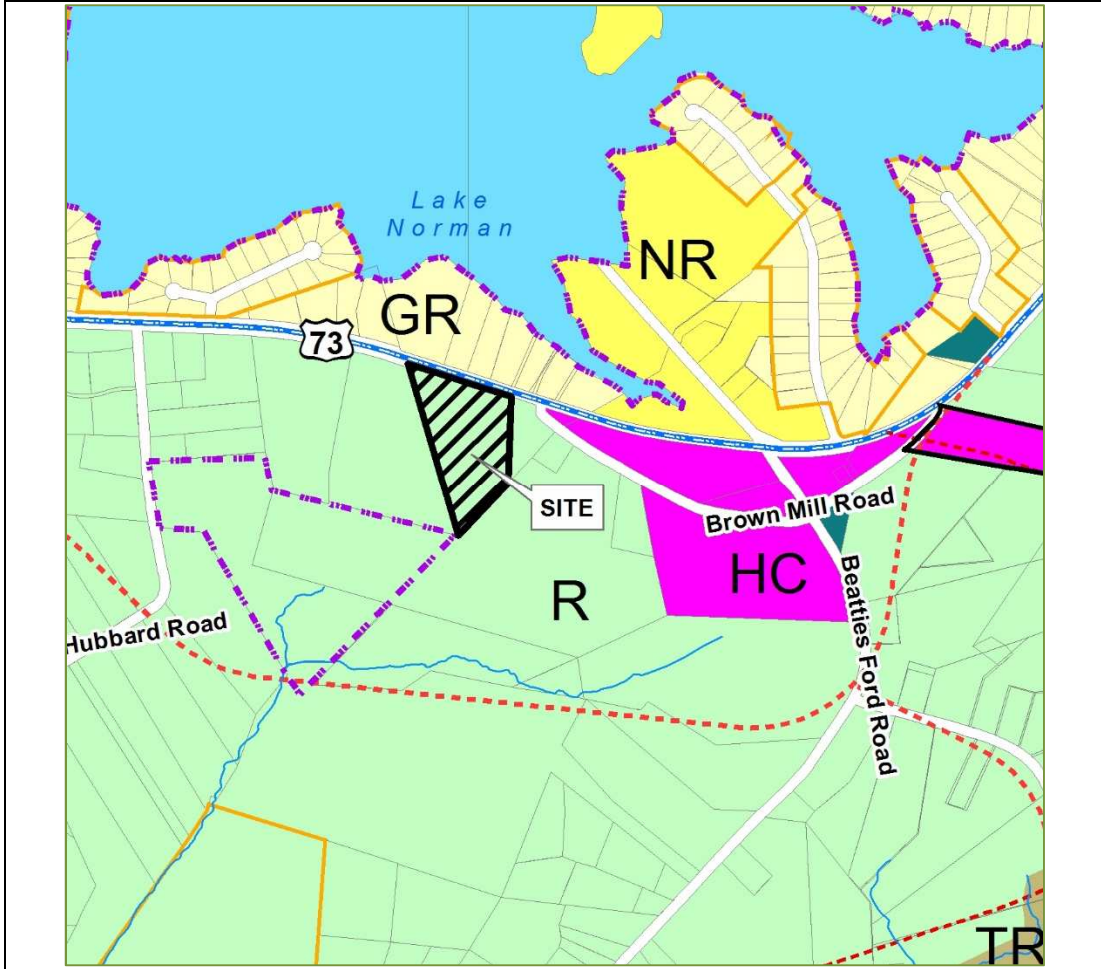


# Petition R16-11 Lake View Senior Apartments General District Rezoning

## PART 1: SUMMARY



**Applicant:** Shawn Schreiner

**Property Owner:** Sandra Blythe Edens

**Property Address:** N/A

**Project Size:** (+/-) 8.52

**Parcel Numbers:** 01313108

**Current Zoning:** Rural (R)

**Current Land Use:** farm & forested, vacant

**Proposed Zoning:** Neighborhood Residential (NR)

**Attachment A:** Application

1. **Although the title of the rezoning is Lake View Senior Apartments, the applicant is requesting a straight-up rezoning from Rural (R) to Neighborhood Residential (NR),** which does not limit the request to allow only senior apartments. A conditional rezoning would be required to create limitations. All uses within Neighborhood Residential (NR) would be allowed by-right if the rezoning is approved.
2. Adjoining Zoning and Land Uses.
  - North: General Residential (GR): single-family dwellings
  - South: Rural (R): Magnolia Equestrian Center parcel (Vacant land with Duke Power Easement)
  - East: Rural (R): Cemetery and Magnolia Equestrian Center
  - West: Rural (R): Vacant property
3. Notifications were sent to adjacent property owners on December 29, 2016; the property was posted on January 6, 2017. Legal ads ran in the Charlotte Observer on January 1 and January 8, 2017.

## PART 2: TRANSPORTATION ISSUES

NCDOT’s selected consultant is currently completing an environmental assessment for the NC 73 corridor adjacent to the site for an upcoming widening project. The evaluation will include recommendations on a typical section (possibly a 4 or 6 lane divided highway) and on the road alignment (current road alignment or adopted CRTPO alignment). The study is anticipated to be completed sometime in 2018. Depending on whether the existing alignment is widened or the adopted alignment is selected, future access to this site from NC 73 may be restricted (possibly right-in/out only).

Depending on the land use and intensity proposed, a Traffic Impact Analysis (TIA) for the site may be required.

**PART 3: REZONING CRITERIA**

**Current Zoning:** Rural (R) allows for .9 units to the acre with 45% open space. Lot widths shall average at least 100 feet, but in no case be less than 80’ wide. Lot sizes shall average at least 18,000 sq. ft., but in no case shall any lot be less than 15,000 sq. ft. The front yard setback for residential lots shall be a minimum of 25’. The side yard setback shall be 12’ and the rear yard setback shall be a minimum of 25’. Attachment B: Rural Zoning Uses

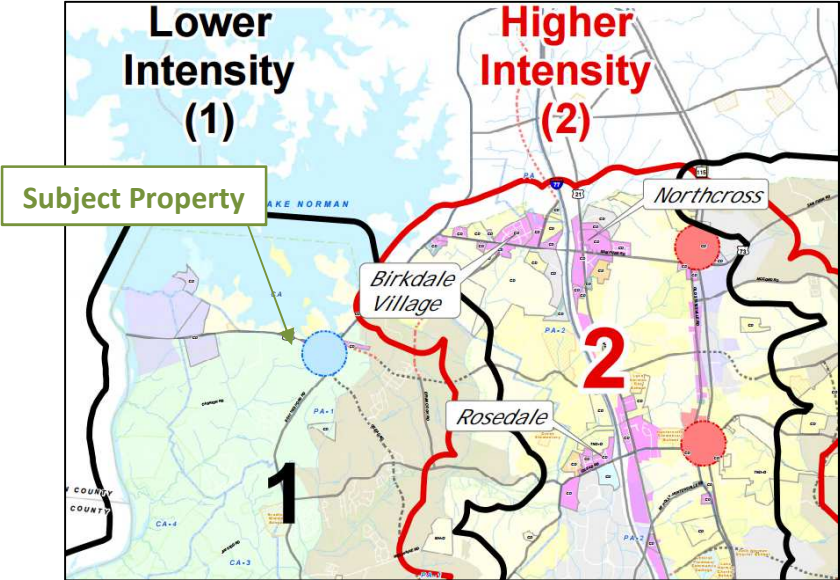
**Proposed Zoning:** Neighborhood Residential (NR) has no density cap and no lot minimums. A development is required to provide Urban Open Space within ¼ of mile from all residential lots. The build-to range typically 10’-25’ on the front. Side setback 8’ and rear setback is 20’. Attachment C: Neighborhood Residential Zoning Uses

**Future Land Use:**

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 request to rezone the property from R to NR is inconsistent with the following policies of the 2030 Huntersville Community Plan:

- **Policy CD-1, Continue the integration of land use and transportation elements for development that occurs within commercial corridors, nodes and centers. Consistency with the Town’s Zoning and Subdivision Ordinance and adopted long-range plans shall be the foundation for this development.**  
Staff comment: The subject parcel is located within the lower intensity zone. The higher intensity node is where density is acceptable to be increased. (See map below).
- **Policy CD-2, H-1 and H-9: Focus Higher Intensity Development Generally within 2 miles of the I-77 and NC 115 Corridor.**  
Staff comment: The subject parcel is zoned Rural (R) and is located within the lower intensity zone (black outlined areas). Neighborhood Residential does not have a density cap; therefore the request is inconsistent with the future land use plan (see map below).



STAFF COMMENT – Staff finds the rezoning request inconsistent with the following policies of the **Beatties Ford Road Corridor and Small Area Plan**:

**7.2 Land Use and Zoning recommendations: Continue the low density residential development pattern within the study area. Focus commercial development at (NC-73 and Mt. Holly Huntersville Road) with a commercial center in the northeastern quadrant of Beatties Ford Road and Hambright Road.**

Staff comment – The request to rezone a Rural parcel (lower density single family) to Neighborhood Residential (high-density residential) is not in keeping with the adopted Beatties Ford Road Corridor and Small Area Plan. Higher density, mixed-use office and commercial, is slated for the nodes created at specific intersections within the plan. The subject is located within the equestrian use corridor. If located in the designated Equestrian Use Corridor (see Section 6.5.3.2) of the study area, equestrian related uses and easements for creating future equestrian trails and links should be accommodated to the extent possible. The lower density single-family development that is permitted under the Rural zoning district designation should be continued so long as critical view sheds are minimally impacted, preservation goals are maintained, and watershed, green infrastructure and public right of way connectivity standards are observed.



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:

The existing development surrounding the property is vacant farm land, an equestrian center and large lot single-family residential; therefore the request to zone the property to allow an increase in density is not consistent with adjacent parcels (see aerial photo below).



**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:**

There is no development site plan proposal associated with the general rezoning request. The owner intends to construct age targeted senior apartments. Public facilities will be impacted.

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

**STAFF COMMENT:** The property is adjacent to a historic cemetery (east). There are no known resources located on the property.

**PART 4: STAFF RECOMMENDATION**

The request to rezone the parcel from Rural to Neighborhood Residential is inconsistent with the 2030 Community Plan, the Beatties Ford Road Corridor and Small Area Plan and the surrounding zoning; therefore staff recommends denial of the request.

**PART 5: PUBLIC HEARING COMMENTS**

Public Hearing was held on January 17, 2017.

**PART 6: PLANNING BOARD RECOMMENDATION**

Planning Board reviewed the request on January 24, 2017 and unanimously voted denial. The request is not in keeping with the 2030 Community Plan, the Beatties Ford Corridor and Small Area Plan, and is not consistent with the surrounding development.

**PART 7: ATTACHMENTS/ENCLOSURES**

- Attachments
- A – Rezoning Application
- B – Rural Zoning Uses
- C—Neighborhood Residential Zoning Uses

**PART 8: CONSISTENCY STATEMENT - R 16-11 Lake View Senior Apartments**

| Planning Department  | Planning Board  | Board of Commissioners   |
|--|---|--|
|  |   | <p><b>APPROVAL:</b> In considering the proposed rezoning application R16-11; Lake View Senior Apartments General District Rezoning, the Town Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>                  |
| <p><b>DENIAL:</b><br/>                     In considering the proposed rezoning application R16-11; Lake View Senior Apartments General District Rezoning, the Planning staff recommends denial. The request is inconsistent with Implementation Goals CD-1, CD-2, H-1, and H-9 of the 2030 Community Plan and 7.2 of the Beatties Ford Corridor and Small Area Plan. The property is also located within the low intensity area and the proposed density is inconsistent with surrounding developments.</p> <p>With those provision, it is reasonable and in the public interest to deny the General District Rezoning.</p> | <p><b>DENIAL:</b><br/>                     In considering the proposed rezoning application R16-11; Lake View Senior Apartments General District Rezoning, the Planning Board recommends denial based on consistent with the Implementation Goals CD-1, CD-2, H-1, and H-9 of the 2030 Community Plan and 7.2 of the Beatties Ford Corridor and Small Area Plan. The property is also located within the low intensity area and the proposed density is inconsistent with surrounding developments.</p> <p>It is not reasonable and not in the public interest to amend the zoning map.</p> | <p><b>DENIAL:</b> In considering the proposed rezoning application R16-11; Lake View Senior Apartments General District Rezoning, the Town Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable references)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning request because... (Explain)</u></b></p> |