

<b>REQUEST</b>	Current Zoning: MX-2, mixed use district Proposed Zoning: R-17MF(CD), multi-family residential, conditional
<b>LOCATION</b>	Approximately 16.2 acres located on the west side of Lancaster Highway between Springwell Street and Johnston Road.
<b>SUMMARY OF PETITION</b>	The petition proposes to develop up to 248 multi-family dwelling units at 15.3 units per acre.
<b>PROPERTY OWNER</b>	YFP, LLC
<b>PETITIONER</b>	GCI Acquisitions, LLC
<b>AGENT/REPRESENTATIVE</b>	Jeff Brown and Keith MacVean, King & Spalding LLP
<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 land use recommendation, as amended in the <i>South District Plan</i> , by a unanimous vote of the Zoning Committee. Although the density exceeds the amended adopted density, the site meets the criteria for an increase in density set forth in the <i>General Development Policies</i> (motion by Allen, seconded by Phipps).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition, with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Proposed back of curb along the property frontage on Lancaster Highway reflected as 37 feet from the existing center line.</li> <li>2. Indicated sidewalk/utility easements from any sidewalk outside of the public right-of-way along any proposed public street.</li> <li>3. Removed the marked crosswalk locations from the proposed internal intersections along Landing Place Lane. Note B under the heading of Transportation can remain.</li> <li>4. Added a note stating that the proposed Landing Place Lane southbound intersection approach needs to be properly aligned with the existing Clems Branch northbound approach at Lancaster Highway so as to not affect operations of a future traffic signal.</li> <li>5. Provided enough pavement width on the southbound Landing Place Lane to support three travel lanes.</li> <li>6. Specified that if additional right-of-way and/or easements are required at the proposed intersection the acquisition of this property will be the petitioner's responsibility.</li> <li>7. Amended the rezoning plan to reflect the design of a left-turn lane necessary to serve the traffic using the proposed public street driveway connections prior to submittal/approval of the public street connections. The left-turn lane is designed using NCDOT standards with a minimum 150 feet of storage.</li> <li>8. Provided enough width along the public street (Landing Place Lane) connection to Lancaster Highway for three (3) travel lanes between Lancaster Highway and the site's first internal driveway connection to parking. Added a note that the intersection of Landing Place Lane and Lancaster Highway will be designed so that the eastbound intersection approach for Landing Place is aligned with the westbound approach of Clems Branch Drive so as to not affect operations of a future traffic signal. The Petitioner will be responsible for any of the modifications required to properly align existing Clems Branch Drive with the extension of Landing Place Lane.</li> </ol>
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9. Maximum number of multi-family units has been reduced from 252 to 248, with a resultant density of 15.3 dwelling units per acre.
10. Addition of a six bay garage.
11. Added a new Note 3.B. under the heading of "Access", which states that the Petitioner will contribute to CDOT or NCDOT up to half the cost but not to exceed \$50,000 for the installation of a traffic signal at the intersection of Landing Place Lane and Lancaster Highway when the signal is warranted and the funds are requested by CDOT or NCDOT. This commitment to provide funds toward the future signalization of the intersection of Landing Place Lane and Lancaster Highway is valid for a period of 10 years from the date of approval of this petition.
12. Added a new Note 3.C. under the heading of "Access", which states that prior to the issuance of a building permit for the site the petitioner, will commission a Signal Warrant Analysis for the intersection of Landing Place Lane and Lancaster Highway. The petitioner will work with CDOT on the preparation of the Signal Warrant Analysis and will submit the result of the analysis to CDOT for review and for its use.
13. Added a Note 3.D. under the heading of "Access" that as a part of the extension of Landing Place Lane and Lancaster Highway the petitioner will install a choker lane within Landing Place Lane. The final location and design of the choker lane will be determined by CDOT and the Planning Department during the subdivision review process.
14. Added a note under the heading of "Architectural Standards" that the petitioner will provide as part of the developments' club house amenity package an indoor basketball half-court.
15. Added a note under the heading of "Architectural Standards" that the petitioner will construct three buildings that will include garages as generally depicted on the site plan. In addition, the petitioner will construct three detached garage structures throughout the site as generally depicted, the location of which may be modified.
16. Amended Note 5.G. under the heading of "Streetscape, Buffers and Landscaping" to specify that 14 trees and 20 evergreen shrubs per 100 linear feet will be planted within the 50-foot buffer and 35 percent of the new trees will be evergreen. At a minimum, the combination of existing vegetation, the new vegetation to be planted and the proposed fence when taken together must meet or exceed the requirements of a Class B buffer.
17. Added a note 5.H. under the heading of "Streetscape, Buffers and Landscaping" that a six-foot tall solid wooden fence will be installed within the 50-foot buffer. The fence will be located at the edge of the undisturbed portion of the buffer.
18. Amended Note 3.B. under the heading of "Access" to read as follows: "The petitioner will contribute to CDOT a lump sum amount not to exceed \$50,000 for the installation of a traffic signal at the intersection of Landing Place Lane and Lancaster Highway. The \$50,000 shall be received by CDOT prior to the issuance of the first building's certificate of occupancy and deposited in a CDOT account specifically for this use. Should a traffic signal at this location not be installed three years after the last building's certificate of occupancy is issued, the \$50,000 shall be returned to the petitioner. A Developer/CDOT Traffic Signal Agreement documenting these conditions shall be executed before the first building's certificate of occupancy is issued."

19. Amended Note 3.C. under the heading of "Access" to read as follows: "Six months prior to the issuance of a building permit for the Site the Petitioner will commission a Signal Warrant Analysis for the intersection of Landing Place Lane and Lancaster Highway. The Petitioner will work with CDOT/NCDOT on the preparation of the Signal Warrant Analysis and will submit the result of the Signal Warrant Analysis to CDOT/NCDOT for review and for its use."
20. Amended Note 3.E. under the heading of "Access" as follows: "The intersection of Landing Place Lane and Lancaster Highway will be designed so that the eastbound intersection approach for Landing Place Lane is aligned with the westbound approach of Clems Branch Drive so as to not affect operations of a future traffic signal. Both the Landing Place Lane and Clems Branch Drive approaches shall have three travel lanes (i.e. one receiving lane, a left-turn lane and a thru/right turn lane). The Petitioner will be responsible for any of the roadway geometric modifications requirements to properly align and signalized existing Lancaster Hwy/Clems Branch Drive with the extension of Landing Place Lane. The final Lancaster Hwy/Landing Place/Clems Branch Drive intersection geometric will be determined by CDOT/NCDOT during the subdivision review process. The Petitioner shall be responsible to acquire any additional right-of-way and/or public easements needed to properly align the intersection, accommodate truck/school bus turning movements, and to provide efficient traffic signal operations at this intersection."
21. Amended Note 3.G. under the heading of "Access" as follows: "The Petitioner will construct a 150 feet northbound left turn lane with an appropriate taper length on Lancaster Hwy. to the extension Landing Place Lane per NCDOT and CDOT standards, pavement widening, milling/overlaying may be required."
22. Amended Note 5.J. under the heading of "Access" to state the Petitioner will dedicate in fee-simple to the City of Charlotte 50 feet of right-of-way from the center line of Lancaster Highway. This right-of-way dedication will occur at the time the right-of-way for Landing Place Lane is recorded.
23. Amended Note 5.K. under the heading of "Access" as follows: "The placements and configurations of vehicular access points are subject to any minor modifications, as approved by CDOT, required to accommodate final site and construction plans and designs and to any adjustments required for approval by the CDOT/NCDOT. This includes adjustments required for approval by CDOT in accordance with published standards."
24. Amended Note 3.E. under the heading of "Access" to state that the intersection of Landing Place Lane and Lancaster Highway will be designed so that the intersection approach for Landing Place is aligned with the approach of Clems Branch Drive so as to not affect operations of a future traffic signal. The petitioner will be responsible for any of the required modifications.
25. Added the following note: "Prior to the decision by the City Council on Rezoning Petition 2012-048, the Petitioner and the owner of the property covered by Rezoning Petition 2000-02C will file an administrative amendment for Rezoning Petition 2000-02C that will reduce the allowed number of units on that petition by 100 units. The administrative amendment will indicate that if Petition 2012-048 is approved by the City Council the reduction of 100 units in the number of allowed units on Rezoning Petition 2000-02C will be binding and may not be added back to the petition through the administrative amendment process. If Petition 2012-048 is not approved by the City Council the administrative site plan amendment will be null and void."

**VOTE**

Motion/Second:	Allen/Eschert
Yeas:	Allen, Eschert, Griffith, Johnson, Labovitz, Lathrop and Phipps
Nays:	None
Absent:	None
Recused:	None

**ZONING COMMITTEE DISCUSSION**

Staff noted this petition had been automatically deferred the previous month because of a tie vote. Staff presented this item to the Committee and indicated the outstanding issues had been addressed. Staff stated that the petitioner has added a note regarding an administrative approval for adjacent petition 2000-02C, which would reduce the overall unit count by 100-units.

A Committee member questioned the traffic concerns expressed at the public hearing and last month's Zoning Committee meeting. CDOT staff member, Mike Davis, indicted the width of the pavement and the continuous travel lanes are not reduced in the area abutting the subject property. Mr. Davis noted that the existing Highway 521 currently carries and can handle up to 10,000 trips per day, adding that improvements made at the intersection of Providence Road and U. S. Highway 521 might have more of a positive impact toward traffic in the area of this petition. Mr. Davis pointed out that the transportation improvements committed to in this petition, consisting of turn lanes, monetary contribution toward a traffic signal, road widening, and a public road connection to abutting single family that incorporates a traffic calming aspect, will work to improve traffic in the area.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
  - Maximum 248 multi-family units at a density of 15.3 units per acre.
  - Most buildings limited to three stories, with the exception of buildings that back up to Clems Creek may have four stories facing Clems Creek and three stories facing the parking area. Building 5 adjacent to the single family dwellings on Stewarts Bend Lane and Clementine Court will be limited to two stories.
  - Parking provided at 1.5 spaces per unit.
  - A 50-foot Class C buffer, with an undisturbed outer 30 feet, will be provided abutting single family homes in R-5(CD) zoning.
  - Building materials consist of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco or wood.
  - Vinyl siding not permitted as an exterior building material, except on windows and soffits.
  - Access to the site from Lancaster Highway and the required public street extension of Landing Place Lane.
  - Parking prohibited between the buildings and Landing Place Lane and Lancaster Highway.
  - Approximately 2.38 acres along Clems Branch will be dedicated and conveyed to Mecklenburg County Park and Recreation Department.
  - Provision of a northbound left turn lane and a southbound right-turn lane (if required by NCDOT) from Lancaster Highway into the site.
  - Detached lighting limited to 20 feet in height.
  - Pedestrian scale lighting provided along the extension of Landing Place Lane.

- **Public Plans and Policies**

- The *South District Plan* (1993) as amended by the prior rezoning shows the subject property as multi-family residential at four dwelling units per acre.
- The *General Development Policies* (GDP) support residential densities at up to 17 units per acre.

Assessment Criteria	Density Category >12 up to 17 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	4 (Medium High)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
<b>Total Points Needed: 13</b>	<b>Total Points: 13</b>

- The land use is consistent with the amended *South District Plan* but the density is inconsistent with the density as amended. However, the site meets the density recommendations of the GDP which recommends single family residential up to three units per acre on the subject property.
- The proposed rezoning is inconsistent with the adopted land use plan.
- **Staff Recommendation (Updated)**
  - Staff agrees with the recommendation of the Zoning Committee.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The proposed development would generate 56 students. The net change in the number of students generated from existing zoning to the proposed zoning is 43 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.
- **Department of Solid Waste Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**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*.
  - Protects/restores environmentally sensitive areas by preserving environmentally sensitive areas consisting of 2.38 acres along Clems Branch to be dedicated and conveyed to Mecklenburg County Park and Recreation Department.

**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 Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte Solid Waste Services Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Parks and Recreation Review

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