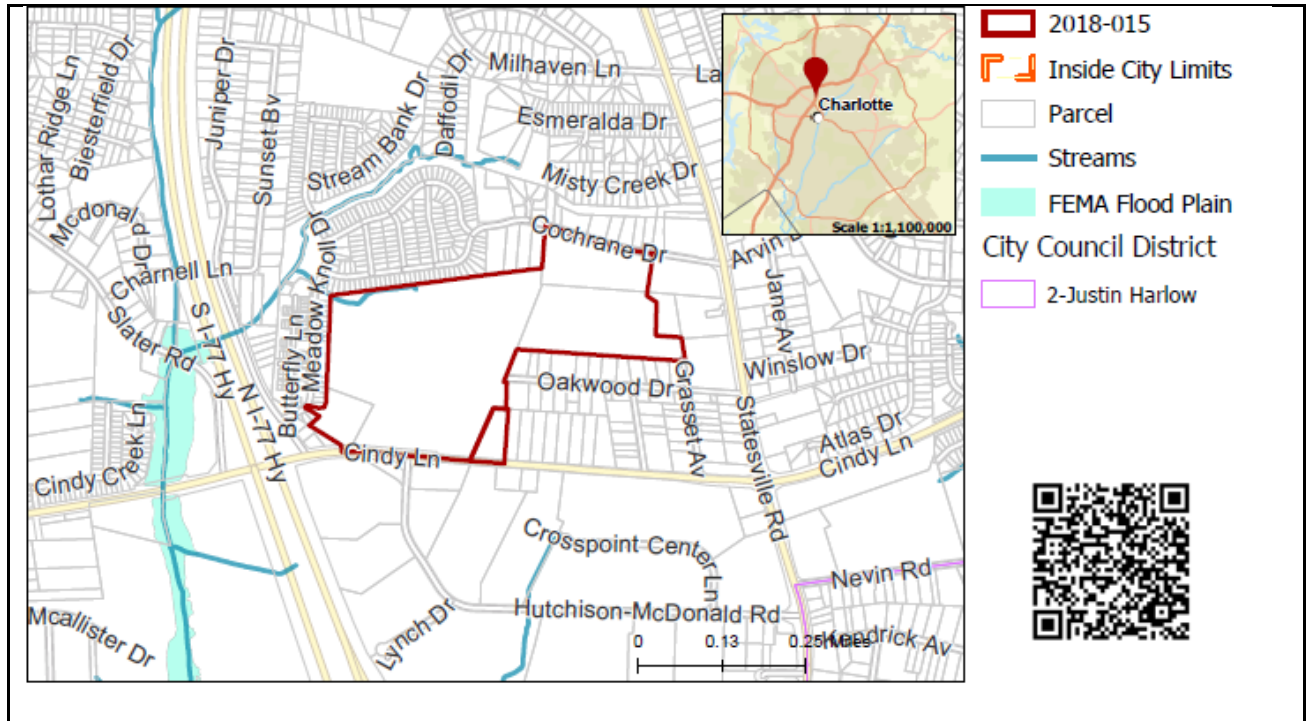


REQUEST

Current Zoning: R-4 (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)

LOCATION

Approximately 66.50 acres located on the north side of Cindy Lane, east of Interstate 77 and west of Statesville Road.
(Council District 2 - Harlow)



SUMMARY OF PETITION

The petition proposes to modify a previously approved site plan to change the residential unit types and to decrease the number of units on 66.50 acres located on the north side of Cindy Lane between Statesville Road and Interstate 77.

PROPERTY OWNER

Various

PETITIONER

NVR Inc.

AGENT/REPRESENTATIVE

Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 19

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The majority of the rezoning site is consistent with the *Northeast District Plan* recommendation for residential land use for the site up to 12 dwelling units per acre, as amended by rezoning petitions 2015-082 and 2016-092. The small parcel along Cindy Lane is inconsistent with the adopted plan recommendation for up to four dwelling units per acre.

Rationale for Recommendation

- The petition is consistent with the overall residential land use recommendation for the site, and lowers the proposed density from 11.66 units per acre to 5.2 5.41 units per acre.
- The development proposes low density single family residential

along the perimeter of the site consistent with the existing pattern of single family development.

- The proposed development provides extensive recreation, natural area, lakes, amenity buildings/structures, and open space areas.
- The development commits to closing the sidewalk gaps within the development area and public right-of-way to create a strong street network and improve connectivity. The site plans also commits to pedestrian improvements including a multi-use pedestrian path on Cindy Lane.

PLANNING STAFF REVIEW

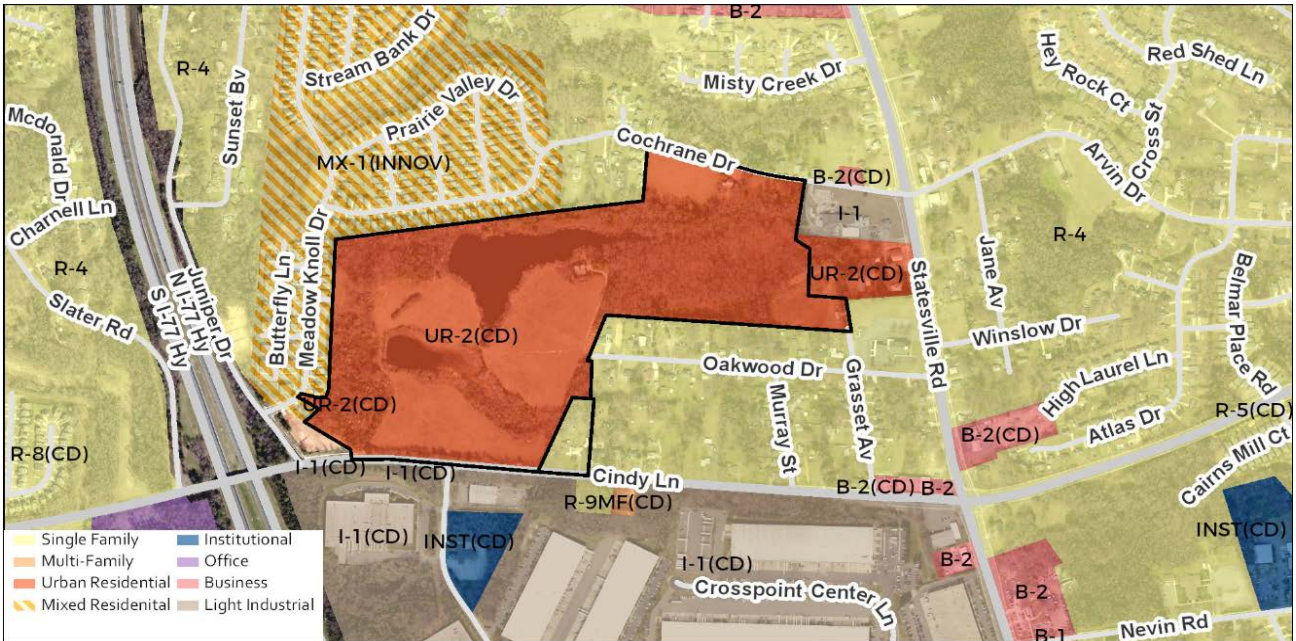
• Proposed Request Details

The site plan amendment contains the following changes:

- Adds one parcel of land along Cindy Lane and reduces the total number of residential units from 750 to ~~348~~ 360. The ~~348~~ 360 units will be composed of 168 single family detached residential units and ~~180~~ 192 single family attached (townhomes) units.
- Allows transfer of up to ~~25~~ 40 dwelling units between the Development Areas as long as the total number of dwelling units does not exceed ~~348~~ 360 residential dwelling units in the aggregate, and any units transferred to Development Area A, ~~A-1, and A-2~~ must be developed as single-family detached dwelling units.
- Replaces the age restricted multi-family housing approved for the west side of the site and the attached residential units along Cindy Lane with detached single family residential.
- Increases the open space by leaving all of the existing ponds on the site.
- Provides areas to be devoted to park, recreation, tree save, natural spaces, lakes, open space, water quality and detention, a cell tower, amenity buildings/ structures and similar uses.
- Transportation commitments:
 - Proposes a network of public streets and private streets.
 - Commits to the following transportation improvements:
 - Statesville Road and Cochrane Drive/Arvin Drive – installs a crosswalk on the Cochrane Drive leg of the intersection.
 - Cindy Lane and Hutchinson McDonald Road/Proposed Access “A”:
 - Constructs eastbound and westbound left turn lanes on Cindy Lane.
 - Constructs westbound right turn lane on Cindy Lane.
 - Constructs proposed Access A with one entering lane and two exit lanes.
 - Modifies the leg of Hutchinson McDonald Road to include a northbound left turn lane and a combined thru-right turn lane.
 - Beatties Ford Road and Cindy Lane/Griers Grove Road (signalized) - installs a cross walk with pedestrian signal heads and pushbuttons on the north side of the intersection.
 - Cochrane Drive and Proposed Access “B” “B.1” – installs a pedestrian crosswalk on the proposed “B” “B.1” leg of the intersections.
 - Commits to constructing a passenger waiting pad along the site’s frontage on Cindy Lane.
 - Provides a 12-foot multi-use path and an eight-foot planting strip along Cindy Lane.
 - Development Commitments:
 - Proposes to utilize a combination of the following building materials: glass, brick, stone, simulated stone, pre-cast stone, synthetic stone, stucco, cementitious siding (such as hardiplank), EIFS or wood. Vinyl as a building material will not be allowed except on windows, soffits and on handrails/railings.
 - Proposes that buildings along Cindy Lane will be designed to have the front, side or rear of the buildings oriented toward Cindy Lane. If the rear of the units/lots are oriented toward Cindy Lane a 15-foot Class C buffer will be provided between the back of sidewalk and the rear property line (the buffer will be located in a common open space area). The required rear yard will be measured from the buffer.
 - Proposes painted front doors with elements of glass and craftsman style garage doors with glass.
 - Proposes variation in façade style and use of color complementing pallets for all townhomes and single family homes.
 - Proposes that all front façades will vary with accent siding both horizontal and vertical.
 - Provides 20-foot side/rear yard adjacent to tax parcel 141-131-61, 62, and 64.
 - Provides a 20-foot Class C Buffer where the rezoning site abuts the I-1 (light industrial) property fronting on Statesville Road. This buffer may be eliminated if the adjoining parcel is developed with residential uses.
 - Proposes a 34-foot setback as measured from the future back-of-curb along Cochrane Drive.
 - Provides a minimum of a 20-foot rear yard where the rezoning site abuts existing single-

- family homes.
- Provides a 20-foot Class C Buffer between Development Area C and the first single family residential property along Cochrane Drive.

• **Existing Zoning and Land Use**



- The site is undeveloped with the exception of a single family home and a cell tower.
- There have been multiple rezonings on the subject properties resulting in the approval for up to 750 residential units of various types. The site is primarily surrounded by single family neighborhoods. South of the site are industrial uses.



The subject property is mostly vacant land with an existing single family home (shown below) and a cell tower.





Single family homes surround most of the site.



Properties to the south, across Cindy Lane, are developed with industrial uses.

• **Rezoning History in Area**

Orange outline Pending Rezoning

Green outline Approved Rezoning After Jan 2013



Petition Number	Summary of Petition	Status
2017-118	Rezoned .78 acres to allow the expansion of an existing business.	Pending
2016-092 2015-082	Previous rezonings related to the subject rezoning.	Approved

• **Public Plans and Policies**



- The *Northeast District Plan* (1996) as amended by rezoning petitions 2015-082 and 2016-092 recommends residential land uses up to 12 dwelling units per acre for the majority of the site. The adopted plan recommends up to four dwelling units per acre for the remainder of the site.

TRANSPORTATION CONSIDERATIONS

- The site has frontage on a minor thoroughfare, major thoroughfare and local streets. The site is in an area where short gaps exist in the street network. The current site plan commits to closing the gaps within the development area and public right-of-way to create a strong street network and improve connectivity. The site plans also commits to pedestrian improvements including a multi-use pedestrian path on Cindy Lane.

Vehicle Trip Generation:

Current Zoning:
 Existing Use: 30 trips per day (based on two single family homes).
 Entitlement: 5,600 trips per day (based on 480 single family dwellings and 270 apartments).
 Proposed Zoning: 3,310 trips per day (based on site plan).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** The proposed development is aligned with the Council's October 2016 Community Letter and will help achieve City Council's goal to increase the supply of affordable and workforce housing. (Note: The proposed site plan does not provide commitments regarding affordable and workforce housing.) **If the site is being developed for other purpose than affordable or workforce house, comment is as follows:** According to recent data from the U.S. Department of Housing and Urban Development, there is an estimated need for approximately 34,000 affordable workforce housing units in the City of Charlotte. In an effort to increase the estimated supply, developers are encouraged to assist in providing homes at diverse price point to meet increased housing demand.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** A 20-foot unobstructed clearance is required on street at all times for Charlotte Fire Department.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 223 students, while the development allowed under the proposed zoning will produce between 142 and 182 students. Therefore, the net increase in students from existing zoning to proposed zoning is zero students.
 - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Statesville Road Elementary from 88% to 100/101%
 - Ransom Middle from 100% to 104/103%
 - West Charlotte High from 97% to 101/99%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Cindy Lane and via existing eight-inch water distribution mains located along Cochrane Drive and Meadow Knoll Drive.

The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Due to the limited project details that were provided, Charlotte Water cannot provide concurrence for this rezoning boundary at this time. 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)432-2854.

- **Engineering and Property Management:**
 - **Arborist:** The location of structures, driveways, bike lanes, turn lanes, and 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 (Cindy Lane and Cochrane Drive); City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way. No trees can be removed from the right-of-way (Cindy Lane and Cochrane Drive) without explicit authorization from the City Arborist or his designee.
 - No trees can be planted in the right-of-way of any existing or created city maintained street without explicit authorization from the City Arborist or his designee. Contact Laurie Reid (704-336-5753) at the City Arborist's office to discuss trees species to be planted in the right-of-way of all City of Charlotte maintained street; species must be approved before planting.
 - See Outstanding Issues, Notes 1 and 2.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Environment

1. ~~The petitioner shall submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. In addition, the survey shall include all trees eight inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ **Addressed. Response: The Petitioner has added a note to the Petition indicating that a tree survey with the information requested will be provided as part of land development plans submitted for the Site to the City.**
2. ~~There are numerous trees in the right-of-way along Cindy Lane near the proposed roadway improvements which are protected by the tree ordinance and which require approval from the Arborist's office prior to tree removal. Unless the proposed roadway improvements are required per City of Charlotte Ordinance, the Arborist's office does not support these improvements and will require the right-of-way trees along Cindy Lane are preserved and protected. Explicit authorization from the Arborist's office is required to remove right-of-way trees. Please contact Laurie Reid (704-336-5753) at the City Arborist's office to discuss this requirement.~~ **Addressed. Response: The Petitioner is aware that approval to remove trees in the right-of-way of Cindy Lane from the City Arborist is required. The roadway improvements indicated on the Site plan are required roadway improvements by either chapter 19, the subdivision regulations, the recommendations of the Traffic Impact Study, or the driveway permit approval process.**

Site and Building Design

3. Provide minimum size and amenity elements that will be provided for all improved open space areas. **Not addressed. Petitioner Response: Section Eight of the development standards describes the proposed improvements to the open space areas. However, the Petitioner is not able to provide specific sizes of the proposed opens space areas as the plans for the Site have not progressed to the point where the sizes of the open space areas can be accurately determined.**
4. Please clarify the parcel number referenced in Note "d" under Architectural Standards and Parking Locations Restrictions as they appear to no longer exist. **Addressed.**

Other

5. Clarify if the 2016 letter referenced by the Department of Housing and Neighborhood Services committing to affordable housing is applicable. **Addressed.**

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 Fire 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 Parks and Recreation Review
 - Transportation Review

Planner: Claire Lyte-Graham (704) 336-3782