

REQUEST	Current Zoning: INST(CD) (institutional, conditional) and MX-2 (innov) (mixed use, innovative) Proposed Zoning: MX-2 (innov) (mixed use, innovative) and MX-2 (innov) SPA (mixed use, innovative, site plan amendment)
LOCATION	Approximately 12.99 acres located on the south side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow development of a vacant site in the Davis Lake community with up to 98 attached dwelling units (townhomes) at a density of approximately 7.54 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Harris Woods Land Investors D.R. Horton, Inc. Allison Merriman/Land Design
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found a portion of this petition to be consistent with the <i>Northeast District Plan</i> and the portion currently zoned institutional to be inconsistent with the plan based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends retail uses for a portion of the site; and • The plan recommends institutional uses for a portion of the site as amended by a previous rezoning. <p>However, this petition was 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"> • The subject site is part of approximately 383 acres originally rezoned in 1991 to allow a planned community consisting of 1,020 residential units, 292,000 square feet of office, and 197,000 square feet of commercial uses; and • The site is located within an area with more intense development and abuts a retail center and is across Davis Lake Parkway from existing multi-family residential; and • This proposal is a minor increase in density from 7.6 to 7.9 dwelling units per acre from the rezoning approved in 2008 for the subject property; and • Although a portion of the property was rezoned for institutional uses, the development rights for multi-family residential are still in place for the majority of the site; and • The proposal will provide improved pedestrian and vehicular connectivity through an internal network of sidewalks, public streets, and private drives, including a new connection to David Cox Road; and • The project will enhance the existing water quality pond with amenities such as benches and walking trails; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Wiggins).</p>

ZONING COMMITTEE ACTION	<ol style="list-style-type: none"> 1. The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications: The proposed locations of Common Open Space/Tree Save Areas as referenced in Note b are now shown on the site plan. 2. Innovative Development Standards have been modified to state: "Minimum front setbacks for attached dwellings shall be 20 feet as measured from proposed public right-of-way (or private
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- easements as applicable) or back of sidewalk (whichever is greater).”
3. The site plan has been modified to note a proposed pedestrian connection along Public Road A to the courtyard area of the shopping center to the south.
 4. The following Architectural Standards have been added:
 - The exterior front wall surfaces, exclusive of windows and doors, of all buildings will be comprised of 100% brick, stone, and/or hardi-plank/fiber cement board. The only exclusion is the fascia board material.
 - The exterior side and rear surfaces, exclusive of windows and doors, all buildings will be comprised of 100% brick, stone, and/or hardi-plank/fiber cement board. Vinyl will be excluded from buildings as vertical siding component.
 5. Details on amenities in the common open space have been provided and are now identified on the site plan. Amenities may include benches and site furnishings, a trail, enhanced landscaping, picnic tables, and specialty lighting.
 6. The information under Site Development Data on Sheet RZ-1 has been modified to specify up to 98 attached, for sale, residential units.
 7. The labeling on Sheet RZ-1 has been amended to note that the proposed 40-foot setback on David Cox Road will be landscaped. The corresponding Screening and Landscaped Areas Note b has been modified to state the 40-foot setbacks along both David Cox Road and Davis Lake Parkway will be landscaped and noted on the site plan.
 8. The required 400 square foot open space for each unit is now labeled on the Typical Lot Layout on Sheet RZ-2.
 9. The maximum building height and parking information in Site Development Data on Sheet RZ-1, has been amended to state that such will be allowed as per ordinance standards.
 10. All Innovative Development Standards for the MX-2 Area have been combined on Sheet RZ-3.
 11. An “Enhanced Screening Area” has been provided along the northwest property line, adjacent to Parcels 043-221-12 and 043-221-02, with Sheet RZ-2 noting specific location. Enhanced Screening Area will consist of an opaque fence (six feet in height) or a dense evergreen screen. An existing 15-foot sewer easement exists in this location, which may impact installation of a fence. If planting is provided, the plant material shall be evergreen large shrubs planted at a maximum of 20 feet on center. The minimum planting height of such material shall be six feet in height at time of installation.
 12. An “Access Alternate” detail has been added on Sheet RZ-3 for proposed entrance at David Cox Road with No Left Turn Access and Right In/Right Out Access with a note stating: “The decision as to whether right in/right out or full access will be provided at the connection to David Cox Road will be determined by CDOT during the permitting process.”
 13. Five corner units as indicated on the site plan, that face two streets (public or private) will include a front stoop or porch that wraps the corner of the front and side of the unit.

VOTE

Motion/Second: Sullivan/Eschert
 Yeas: Dodson, Eschert, Labovitz, Lathrop, Majeed, and Sullivan
 Nays: Wiggins
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

The Planning Staff provided a summary of the petition and the changes since the public hearing. The Zoning Committee discussed the request to provide stoops or porches for corner units facing streets. The Zoning

Committee suspended the rules to ask the petitioner's representative if they could commit to working with the Planning staff to address the issue. Stephen Rosenberg spoke on behalf of the petitioner and indicated that they would provide a front stoop or porch that wraps the corner of the front and side of the five units noted by staff.

MINORITY OPINION

The commissioner felt that the development could be made attractive without the commitment for wrap around porches and stoops.

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

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 98 for sale attached residential dwelling units at a density of approximately 7.54 units per acre.
 - Vertical height of all buildings not to exceed 40 feet.
 - Conceptual building elevations.
 - Exterior front wall surfaces, exclusive of windows and doors, of all buildings will be comprised of 100% brick, stone, and/or hardi-plank/fiber cement board. The only exclusion is the fascia board material.
 - The exterior side and rear surfaces, exclusive of windows and doors, all of buildings will be comprised of 100% brick, stone, and/or hardi-plank/fiber cement board. Vinyl will be excluded from buildings as vertical siding component.
 - Five corner units as indicated on the site plan, that face two streets (public or private) will include a front stoop or porch that wraps the corner of the front and side of the unit.
 - Internal street network consisting of proposed public roads with on-street parking, private drives, and access onto David Cox Road and Davis Lake Parkway.
 - Dedication of right-of-way along David Cox Road as measured 42 feet from its existing centerline, prior to issuance of first subdivision lot certificate of occupancy.
 - Construction of left-turn lanes with 150 feet of storage on David Cox Road and Davis Lake Parkway to access proposed development.
 - The decision as to whether right in/right out or full access will be provided at the connection to David Cox Road will be determined by CDOT during the permitting process.
 - Provision of 40-foot landscaped setbacks along David Cox Road and Davis Lake Parkway.
 - Potential location of tree save areas.
 - Provision of 50-foot and 100-foot undisturbed PCCO (post construction controls ordinance) buffers, and a 50-foot "Class A" buffer along the western portion of property abutting I-1 (light industrial) zoned property.
 - Existing detention/BMP (Best Management Practices) storm water facility to be used to treat subject site, and will be maintained by the adjacent shopping center (Shoppes at Davis Lake).
 - Installation of walking trail and benches around existing water quality pond.
 - Provision of a pedestrian connection along Public Road A to the courtyard area of the shopping center to the south.
 - Enhanced screening area consisting of an opaque fence six feet in height or a dense evergreen screen will be provided along the northwest property line adjacent to tax parcels 043-221-12 and 043-221-02.
 - Common open space amenities may include benches and site furnishings, a trail, enhanced landscaping, picnic tables, and specialty lighting.
 - Innovative provisions to:
 - Allow minimum front setbacks for attached dwellings to be 20 feet as measured from proposed public right-of-way (or private easements as applicable) or back of sidewalk (whichever is greater). Minimum 30 feet required by ordinance without innovative provision.
 - Allow minimum lot widths for attached dwellings to be 20 feet. Minimum 55 feet is required by ordinance without innovative provision.
 - Allow residential uses to front on private drives as long as they are publicly accessible.
- **Public Plans and Policies**
- The Northeast District Plan (1996) recommends institutional land uses for a portion of the site as amended by rezoning petition 2012-096. The Plan recommends residential up to eight

dwelling units per acre on the rest of the site, as amended by rezoning petition 2008-044.

- **TRANSPORTATION CONSIDERATIONS**

- No issues.

DEPARTMENT COMMENTS (see full department reports online)

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

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

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

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