

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) with five-year vested rights
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 120 attached dwelling units at 7.80 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 PETITIONER AGENT/REPRESENTATIVE	Various Demeter Properties, LLC David Malcolm
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 46

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to site design, street network and technical issues.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Northeast District Plan</i> recommendation for residential land use; however, it is inconsistent with the <i>General Development Policies</i> location criteria for up to eight dwelling units per acre.</p> <p><u>Rationale for Recommendation</u></p> <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. • The rezoning will serve as a transition between the retail and assisted living and the single family residential. • The petition seeks a density of 7.8 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. • The proposal will provide an extensive pedestrian and vehicular network of sidewalks, public and private streets and alleyways. • 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. • The development will provide a 21 foot buffer to the rear of the site which will provide additional screening for the Davis Lake Community. • 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.
---------------------------------	--

PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Allows 120 new single family attached dwelling units at a density of 7.80 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.
 - 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.
 - 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.
 - 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.
- **Existing Zoning and Land Use**
 - The rezoning site is currently developed with six single family residences, constructed between 1946 and 1997. The rezoning site is generally surrounded to the north and east by communities within the Davis Lake master planned development.
 - To the north are single family residential neighborhoods zoned R-9 PUD (multi-family planned unit development) within the Davis Lake Community.
 - To the east are the Davis Lake Community Association Club, condominiums, and single family residential developments zoned R-3 (single family residential), R-4 (single family residential), R-8MF(CD) (multi-family residential, conditional), and R-9 PUD (multi-family planned unit development).
 - To the south, the majority of the properties are within the Davis Lake Community retail center. Uses include townhomes, commercial uses, and dependent living facility in R-8MF(CD) (multi-family residential, conditional), O-1(CD) (office, conditional), MX-2 INNOV (mixed use, innovative), R-15MF(CD) (multi-family residential, conditional), and CC (commercial center) districts.
 - Properties to the south that are not part of the Davis Lake Community include vacant land, single family residential homes, office, and industrial uses zoned R-MH (manufactured housing), O-1 (office), and I-1 (light industrial).
 - To the west are attached homes, vacant land, and warehousing zoned R-8(CD) (single family residential, conditional) and I-1 (light industrial).
 - See "Rezoning Map" for existing zoning in the area.
 - **Rezoning History in Area**
 - Petition 2015-107 rezoned property located on the south side of Davis Cox Road at Fennel Drive from INST(CD) (institutional, conditional) and MX-2 INNOV (mixed use, innovative) to MX-2 INNOV (mixed use, innovative) and MX-2 INNOV SPA (mixed use, innovative, site plan amendment), to allow a 98-unit townhome development at a density of 7.54 dwelling units per acre.
 - 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.

- Rezoning petition 2012-096 rezoned approximately 2.18 acres located on the west side of Davis Lake Parkway between David Cox Road and Harris Woods Boulevard from MX-2 INNOV (mixed use, innovative) to INST(CD) (institutional, conditional) to allow a 25,000-square foot, 40-bed dependent living facility.
- **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 dua
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. However, the current site plan does not provide an internal public street network or a stub street for future connectivity to Davis Lake.
- See Outstanding Issues, Notes 5-7.
- **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: 780 trips per day (based on 120 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 multifamily 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. 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** It is unclear where a stormwater management facility could be located to serve the portion of the site draining toward David Cox Road. Please be aware of the standard stormwater management facility location constraints as referenced in

required Note 6b on the rezoning site plan.

- **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:** Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. Project is located in a Wedge therefore the 15 percent tree save is required to be on site; no grading or tree removal permitted in tree save areas. No structure will be allowed within ten feet of the tree save area. All tree save to be a minimum of 30 feet wide. Tree save (COS) as depicted on the rezoning does not appear to meet the tree save requirements. Revise site development data to include 15% required tree save and not 10% as this is a commercial project not a single family project. Trees greater than two inches diameter as measured 4.5-feet above ground and in the street right-of-way are protected by law; authorization for their removal is to be coordinated through the City Arborist office.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Label proposed buffers as a 21-foot "Class C" buffer.
2. Show and label possible areas for a dumpster location.
3. Show and label the varying setbacks along David Cox as noted in 5a under "Streetscape, Buffers, Yards and Landscaping."
4. Provide a note that buildings H, G, F, E, I and J will have a front façade that is orientated towards David Cox Road.

Infrastructure

5. Revise the site plan to add a note 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.
6. CDOT recommends a north/south "public" street connection through the proposed subdivision from Harris Cove Drive to David Cox Road. This street needs to be built as a "public" local residential wide street section (see CLDSM U-03 -- plan view). The minimum right-of-way requirement for this section is 51 feet. If the right-of-way minimum is used, then sidewalks need to be placed in a permanent sidewalk utility easement (SUE).
7. The petitioner should revise the site plan to provide an east/west public street intersecting with the north/south public spine road and stub to the site's eastern property line or connect to Davis Lake Road as a right-in/right-out intersection, if possible. A local residential wide street section is recommended (see CLDSM U-03 -- typical plan view). 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).

Environment

8. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. Project is located in a Wedge therefore the 15% tree save is required to be on site; no grading or tree removal permitted in tree save areas. No structure will be allowed within ten feet of the tree save area. All tree save to be a minimum of 30 feet wide. Tree save (COS) as depicted on the rezoning does not appear to meet the tree save requirements. Revise site development data to include 15% required tree save and not 10% as this is a commercial project not a single family project.
9. Identify potential location for stormwater facilities.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System 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