

REQUEST	Current Zoning: MX-2, mixed use located within both the Lake Wylie Protected Area and Lake Wylie Critical Area
	Proposed Zoning: R-12MF(CD), multi-family, conditional, located within both the Lake Wylie Protected Area and Lake Wylie Critical Area
LOCATION	Approximately 20.0 acres located on the north side of Garron Point Drive between Mt. Holly-Huntersville Road and Pointer Ridge Drive. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes a 240-unit multi-family development at a density of 12 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	C River, LLC Anthony W. Packer Anthony W. Packer
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Northwest District Plan</i> and to be reasonable and in the public interest, by a 4-3 vote of the Zoning Committee (motion by Commissioner Griffith seconded by Commissioner Phipps).

ZONING COMMITTEE ACTION	The Zoning Committee voted 4-3 to recommend APPROVAL of this petition with the following modification: <ol style="list-style-type: none"> 1. Modified the tree preservation calculations under the "Site Information" table to indicate the development will comply with the minimum 15 percent tree save requirements.
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VOTE	Motion/Second:	Lathrop/Phipps
	Yeas:	Eschert, Griffith, Lathrop, and Phipps
	Nays:	Allen, Johnson, and Labovitz
	Absent:	None
	Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee members, stated the petition is consistent with the adopted land use plan, and indicated all outstanding issues had been addressed.

A committee member questioned the previous administrative approvals and the purpose of the rezoning. Staff indicated the site was originally rezoned for multi-family residential. The owner later requested an administrative approval to modify the conditional rezoning plan to eliminate a majority of the multi-family units on the subject site and replace them with single family dwelling units. Based on the ordinances in place at that time, staff was able to administratively approve the modification to the conditional rezoning plan due to the decrease in intensity. Since the plan was changed, staff does not have the authority to now increase the intensity back to multi-family residential. Therefore, the petitioner is requesting the rezoning to reestablish the multi-family use on the site.

Another committee member noted there was significant opposition to the rezoning and requested to suspend the rules to allow the petitioner to speak in order to determine if any additional meetings had occurred and/or if changes had been made since the public hearing. The petitioner indicated that they had met with members of the community and no changes had been made.

A second committee member questioned the petitioner on a statement made at the public hearing regarding 300 jobs being produced by the rezoning. The petitioner indicated the construction of the project would generate jobs. He also indicated the project would bring more individuals to the area and therefore produce the need for more retail and service oriented jobs which could locate in the nearby shopping center that has several vacant commercial spaces.

A committee member questioned if the abutting townhouse development would be completed. The petitioner indicated the pads that are currently in place for 12 units would be completed and the remaining portion townhome development would become part of the proposed multi-family development.

Another committee member then asked if the request made by the townhome residents to have shared amenities had been addressed. The petitioner indicated they had agreed to allow the townhouse residences to have access to the clubhouse and the pool constructed with the apartment development. They also agreed to allow the single family homeowners association to hold meetings in the clubhouse.

It was also asked if the petitioner was associated the remaining unfinished portion of the development. The petitioner indicated he was involved as an investor in the overall Catawba River Plantation development.

A committee member questioned CDOT staff if there were any transportation concerns associated with the proposed rezoning. CDOT staff stated the existing street network can handle the additional trips generated by the subject rezoning and they had no issues.

MINORITY OPINION

The minority of the Zoning Committee stated the proposed development would not be an improvement to the area and feedback from members of the community was that the petitioner had not spent sufficient time and effort addressing the community concerns. A committee member also stated the community has distrust and concerns with the petitioner because of the petitioner's involvement and previous actions regarding other portions of the Catawba River Plantation development.

STAFF OPINION

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

FINAL STAFF ANALYSIS (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - The subject site was originally part of a larger rezoning approved in 1999 (rezoning petition 1998-064C) known as the Catawba River Plantation. This rezoning allowed up to 295 multi-family units on the subject property at a density of 14.6 dwelling units per acre.

- A small portion of the site was then involved in a rezoning site plan amendment in 2001 (rezoning petition 2000-139) to shift the location of an internal street and reallocate dwelling units. The use on the subject site remained multi-family.
 - Following an administrative amendment in 2002 and another in 2008 to the conditional rezoning plan, the majority of the subject site was converted from multi-family dwellings to single family dwellings. The amended conditional plan indicates 81 single family dwelling units, an amenity lot, and then approximately 2.8 acres of the subject site remained multi-family at the original base density of 14.6 dwelling units per acre.
 - This rezoning is requesting to allow multi-family dwelling units on the subject property as originally allowed by the 1999 rezoning.
 - **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - A 240-unit multi-family development.
 - A 75-foot wide Class C buffer abutting single family with the exterior 50 feet to remain undisturbed.
 - An eight-foot wide bike/pedestrian path extending from Garron Point Drive to Ruxton Court.
 - Building elevations are provided for the residential buildings, the clubhouse, and the detached garages. Building materials include brick veneer and hardy plank siding.
 - Building height not to exceed three stories and 48 feet.
 - Residential buildings along Garron Point Drive orient towards the street and direct pedestrian connections are provided to the existing public sidewalk.
 - A private street connection is provided to the abutting townhome development southeast of the subject property.
 - Interconnected open space areas are provided throughout the development. Open space areas include, but are not limited to, walking trails, benches, and an arbor.
 - Detached lighting will be limited to 25 feet in height and utilize full cut-off type lighting fixtures.
 - No "wall-pak" type lighting will be allowed.
 - **Public Plans and Policies**
 - The *Northwest District Plan* (1990), as amended by rezoning petition number 1998-64(c), recommends a mix of single family, multi-family, office and retail land uses for the Catawba River Plantation development. The plan more specifically indicates multi-family dwellings on the subject site with a base density of up to 14.6 dwelling units per acre.
 - The petition is consistent with the *Northwest District Plan*.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

- **Urban Forestry:** 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*.
 - Facilitates the use of alternative modes of transportation by providing an eight-foot wide bike/pedestrian path connecting Garron Point Drive to Ruxton Court.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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