

<b>REQUEST</b>	Proposed Zoning: MX-1 (INNOV) SPA LLW-CA and LLW-PA, mixed use, innovative, site plan amendment with five-year vested rights, within the Lower Lake Wylie Critical Area and Lower Lake Wylie Protected Area.
<b>LOCATION</b>	Approximately 319.91 acres located on the east side of Shopton Road West generally extending from Green Heron Court to Winget Road and on the west side of Shopton Road West generally extending from Winget Road to Limehurst Place.
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to increase the single family density for a portion of the original Sanctuary rezoning from approximately one dwelling unit per acre to approximately 1.75 dwelling units per acre for a total of 559 single family lots. The overall density of the original rezoning increases from 0.40 to 0.52 dwelling units per acre.
<b>PROPERTY OWNER</b>	Chapel Cove at Glengate, LLC
<b>PETITIONER</b>	Chapel Cove at Glengate, LLC
<b>AGENT/REPRESENTATIVE</b>	John Carmichael, Robinson, Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Steele Creek Area Plan</i> and to be reasonable and in the public interest, by a 4-1 vote of the Zoning Committee (motion by Commissioner Johnson seconded by Commissioner Griffith).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 4-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Modified the "Transportation" and "Innovative Standards" notes to indicate the petitioner will increase the pavement width of Withers Cove Road (10-foot travel lanes and a one-foot shoulder on each side of the road) from Hatfield Road to Traymore Lane.</li> <li>2. Modified a note under "Transportation" indicating the installation of a five-foot wide sidewalk/shared walking path along one side of Withers Cove Road extending from Wildlife Road to Traymore Lane.</li> <li>3. Modified Note #1 under "Streetscape and Landscaping" to indicate a minimum five-foot wide trail along the Shopton Road West frontage to reflect the requirements of the 2003 rezoning.</li> <li>4. Addressed CDOT comments by provided a 10-foot wide asphalt pedestrian/bike trail from the terminus of Winget Road to the northern property line of tax parcel 199-151-09 owned by Mecklenburg County.</li> <li>5. Provided a note under "Transportation" indicating the petitioner will complete the construction of Winget Road from Shopton Road West to the western property line of Phase 3 prior to the issuance of the first certificate of occupancy for a dwelling unit within Phase 3.</li> <li>6. At staff's request and due to the inability to enforce, the petitioner removed an architectural standard which stated "a minimum of 50 percent of the single family detached dwellings units constructed on the Site shall have front porches".</li> </ol>
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7. Increased the minimum lot widths within Parcel B by modifying the note to read "a minimum of 40% of the single family lots developed on Parcel B shall have a minimum width of 70 ~~60~~ feet, and the remaining lots shall have a minimum width of 60 ~~50~~ feet".
8. Increased the minimum lots widths within Phase 3 by modifying the note to read "a minimum of 40% of the single family lots developed on Phase 3 shall have a minimum width of 80 ~~70~~ feet, and the remaining lots shall have a minimum width of 70 ~~60~~ feet".
9. Modified an "Architectural Standards" note to read "... Notwithstanding the foregoing, vinyl accents, such as trim components ~~vinyl shake on reverse gables and dormers~~, shall be permitted, vinyl may be utilized on the soffits of the single family detached dwelling units and vinyl windows may be installed on the single family detached dwelling units".

**VOTE**

Motion/Second: Griffith/Johnson  
 Yeas: Griffith, Johnson, Phipps, and Zoutewelle  
 Nays: Firestone  
 Absent: Allen, Dodson, and Rosenburgh  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Planning staff presented the petition to the Committee and indicated all of staff's outstanding issues had been addressed. Staff also indicated that the petition is consistent with the *Steele Creek Area Plan*.

The majority of the discussion centered on the density of the proposed rezoning and how it relates to the adopted Steele Creek Area Plan. Staff stated that the specific wording within the Steele Creek Area Plan indicates an average density for the original Sanctuary of up to one dwelling unit per acre was drafted during discussions and meetings with the area residents and the petitioner prior to the adoption of Steele Creek Area Plan.

Some Committee members stated the wording within the plan may have not been clear and may have caused some confusion with the area residents. One Committee member stated that for future area plans, staff may need to better educate the community on the definitions of certain planning terms and why those terms are used in order to help eliminate confusion.

One committee member recalled that during a tour of the Steele Creek Area Plan study area, a planning staff member explained that the density would be averaged for the Sanctuary.

It was also mentioned that this subject site is located within the Lower Lake Wylie Watershed Overlay and would be required to comply with all the environment regulations of the watershed overlay and the Post Construction Controls Ordinance (PCCO).

One committee member stated that the Steele Creek Area Plan has already been adopted by the City Council with the provision to average the density for the Sanctuary. The proposed development complies with the adopted wording. Staff indicated the boundary of the Sanctuary is identified within the adopted plan.

**MINORITY OPINION**

The minority of the Zoning Committee was concerned with using property no longer owned by a petitioner to calculate the density used to evaluate consistency with an adopted area plan. The Committee member was also concerned that the community may not have interpreted the *Steele Creek Area Plan* as using the average density for the original Sanctuary to calculate the base density of less than one dwelling unit per acre.

**STAFF OPINION**

Staff agrees with the recommendation of the majority of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Background**

This subject property was part of a larger 1,828-acre rezoning approved in 2003 (rezoning petition 2003-024). This previously approved rezoning allowed up to 740 single family lots at an overall density of approximately 0.40 dwelling units per acre. Portions of this previously approved rezoning, currently identified as the Sanctuary and Chapel Cove subdivisions, have been developed.

- **Proposed Request Details**

The site plan amendment contains the following changes:

- Increase the density from approximately one to 1.75 dwelling units per acre equaling 559 single family lots.
- Architectural standards for the single family homes that regulate:
  - Exterior building materials.
  - Roof pitches and materials.
  - Two-car garage required for each home.
  - Front-loaded garages shall not extend four feet beyond the primary façade.
  - Two hardwood trees per lot in addition to the required street trees.
  - Four hardwood trees per corner lot in addition to the required street trees.
- A 100-foot common open space area along the Shopton Road West frontage with a provision to preserve all existing trees measuring four inches or greater in caliper.
- Minimum 15 percent tree save area.
- Common open space equaling 25 percent of the area on the west side of Shopton Road West (Parcel B) and 20 percent of the area on the east side of Shopton Road West (Phase 3).
- Walking paths and trails within common open space areas to create a trail system throughout the development.
- A minimum lot widths ranging from 60 feet to 80 feet.
- Innovative provisions to be requested from the Zoning Committee if the rezoning is approved include:
  - Curb, gutter and sidewalk shall not be required along Hatfield Road and Traymore Lane.
  - Curb, gutter and sidewalk shall not be required along Withers Cove Road except the petitioner shall install a sidewalk/shared waking path along one side of Withers Cove Road.
  - Curb and gutter shall not be required along the Shopton Road West frontages.

- **Public Plans and Policies**

- The recently adopted *Steele Creek Area Plan* recommends residential land uses up to one dwelling unit per acre within the original Sanctuary rezoning area. A slightly higher density may be appropriate in some areas when developments are clustered to preserve environmental features.
- The site plan amendment is consistent with the *Steele Creek Area Plan* recommendation of up to one dwelling unit per acre. While the density of the property included in the site plan amendment is approximately 1.75 dwelling units per acre, the overall density of the original rezoning from which this petition was a part will remain below one dwelling unit per acre at approximately 0.52 dwelling units per acre.

- **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the majority of the Zoning Committee.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - Minimizes impacts to the City's tree canopy by providing for a tree save area that exceeds the minimum 10 percent requirement. Approximately 15 percent of the site is designated as tree save.
    - Protects environmentally sensitive areas by providing for open space that exceeds the minimum requirements and by designing the proposed development in a manner that helps to preserve existing steep slopes along the various tributaries that feed into Lake Wylie.
    - Facilitates the use of alternative modes of transportation by providing a trail system throughout the development and to abutting properties.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Shad Spencer (704) 353-1132