

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) and UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 12.33 acres located on the east side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes allow up to 144 multi-family residential dwelling units and accessory uses, on a vacant parcel surrounded primarily by residential neighborhoods, with David Cox Road Elementary School abutting directly to the west.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Michael A. Davis, Jean Davis, and Janet D. Dove Greenway Residential Development Jeff Brown, Keith MacVean & Bridget Dixon, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent 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>• This petition is consistent with the residential use and density up to 17 dwelling units per acre.</li> </ul> </li> <li>• 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"> <li>• The subject property is situated between a shopping center on the east side of Sugar Creek Road, a school to the west and single family residential to the north; and</li> <li>• The rezoning will allow the property to continue to be used as a transition between the more intense retail and the school and single family uses; and</li> <li>• The petition seeks to decrease the number of mutli-family units from 145 to 144 and proposes a new development form with better access and improved design; and</li> <li>• The development will provide a 40-foot buffer from single family residential and a 15-foot landscape area along the common property line with the school; and</li> <li>• The site plan provides architectural standards for the proposed units that address porches, stoops, roof pitch, building materials, and blank walls on corner/end units;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Fryday seconded by Eschert).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. Labeled all site plan sheets with petition number "2016-129."</li> <li>2. Amended Sheet RZ-1 of the site plan to correctly label a 50-foot building and parking setback along West Sugar Creek Road as referenced in Note 5a under "Streetscape, Buffers, Yards and Landscaping."</li> <li>3. Labeled zoning of properties on opposite side of West Sugar Creek Road.</li> <li>4. Amended building elevations to add brick in some areas.</li> </ol>
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	<p>5. Committed to work with Neighborhood and Business Services to provide units that are at 60% Area Median Income.</p> <p>6. Committed to provide 50% brick along the front of the building, 42% brick along the side of the building, and 12% brick on the rear of the building.</p>
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**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition and stated that there were no outstanding issues. It was noted that the petitioner committed to working with Neighborhood & Business Services to provide units that will be that he 60% of the area median income. In addition the petitioner committed to provide 50 percent brick on front elevations, 42 percent brick on side elevations and 12 percent brick on the rear elevations.

Staff noted that this petition is consistent with the *Northeast District Plan*.

There was not further discussion on this petition.

**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:
  - Proposes up to 144 multi-family residential units together with amenity area and accessory uses, as allowed in the UR-2 (urban residential) zoning district, at a density of 12.50 units per acre.
  - Commits to work with Neighborhood and Business Services to provide units that are at 60% Area Median Income.
  - Limits maximum building height to three stories and 50 feet.
  - Limits the number of principal buildings to be developed on the site to 17.
  - Provides front, side, and rear building elevations. Commits to provide 50% brick along the front of the building, 42% brick along the side of the building, and 12% brick on the rear of the building.
  - Proposes a 50-foot setback along West Sugar Creek Road.
  - Provides a 40-foot "Class C" buffer along the northern property line, and a 15-foot landscape buffer along the property line abutting David Cox Elementary School.
  - Provides two points of ingress/egress onto West Sugar Creek Road. Proposes an internal system of drives (including a private drive with parallel parking), sidewalks, and parking areas.
  - Provides left-turn lanes to the site, with the design of the left-turn lanes to be balanced with the left-turn needed for the retail uses across West Sugar Creek Road.
  - Provides an eight foot wide mid-block pedestrian refuge median along the site's West Sugar Creek frontage.
  - Commits to collaborate with CDOT to set proposed curb and gutter to include an additional southbound through lane and a six-foot bike lane on West Sugar Creek Road.
  - Provides an eight-foot planting strip and a six-foot sidewalk along West Sugar Creek Road.
  - Limits detached lighting on the site to 26 feet in height.
  - Prohibits signage from being located on the portion of the site at the intersection of West Sugar Creek Road and David Cox Road.
- **Public Plans and Policies**
  - The adopted land use for this site is residential up to 17 dwelling units per acre per the *Northeast District Plan*, as amended by rezoning petition 2007-092 which rezoned the site for a townhouse community.

- **TRANSPORTATION CONSIDERATIONS**

- **Vehicle Trip Generation:**

- Current Zoning:

- Existing Use: 0 trips per day (based on vacant property).

- Entitlement: 900 trips per day (based on petition 2007-092; 145 townhouse dwellings/condominiums and one single family home).

- Proposed Zoning: 1,000 trips per day (based on 144 apartment units).

**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 issues.
  - **Charlotte-Mecklenburg Schools:**
    - The development allowed under the existing zoning would generate 31 students, while the development allowed under the proposed zoning will produce 19 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
    - The proposed development is projected to change the school utilization (without mobile classroom units) as follows:
      - David Cox Elementary to increase from 114% to 115%;
      - Ridge Road Middle to remain at 110%; and
      - Mallard Creek High to remain at 127%.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing 12-inch water distribution mains located along David Cox Road and West Sugar Creek Road.
  - The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. The petitioner is working with Charlotte Water on this issue.
  - It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. Charlotte Water New Services group is available at (704) 432-5801.
  - **Engineering and Property Management:** No trees can be removed from or planted in the right-of-way on David Cox Road or West Sugar Creek Road without the permission of NC Department of Transportation and the City Arborist's office.

The petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way, unless the project is a single family development project. In addition, the survey shall include all trees eight inches or larger in the setback, unless the project is a single family development project.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** 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
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business 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:** Claire Lyte-Graham (704) 336-3782