

<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 to 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>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of the minor technical issues.</p> <p><u>Plan Consistency</u> This petition is consistent with the residential use and density up to 17 dwelling units per acre recommended by the <i>Northeast District Plan</i>, as amended by rezoning petition 2007-092.</p> <p><u>Rationale for Recommendation</u></p> <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.</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.</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.</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.</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>
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**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.
  - 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.
  - 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 in portion of the site at the intersection of West Sugar Creek Road and David Cox Road.
- **Existing Zoning and Land Use**
  - The rezoning site is currently vacant. The portion zoned UR-2(CD) was previously rezoned via rezoning petition 2007-092 to allow the construction of up to 145 townhomes and condominiums at a density of 12.10 units per acre.
  - North of the site are single family homes zoned R-3 (single family residential).
  - To the east are single family homes, a multi-family residential community, office and retail uses, and vacant land on properties zoned R-3 (single family residential), R-4(CD) (single family residential, conditional), R-9(CD) (single family residential, conditional), R-9MF(CD) (multi-family residential, conditional), and B-1SCD (shopping center).
  - To the south (including across West W.T. Harris Boulevard) are attached homes, multi-family residential communities, retail and office uses, and religious institutions zoned R-3 (single family residential), R-9MF(CD) (multi-family residential, conditional), Inst(CD) (institutional, conditional), B-1(CD) (neighborhood business, conditional), B-2(CD) (general business, conditional), and CC (commercial center).
  - West of the site are David Cox Elementary, single family neighborhoods, and multi-family residential communities zoned R-3 (single family residential), R-4 (single family residential), R-5(CD) (single family residential, conditional), R-9MF(CD) (multi-family residential, conditional), and R-12MF(CD) (multi-family residential, conditional).
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Rezoning petition 2014-015 rezoned approximately 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road from NS (neighborhood services) to R-3 (single family residential) to allow all uses in the R-3 (single family residential) zoning district.
- **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**
  - The site is located on a major thoroughfare. The current site plan enhances the multi-modal facilities in this area by providing a pedestrian refuge island on West Sugar Creek Road to access an existing shopping center, restriping more formal left turn lane pockets, and committing to work with CDOT to provide a second southbound travel lane and bike lane. The petitioner has indicated that the adjacent school does not want the pedestrian interconnection that was included in the originally approved rezoning.
  - The site is located and its access is on West Sugar Creek Road, an existing major thoroughfare. The site is located within a wedge outside of Route 4. The site was previously rezoned (case 2007-092). West Sugar Creek Rd. is a state-maintained facility; therefore the petitioner needs to contact Ms. Wendy Taylor at 980-523-0013 to determine if NCDOT has any transportation comments associated with the subject petition.
  - **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 increase the school utilization (without mobile classroom units) as follows:
    - David Cox Elementary from 114% to 115%
    - Ridge Road Middle from 110% to 110%
    - Mallard Creek High from 127% to 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.

#### REQUESTED TECHNICAL REVISIONS

##### Site and Building Design

1. Label all site plan sheets "2016-129."
  2. "Streetscape, Buffers, Yards and Landscaping" Note 5a states there will be a 50-foot building and parking setback along West Sugar Creek Road. The site plan labels this area as a 50-foot building setback. Revise language to be consistent.
  3. Label zoning of properties on opposite side of West Sugar Creek Road.
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#### Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Neighborhood & Business Services
  - 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