



Rezoning Petition 2016-083
Zoning Committee Recommendation
September 28, 2016

REQUEST	Current Zoning: R-9 PUD (multi-family residential, planned unit development), R-4 (single family residential), and RU(CD) (rural, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 15.38 acres located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow up to 115 attached dwelling units at 7.47 dwelling units per acre on lots currently developed with single family detached homes primarily surrounded by residential neighborhoods adjacent to the Davis Lake Subdivision.
PROPERTY OWNER	Various
PETITIONER	Demeter Properties, LLC
AGENT/REPRESENTATIVE	David Malcolm
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 46
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found this petition to be consistent with the <i>Northeast District Plan</i> recommendation for residential land use but inconsistent with the <i>General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The plan recommends residential land uses; and• The <i>General Development Policies</i> locational criteria recommends up to six dwelling units per acre.• Therefore, 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:<ul style="list-style-type: none">• The subject property is situated between more intense development, including retail uses, assisted living, and single family residential in the Davis Lake Community; and• The rezoning will serve as a transition between the retail and assisted living and the single family residential; and• The petition seeks a density of 7.4 dwelling units per acre which is consistent with the density of 7.54 units per acre for the recently approved townhome development across David Cox Road; and• The proposal will provide an extensive pedestrian and vehicular network of sidewalks, public and private streets and alleyways; and• The petition includes a number of elements designed to enhance the residential environment including centrally located tree save, alleys that allow parking to be placed at the rear of the units, on-street parking, non-required buffers, and common open space along David Cox Road; and• The development will provide a 21-foot buffer to the rear of the site which will provide additional screening for the Davis Lake Community; and• The site plan provides architectural standards for the proposed units that address porches, stoops, roof pitch, building materials, decorative garage doors, and blank walls on corner/end units;

By a 7-0 vote of the Zoning Committee (motion by Majeed seconded by Eschert).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. The site plan had been modified to request and show only 115 proposed dwelling units. 2. A 21-foot "Class C" buffer has been labeled on the site plan. 3. A note has been added that the minimum 20-foot setback has been added to the site plan. 4. Two possible dumpster locations have been shown and labeled. In addition, the area where they might be located has been taken out of tree save. 5. Added a note under "Architectural Standards" that buildings H, G, F, E, I and J will have a front façade that is oriented towards David Cox Road. 6. Relocated the proposed Mail Kiosk from "Private Road D" to "Private Road B", with recessed parking in front of the kiosk. 7. Added Note 6F under Environmental Features as follows: "Areas for water quality and detention BMPs on David Cox Road will be aesthetically appealing through the use of grass, landscaping, water features, and rain gardens or other like forms." 8. A note has been added listing the proposed building materials as brick, stone, stucco, pre-cast concrete, synthetic stone, and cementitious siding and prohibiting vinyl as a main building material. Vinyl may be used on the garage doors, window soffits, and hand rails. 9. A community amenity and tree save area has been revised and added to the site plan. <p><u>Infrastructure</u></p> <ol style="list-style-type: none"> 10. A note has been added specifying that the 150-foot left-turn storage lane with appropriate bay tapers on David Cox Road at access point "B" will be constructed prior to the first certificate of occupancy. 11. A north/south "public" street connection through the proposed subdivision from Harris Cove Drive to David Cox Road has been shown on the plan. 12. Amended Note 3F under "Access and Transportation" to read curb and gutter will be provided on both sides of the "public street." 13. A note has been that the petitioner will work with the Charlotte Department of Transportation and the Harris Cove Community to determine appropriate traffic calming measures for Harris Cove Drive. 14. A note has been added that a local residential wide street section is required. The minimum right-of-way requirement for this section is 51 feet. If the minimum is used then the sidewalks may need to be placed in a permanent sidewalk utility easement (SUE). <p><u>Environment</u></p> <ol style="list-style-type: none"> 15. Possible tree save areas have been labeled on the site plan. 16. Potential location for stormwater facilities have been shown and labeled on the site plan. <p><u>Other</u></p> <ol style="list-style-type: none"> 17. Revised vested rights from five years to two years.
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VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee and described modifications made to the site plan since the public hearing and last Zoning Committee meeting. Staff indicated that the only outstanding issue

was a note for the required cross section and sidewalk easement for the proposed public streets.

Staff noted that the proposed residential land use is consistent with the *Northeast District Plan*, but inconsistent with the *General Development Policies*.

There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation 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:

- Allows 115 new single family attached dwelling units at a density of 7.47 units per acre.
- Limits height to 40 feet or two stories.
- Provides a 21-foot buffer along all property lines abutting parcels that are zoned for residential uses.
- Proposes a 40-foot rear yard along the northeast and southwest property boundaries, where 10 feet is required for the UR-2 district.
- Creates an internal vehicular network consisting of public and private streets and alleyways that will connect to one point of ingress and egress onto David Cox Road, and to Harris Cove Drive.
- Provides on-street parking (including guest parking) along sections of the proposed internal private and public streets.
- Commits to five-foot sidewalks and eight-foot planting strips along all proposed internal streets, to connect to a six-foot sidewalk with eight-foot planting strip along David Cox Road. Internal sidewalk system will also connect to existing sidewalk along Harris Cove Drive.
- Note that the potential developer will work with Charlotte Department of Transportation to provide possible traffic claiming measures for the existing Harris Cove Drive.
- Provides the following architectural treatments:
 - Building materials will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum may only be used on the rear elevations and windows, soffits and handrails/railings.
 - All residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 14 inches.
 - Pitched roofs, if provided, must be symmetrically sloped no less than 5:12, except that for roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
 - Usable porches and stoops will be located on the front and/or side of the building
 - All corner/end units will utilize blank wall provisions to limit the blank wall to a maximum of 10 feet on all building levels.
 - Garage doors visible from public or private streets should minimize the visual impact by providing either decorative garage doors with hardware, or additional architectural features on the garage portion of the building. Townhome unit types will be staggered to limit the number of consecutive units with a porch setback of 18 inches or greater per building to 60 percent per building.
 - Architectural standards that buildings H, G, F, E, I, and J will have a front façade that is oriented towards David Cox Road.
 - Townhouse buildings will be limited to five individual units or less.
- Provides common open space, possible tree save areas and storm water facility location.
- Anticipates private refuse collection service will be provided and individual roll out cans will be used in lieu of dumpsters.
- Proposes detached lighting on site to be limited to 15 feet in height.

• **Public Plans and Policies**

- The *Northeast District Plan* (1996) recommends single family up to four dwelling units per acre for this site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition does not meet the *General Development Policies* locational criteria for consideration of up to eight dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 duas
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	1
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 10

- **TRANSPORTATION CONSIDERATIONS**

- This site is on a collector road and generally complies with CDOT's transportation system goals by connecting to an adjacent development and installing pedestrian facilities along David Cox Road frontage.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Uses: 80 trips per day (based on six single family residential units).

Entitlement: 630 trips per day (based on 57 single family residential units).

Proposed Zoning: 730 trips per day (based on 115 townhome units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Department of Solid Waste Services:** Rollout container collection service shall be provided to single residential units and special residential units provided such special residential units are not part of a multi-family complex containing 30 or more units. The approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership that may be approved under any provisions of the City subdivision ordinance and/or the city zoning ordinance after initial approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership, will not exempt the development or any portions of the development from the applicable provisions of this section. Current ordinance will require the development to contract with a private hauler for garbage/recycling services.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 28 students, while the development allowed under the proposed zoning will produce 27 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Croft Community Elementary from 85% to 87%
 - Alexander Middle from 74% to 75%
 - North Mecklenburg High from 98% to 99%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Harris Cove Drive and an existing 12-inch water main located along David Cox Road and sewer system availability via an existing eight-inch gravity sewer main located along David Cox Road, just south of parcel 027-21-104. There is also an existing eight-inch gravity sewer main located along Harris Cove Drive.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

- 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 Department of Solid Waste Services Review
 - Charlotte Fire Department 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
 - Transportation Review

Planner: Solomon Fortune (704) 336-8326