

<b>REQUEST</b>	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)
<b>LOCATION</b>	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)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow development of a vacant site in the Davis Lake community with up to 103 attached dwelling units (townhomes) at a density of approximately 7.93 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Harris Woods Land Investors D.R. Horton, Inc. Allison Merriman/Land Design
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Plan Consistency</u> The proposed residential development for the portion of the site currently zoned MX-2 (mixed use) innovative is consistent with the <i>Northeast District Plan</i> recommendation for residential uses up to eight dwelling units per acre.</p> <p>The proposed residential development for the portion of the site currently zoned INST(CD) (institutional, conditional) is inconsistent with the plan recommendation for institutional uses.</p> <p><u>Rationale for Recommendation</u></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> <li>3. 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.</li> <li>4. 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.</li> <li>5. 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.</li> <li>6. The project will enhance the existing water quality pond with amenities such as benches and walking trails.</li> </ol>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Up to 103 attached residential dwelling units at a density of approximately 7.93 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 have a minimum of 70% brick, stone and/or similar masonry products, and/or hardi-plank/fiber.
- 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.
- Provision of 40-foot 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.
- Innovative provisions to:
  - Allow minimum front setbacks for attached dwellings to be 20 feet as measured from proposed right-of-way or back of sidewalk (whichever is greater). *Minimum 30 feet required.*
  - Allow minimum lot widths for attached dwellings to be 20 feet. *Minimum 55 feet is required.*
  - Allow residential uses to front on private drives as long as they are publicly accessible.
- **Existing Zoning and Land Use**
  - The site is currently undeveloped with a water quality pond located at the southeast corner of the property.
  - Rezoning petition 2008-044 rezoned the subject site from O-1(CD) (office, conditional) to MX-2 (innov) (mixed use, innovative) to allow 92 townhomes on the site.
  - 2012-096 rezoned approximately 2.18 acres of the subject property from MX-2 (innov) (mixed use, innovative) to INST(CD) (institutional, conditional) in order to allow a 25,000 square foot, 40-bed dependent living facility, which has not be constructed.
  - To the north is a mix of attached and detached residential housing types zoned R-4 (single family residential), RU(CD) (rural, conditional), R-8(CD) (single family residential, conditional), R-9PUD (planned unit development), and R-8MF(CD) (multi-family residential, conditional).
  - To the east is an assisted living facility zoned O-1(CD) (office, conditional).
  - South of the rezoning site is a shopping center (Shoppes at Davis Lake).
  - To the west is an office, residence, vacant residential lot, and office/distribution/warehouse uses zoned O-1(CD) (office, conditional), R-MH (manufactured home), and I-1 (light industrial).
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Rezoning petition 2013-024 approved a CC SPA (commercial center, site plan amendment) to allow the development of a 15,000-square foot commercial building on a newly configured parcel in an existing shopping center (Shoppes at Davis Lake), located on the northwest corner of the intersection at West W. T. Harris Boulevard and Davis Lake Parkway.
- **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**
  - The primary transportation goals for this site are to provide safe access and improve the sidewalk conditions along the property. This rezoning proposal achieves these goals with the construction of left-turn lanes at the entrances from Davis Lake Parkway and from David Cox Road and by installing sidewalks along Davis Lake Parkway and David Cox Road. The petitioner has agreed to provide a pedestrian connection to the existing retail development to the south.
  - **Vehicle Trip Generation :**
    - Current Zoning: 600 trips per day
    - Proposed Zoning: 660 trips per day

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.

- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 11 students, while the development allowed under the proposed zoning will produce 13 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 2 students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Ridge Road Middle (123% utilization) and Mallard Creek High (132% utilization), but will slightly increase the utilization at David Cox Elementary from 131% to 132%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

### OUTSTANDING ISSUES

#### Site and Building Design

1. Show the Common Open Space/Tree Save Areas as referenced in Note b as this information is not noted on the site plan.
2. Modify Innovative Development Standards 1 to specify "proposed private or public right-of-way."
3. Provide a hard path/trail from the proposed sidewalk along Public Road A to the courtyard area of the shopping center to the south.
4. Add architectural commitments and screening and landscaping commitments approved in rezoning petition 2008-044.
5. Provide details on amenities in the common open space identified on the site plan.

### REQUESTED TECHNICAL REVISIONS

1. Clarify the meaning of "residential dwelling units of all types" as noted in the Site Development Data Table on Sheet RZ-1.
2. Modify labeling on Sheet RZ-1 to note that the proposed 40-foot setbacks on David Cox Road and Davis Lake Parkway will be landscaped. Modify corresponding Screening and Landscaped Areas Note c to include "landscaped" in language.
3. Confirm building type of residential unit(s) proposed as individual for sale townhomes require 400 square feet of open space. This required open space should be labeled on the Typical Lot Layout on Sheet RZ-2.
4. Amend the maximum building height and parking information in Site Development Data on Sheet RZ-1, to state that such will be allowed as per ordinance standards.
5. Combine all Innovative Development Standards for the MX-2 Area on Sheet RZ-3.

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### Attachments Online at [www.rezoning.org](http://www.rezoning.org)

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

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