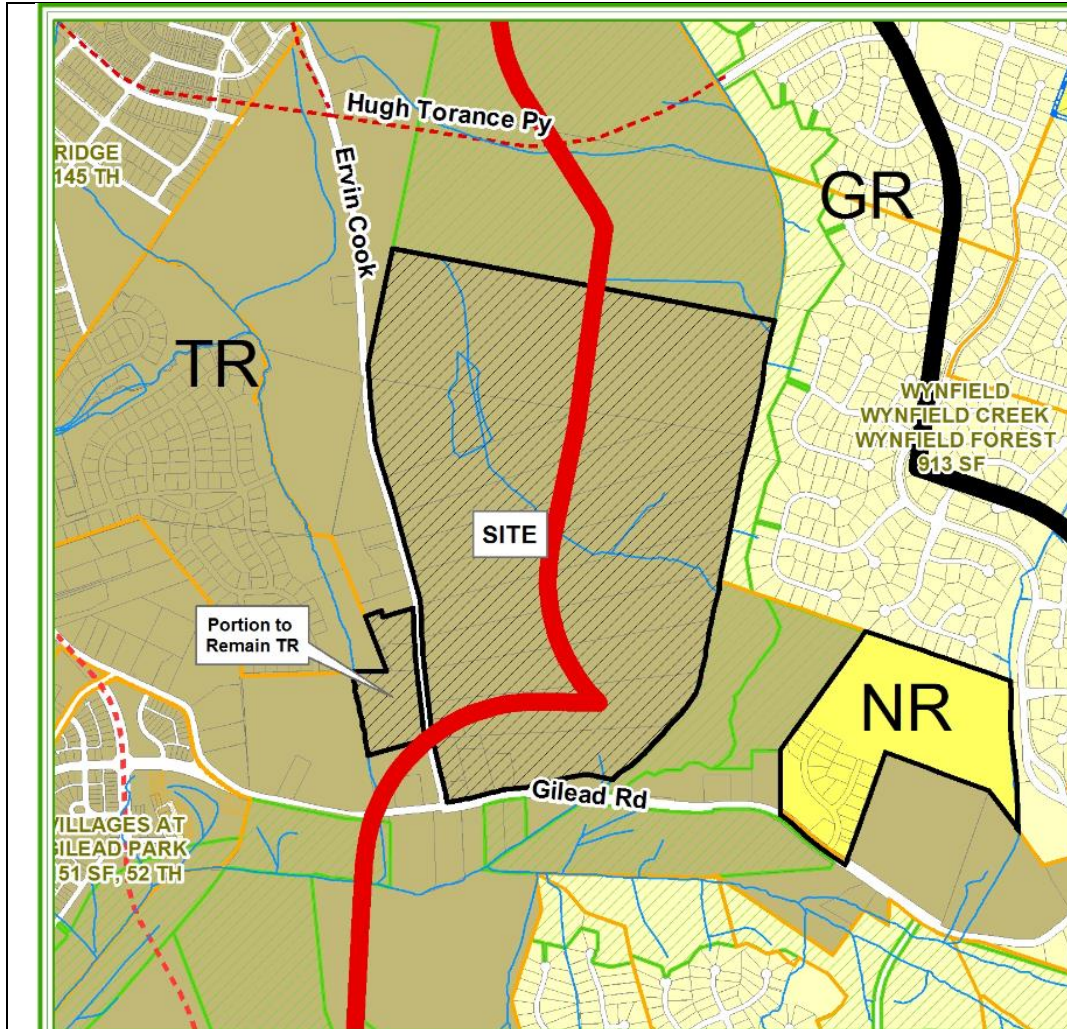


## Petition R16-05 Ervin Cook Road Conditional District Rezoning

### 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 went to the Planning Board on October 25 and November 15, 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.
- An approximately 14 acres easement will be provided 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 will be provided on the un-developed acreage located on the west side of Ervin Cook Road for another future greenway (per Town's Greenway Master Plan).
- 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:

- Three (3) block length waivers are requested. Staff is supportive of the waiver requests due to topography and/or stream/ wetland considerations, as well as the addition of trail connections to adjoining properties.
- Urban Open Space is proposed to be provided via two (2) Greenbelts, three (3) squares, one (1) Parkway and one (1) Forecourt.
- Buffers along Gilead Road and Ervin Cook Road should be modified as follows: Provide elevations specifically for the alley-fed lots that face Gilead Road for staff to review. With these, a semi-opaque buffer may be installed in front of these homes. For the other lots that have rear-yards abutting Gilead Road and Ervin Cook Road, an opaque planting scheme should be required. This would also apply to the area adjacent any BMPs near these roads – unless a staff-approved BMP planting plan is provided. 12-20-16 UPDATE: The applicant indicates that the elevations to be used are not finalized and cannot provide for Sketch Plan review, but have offered the following provision: In addition to the 50 planted buffer, Architectural Note #11 states the "Lots 65-69 that are oriented toward Gilead Road on the Sketch Plan shall:
  - A. Include front porches that are a minimum of six feet in depth;
  - B. Have varying front setbacks that are offset to their neighboring lot in 2 – 5 feet intervals;
  - C. Include front porch columns that are a minimum of 8 inches wide."
- 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. Additional spaces have been added as requested.
- A Willingness-to-serve letter from Charlotte Water has been provided.

### **PART 3: TRANSPORTATION ISSUES**

#### Traffic Impact Analysis (TIA)

A revised TIA was accepted by staff on 10/27/16 as a final version. In light of the proposed revisions to Article 14 of the Zoning Ordinance (discussed at the 12/1/16 Special Town Board meeting), the applicant provided a TIA Addendum on 1/10/17 with alternative mitigation proposed.

The site plan indicates that the developer proposes to provide a payment of \$1.5 million dollars (prior to a Certificate of Occupancy for the 254<sup>th</sup> lot) to contribute to the Town's adopted CIP project for mitigation of impacts at the following intersections:

- Gilead Road at Bradford Hill Lane
- Gilead Road at Wynfield Creek Parkway
- Gilead Road at Ranson Road
- Gilead Road at McCoy Road

The Town's adopted TIP project for Gilead Road in this vicinity (Wynfield Creek Parkway to McCoy Road) included a construction/utility relocation cost of \$6.5 million dollars (including around \$750,000 for the culvert extension). The improvements included in the table below to the intersection of Gilead at McCoy Road would be approximately half of the project (without the culvert extension). The phased TIA indicated that the improvements at the above 4 intersections were needed after the first phase of the development (127<sup>th</sup> lot).

The developer proposes to construct improvements to the intersection of Gilead Road at Ervin Cook Road by the end of Phase 1 (127<sup>th</sup> lot), however it is Town staff's recommendation that the improvements need to be constructed prior to the platting of the 50<sup>th</sup> lot (consistent with NCDOT requirements) along with the required widening of the travel lanes along Ervin Cook Road (NCDOT requirement). The improvements to the intersection are listed in the table below.

Staff also recommends that right and left-turn lanes with 100 feet of storage be constructed at both site entrances on Ervin Cook Road (designated as a thoroughfare) for future traffic volumes. Town staff would also be agreeable for the right-of-way for these turn lanes be dedicated now and monies equivalent for construction of these turn lanes be escrowed with the Town for construction at a future date when Ervin Cook Road connects to additional road network to the north of the site or additional development occurs along Ervin Cook Road. The developer proposes to only construct a northbound right-turn lane at the southernmost entrance prior to the certificate of occupancy for the 254<sup>th</sup> lot.

Below is a comparison table of the roadway improvements required to meet Article 14 of the Zoning Ordinance (as of the date of this report), improvements recommended by the TIA Addendum, and improvements recommended by staff to meet the intent of the revised Article 14.

Improvements Required to meet current Zoning Ordinance	Improvements Recommended by the TIA update	Improvements Recommended by Staff
<p><u>Gilead Rd at McCoy Rd</u></p> <ul style="list-style-type: none"> <li>- Westbound through lane on Gilead Road. A receiving lane would need to be constructed as well</li> <li>- Convert the existing inside through lane to an exclusive left-turn lane with 600 feet of storage</li> <li>- Eastbound right-turn lane on Gilead Road with 300 feet of storage</li> </ul> <p><u>Gilead Rd at Ranson Rd</u></p> <ul style="list-style-type: none"> <li>- Convert the existing westbound right-turn lane on Gilead Road to a through lane and extend to connect with the through lane added at McCoy Road</li> <li>- Additional eastbound through lane on Gilead Road</li> </ul> <p><u>Gilead Rd at Wynfield Creek Pkwy</u></p> <ul style="list-style-type: none"> <li>- Convert the westbound right-turn lane to a through lane and extend it to Ranson Road. A receiving lane would need to be constructed as well.</li> <li>- Additional eastbound through lane on Gilead Road</li> </ul> <p><u>Gilead Rd at Bradford Hill Ln</u></p> <ul style="list-style-type: none"> <li>- Eastbound through lane on Gilead Road. A receiving lane would need to be constructed as well.</li> </ul> <p><u>Gilead Rd at Ervin Cook Rd</u></p> <ul style="list-style-type: none"> <li>- Eastbound left-turn lane on Gilead Road with 150 feet of storage</li> <li>- Westbound right-turn lane on Gilead Road with 100 feet of storage</li> <li>- Southbound right-turn lane on Ervin Cook Road with 100 feet of storage</li> </ul>	<p><u>Gilead Rd at McCoy Rd</u></p> <ul style="list-style-type: none"> <li>- Westbound through lane on Gilead Road. A receiving lane would be constructed to Binnaway Dr.</li> <li>- Convert the existing inside through lane to an exclusive left-turn lane with 600 feet of storage</li> <li>- Eastbound right-turn lane on Gilead Road with 300 feet of storage</li> </ul> <p><u>Gilead Rd at Wynfield Creek Pkwy</u></p> <ul style="list-style-type: none"> <li>- Additional eastbound through lane on Gilead Road with 400 feet of storage. (through lane to be dropped as a left-turn lane at Ranson Road)</li> </ul> <p><u>Gilead Rd at Ervin Cook Rd</u></p> <ul style="list-style-type: none"> <li>- Eastbound left-turn lane on Gilead Road with 150 feet of storage</li> <li>- Westbound right-turn lane on Gilead Road with 100 feet of storage</li> <li>- Southbound right-turn lane on Ervin Cook Road with 100 feet of storage</li> </ul> <p><u>Ervin Cook Rd at Site Driveway #1</u></p> <ul style="list-style-type: none"> <li>- Northbound right-turn lane on Ervin Cook Road with 100 feet of storage</li> </ul>	<p><u>Gilead Rd at McCoy Rd</u></p> <ul style="list-style-type: none"> <li>- Westbound through lane on Gilead Road. A receiving lane would need to be constructed as well to end between Binnaway Drive and the culvert</li> <li>- Convert the existing inside through lane to an exclusive left-turn lane with 500 feet of storage</li> <li>- Eastbound right-turn lane on Gilead Road with 300 feet of storage</li> <li>- Northbound second left-turn lane on McCoy Road with 300 feet of storage</li> </ul> <p><u>Gilead Rd at Ervin Cook Rd</u></p> <ul style="list-style-type: none"> <li>- Eastbound left-turn lane on Gilead Road with 150 feet of storage</li> <li>- Westbound right-turn lane on Gilead Road with 100 feet of storage</li> <li>- Southbound right-turn lane on Ervin Cook Road with 100 feet of storage</li> </ul> <p><u>Ervin Cook Rd at Site Driveway #1</u></p> <ul style="list-style-type: none"> <li>- Northbound right-turn lane on Ervin Cook Road with 100 feet of storage</li> <li>- Southbound left-turn lane on Ervin Cook Road with 100 feet of storage</li> </ul> <p><u>Ervin Cook Rd at Site Driveway #2</u></p> <ul style="list-style-type: none"> <li>- Northbound right-turn lane on Ervin Cook Road with 100 feet of storage</li> <li>- Southbound left-turn lane on Ervin Cook Road with 100 feet of storage</li> </ul>

Site Plan Comments:

- Phasing on the site plan is not consistent with the phasing identified in the TIA.
- Revisions to street designs that do not comply with the Engineering Standards and Procedures Manual for street centerline profile.
- Street tree location for large trees to comply with the minimum standards of the Town and NCDOT.
- Parallel parking to comply to with the Engineering Standards and Procedures Manual minimum design criteria.

**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.

An **UPDATED** Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Stations, Police Vehicles, Police Stations and Gym & Park Acreage (see Attachment C). No mitigation is required.

**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 currently provide adequate buffers along Gilead Road, however, if the 50’ buffer are planted as described in Part 2 (above), 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)

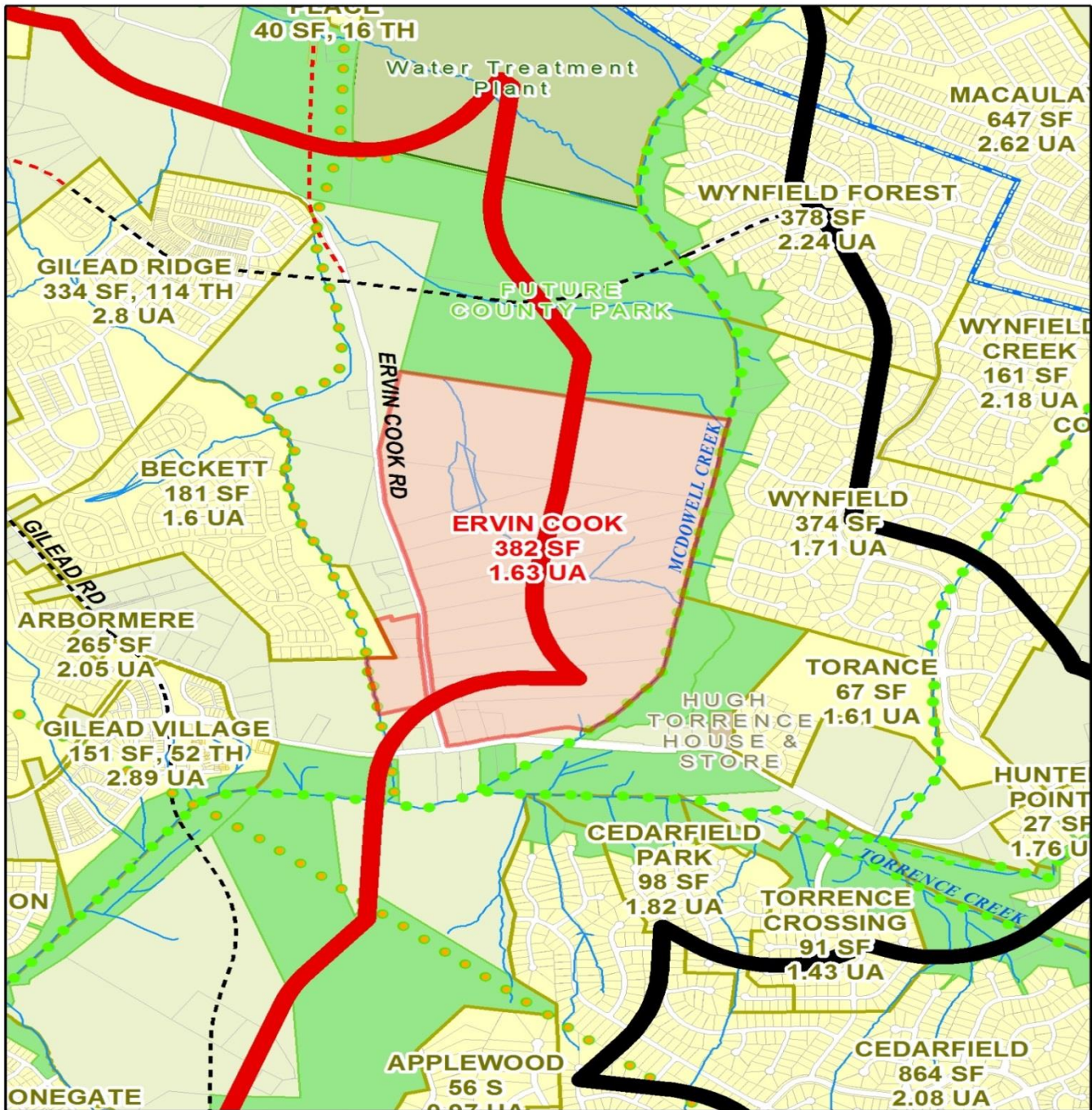
trails will be provided to the future greenway to be located along the eastern edge. Bike lanes will also be provided along Gilead Road and Ervin Cook Road.

- **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 satisfy the TIA Ord. and the required mitigation outlined by the TIA has been accepted by the Town. However, the applicants do not propose to fully mitigate, per the TIA. 12-20-16 UPDATE: see Part 3 for TIA options.
- **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: An **UPDATED** Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Stations, Police Vehicles, Police Stations and Gym & Park Acreage (see Attachment C). No mitigation is required.

**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 was submitted on October 11, 2016 to address Town Staff’s comments and the most recent TIA does not have any major flaws (see Part 3 of this report), however, the applicant has not offered to fully mitigate, per the TIA. Support for this CD Rezoning is strictly based on all appropriate transportation improvements being installed, per an accepted TIA. 12-20-16 UPDATE: see Part 3 for TIA options.
- The APF Ordinance Determination of Adequacy was required. An **UPDATED** Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Stations, Police Vehicles, Police Stations and Gym & Park Acreage (see Attachment C). No mitigation is required.
- 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 TIA/Town/NCDOT required improvements (see Part 3);
- Granting three (3) block length waivers, which staff finds acceptable;
- Note intention to build four (4) greenway connection trails;
- All outstanding redline comments are addressed.



**PART 7: PUBLIC HEARING COMMENTS**

Public Hearing was held on Tuesday, September 06, 2016. Draft minutes are provided in Attachment E.

**PART 8: PLANNING BOARD RECOMMENDATION**

Planning Board reviewed on October 25, item continued to December 20, 2016.

On December 20, 2016, the Planning Board, since their one (1) ordinance-permitted continuation was utilized, requested that this Conditional District Rezoning be deferred back to the Planning Board on January 24, 2017 for recommendation. Planning Board was not able to make a recommendation at the Dec. 2016 meeting, as no TIA mitigation was proposed by the applicant and the applicant (Crescent Communities) requested the deferral.

On January 24, 2017, the Planning Board recommended Denial by 7-1 vote. The recommendation was based on incomplete mitigation of the traffic impacts of this development. "It is not reasonable nor in the public interest to approve a rezoning plan that would have a material negative impact on the Town that is already severely congested." The motion acknowledges there are many positive aspects in the rezoning, but (the Planning Board) cannot endorse such a compromise to traffic conditions.

**PART 9: ATTACHMENTS/ENCLOSURES**

Attachments

- A – Rezoning Application
- B – Neighborhood Meeting Report from June 22, 2016.
- C - APFO Letter of Determination
- D – CD Rezoning / Plan
- E – Draft Town Board Minutes 9-6-16

**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 finds the request is reasonable and in the public interest to approve conditional approval because 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. It is reasonable and in the public interest to approve the Rezoning Plan because the property is located partly within the transitional area between high and low intensity development and because 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>APPROVAL:</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 <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>DENIAL:</p>	<p>DENIAL: In considering the proposed rezoning application R16-05; Ervin Cook Road Subdivision Conditional District, the Planning Board recommends denial, by 7-1 vote based on incomplete mitigation of the traffic impacts of this development. Because “it is not reasonable nor in the public interest to approve a rezoning plan that would have a material negative impact on the Town this is already severely congested.” The motion acknowledges there are many positive aspects in the rezoning, but (the Planning Board) cannot endorse such a compromise to traffic conditions.</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 <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>