

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: R-5 (CD) (single family residential) with five-year vested rights.
LOCATION	Approximately 25.6 acres located on the south side of McKee Road between Providence Hills Drive and Carrington Forest Lane. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes the development of 80 single family homes on a vacant parcel near the southeastern edge of the county across from the Town of Matthews jurisdiction.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Piraino Brothers, LLC Cambridge Properties, Inc. Cambridge Properties, Inc.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 15.

STAFF RECOMMENDATION	<p>Staff does not recommend approval of this petition in its current form. The proposed site design should provide increased lots sizes and lots widths or increased rear yards on the periphery lots to provide a transition that is compatible with the abutting R-3 (single family) zoning.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>South District Plan</i> recommendation of single family residential, and the proposed density of 3.13 units per acre as defined by the Ordinance, meets appropriate criteria in the <i>General Development Policies</i> for development at up to four dwellings per acre except for the availability of sewer service.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Development of the property is constrained by the Duke Power easement through the center, although the property benefits from the additional space within the easement which includes a small pond, which will be incorporated into the site plan. • The subject property is surrounded on three sides by single family homes in R-3 (single family residential) zoning with lots that meet or exceed the standards for R-3 development. • The proposed development is for single family homes on small lots. The proposal allows a minimum lot size of 4,500 square feet and minimum lots widths of 40 feet. The petition includes a 35-foot rear yard from perimeter single family properties. The abutting R-3 (single family) zoning would allow minimum lot sizes of 8,000 square feet, lot widths of 60 feet and rear yard of 45-feet. The proposed lot standards for the periphery lots are not sufficient transition to the existing R-3 (single family zoned homes). • The overall site density of 3.16 dwellings per acre is slightly above the density allowed for the adjacent R-3 (single family) properties. However, based on the criteria in the <i>General Development Policies</i> an increase in density over three units per acre is only appropriate with the availability of sewer. At this time there is no certainty that sewer will be available to serve the site because petitioner will need to negotiate easements across abutting property.
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PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows the development of a single family subdivision containing a maximum of 80 single family homes for an overall density of 3.13 units per acre.
- Allows the petitioner to utilize the cluster development provisions as outlined in the zoning ordinance to achieve reduced lot sizes and dimensions.
- Commits to a minimum rear yard of 35 feet except for interior lots which will be a minimum of 20 feet.
- Provides open space at a minimum of 10% of the gross site area.
- Maintains an existing pond to be enhanced as an amenity feature and potential stormwater facility.
- Provides accessory amenities such as but not limited to a gazebo, dock, fire pit and exercise trails.
- Commits to the installation of a six-foot sidewalk along the site frontage of McKee Road.
- Provides public street connections through the site and dedication of right-of-way along the site frontage of McKee Road.
- Provides two site access points from McKee Road and the installation of a left turn lane into the eastern entrance to the site.
- Provides a 20-foot undisturbed buffer along the southern and eastern edge of the site abutting the single family homes along Providence Hill Drive as a part of the 35-foot rear yard provided.
- Prohibits the use of vinyl siding as a building material; however, vinyl may be used for soffit and trim including window and door trim.

• Existing Zoning and Land Use

- The subject property is zoned R-3 (single family residential) and is vacant. A 380-foot wide Duke Power transmission line easement crosses through the site from North to South.
- Abutting the site to the south, east, and west are single family homes zoned R-3 (single family residential).
- To the north across McKee Road is vacant land within the Town of Matthews, with the Windsor Run continuing care retirement community under development on an 82-acre tract.
- See "Rezoning Map" for existing zoning in the area.

• Rezoning History in Area

- There have been no rezonings in the immediate area in recent years.

• Public Plans and Policies

- The *South District Plan* (1993) recommends single family residential use at three dwellings per acre for the subject property.
- *General Development Policies* (GDP) provides criteria for increased residential density up to four units per acre. These include provision of sewer, petitioner meeting with staff, evaluation of road network, and adherence to appropriate design guidelines.

• TRANSPORTATION CONSIDERATIONS

- The site is located along a major thoroughfare identified for future widening. The site plan commits to a local street network across the existing utility easement that provides local connectivity and sidewalk construction with right-of-way dedication along the site frontage to support the envisioned future cross-section of McKee Road. CDOT requests the petitioner commit to providing left turn lanes at both proposed entrances to support the development consistent with the existing single family developments on this street.

- See Outstanding Issues, Note 5.

• Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 820 trips per day (based on 76 single family homes).

Proposed Zoning: 860 trips per day (based on 80 single family homes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 45 students, while the development allowed under the proposed zoning will produce 46 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student.
 - The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Matthews Elementary from 126% to 129%
 - Crestdale Middle from 81% to 82%
 - Butler High from 111% to 112%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 16-inch water transmission main located along McKee Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system; further contact with a representative party has been made. A Willingness to Serve application is requested to document this contact with the applicant. This process can be started by contacting the New Services Group at (704) 432-5801. Development is encouraged to contact Installation Development Services (704) 336-5499 to review service connection design requirements and City Ordinances (e.g., backflow, separate meter Ordinance, public/private pipeline extensions). Currently, arrangement of public/private streets will require several master meters, since private lines cannot go through public roads. Reservation of sanitary sewer system capacity through the Charlotte Water's Capacity Assurance Program is the responsibility of the customer/development. Contact the New Services Group at (704) 432-5801 for further information on reserving capacity up to 12 months.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right of way of any state maintained street without permission of NC Department of Transportation and the City Arborist's office. Contact the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City. Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets without the permission of the City Arborist's office. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting. The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do not confirm or imply authorization by the City to remove any City trees located in street right-of-way. No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee. The petitioner must submit a tree survey for all trees 2-inches or larger located in the rights of way. In addition, the survey shall include all trees 8-inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **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. Modify the site plan and development standards to increase the minimum lot size of the periphery lots from 4,500 square feet to 6,000 square feet and increase the minimum lot width on periphery lots from 40 feet to 60 feet. Alternatively, modify the site plan and development standards to increase the rear yard from 35 feet to 45 feet along the periphery lots.
2. Amend note 8d under "Features" to delete "This buffer may be included in either the rear lots or as common open space" and replace with "This buffer shall be included in common open space" because it will difficult to regulate individual property owners from cutting trees within their lots.
3. Increase the side setback abutting the streets for all corner lots to 10 feet to meet the requirements of the Zoning Ordinance. The Zoning Ordinance Section 12.102(7) requires the side yard abutting the street to be 50% of the front setback.
4. Add a note stating that if parking is provided on driveway pads then there will be a minimum distance of 20 feet from the back of the sidewalk to the face of the garage.

Transportation

5. Revise the site plan to show a left turn lane, with 150-foot storage, on McKee Road at the proposed western entrance. Additional right-of-way dedication may be required to accommodate this facility.

REQUESTED TECHNICAL REVISIONSSite and Building Design

6. Add "5-year vested rights" to the proposed zoning classification to match the submitted rezoning application.
7. Amend note 6a under "Architectural Standards" to say ..."included as part of this Technical Data Sheet and Schematic Site Plan." The schematic site plan depicts site requirements not shown on the Technical Data sheet.

Environment

8. Delete the words "discharge points" from the upper, right corner of the site plan on sheet RZ-2.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte-Douglas International Airport Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Historic Landmarks Review
 - Charlotte-Mecklenburg Police Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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