.

Rivercross is approved for apartments, townhomes, single-family detached homes and a commercial section. Developers of the residential sections have submitted plans for the two entrance roads and the connecting road, but construction has not started yet. The main entrance off N.C. 16 Business will impact a pond and require approval from the Army Corps of Engineers, which could delay work.

Ryan Companies is working with the developers of Rivercross and Wildbrook on plans to construct the access roads.

Under the proposed amendment to the Wildbrook plan, if the Rivercross main entrance and the connecting road are not finished by the opening date, the school's owner would provide a bond or a letter of credit in the amount of 125% of the estimated construction costs to guarantee the completion.

Access to the school would still be available via the Rivercross entrance off Triangle Circle and a connection through Wildbrook to Rufus Road and Airlie Parkway.

According to school officials, it's likely the school will open at approximately 80% capacity, initially serving grades K-6 only.

SITE AREA AND DESCRIPTION

The Wildbrook site borders Triangle Circle, Rufus Road and Airlie Parkway. It is adjoined by property zoned PD-MU (Planned Development Mixed Use), I-G (General Industrial), R-T (Transitional Residential), R-SF (Residential Single Family) and B-N (Neighborhood Business). Land uses in the area include residential, business and industrial.

PLAN CONFORMANCE

Guiding Principle 3 of the Lincoln County Land Use Plan calls for integrating community facilities such as schools into the planning process for residential and commercial development, in order to maximum the investment benefits.

The site for the charter school is part of an area designated by the NC 16 Corridor Vision Plan as a potential community center. The plan calls for a mix of commercial uses built in an urban or downtown-type setting with on-street parking, an urban green or open space, as well as a natural area with a small amphitheater. These elements are incorporated in the Rivercross plan.

The Corridor Vision plan also calls for a new road network in this area that would provide alternate travel routes between N.C. 16 Business and Optimist Club Road, Rufus Road and Triangle Circle.

STAFF'S RECOMMENDATION

Staff recommends approval of this amendment to the terms of the master plan. See proposed statement for rationale.



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Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **PD #2016-5-A2**

Applicant **Ryan Companies US, Inc.**

Parcel ID# **32850**

Location **Triangle Circle**

Proposed master plan amendment **permit a charter school to open in August 2019 under a temporary certificate of occupancy if certain roads in the adjoining Rivercross mixed-use development are not complete, on the conditions that the school provide a financial guarantee for the completion of the roads and hire an off-duty police officer to help manage traffic.**

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

Guiding Principle 3 of the Land Use Plan calls for integrating community facilities such as schools into the planning process for new residential and commercial development, in order to maximize the investment benefits. A charter school at this location is consistent with the NC 16 Corridor Vision Plan's goal of creating a community center in this area.

This proposed amendment **is reasonable and in the public interest** in that:

The charter school is reasonably seeking assurance that it can open for the 2019-2020 school year in the event that circumstances beyond its control delay the completion of the main entrance to Rivercross and the connecting road to the Triangle Circle entrance. The school will still be accessible from the Triangle Circle entrance and a connection through the Wildbrook development to Rufus Road and Airlie Parkway. The school will provide a financial guarantee for the completion of the roads and hire an off-duty police officer to help manage traffic. A charter school will provide another educational option for students and parents and reduce the need for the county to provide additional classrooms.

Vicinity Map

Wildbrook - Rivercross road network



**PD-R TERMS & CONDITIONS
WEST LAKE PREPARATORY ACADEMY
SOUTH TRIANGLE CIRCLE
LINCOLN COUNTY, NC**

The purpose of this report is to amend the Terms and Conditions previously approved by Lincoln County for Wildbrook. The terms and conditions presented in this report will replace all previously agreed-to requirements pertaining to the section of Wildbrook east of the power line right-of-way. All other sections of Wildbrook shall continue to be governed by the original Terms and Conditions.

1. Project Information

West Lake Preparatory Academy is located a few hundred feet north of Business Hwy 16 on South Triangle Circle. The total site area is approximately 10.6 acres. This new Planned District Plan reduces the total number lots from 180 to 150 and adds a 765 student charter school.

2. General Provisions

The Planned District Plan is intended to reflect a generalized arrangement of the site in terms of lot layout, building layout, street network, and open space areas. Final configuration, placement and size of individual site elements, streets alignments, etc. may be altered or modified within the limits of the Ordinance as described in Section 9.5.13, and the standards established within these conditional notes during the design development (platting) and construction phases. The Petitioner reserves the right to make minor modifications and adjustments to the approved Planned District Plan, subject to staff approval, provided that the total number of residential units does not exceed the maximum permitted. Any major modifications will require resubmittal to the Board of Commissioners.

3. Development Standards

Pursuant to Sections 2.4.9 and 9.5 of the Lincoln County Unified Development Ordinance (UDO) entitled Planned Development Districts and Planned Development Review respectively; the Petitioner seeks to obtain approval of the use of the following Development Standards concurrently with the approval of the Rezoning Petition. These standards, as established both by the conditional notes as set out below and as depicted on the Preliminary Concept Plan shall be followed for development of the property. Unless otherwise approved as part of these conditional notes, the Lincoln County Unified Development Ordinance shall prevail when developing the site.

4. Permitted Uses/Densities

The portion of the property east of the power lines shall be limited to a 765 student charter school.

5. Open Space, Buffer Yards, and Landscaping

A Class 'C' Buffer yard is required along project boundaries per section 2.4.E.3 of the UDO.

Landscaping for the development shall meet or exceed all requirements of the UDO. A detailed landscaping plan will be submitted to County staff along with the construction plans.

6. Parking, Lighting, and Signage

Parking, lighting, and signage shall comply with all requirements in the UDO.

7. Storm Water Compliance

West Lake Preparatory Academy shall comply with all required storm water management regulations.

8. Permitting

The Petitioner understands that all permits from the appropriate agencies must be obtained prior to construction activities.

9. Water and Sewer Availability

This property is located in the East Lincoln Water and Sewer District and the Petitioner understands that water and sewer availability must be approved by Lincoln County prior to development. It is the Petitioner's responsibility to incur all fees and infrastructure costs for providing water and sewer throughout the development. The Petitioner will comply with all district water and sewer standards.

10. Vehicular Access and Road Improvements

Access to the charter school will be from the access road alongside the Rivercross Apartments, the Boulevard from Business 16 through Rivercross, and Rufus Road via the road network through Wildbrook. **The Rivercross boulevard, the access road alongside the Rivercross apartments and the connecting road, and the connecting road through Wildbrook to Rufus Road will be complete prior to the opening of the charter school** A Traffic Impact Phasing analysis has been submitted to NCDOT.



Application to Amend Planned Development Plan

Lincoln County Planning and Inspections Department
Zoning Administrator
302 N. Academy St., Lincolnton, NC 28092
Phone: (704)736-8440 Fax: (704)732-9010

PART I

Applicant Name RYAN COMPANIES US, INC.

Applicant Address 201 N. FRANKLIN ST. SUITE 3500

Applicant Phone Number 813-204-5025 TAMPA, FL

Property Owner Name RUFUS ROAD PARTNERS, LLC

Property Owner Address 6805-C FAIRVIEW ROAD, CHARLOTTE
NC.

Property Owner Phone Number 704-365-6805

PART II

Property Location W. SIDE OF SR-16 & TRIANGLE CIRCLE INTERSECTION

Property ID (10 digits) 4603412197 Property size 73.6 AC

Parcel # (5 digits) 32850 Deed Book(s) 2701 Page(s) 062

PART III

Zoning District _____

Briefly explain the proposed modification(s) to the Planned Development master plan.

MODIFY ITEM #10 OF PD #20165-A TO ALLOW
FOR A C.O. OF THE SCHOOL TO BE ISSUED
UNDER CERTAIN CIRCUMSTANCES AND
CONDITIONS AS ATTACHED (PROPOSED)

APPLICATION FEE (\$1,000.00) MUST BE RECEIVED BEFORE PROCESSING.

I hereby certify that all knowledge of the information provided for this application and attachments is true and correct
to the best of my knowledge.

Mark Key

Applicant's Signature

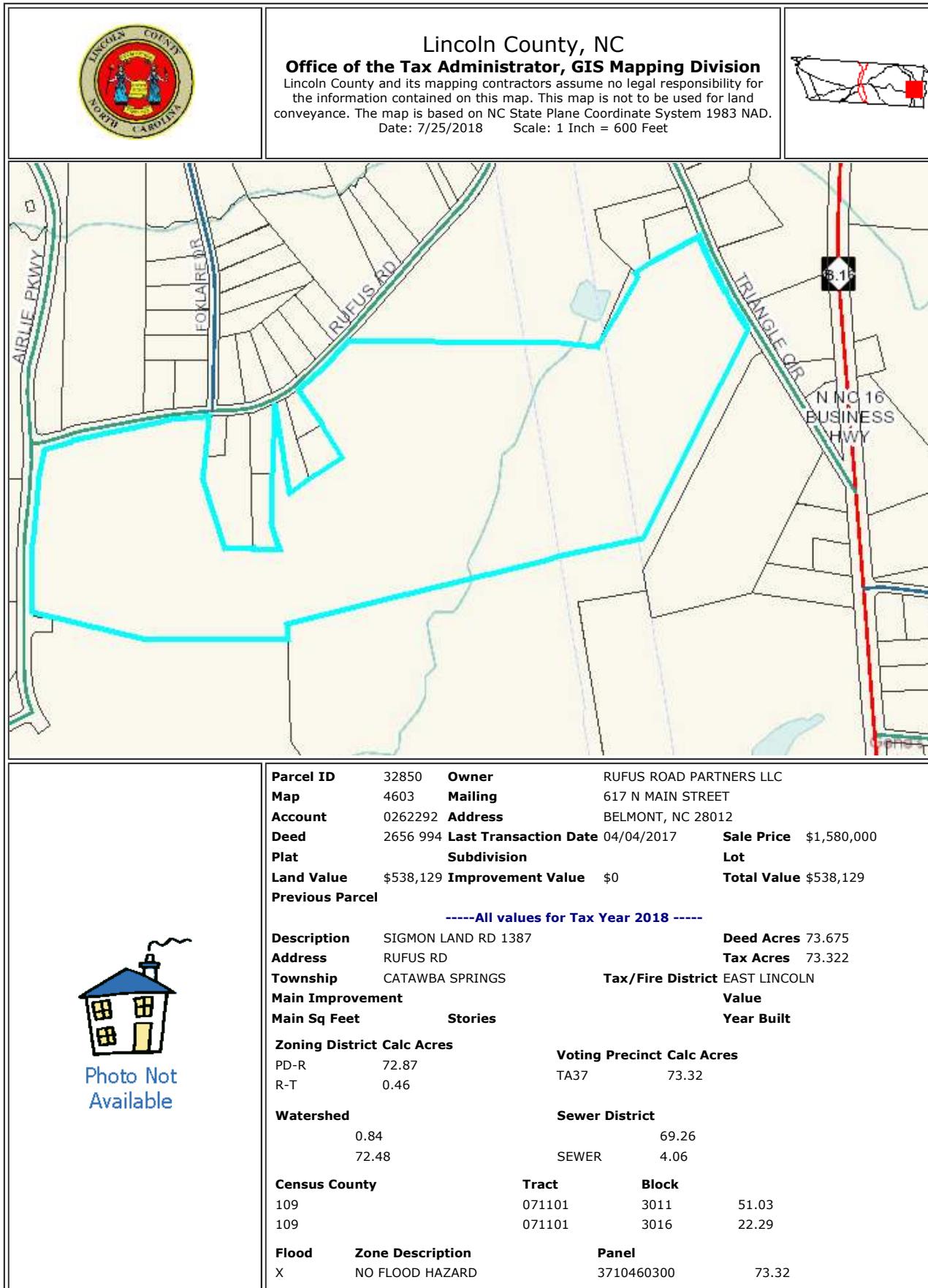
07-25-18

Date

Vehicular Access and Road Improvements

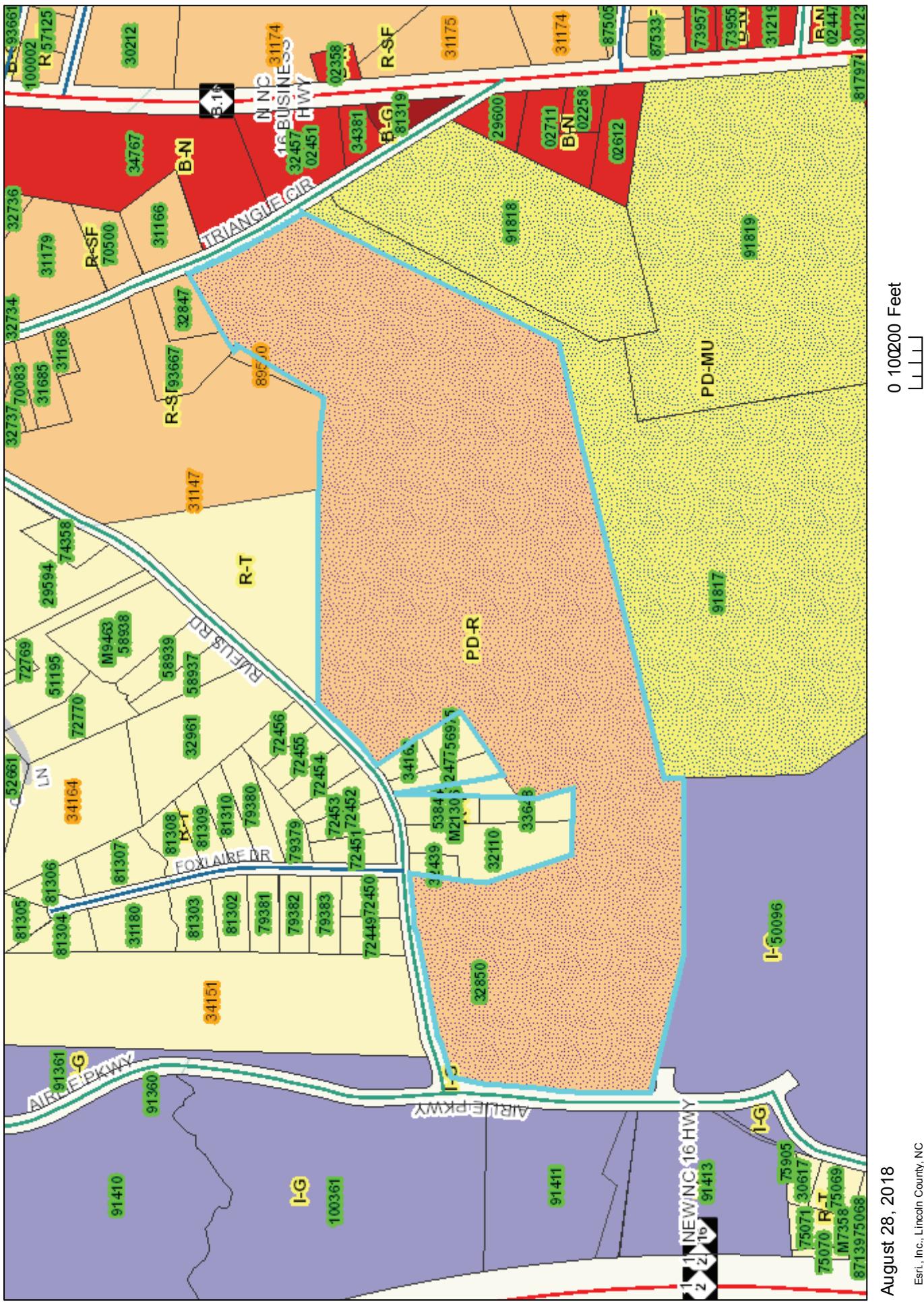
Access to the charter school will be from the access road alongside the Rivercross Apartments, the Boulevard from Business 16 through Rivercross, and Rufus Road via the road network through Wildbrook. The access road alongside the Rivercross apartments and the connecting road through Wildbrook to Rufus Road will be complete prior to the opening of the charter school. A Traffic Impact Phasing analysis has been submitted to NCDOT.

In the event that Rivercross Boulevard and the connecting road are not completed prior to the school's opening day, a temporary CO will be issued and the owner will submit a Bond or Letter of Credit in the amount of 125% of the cost of constructing the remaining portion of the road. Furthermore, the Owner shall be required to hire an off-duty police officer to implement traffic management detail to alleviate traffic congestion in the area, with particular attention at the intersection of Triangle Circle and the existing access road alongside the Rivercross apartments.



PD #2016-5-A2
subject property is outlined in blue

subject property is outlined in blue



August 28, 2018

Esri, Inc., Lincoln County, NC