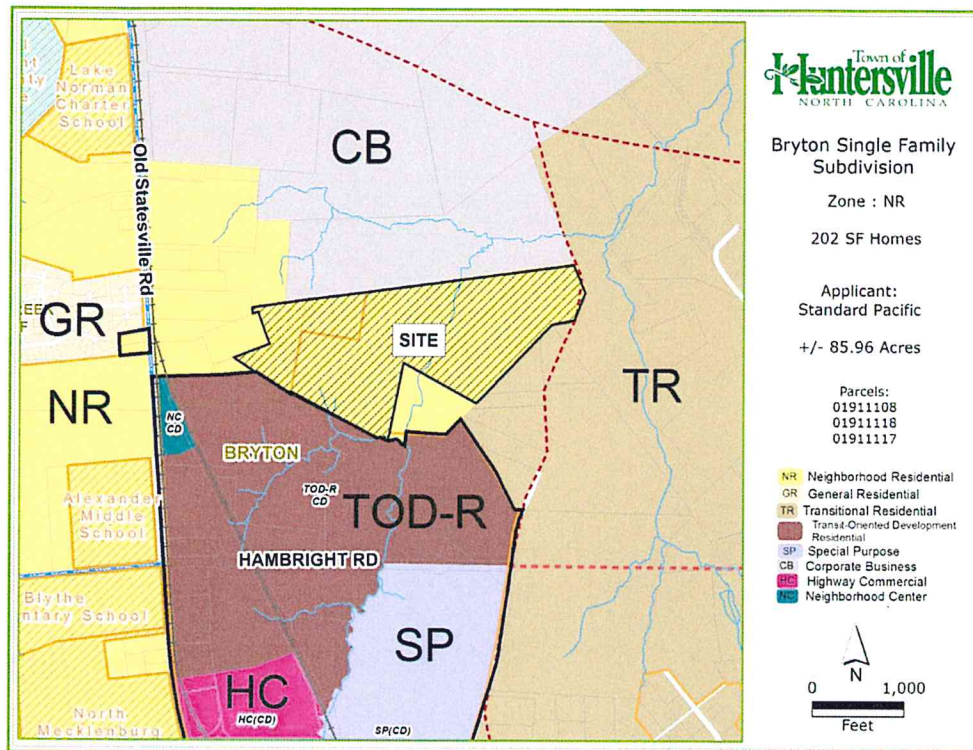


Bryton – Single Family Sketch Plan

PART 1: PROJECT SUMMARY



Applicant: LStar Management, LLC

Property Owner: Development Solutions BRY, LLC

Property Address: East of NC 115, North of Hambright Rd. & Northwest of Everett Keith Rd.

Project Size: 85.96 acres

Parcel Number: 019-11-108, 019-11-117 & 019-11-118

Current Zoning: Neighborhood Residential (NR)

Current Land Use: vacant, forested

Application is [Attachment A](#) and Site Plan is [Attachment B](#).

PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Adjoining Zoning and Land Uses

North: Corporate Business (CB) – vacant property.

South: Neighborhood Residential (NR) & Transit Oriented Development-Residential (TOD-R) – vacant property.

East: Transitional Residential (TR) residential: large-lot single family homes & vacant property.

West: Neighborhood Residential (NR) & Transit Oriented Development-Residential (TOD-R) – vacant property.

2. A neighborhood meeting was held on December 1, 2015. The meeting summary is provided ([Attachment C](#)).

3. In 2006, a Subdivision Sketch Plan for the majority of this property was approved by the Town for 198 homes on 69.7 acres ([Attachment D](#)).

4. The proposed subdivision has 202 lots on 85.96 acres, with lots ranging in size from 7,320 sq. ft. to 19,404 sq. ft.

5. The site plan shows a 20' undisturbed buffer around the perimeter.

6. There are 96 specimen trees on the site. In the NR zoning district, 10 percent (9.6 trees) of the specimen trees are required to be saved and the developer proposes to save 32 trees (33.3%). There are no known heritage trees on the site. Eighty percent (80%) of the site is covered by tree canopy and the developer proposes to save 19 percent (19%) of the canopy (10% required).

7. A water quality concept plan is being reviewed by Mecklenburg County Engineering (LUESA). The applicant is proposing several sand filters (a water quality measure) throughout the subdivision.
8. A “Willingness to Serve” letter has been provided by Charlotte Water, dated 11-24-15.
9. Urban Open Space Park is provided by two (2) sections of Greenway to be built as part of this subdivision, and dedicated to Mecklenburg County. The western section of greenway (UOPS 1) is located off-site and will run between two different developments – both owned by Lstar. The developer will full-build a 12-wide section thru the powerline easement. The eastern greenway (UOPS 2) is proposed to dedicate 5.66 acres located on either side of Cane Creek which runs north/south through the middle of the subdivision. The developer will full-build a 12 ft wide section of Town/County greenway along the west side of the creek from the north boundary to the south boundary.
10. No block-length modifications are requested, as no blocks exceed the maximum block length of 800 feet. The proposed block layout remains very similar to the 2006 subdivision block plan (see Attachment D).

PART 3: TRANSPORTATION ISSUES

A Traffic Impact Analysis (TIA) was prepared by Kimley-Horn Associates as part of the overall Bryton Development in 2006. The entrance to this project was subject to the relocation of the Norfolk-Southern rail line, which has been completed. In addition, a new access road is to be built running from Hambright Road, north to the southwest entrance of the Bryton – Single Family Subdivision. This new access road has been approved and must be installed prior to issuing permits for this proposed subdivision. A note to that effect must be placed on the Sketch and Preliminary Subdivision Plans.

Nearby Improvements

As part of the 2006 TIA for the overall Bryton development, numerous road improvements have been completed. Improvements with an impact on this proposed subdivision include the widening of NC 115 to 4 lanes and constructing a new 4-lane section of Hambright Road east of NC 115. Both of these required improvements are complete.

Cross Sections

The current Sketch Plan street cross-sections include 50 ft. of right-of-way, which includes 10 ft. travel lanes, 7 ft. green zones (planting strips), 5 ft. sidewalks and curb and gutter. One (1) creek crossing is proposed and will provide an important transportation link to (future) Everette Keith Road.

Future Road Connections

The proposed Sketch Plan shows seven (7) future road connections: four (4) to the east and three (3) to the north. This is the same number of off-site connections that were shown in the 2006 version of the subdivision.

No additional off-site road improvements are required for this proposed Sketch Plan.

PART 4: PLANNING STAFF ANALYSIS

Section 6.200 of the Subdivision Ordinance outlines the “general requirements and policies to be used in the design, review, and approval” of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board’s consideration of the Bryton – Single Family Subdivision Sketch Plan.

1. Consistency with adopted public plans and policies.

The following sections of the 2030 Huntersville Community Plan apply to this request:

- **Policy H-1: Development Pattern.** Continue to follow existing residential development patterns as reflected in “Map of Zoning Districts”, focusing higher intensity development generally within two miles of the I-77/NC 115 corridor and lower development from the east and west of this corridor extending to the Town boundaries.

- **Policy H-9: Future Residential Development.** Higher intensity residential development will be focused generally within two miles of the I-77/NC-115 corridor and at future mixed use nodes in the eastern and western areas of Huntersville's zoning jurisdiction.
Comment: The proposed rezoning is located in an area where high intensity development is supported by the 2030 Community Plan (see Page 18) and permitted by the Neighborhood Residential (NR) zoning district.
- **Policy E-1: Preservation and enhancement.** Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
Comment: Over five (5) acres of land are being dedicated to Mecklenburg County as open space straddling both sides of the Cane creek. This area will also provide for a section of County/Town greenway.
- **Policy E-2: Location of New Development.** Avoid locating new development in areas of significant environmental, scenic or cultural resources.
Comment: The proposed Sketch Plan, as stated above, is preserving and locating lots away from Cane Creek in order to preserve as well as provide recreational opportunities via a future greenway.
- **Policy E-3: Environmental Regulations.** Support and enhance environmental regulations pertaining to tree preservation, buffer yards, open space, water quality, wetland and stream protection.
Comment: Over five (5) acres (which includes the 100' SWIM buffer along Cane Creek) is being dedicated to Mecklenburg County for both open space and for a greenway. The applicant is preserving almost 20% of the tree canopy (10% required by the zoning district).
- **Policy E-5: Vehicle Miles Travelled (VMT).** Support reduction in vehicle miles travelled (VMT), through capital investments in sidewalks, greenways, enhanced connectivity and mass transit (bus & rail).
Comment: Sidewalks are provided on both sides of all new streets and there will be a portion of a greenway installed along Cane Creek, as well easements to provide a greenway connection near the entrance to this subdivision.
- **Policy T-5: Context-sensitive Design of Streets.** Continue to support "context-sensitive" design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments applications.
Comment: The street cross sections proposed are appropriate for residential use. There are 10' travel lanes, a 7' green zone (planting strip) and 5' sidewalk on each side of the streets. All blocks are less than 850 ft. in length, with the majority closer to 500 ft., creating a pedestrian-friendly lot pattern that provides traffic calming, while discouraging future cut-through traffic.
- **Policy T-6: Pedestrian Connections.** Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.
Comment: All proposed streets have sidewalks on both sides. The applicant has proposed to full-build a section of Town/County greenway along Cane Creek and there will be accommodations for future greenways near the entrance to the subdivision (located off-site).
- **Policy T-8: Street Connectivity.** Promote and require street connectivity in the Town of Huntersville among residential, commercial, employment, recreational and institutional uses.
Comment: Proposed subdivision is reserving/dedicating right-of-way for a future section of Everette Keith Road (see Attachment B). Additionally, the Sketch Plan has four (4) street stubs to the east and three (3) street stubs to the north.

- **Policy PF-2: Adequate Public Facilities Ordinance (APFO).** Continue use of “Adequate Public Facilities Ordinance (APFO)” to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities.

Comment: An APFO application was not required, as all of Bryton – as originally approved in 2005 / 2006, was accounted for in the original “baseline” APFO level of service for the Town.

2. Conformity.

The proposed project is only adjacent to a few large-lot, single-family homes located along Everette Keith Road. No other development exists adjacent to this property. The 2006 Approved subdivision had a density of 2.84 units per acre on 69.7 acres. The proposed Sketch Plan has a density of 2.34 units per acre on 85.96 acres. There is no maximum density in the Neighborhood Residential (NR) Zoning District. The proposed development has lot ranges from 7, 320 – 19,404 sq. ft. and lot widths ranging from 61 – 90 ft.

3. Access Between Adjoining Properties.

The applicant is building street stubs for seven (7) future connections off-site and dedicating appropriate right-of-way for a portion of future Everette Keith Road.

4. Relation to topography.

The street network is designed to respect the general topography and, with the exception of one key crossing, sensitive streams and wetlands are buffered and not impacted.

5. Mature trees and natural vegetation.

The proposed project is required to save 10 percent of the tree canopy, 10 percent of the specimen trees and 100% of the heritage trees and these requirements are being met.

6. Access to parks, schools, etc.

There is a portion of a Mecklenburg County Greenway that is within the project boundaries. The applicant proposes to dedicate the entire SWIM buffer area to Mecklenburg County for the greenway and will full-build the greenway in order to satisfy the Town/County Greenway Master Plan and to satisfy Urban Open Space requirements. This is a revision from the 2006 plan which provided a centrally-located park as (primary) Urban Open Space.

7. Discourage through traffic.

All streets are appropriately sized for residential traffic. When fully built, the residential connection to the east will not connect, as Everette Keith is not built in this location. However, once built, the appropriately-sized streets and indirect street connections will not encourage “cut-through” traffic.

8. Relationship to railroad rights-of-way.

Not Applicable.

9. Half streets.

Not Applicable.

10. Parallel streets along thoroughfares.

Not Applicable.

11. Public School and Public Park Sites

The parcels associated with Bryton – Single Family Subdivision have not been identified for a school or park site. A Town/County greenway is proposed to be built along Cane Creek.

12. Public Facilities

The parcels associated with Bryton – Single Family Subdivision have not been identified for a public facility.

13. Proposed street names

The street names for Bryton – Single Family Subdivision will be approved with the Preliminary Plan submission.

14. Easements.

Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments.

15. Proposed water and sewerage system.

Water and sewer will need to be extended to the development. A “Willingness to Serve” letter from Charlotte Water has been provided (Attachment E).

16. Restrictions on the subdivision of land subject to flooding.

Floodplain has been identified on this site and no lots are proposed within this area. In addition, the entire SWIM buffer area will be dedicated to Mecklenburg County for greenway and conservation.

17. Reserved.

18. Open Space

The proposed development complies with Urban Open Space and common open space requirements.

19. Impact of Development on Public Facilities

Under the provisions of the APF Ordinance, all residential development greater than twenty (20) lots are required to receive a “Determination of Adequacy (DOA)” for the following public facilities: fire vehicles, fire station, police station, police vehicles, indoor park and recreation facilities, parks acreage. An APFO application was not required, as all of Bryton – as originally approved in 2005 / 2006, was accounted for in the original “baseline” APFO level of service for the Town.

PART 5: STAFF RECOMMENDATION

COMPLETENESS OF APPLICATION

Town Staff has reviewed the proposed Sketch plan and finds the application complete.

COMPLIANCE WITH APPLICABLE REQUIREMENTS

Bryton – Single Family Sketch Plan complies with all applicable requirements and is supported by the findings of fact outlined in Parts 2 – 4 of this report, with the following conditions:

There are several site plan issues that staff would like addressed which include:

- Adding a note requiring the greenway (Urban Open Space) along the western boundary as part of this subdivision.
- Dedication of entire area east of Everette Keith Road to be added to right-of-way or a note identifying the area that may provide future connection to adjoining parcels - DONE.
- A note indicating that no permits for Bryton – Single Family will be issued until Bryton Parkway is extended (built) to the subdivision boundary.
- Minor comments to the notes of the site plan

APPROVAL

Bryton – Single Family Sketch Plan complies with all applicable requirements, with the conditions listed above. Once the above items are addressed, staff can recommend approval of the proposed Sketch plan.

PART 6: PLANNING BOARD RECOMMENDATION

On December 15, 2015, Planning Board recommended approval as conditionally recommended by staff, by unanimous vote.

PART 7: ATTACHMENTS AND ENCLOSURES

Attachments

- A - Application
- B - Bryton – Single Family Subdivision Sketch Plan
- C - Neighborhood Meeting Summary
- D – 2006 Subdivision Sketch Plan
- E – Charlotte Water “Willingness to Serve” letter.

PART 8: DECISION STATEMENTS

Please refer to Part 5 and Part 6 of this report for recommendation.

Subdivision Ordinance Section 6.320.5 states, “In considering whether to approve an application for a subdivision Sketch Plan, the Town Board shall proceed according to the following format:”

COMPLETENESS OF APPLICATION

- (a) *the Board shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the Board that the application is complete;*

[Complete Application] In considering the Bryton – Single Family Sketch Plan, we, the Town Board, find the application complete.

[Incomplete Application] In considering the Bryton – Single Family Sketch Plan, we, the Town Board find the application lacking the following information: (provide requested information)

COMPLIANCE WITH APPLICABLE REQUIREMENTS

- (b) *the Board shall consider whether the application complies with all of the applicable requirements. If a motion to this effect passes, the Board shall make findings supporting the motion. If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the applicable requirements. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Board to be unsatisfied through this process; and,*

[Complies with all applicable requirements] Bryton – Single Family Sketch Plan complies with all applicable requirements and is supported by the following findings:

- 1)
- 2)

Add if necessary

[Does not comply with all applicable requirements] Bryton – Single Family Sketch Plan does not comply with all applicable requirements and fails to meet the following ordinance requirements:

Subdivision Section _____

Subdivision Section _____

Add if necessary

MOTION OF APPROVAL OR DENIAL

- (c) *if the Town Board concludes that all applicable requirements are met, it shall approve the Sketch Plan. If the Board concludes that the application fails to comply with one (1) or more of the applicable requirements, it shall adopt a*

motion to deny the application for one (1) or more of the reasons set forth within this Ordinance. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

[Complies with all applicable requirements] Bryton – Single Family Sketch Plan complies with all applicable requirements and is supported by the following findings:

[Does not comply with all applicable requirements] Bryton – Single Family Sketch Plan does not comply with all applicable requirements and I make a recommendation of **DENIAL** based on findings it fails to meet the following ordinance requirements:

Subdivision Section _____

Subdivision Section _____

Add if necessary

The determination of failure to comply with the above ordinance requirements based on the following findings:

1)

2)

Add if necessary



General Application

Incomplete submissions will not be accepted. Please check all items carefully.

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

<http://www.huntersville.org/Departments/Planning/ReviewProcess.aspx>

- ☐ CHANGE OF USE
- ☐ COMMERCIAL SITE PLAN
- ☐ CONDITIONAL REZONING
- ☐ GENERAL REZONING
- ☐ MASTER SIGNAGE PROGRAM
- ☒ REVISION to _____
- ☐ DENSITY AVERAGING CERTIFICATE
- ☐ SPECIAL USE PERMIT

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

- ☒ SKETCH PLAN
- ☐ PRELIMINARY PLAN
- ☐ FINAL PLAT (includes minor and exempt plats)
- ☐ FINAL PLAT REVISION
- ☐ FARMHOUSE CLUSTER

2. Project Data

Date of Application 8/4/2015

Name of Project Bryton (LSTAR) Single Family Residential

Sketch Plan Revision

Phase # (if subdivision) _____

Location NE of the Intersection of Hambright Rd & Old Statesville Rd

Parcel Identification Number(s) (PIN) 01911108

Current Zoning District NR Proposed District (for rezonings only) _____

Property Size (acres) 85.96 Street Frontage (feet) 884

Current Land Use Vacant

Proposed Land Use(s) Residential

Is the project within Huntersville's corporate limits?

Yes ☒ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

This application is being submitted as a residential subdivision for the use of single family detached homes.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <http://www.huntersville.org/Departments/Planning/ReviewProcess.aspx>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes copies of plans needed for most town and county reviewing agencies.

For major subdivisions, commercial site plans and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Signatures

*Applicant's Signature  Printed Name LStar Management, LLC Agent for Owner

Address of Applicant 516 N. West St. Raleigh, NC 27603

Email steve@lstarland.com

Property Owner's Signature (if applicable) 

Printed Name Development Solutions BRY, LLC By: Judd Gilats, Vice President

Property Owner's Address (if applicable) 90 South 7th St. Minneapolis, MN 55402 Email USAssets@Castlelake.com

* Applicant hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

| | | | |
|-------------------------|---------------------|---------------------|----------------------------|
| <u>LStar Management</u> | <u>Steve Vining</u> | <u>919-256-1981</u> | <u>steve@lstarland.com</u> |
|-------------------------|---------------------|---------------------|----------------------------|

| | | | |
|------------------|-----------------|-------|-------|
| Development Firm | Name of contact | Phone | Email |
|------------------|-----------------|-------|-------|

| | | | |
|--------------------------------------|---------------------|---------------------|-------------------------------|
| <u>R Joe Harris & Associates</u> | <u>Daniel Gates</u> | <u>803-802-1799</u> | <u>dgates@rjoe-harris.com</u> |
|--------------------------------------|---------------------|---------------------|-------------------------------|

| | | | |
|-------------|-----------------|-------|-------|
| Design Firm | Name of contact | Phone | Email |
|-------------|-----------------|-------|-------|

If Applying for a General Rezoning:

Please provide the name and Address of owner(s) of fee simple title of each parcel that is included in this rezoning petition. If additional space is needed for signatures, attach an addendum to this application.

If Applying for a Conditional Rezoning:

Every owner of each parcel included in this rezoning petition, or the owner (s) duly authorized agent, must sign this petition. If signed by an agent, this petition MUST be accompanied by a statement signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in filing this petition. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID PETITION. **If additional space is needed for signatures, attach an addendum to this application.**

Signature, name, firm, address, phone number and email of Duly Authorized Agent by owner needed below:

If Applying for a Subdivision:

By signature below, I hereby acknowledge my understanding that the Major Subdivision Sketch Plan Process is a quasi-judicial procedure and contact with the Board of Commissioners shall **only** occur under sworn testimony at the public hearing.

Contact Information

| | | |
|------------------------|-------------------|---|
| Town of Huntersville | Phone: | 704-875-7000 |
| Planning Department | Fax: | 704-992-5528 |
| PO Box 664 | Physical Address: | 105 Gilead Road, Third Floor |
| Huntersville, NC 28070 | Website: | http://www.huntersville.org/Departments/Planning.aspx |

BRYTON SINGLE FAMILY – HUNTERSVILLE, NORTH CAROLINA

Public Meeting

Date: December 1, 2015

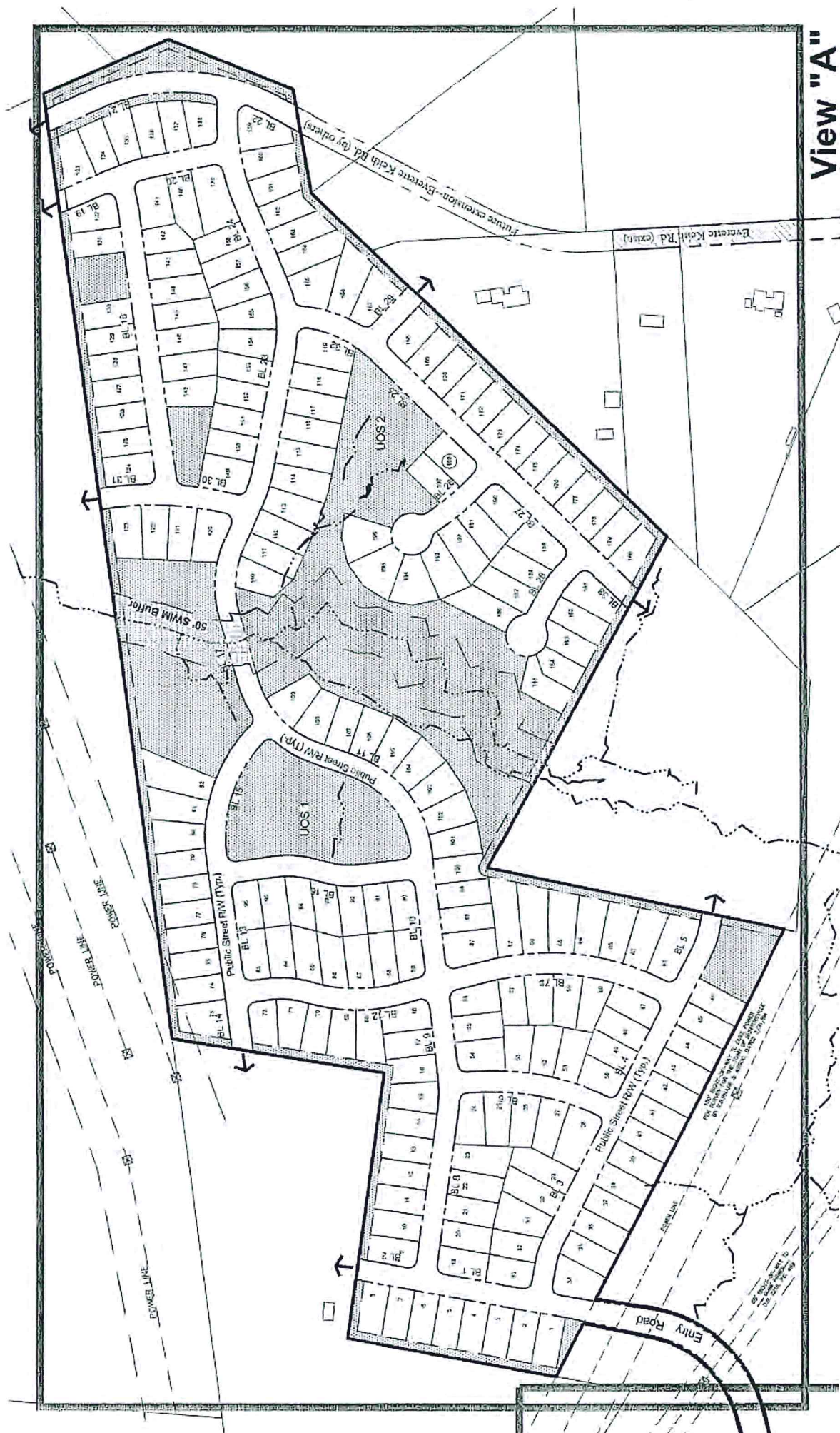
Bryton Single Family Master Sketch Plan – Meeting Summary

- A. Scott Munday of LStar did a quick presentation of the community.
- B. Citizen Comments
 - 1. Citizens questioned the stub road locations and how the locations aligned with their properties.
 - 2. Citizens inquired about the timeline of the project regarding the timeliness of the construction. They were informed that the project will be broken into 3 phases and only the last phase will affect the land adjacent to them.
 - 3. Citizens inquired about the price point of the homes to get a feel for the quality of homes to be built but there have been no discussions about home pricing as there is no builder yet.
 - 4. Citizens inquired about whether or not cable television will be extended further towards them along Everett Keith Rd. Cable will be provided within Bryton Single Family but there is no guarantee that it will be extended along Everett Keith Rd.
 - 5. Citizens wanted to know if any improvements to Everett Keith Rd. were proposed. LStar responded no not by them.
 - 6. Citizens questioned how the new project would be accessed. Access will be through Bryton and not through Everett Keith Rd.
 - 7. Comment sheets were provided to all attendees but no written comments were left for record.

[illegible]

2006
Approved Sketch

Attachment D



View "A"



November 24, 2015

Mr. Daniel Gates
Development Solutions BRY, LLC
C/O R. Joe Harris & Associates
127 Ben Casey Dr
Suite 101
Fort Mill, SC 29708

**SUBJECT: WILLINGNESS TO SERVE
BRYTON SINGLE FAMILY – MASTER PLAN**

A Willingness to Serve study was completed and the following has been determined:

The subject property is within the intended service area of Charlotte Water (CLTWater). An analysis of the sanitary sewer associated with the proposed project determined that there is sufficient capacity in Charlotte Water's sanitary sewer system to accommodate the proposed wastewater flow at this time. The sanitary sewer from this project will flow to the *Rocky River Waste Water Treatment Plant; NPDES permit number NC0036269*, located in Cabarrus County, for treatment. Please note that the availability of flow is subject to change and that this willingness to serve review in no way guarantees future capacity.

The water quality to the subject project is regulated by the State Drinking Water Act Amendments of 1986 and, The Water Supply Management Plan, PWS ID # 0160010, on file with the Public Water Supply Section of NC DENR. However, Charlotte Water cannot guarantee a constant pressure or quality of flow. This agreement is also contingent upon approval by the Division of Environment, Health, and Natural Resources.

Connection to the Charlotte Water and sewer system is accepted on a first come, first served basis, pending review and approval through the Charlotte Water Capacity Assurance Program and Flow Acceptance approval from the Water and Sewer Authority of Cabarrus County.

The applicant should understand that this letter is not an authorization to construct private water or sewer systems, as the appropriate local or State permits are required prior to construction. This willingness to serve is valid for (1) year from the date of issue. If you have any questions, please do not hesitate to contact me at (704) 432-5801.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Gross".

Barbara Gross
Engineering Assistant