

REQUEST	Current Zoning: UR-1(CD) (urban residential, conditional) Proposed Zoning: R-5(CD) (single family residential, conditional)
LOCATION	Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to rezone the subject site in order to subdivide the property into 71 single family detached lots at a density of five dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Liberty Oak, Inc. Charles M. Shelton, Jr. Charles M. Shelton, Jr.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Northwest District Plan</i> , based on information from the staff analysis and the public hearing, because: <ul style="list-style-type: none"> • The plan recommends single family residential up to 6.6 dwelling units per acre. <p>Therefore, this petition is found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because the request:</p> <ul style="list-style-type: none"> • Reduces the number of units and density from the previously approved plan; and • Provides an amenity area and buffers for adjacent properties; <p>By a 5-1 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added language under heading General Provisions, to correctly reference Section 6.207 of the Zoning Ordinance. 2. Removed the note under heading General Provisions, that states each dwelling unit shall be required to be a member of a HOA as this statement cannot be enforced. 3. Labeled the proposed common open space area(s) on the site plan. 4. Added a note that states the frontage along Reames Road will comply with Section 12.308 of the Zoning Ordinance regardless of the orientation of the homes. 5. Portion of Streetscape and Landscaping Note 1 that proposes to establish the right-of-way to the property of Parcel 037-176-02 without disturbing the vegetation within 20 feet of the property line has been removed from site plan. Staff has rescinded the request that as an option the petitioner consider installing plant materials at the rear of Parcel 037-176-02 as a fence has been added to screen the property. 6. Added language that states landscaping and screening will meet or exceed the requirements of Section 12.308. 7. Provided the following noise mitigation measures for I-77: 8. A minimum of a "Class A" vegetative buffer is required behind lots 22-26 with a six-foot high wooden fence. Fence will extend along the north property line of Lot 26. The existing vegetation shall be used in determining the vegetative density. 9. If NCDOT proceeds with the noise abatement wall per the June
------------------------------------	---

- 2015 plan, the petitioner is not responsible for fence and "Class A" buffer as stated in previous note.
10. If the homes are constructed prior to the NCDOT installation of the noise abatement wall as stated above, the home builder and/or the developer is to provide noise abatement as stated in above.
 11. Removed Site Utilities and Solid Waste headings and notes from the site plan.
 12. Corrected Streetscape and Landscaping Note 8 to reference parcel "037-176-02 26" and "Lot 26."
 13. Added a note that states signs will be in accordance with the ordinance. Staff rescinded the comment to remove references to signage as this an agreement with other property owners in the area.
 14. Addressed Storm Water comment by removing Notes 1 and 4 in their entirety.
 15. Added a note stating that driveways shall be a minimum of 20 feet beyond the sidewalk for parking purposes.
 16. Added a note stating that all homes will have a minimum of ten bushes, one tree and sodded front yards.
 17. Added a note under Common Area and Amenities stating picnic tables and walking trail will be provided in common area near Lots 44 and 71.
 18. Added a note under Common Area and Amenities stating additional amenities are possible within the provided (common) area after site engineering determines the size of the stormwater BMPs.
 19. Amended Architectural Standards note 1 to state no vinyl siding is permitted on the front of the homes. Materials shall be hardiboard, stone, brick or comparable products.
 20. Amended Architectural Standards Note 3 to state that Lots 1, 43, 44 and 71 must have at least one functional window on the west elevation of the home and have a minimum of two different types of building materials.
 21. Added new Architectural Standards Note 4 that states like building elevations shall not be on adjacent properties and directly across the street.
 22. Amended Streetscape and Landscaping Note 8 to state that the proposed six-foot high wooden privacy fence will also contain brick columns every 50 feet along the rear of Lots 27-43 and along the south of the undisturbed buffer for parcel 037-176-02 and along the side of Lot 26.
 23. Added a typical Fence Section depicting the proposed six-foot high wooden privacy fence with brick columns 50 feet on center minimum.
 24. Amended berm and evergreen screen at Reames Road cross section to note that NCDOT to determine if trees are to be permitted in the planting strip. Cross section has been modified to shift the location of the sidewalk and planting strip and the locations of the berm and planting materials.
 25. Amended labeling on Sheet 1 of site plan in reference to landscaping along Reames Road to state a landscaped berm to be provided in accordance with ordinance 12.308.
 26. Amended labeling on Sheet 1 of site plan to note proposed picnic tables and five-foot walking path near Lots 44 and 71.
 27. Amended labeling on Sheet 1 of site plan to state area for water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like forms.
 28. Added a note on Sheet 1 of site plan indicating that street trees shown on the plan are for graphic representation only and that all trees will meet the spacing requirements of the ordinance.
 29. Added labeling to Sheet 1 of site plan to note that fence shown is for graphical purposes only.

VOTE

Motion/Second: Sullivan/Labovitz
 Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan
 Nays: Ryan
 Absent: Walker
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff reviewed the request and noted that all of the outstanding issues had been resolved. In addition, several new modifications were made to the site plan based on community discussions. Staff noted that the petition is consistent with the *Northwest District Plan*.

Staff also discussed one of the issues that came up at the public hearing - the water quality and detention area. The petitioner added notes to the site plan that will require the area to be attractive and more like an amenity along the front of the development. As the site has not been engineered, the type and size of detention/water quality has not been determined; therefore, staff is comfortable with the notes that have been added.

A commissioner noted that at the public hearing a question was raised about noise walls along Interstate 77 and asked staff if noise walls will be installed along the property frontage. Staff indicated that according to the NCDOT plans, the properties along Interstate 77 will have noise abatement walls. If the homes are constructed prior to the NCDOT installation of the noise abatement wall, the homebuilder and/or developer will provide a "Class A" buffer with a fence along the interstate. However, if NCDOT proceeds with the noise abatement wall prior to home construction, the petitioner will not be responsible for the fence and "Class A" buffer.

Another commissioner expressed concern about the design of the overall project. The previously approved plan provided for alley fed homes, which the commissioner believed to be preferable. The current proposal allows one car in the drive way and the commissioner expressed concerns that additional cars would be parking over the sidewalk.

MINORITY OPINION

The minority of the Zoning Committee indicated that the previously approved site plan was better than the current proposal and that the current design negatively impacts the health, safety, and welfare of citizens because of cars parking on sidewalks.

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**
 - Rezoning petition 2007-140 rezoned the site from R-3 (single family residential) to UR-1(CD) (urban residential, conditional) to allow up to 95 for-sale dwelling units (duplexes and single family homes, at a density of 6.64 units per acre).
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Allows 71 for-sale single family detached residential dwellings, at a density of five dwelling units per acre.
 - Allows cluster development as defined in Section 2.201. Cluster development allows for reductions in minimum lot area and minimum lot width, subject to meeting certain requirements pertaining to common open space. Cluster development standards, as applied to this request, provide for the following:
 - Reduction in required lot size for detached dwellings from 6,000 square feet to 4,500 square feet.

-
- Reduction in minimum lot width from 50 feet to 40 feet.
 - Increase in common open space to 24.69% (minimum 10% required).
 - New internal street system (42-foot public rights-of-way) with proposed five-foot sidewalk within seven-foot pedestrian easement and eight-foot planting strip.
 - Proposed future street stub to the north with a fence for screening.
 - Site access via two public street connections to Reames Road.
 - Provides a 50-foot "Class A" buffer along all property lines abutting I-1(CD) (light industrial, conditional) to the south and southeast.
 - Buffer and tree save areas along the perimeter of the property that include a 20-foot undisturbed tree save area along the northern property line and a 50-foot buffer along the southern property line.
 - Noise mitigation along Interstate 77 as follows:
 - A minimum of a Class "A" vegetative buffer is required behind lots 22-26 with a six-foot wooden fence. The fence will extend along the north property line of Lot 26. The existing vegetation shall be used in determining the vegetative density.
 - If NCDOT proceeds with the noise abatement wall per the June 2015 plan, the petitioner is not responsible for the fence and "Class A" buffer as stated in previous note.
 - If the homes are constructed prior to the NCDOT installation of the noise abatement wall as stated above, the home builder and/or the developer is to provide noise abatement as stated in above.
 - Natural areas within the 30-foot setback along Reames Road will remain or be replaced with a landscaped berm.
 - Provision of a cross section with proposed landscaping along Reames Road consisting of a three- to five-foot berm with evergreen screen plantings.
 - Identification of area for water quality and detention with notes that the area will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like forms.
 - Development note stating that petitioner agrees to install screening of the storm water facility on the house side of Lots 44 and 71 prior to certificate of occupancy.
 - Installation of a six-foot sidewalk and eight-foot planting strip along Reames Road. Petitioner reserves right to seek a variance from the planting strip width requirement in order to preserve existing trees. Sidewalk and planting strip (or portions thereof) may be placed in an easement outside of the right-of-way if necessary.
 - Provides a five-foot sidewalk within a seven-foot pedestrian easement and an eight-foot planting strip along both sides of the site's internal public streets.
 - Typical front and right side elevations.
 - No vinyl siding is permitted on the front of homes. Materials will be hardiboard, stone, brick or comparable products.
 - No expanse of solid wall will exceed 20 feet in length.
 - Lots 1, 43, 44 and 71 must have at least one functional window on the west elevation of the home.
 - Provides a six-foot wooden privacy fence along the rear of Lots 27-43 and along the south undisturbed buffer for parcel 037-176-02 and along Lot 26.
 - Construction of a permanent entrance monument sign at each of the proposed entrances. At least one permanent sign is to be completed prior to the issuance of the first certificate of occupancy.
 - **Public Plans and Policies**
 - The *Northwest District Plan* (1990) recommends single family residential up to 6.6 dwelling units per acre, as amended by rezoning petition 2007-140.
 - The petition is consistent with the *Northwest District Plan*.
-

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 comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

- **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Park and Recreation Department:** No issues.
 - **Urban Forestry:** 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*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782