

REQUEST	Current Zoning: MX-2 Innovative, mixed use residential, innovative Proposed Zoning: INST(CD), institutional, conditional
LOCATION	Approximately 13.81 acres located on the west side of Lancaster Highway, north of Ardrey Kell Road.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to develop up to 322 age restricted independent living units and related accessory uses. The petitioner also seeks five year vested rights.
STAFF RECOMMENDATION	Staff does not recommend approval of this petition as currently proposed because the petition does not meet the connectivity requirements set forth in the <i>Subdivision Ordinance</i> . The petition is inconsistent with the <i>South District Plan</i> ; however, area plans frequently do not specify locations for institutional uses. In addition, there are numerous outstanding site plan issues related to this petition.
Property Owner	McCarley Developers, LLC
Petitioner	McCarley Developers, LLC
Agent/Representative	ESP Associates PA
Community Meeting	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Up to 322 age restricted, multi-family living units for seniors.
 - 50-foot Class "C" buffers abutting residential zoning and/or land use.
 - Any one or a combination of surface, structured or on-street parking.
 - Minimum 10 percent tree save area.
 - Maximum building height of 75 feet.
 - Access points provided from Copper Mountain Boulevard and via drive connections to Lancaster Highway 521.
 - Interior street network comprised of private streets and one public street.
 - Gated entrances provided off internal streets.
 - A variety of potential accessory uses, including a bar, branch bank, café, spa/hair salon and small clinic and therapy rooms.

- **Existing Zoning and Land Use**
The subject property is currently vacant. The site is bordered to the north by R-8MF(CD) and to the south by MX-2 Innovative zoning developed with residential condominiums and townhomes, and by R-3 zoning to the west developed with single family homes and vacant lots. Across Lancaster Highway to the east are retail shopping centers, office uses, a church, and additional vacant land in B-1(CD), BD(CD), NS, UR-2(CD) and R-3 zoning.

- **Rezoning History in Area**
Recent rezonings approved in the area include:
 - Petition 2006-013, which included the subject property, rezoned 23.83 acres from R-3 to MX-2 Innovative to allow 170 townhomes.
 - Several rezonings on the east side of Lancaster Highway. They include Petition 2006-100, which rezoned 6.6 acres from NS to BD(CD) to allow retail uses and a self-storage facility. Petition 2006-029 rezoned 14 acres from R-3 to NS to allow a neighborhood shopping center and Petition 2007-043 rezoned 16 acres from R-3 to UR-2(CD) to allow for 220 multi-family units.

Public Plans and Policies

The *South District Plan* (1993), as amended by Petition 2006-013, recommends residential land uses at a maximum density of eight dwelling units per acre.

This petition is inconsistent with the *South District Plan*. However, area plans frequently do not specify locations for institutional uses.

PUBLIC INFRASTRUCTURE (see full department reports online)**Vehicle Trip Generation:**

Current Zoning: 990 trips per day.

Proposed Zoning: 1,770 trips per day.

CDOT: CDOT has the following comments:

City staff does not support any loss of public street connectivity between Bridgemount Avenue and Lancaster Highway. The petitioner should retain an indirect, public connection through the site that is consistent with and required by the previously approved conditional site plan for Petition 2006-013. This public street connection has been constructed and needs to remain in place. The revised site plan needs to be revised to show the public street connection between Bridgemount Avenue and Elizabeth Madison Court.

If internal private streets are proposed, no vehicular maneuvering or waiting can occur in the right-of-way on the public streets serving the development. To ensure this, all gates need to be recessed internal to the site.

The sidewalk along Lancaster Highway should not be gated. Plans should show perimeter fences to determine that the sidewalk remains outside any new gate/fence installations. An easement needs to be provided to the City for any public sidewalks shown outside existing public rights-of-way.

Charlotte Fire Department: No issues.

CATS: No issues.

Connectivity:

The *City of Charlotte Subdivision Ordinance (1988)* requires the proposed street system to be designed to provide a network of interconnected streets so as to facilitate the most advantageous development of the entire neighboring area. Stub streets shall be provided to adjacent properties where feasible. The proposed street system shall extend existing streets on their proper projections.

The rezoning petition indicates the removal of the connection from Bridgemount Avenue to Elizabeth Madison Court. This cannot be accomplished through the rezoning process and would require a variance from the *Subdivision Ordinance*. It should be noted that the approved multi-family subdivision plan for the McCarley Development (Petition 2006-013) includes the ~~Bridgemount~~[Bridgemount](#) Avenue connection, which has been constructed and is currently being used.

Schools: The proposed development would generate six students. The net change in the number of students generated from the existing zoning to the proposed zoning is zero students.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

Storm Water: The existing storm water notes should be deleted.

LUESA: No issues.

Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.

Protects/restores environmentally sensitive areas by preserving existing wetlands.

OUTSTANDING ISSUES

The petitioner should:

1. Show and retain the public street connection of Bridgemount Avenue to Lancaster Highway via Elizabeth Madison Court.
2. Include Bridgemount Avenue as a site access under Development Standards.
3. Delete references to site as a unified master planned development. All applicable ordinance requirements for this stand alone development must be met on site.
4. Add note that petitioner will seek approval through the abandonment process for the portion of Alice McGinn Road that has been recorded and accepted for dedication.
5. All references to the standards contained in petition 2006-013 should be deleted and those standards added to this site plan.
6. Modify the Permitted Uses note to specify that the non-residential uses are accessory and not available to the general public.
7. Provide elevations of proposed buildings to show orientation and articulation.
8. Provide architectural commitments for buildings.
9. Add note that street trees will be provided at 40 feet on center on private streets.
10. Label setbacks along all street frontages as 40 feet as required per standards for planned multi-family developments.
11. Add a note prohibiting reduction of the 40-foot required setback along all street frontages.
12. Show and label a 50-foot Class "C" buffer abutting the R-8MF(CD) zoning to the north.
13. Provide a minimum five-foot wide sidewalk connection from the cul-de-sac of Elizabeth Madison Court to Copper Mountain Boulevard.
14. Show and label a 50-foot Class "C" buffer along proposed private street frontage abutting residential zoning and/or land use.
15. Provide a 40-foot Class "C" buffer between the surface parking along Elizabeth Madison Court to buffer it from the proposed townhomes across the street.
16. Remove proposed parking and buildings that are located within the 40-foot setbacks.
17. Eliminate the driveway west of the intersection of Alice McGinn Drive and Elizabeth Madison Court, which is too close to the intersection.
18. Indicate whether the minimum five-foot sidewalk (per petition 2006-13) is located along Lancaster Highway, out of the NCDOT right-of-way. If the sidewalk has not been installed, indicate a proposed six-foot minimum sidewalk.
19. Clarify whether townhomes will include land. If land is included, show 400 square feet of private space for each unit on the site plan.
20. Correct proposed density as 23.3 dwelling units per acre instead of up to 24 dwelling units per acre as noted in the Site Data.
21. Screen parking from view from public streets.
22. Amend note under Development Standards to state that full cut-off lighting will be provided.
23. Specify percentage of tree save area.
24. Specify percentage of open space area.
25. Identify the location of existing infrastructure improvements within the required buffer as noted in the Development Standards.
26. Add a note that wetland areas will remain undisturbed.
27. Show the location of any CATS bus stops provided on the site.
28. Address CDOT and Storm Water comments.

Attachments Online at www.rezoning.org

Application
CATS Review
CDOT Review
Charlotte Fire Department Review
CMS Review
Community Meeting Report
LUESA Review
Site Plan

Storm Water Review

| **Planner:** Sonja Sanders (704) 336-8327