

<b>REQUEST</b>	Current Zoning: R-4 (single family residential) and B-2(CD) (general business, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 64.33 acres located on the north side of Cindy Lane and south of Cochrane Drive between Interstate 77 and Statesville Road. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes a residential development at a density of 11.66 dwelling units per acre with a total of 750 residential units comprised of: <ul style="list-style-type: none"> <li>• 270 multi-family residential dwelling units with 120 units required to be age restricted; and</li> <li>• 480 single family detached units and/or attached dwelling units (duplex, triplex, quadraplex), subject to certain limitations and conversion rights.</li> </ul>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Various Charlotte-Mecklenburg Housing Partnership Jeff Brown and Keith MacVean/Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>Northeast District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends outdoor commercial recreation for the 43-acre portion of the site, and single family residential uses, up to 4 dwelling units per acre, for the remainder of the site.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed residential uses are compatible with the surrounding neighborhoods and, for the majority of the site, low density single family residential is located along the perimeter of the site consistent with the existing pattern of single family development; and</li> <li>• The site design retains a large lake, which is being integrated into the site as an organizing amenity for the development; and</li> <li>• The petition supports and stabilizes a once predominantly single family owner occupied neighborhood that is transitioning to a predominantly renter occupied /absentee owner neighborhood; and</li> <li>• The site is located within the Sunset/Beatties Ford Comprehensive Neighborhood Improvement Program (CNIP) Area, and this development complements the planned capital investments and supports the community enhancement goals for the area;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. Located detached single family housing within a substantial portion of Development Area A and along a portion of Development Area B's frontage.</li> <li>2. Labeled each Development Area on Sheet RZ-1 to specify proposed housing types.</li> <li>3. Showed a typical single family detached lot diagram (Diagram #1)</li> </ol>
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- with the alley (including alley width) and garage on Sheet RZ-02.
4. Modified the site plan and added a note to show the establishment of a 40-foot principal building setback/rear yard within Development Areas C and G along the exterior edge of the site. This area will be made up of a 20-foot alley right-of-way easement and a 20-foot rear yard as measured from the 20-foot alley right-of-way/easement as generally depicted on the Rezoning Plan. Detached accessory structures and extensions of the principal structures as allowed by Section 12.106(3) may be located within this 20-foot rear yard as measured from the alley.
  5. Clarified that the building setback/rear yard in Area G beside the adjoining property zoned MX-1 will be made up of a 20-foot alley right-of-way easement and a 20-foot rear yard as measured from the alley right-of-way/easement.
  6. Labeled a 34-foot setback from future back of curb along Cochrane Drive on the site plan.
  7. Added Residential Design Guidelines Note 5diii that states the rear of the single family homes will not front the existing or proposed public streets.
  8. Staff has rescinded the request to provide a Class "C" buffer along Cindy Lane in development Areas D and E to screen the new residential development from the existing properties on the south side of Cindy Lane which are zoned I-1(CD) (light industrial, conditional) as existing buffers and vegetation are in place.
  9. Provided a 20-foot Class "C" buffer along the length of the property line between Development Area B and the adjacent industrial property.
  10. Staff rescinded the request to provide a buffer in Area E for the adjoining property zoned MX-1 (mixed use) as the abutting MX-1 property is required to maintain a 37.5-foot Class "C" buffer.
  11. Added Access and Pedestrian Circulation Development Note g that states the petitioner will extend a sidewalk along Cindy Lane from the site to the west to tie into the existing sidewalk located along the frontage of Tax Parcel 041-131-05 as part of the construction along the site's frontage as generally depicted on the rezoning plan.
  12. Amended Site Development Data to indicate proposed density of 11.66 dwelling units per acre.
  13. Removed note at the bottom of the plan that read "Site plan for illustrative use only. Site plan is preliminary and subject to change."
  14. Amended the notes under Permitted Uses heading conveying the number and types of units proposed to make the intent and commitment easily understandable.
  15. Clarified that "age restricted" housing typically refers to persons of age 55 or over (as defined by the Department of Housing and Urban Development).
  16. Added Permitted Uses note 2iii stating the remaining 280 single family detached housing will not include a duplex type unit.
  17. Provided information on how the residential units will be allocated for each area/tract in the event that the property is not constructed as a unified development by adding Parent Parcel Development Assignment heading/note 10. The new note identifies the three individual tax parcels that comprise the rezoning site and assigns each parcel a certain number of residential units in the event the site does not develop as a unified planned development.
  18. Added "cell tower" to Proposed Uses under Site Development Data. Added the dimensions of the cell tower compound (70 feet by 70 feet) on the site plan.
  19. Amended site plan to state that setbacks will be from the "future" back of curb along Cindy Lane (22 feet).
  20. Added a note that prior to disturbance or removal of trees within the right-of-way, the petitioner will contact Landscape Management.
  21. Staff rescinded the request to remove Note 1c under General

	<p>Provisions.</p> <p>22. Clarified Development Area I (lake) will be devoted to recreation areas, tree save, natural areas, water quality, and the existing cell tower.</p> <p>23. Added Architectural Standards Note h that states a 20-foot Class "C" buffer will be provided where Development Areas B and B1 abut tax parcel 041-156-03 as generally depicted on the rezoning plan. This buffer may be eliminated if the adjoining parcel is developed with residential uses.</p> <p>24. Modified labeling on Sheet RZ-01 pertaining to Development Areas D and E to state that residential units within Development Areas D and E will front Cindy Lane with no vehicular access to Cindy Lane and will be set back 22 feet from future back of curb.</p>
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**VOTE** Motion/Second: Wiggins/Labovitz  
 Yeas: Lathrop, Dodson, Eschert, Labovitz, Nelson, Sullivan, and Wiggins  
 Nays: None  
 Absent: None  
 Recused: Lathrop

**ZONING COMMITTEE DISCUSSION** Staff presented this item to the Committee, describing the request and noting changes made to the site plan. Staff indicated that all outstanding items had been addressed by the petitioner. A Committee member stated he was impressed with this project and that it would be good for the area. There was no further discussion of this request.

**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:
  - Land Use
    - The petition proposes to allow an existing cell tower to remain and development of up to 750 residential units within nine development areas and comprised of:
      - 270 multi-family residential dwelling units with 120 units required to be age restricted; and
      - 480 single family detached units and/or attached dwelling units (duplex, triplex, quadraplex), subject to certain limitations and conversion rights.
    - An additional development area (Development Area I) will be devoted to park, recreation, tree save, natural area, lake, open space, water quality and detention, amenity buildings/structures and similar uses.
  - Transportation: Proposed Transportation Improvements to be made in conjunction with the development include:
    - Statesville Road and Cochrane Drive/Arvin Drive: Install a crosswalk on the Cochrane Drive leg of the intersection of Statesville Road and Cochrane Drive/Arvin Drive.
    - Cindy Lane and Hutchinson McDonald Road/Proposed Access "A":
      - Construct an eastbound left-turn lane on Cindy Lane.
      - Construct a westbound left-lane on Cindy Lane.
      - Construct a westbound right-turn lane on Cindy Lane
      - Install a five-foot wide bike lane along the north side of Cindy Lane.
      - Construct proposed Access "A" with one entering lane and two exit lanes.
      - Modify, through remarking of the pavement, the leg of Hutchinson McDonald Road to include a northbound turn lane and a combined thru-right turn lane.
      - Install a crosswalk on the proposed Access "A" leg of the intersection.
    - Beatties Ford Road and Cindy Lane/Griers Grove Road: Install a crosswalk with pedestrian signal heads and pushbuttons on the north side of the intersection.
    - Cochrane Drive and Proposed Access "B": Install a pedestrian crosswalk on the proposed Access "B" leg of the intersection.
    - Statesville Road and Proposed Access "C": Install a pedestrian crosswalk on proposed access

“C.”

- New streets constructed on the site will be public.
- Individual driveway connections to Cindy Lane will be prohibited.
- Site and Building Design:
  - Specifies possible unit types to be constructed in each Development Area (A thru H).
  - Building height to be limited to four (4) stories for the majority of the site; however, most of the property abutting the existing single family detached is limited to three stories.
  - Provides a 40-foot principal building setback/rear yard within Development Areas C and G.
  - Provides commitments related to the treatment of ground floor elevations, materials for multi-family, architectural features such as porches, and façade treatments.
  - Provides building orientation limitations, increases rear yards when adjoining adjacent single family residential, provides details for roof pitch, installs screening that is greater than what is required by the zoning ordinance, and identifies the location and orientation of possible garages on the individual lots.
  - Provides a 22-foot setback as measured from future back of curb along Cindy Lane.
  - Provides a 34-foot setback as measured from the future back of curb along Cochrane Drive.
  - Prohibits rear of proposed single family detached dwelling units from being oriented toward the proposed or existing public streets.
  - Includes typical “Single Family Detached” lot diagram.
- Streetscape, Landscape and Buffers:
  - Provides six-foot sidewalks and eight-foot planting strips along Cindy Lane and Cochran Drive.
  - Provides a 20-foot Class “C” buffer where Development Areas B and B.1 abut tax parcel #041-156-03.
  - Provides a 20-foot landscape area along the western boundary of Development Area A adjacent to the existing single family residential on Cochran Drive.
  - Extends a sidewalk along Cindy lane from the site to the west to tie into the existing sidewalk located along the frontage of tax parcel #041-131-05 as part of the construction along the site’s frontage.
- **Public Plans and Policies**
  - The *Northeast District Plan* (1996), as amended by a subsequent rezoning, recommends outdoor commercial recreation for the 43-acre portion of the site. The district plan recommends single family residential uses, up to 4 dwelling units per acre, for the remainder of the site.
  - The *General Development Policies (GDP) - Residential* provide policy guidance for evaluating proposed residential densities greater than four units per acre. The site does not meet the minimum *General Development Policies (GDP)* points criteria for consideration of up to 12 dwelling units per acre as illustrated in the table below. (Note: The rezoning request is for 11.66 units per acre.) However, several other factors are included in the GDP for consideration of increased density that are relevant to this proposal. In particular, this proposal supports revitalization goals by:
    - bringing new development to an existing affordable single family neighborhood that is transitioning downward and that would likely benefit from new investments and new housing being developed around it; and
    - providing public access to recreational facilities (lake and natural areas); and
    - including age restricted housing.

While the GDP does not provide specific points for each of these factors, it does note that they could alter the overall points evaluation to support a density increase.

<b>Assessment Criteria</b>	<b>Density Category – up to 12 dua</b>
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	1 (Low)
Connectivity Analysis	1 (Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes) assumed
Other Opportunities or Constraints	Age restricted housing, revitalization, recreation
<b>Minimum Points Needed: 12</b>	<b>Total Points: 9</b>

- The petition supports the *General Development Policies - Environment* by identifying the environmentally sensitive area of the site and addressing it by devoting the majority of Development Area I to park, recreation, tree save, natural area, lake, open space, and water quality and detention.

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City's Housing Policies if seeking public funding.
  - **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 Parks and Recreation Department:** No comments received.
  - **Urban Forestry:** No comments received.
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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
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Transportation Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools
  - Charlotte-Mecklenburg Storm Water Services Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review

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