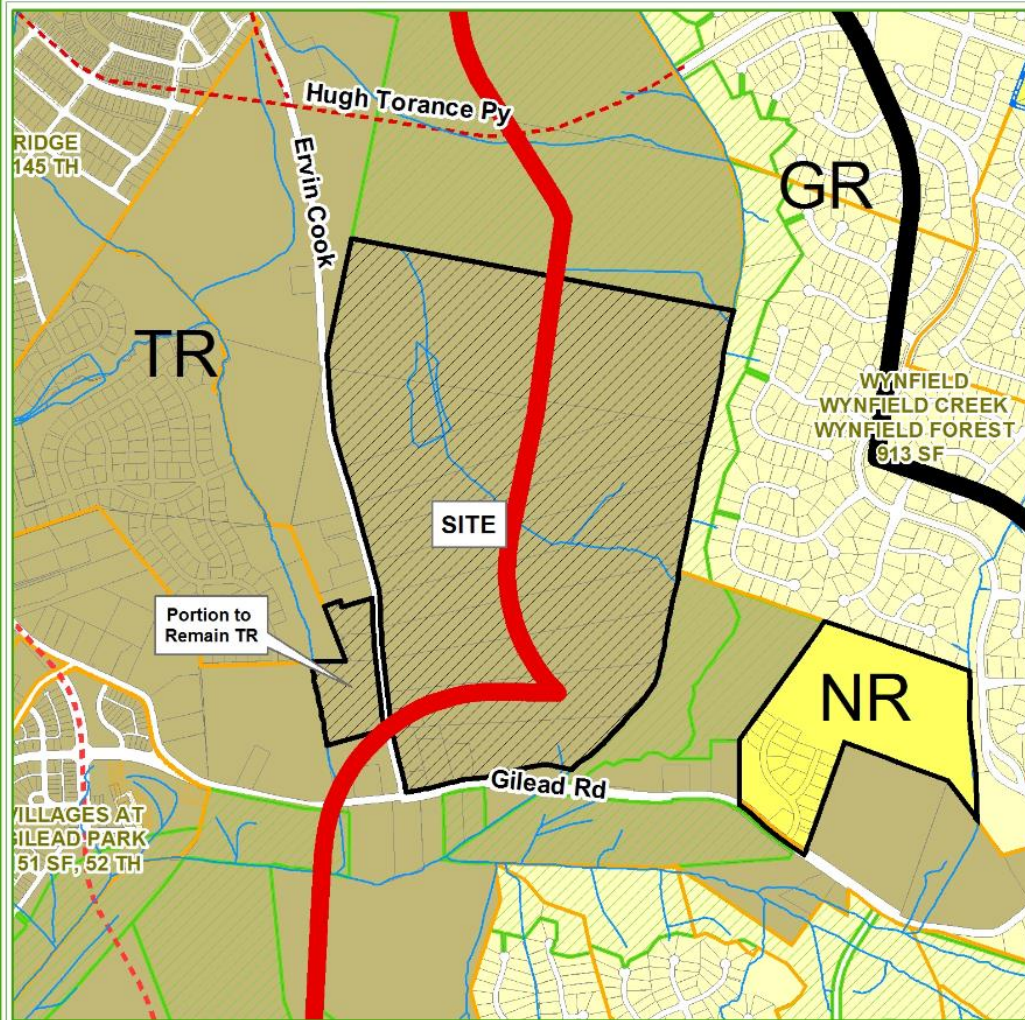


Petition R16-05 Ervin Cook Road Conditional District Rezoning

PART 1: PROJECT SUMMARY



Applicant: Crescent Communities

Property Owner: various (see Attachment A).

Property Address: N/A

Project Size: (+/-) 224-acres

Parcel Numbers: various (see Attachment A)

Current Zoning: Transitional Residential (TR)

Current Land Use: farm & single-family homes.

Proposed Zoning: Neighborhood Residential — Conditional District (NR-CD).

Proposed Land Use: 382 Lot Subdivision.

1. Purpose: Rezone 224 acres north of Gilead Road and east of Ervin Cook Road from Transitional Residential to Neighborhood Residential — Conditional District (NR-CD). The proposed rezoning is to create a 382-lot subdivision. A Subdivision Sketch Plan for this project has also been submitted concurrent with this Rezoning Plan and will go to the Planning Board on September 27, 2016.
2. Adjoining Zoning and Land Uses.
North: Transitional Residential (TR) — farm & vacant (future Cook Regional Park).
South: Transitional Residential (TR) - single-family homes & vacant.
East: General Residential (GR) & Transitional Residential (TR) — single-family subdivision (Wynfield / Wynfield Creek / Wynfield Forest Subdivisions) & McDowell Creek Neighborhood Park.
West: Transitional Residential (TR) — single-family homes & single-family subdivision (Beckett Subdivision).
3. A neighborhood meeting was held on June 22, 2016. The complete meeting summary is provided in Attachment B. Questions/concerns centered mainly on traffic and transportation improvements along Gilead Road. Additional questions were asked regarding housing type / price.

4. Notice for this rezoning petition was given via a) letters sent to adjoining property owners, b) a legal ad placed in the Charlotte Observer and c) two rezoning signs placed along the properties' public road frontage.

PART 2: REZONING/SITE PLAN ISSUES

The proposed Conditional District Plan is generally compliant with the Zoning Ordinance and Subdivision Regulations, significant elements include:

- Additional right-of-way will be dedicated along both Gilead Road and Ervin Cook Road to provide road improvements.
- Approximately 14 acres will be dedicated to Mecklenburg County along the east-side floodplain for a new section of McDowell Creek Greenway.
- Access to McDowell Creek Greenway will be provided via four (4) access trails to be built by the applicant.
- An easement or dedication of land will occur on the un-developed acreage located on the west side of Ervin Cook Road for another future greenway.
- The subdivision will be developed in multiple phases; however a phasing plan has not been submitted as it will need to tie-in with TIA phasing.

The rezoning plan has been reviewed and several issues must be addressed:

- Five (5) block length waivers are requested. Staff is supportive of some and working with the applicant on the others to address the issue. Updates will be provided as soon as possible.
- Urban Open Space has not been finalized. Several "opportunities" exist, but the type, location and size of the Urban Open Space is still being discussed.
- Additional trail/greenway access points have been recommended – one along Road K and one parallel to Gilead Road. Applicant has expressed willingness to provide but has not been finalized.
- Minimum Tree Preservation for the NR zone is 10%. The proposed NR-CD Rezoning Plan saves 10% (22.42 ac) of existing tree canopy; however, numerous trees identified to be removed are not in areas of development. Staff is working with the developer to increase this percentage, especially along the east side floodplain.
- Additional on-street parking has been RECOMMENDED to serve the alley-fed lots and large park. Applicant will review and work with Engineering to add additional spaces.
- Staff RECOMMENDS that the "typical lot layout" diagrams provide adequate space for a minimum 20'-deep driveway.
- A Willingness to Serve letter from Charlotte Water must be provided.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

A TIA for the site was received on 7/29/16 with comments provided on 8/19/16. Based on the TIA received, the submittal was incomplete as the TIA did not provide mitigation to the study area intersections compliant to Article 14.3 of the Town Zoning Ordinance. A revised TIA is required but has not been received. Listed in the TIA's summary of results are improvements to the following intersections:

- Gilead Road at Ervin Cook Road
- Gilead Road at Bradford Hill Road
- Gilead Road at Wynfield Creek Parkway
- Gilead Road at Ranson Road
- Gilead Road at McCoy Road
- Ervin Cook Road at Site Entrance #1

NCDOT provided comments (8/21/16) on the TIA with a revised TIA required for their review. NCDOT's comments focused on three of the intersections where the improvements recommended were not adequate.

Site Plan

Comments on the site plan include:

- Parallel parking is recommended to be provided along one side of the street adjacent to 40 foot wide lots but was not provided in all cases.
- Revisions to street designs that do not comply with the Engineering Standards and Procedures Manual for street alignment, on street parking layout, storm sewer layout, and pavement design.
- Minor note revisions.

PART 4: ADEQUATE PUBLIC FACILITIES (APF)

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 station, fire vehicles, police station, police vehicles, indoor park and recreation facilities, and parks acreage. The proposed CD Rezoning met the required threshold for submission of an APF application, and the proposed subdivision is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Stations, Police Vehicles, and Stations. However, a Determination of No Available Capacity (DONAC) has been issued for Gym and Park Acreage (see Attachment C). The APF Ordinance provides mitigation options and staff will continue to work with the applicants to address the Gym and Park Acreage impact.

PART 5: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that "in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents".

STAFF COMMENT – The 2030 Huntersville Community Plan supports this project through the following sections:

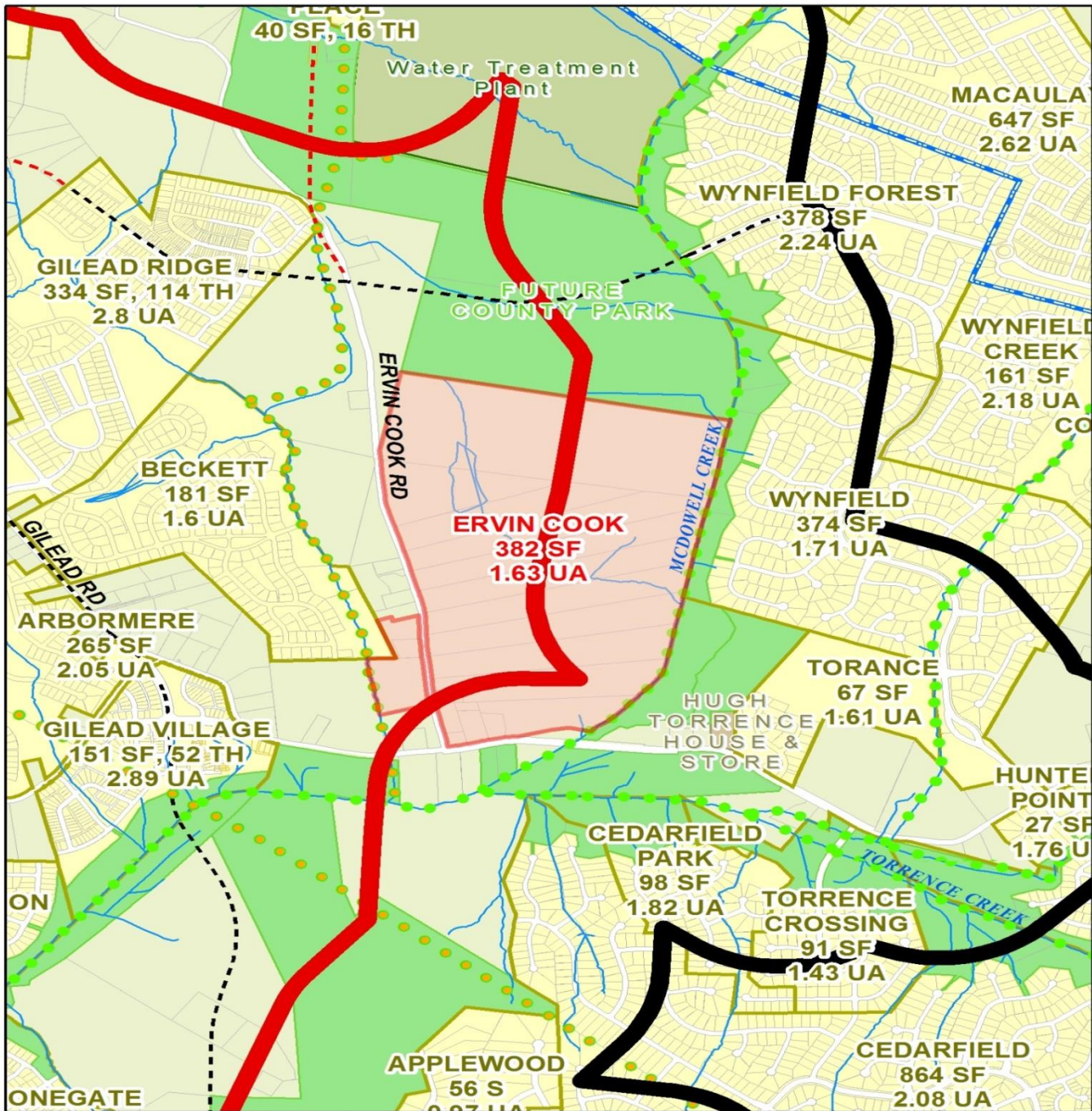
- **Policy E-1, E-2 & E-3: Preservation and Enhancement.** Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
Comment: The proposed development does not provide adequate open space buffers along Gilead Road, however, if the 50' buffer is planted with native species and adequately screens the development, the corridor will be preserved. Staff and the applicant continue to work on this issue.
- **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.
Comment: The internal streets are appropriately sized and create short blocks to encourage pedestrian activity. Also, the proposed cross-section for the portion of Ervin Cook Road to be built adjacent the development follows context sensitive design by providing adequate lane widths, bike lanes and sidewalks.

- **Policy T-6: Pedestrian Connections:** Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.
Comment: The proposed cross-section for Ervin Cook Road and the new interior Town streets all provide sidewalks on both sides. Gilead Road will provide a sidewalk on the north side along the project frontage. In addition, two (2) trails will stub to the future Cook Regional Park to the north and four (4) trails will be provided to the future greenway to be located along the eastern edge. Bike lanes will also be provided along Gilead Road and Ervin Cook Road.
- **Policy T-8: Street Connectivity:** Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.
Comment: The proposed development provides two (2) connections to an upgraded section of thoroughfare (Ervin Cook Road) and improvements along Gilead Road. No connections are provided to the north or east of the proposed development. The property to the north will be Cook Regional Park, which has not been designed, but County Park & Recreation officials asked not to connect with roads. To the east is a wide floodplain adjacent the Wynfield / Wynfield Creek / Wynfield Forest Subdivisions that did not provide connection opportunities. In addition, a Town / County greenway will be built along the eastern edge of the new development.
- **Policy CD-5: Street Infrastructure:** Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development.
Comment: The proposed development will develop portions of Gilead Road and Ervin Cook Road, as well as all other TIA-required improvements, extend public water and sewer, and provide two (2) connections to Ervin Cook Road.

STAFF COMMENT – The 2030 Huntersville Community Plan would not support this project through the following sections:

- **Policy T-7: Traffic Impact Analysis Ordinance:** Continue to apply requirements of “Traffic Impact Analysis” Ordinance, including Level of Service and mitigation of impacts generated by new development.
Comment: A TIA was required and the required transportation enhancements are outlined in Part 3 of this staff analysis. As presented, the TIA does not satisfy the TIA Ord. and is not adequate for this proposal.
- **Policy H-1 & H-9: Development Pattern.** Continue to follow existing residential development pattern as reflected in “Map of Zoning Districts,” focusing higher intensity development generally within two miles of the I-77/NC 115 corridor.
 - Comment: The proposed CD Rezoning is split by the “High and Low Intensity Areas” line from the 2030 Community Plan (see map below). The eastern half of the project is located within the area between the High and Low Density line and the western half (along Ervin Cook Road) is located outside of the line.
- Comment: The proposed Ervin Cook Road subdivision has a density of 1.63-units per acre. The surrounding developments average 2.08, as shown on map below:

<u>East</u>	<u>West</u>	<u>North</u>	<u>South</u>
Torrance = 1.61 (NR-CD)	Beckett = 1.6 (TR)	Vacant/Farm = n/a (TR)	Vacant / SF = n/a (TR)
Wynfield = 1.71 (GR)	Gilead Ridge = 2.67 (OPS TR)		Cedarfield Park = 1.82 (GR)
Wynfield Creek = 2.18 (GR)	Gilead Village = 2.89 (OPS TR)		
Wynfield Forest = 2.24 (GR)	Arbormere = 2.05 (OPS TR)		



- Policy PF-2: Adequate Public Facilities:** Continue use of “Adequate Public Facilities Ordinance” 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: The APF Ordinance provides mitigation options and staff will continue to work with the applicants to address the Gym and Park Acreage impact (see Part 4 of this report).

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.

STAFF COMMENT:

Ervin Cook Road Subdivision’s proposed density is 1.63 units per acre, which is comparable to the density of developments in the immediate vicinity. The proposed Conditional District Rezoning is partly located within the area eligible for intensification and proposes a density that is in keeping with all surrounding subdivision, regardless of when or under which regulations they were approved (see Map, page 5). The proposal’s appropriateness also stems from providing adequate infrastructure (which must include appropriate new roads, existing road upgrades and other transportation enhancements), but also from providing abundant open space.

2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.

STAFF COMMENT:

- A Transportation Impact Analysis was required. Based on the TIA received, the submittal was incomplete as the TIA did not provide mitigation to the study area intersections compliant to Article 14.3 of the Town Zoning Ordinance. A revised TIA is required but has not been received (see Part 3 of this report). Support for this CD Rezoning is strictly based on all appropriate transportation improvements being installed, per an accepted TIA.
- The APF Ordinance Determination of Adequacy was required. The APF Ordinance provides mitigation options and staff will continue to work with the applicants to address the Gym and Park Acreage impact (see Part 4 of this report).
- Storm water drainage, water supplies and wastewater and refuse disposal and a Willingness-to-serve letter MUST BE provided, as well as a PCO-1 storm water approval from Mecklenburg County.

3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, historical or cultural resources.

PART 6: STAFF RECOMMENDATION

The Ervin Cook Road Conditional District Rezoning Plan recommendation is pending by staff subject to the following:

- Address incomplete TIA/Town/NCDOT required improvements (see Part 3);
- APFO Gym & Park Acreage deficiency is addressed with staff (see Part 4);
- Need for block length waivers to be discussed with staff;
- Finalize provision of Urban Open Space;
- Provide additional trail/greenway connections, where highlighted;
- Increase tree save, as discussed;
- A Willingness to Serve letter from Charlotte Water must be provided;
- RECOMMEND garage note (see page 2);
- RECOMMEND additional on-street parking for alley-fed lots and adjacent large park;
- All outstanding redline comments are addressed.

PART 7: PUBLIC HEARING COMMENTS

Public Hearing scheduled to be held on Tuesday, September 06, 2016.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board scheduled to review on Tuesday, September 27, 2016.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

A – Rezoning Application

B – Neighborhood Meeting Report from June 22, 2016.

C - APFO Letter of Determination

PART 10: CONSISTENCY STATEMENT - R 16-05 Ervin Cook Road Subdivision

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R16-05; Ervin Cook Road Subdivision Conditional District Rezoning, the Planning staff recommends conditional approval as it is consistent with Implementation Goals H-1, H-9, T-5, T-6, T-8, CD-5 and PF-2 of the 2030 Community Plan. The property is also located partly within the transitional area between high and low intensity development and the proposed density is consistent with surrounding developments (see Part 5). Recommendation of approval is also based on <u>all provisions outlined in Part 6 being addressed, especially all TIA required improvements.</u></p> <p><u>With those provision, it is reasonable and in the public interest to approve the Conditional District Rezoning Plan.</u></p>	<p>APPROVAL: In considering the proposed rezoning application R16-05; Ervin Cook Road Subdivision Conditional District, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u></p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>	<p>APPROVAL: In considering the proposed rezoning application R16-05; Ervin Cook Road Subdivision Conditional District, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u></p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>
<p>DENIAL:</p>	<p>DENIAL: In considering the proposed rezoning application R16-05; Ervin Cook Road Subdivision Conditional District, the Planning Board recommends denial based on <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and not in the public interest to amend the approved Rezoning Plan because... (Explain)</u></p>	<p>DENIAL: In considering the proposed rezoning application R16-05; Ervin Cook Road Subdivision Conditional District, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>