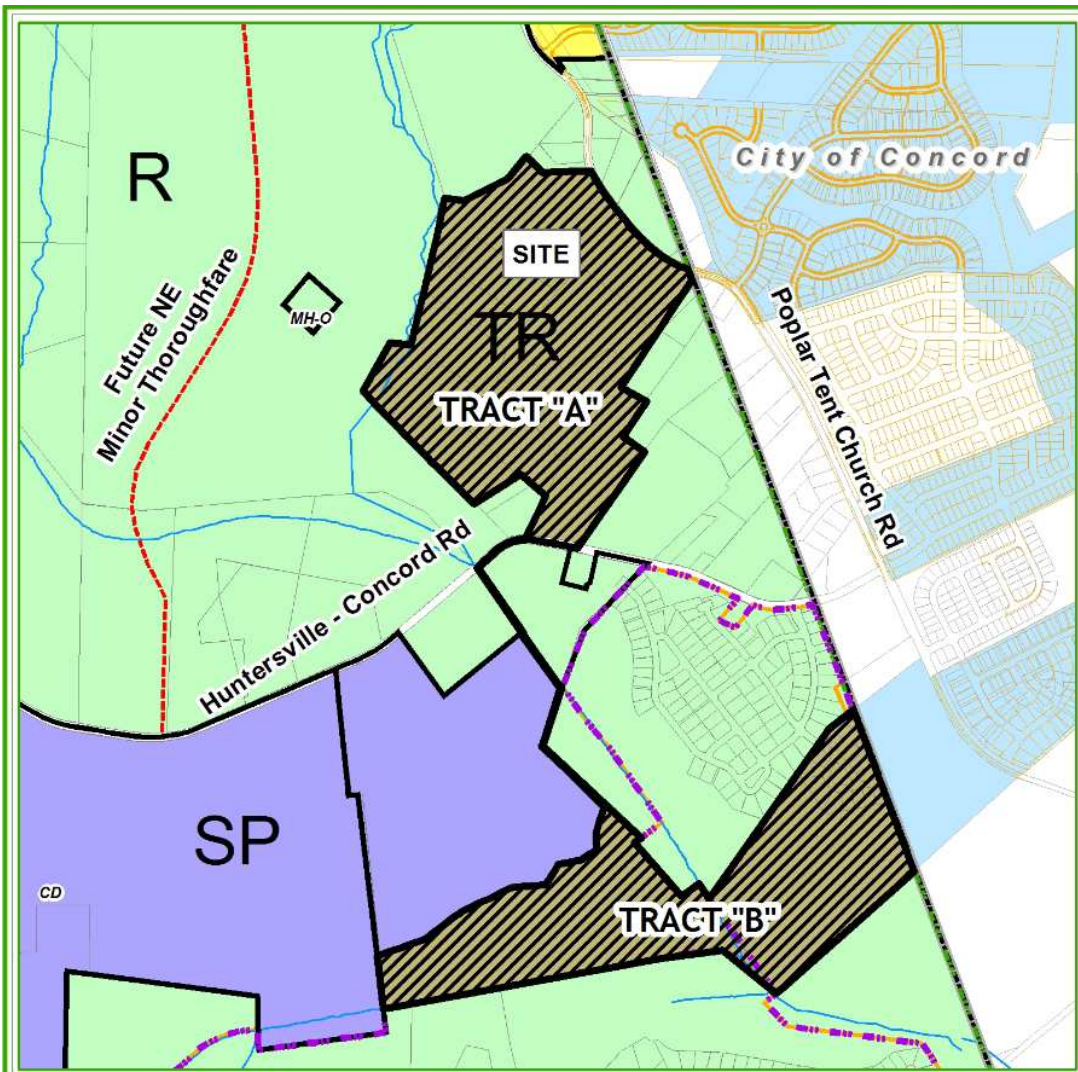


Petition R16-07
Oaks at Skybrook North Conditional District Rezoning

NOTE: per email, received on 3/28/2017, the applicant for this Rezoning has requested to continue the public hearing to a future date to revise the proposed subdivision. The applicant and staff will continue to work on this development.

PART 1: PROJECT SUMMARY



Applicant: Skybrook, LLC

Property Owner: John T. Coley IV (see Attachment A).

Property Address: 15645 Poplar Tent Church Road.

Project Size: (+/-) 175.05-acres

Parcel Numbers:

011-103-01, -03, -04, -07, -09, -10, -11, -13, -16, -17, -18, -19, 011-102-01, -13 and 021-081-04, -06 (owned by Metrolina Greenhouses).

Current Zoning: Transitional Residential Conditional District (TR-CD) & Rural (R).

Current Land Use: vacant & a few homes.

Proposed Zoning: Revised Transitional Residential—Conditional District (TR-CD).

Proposed Land Use: 220 single-family homes

1. Purpose: Rezone 175.05 -acres north of Huntersville-Concord Road and east of Poplar Tent Church Road, near the Cabarrus County line (north of Parkside at Skybrook Subdivision) from Transitional Residential Conditional

District (TR-CD) and Rural (R) to Transitional Residential – Conditional District (TR-CD) to add approximately four (4) acres of land, to increase the lot count from 180 to 220 and to adjust open space and street layout.

NOTE – It is important to understand that Skybrook North, as a whole, includes 175.05-acres broken-out into two (2) large areas. The proposed TR-CD Rezoning for this site involves a 96.39-acre Tract A and a 78.66-acre Tract B (see map, above). The addition of a new parcel and the other proposed revisions only impact Tract A. Tract B has no revisions or changes proposed.

A Subdivision Sketch Plan for this project has also been submitted concurrent with this Rezoning Plan and will go to the Planning Board on April 25, 2017.

2. Adjoining Zoning and Land Uses.

North: Rural (R) – large-lot single-family & vacant.

South: Rural (R) – single-family (Parkside at Skybrook Subdivision) & agri-business (Metrolina Greenhouses).

East: Rural (R) – mostly vacant & a few large-lot single-family homes (along Cabarrus County line).

West: Rural (R) – regional tourist attraction (Renaissance Festival) & vacant.

3. A neighborhood meeting was held on Monday, February 27, 2017. The complete meeting summary is provided in Attachment C. Questions/concerns centered on possible road improvements and what type and number of homes are proposed to be built.
4. Notice for this rezoning petition was given via letters sent to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property in two (2) locations.

PART 2: REZONING/SITE PLAN ISSUES

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

- The Oaks at Skybrook North subdivision (Tract A) will be developed as one (1) phase.
- Additional right-of-way required along both Huntersville-Concord Road and Poplar Tent Church Road is to be dedicated, along with road improvements for both roads as part of previous approval (see Part 3 for details).
- A 0.80-acre square and a 0.71-acre square are proposed within the subdivision to serve as required Urban Open Space for the residents of Tract A. A 0.42-acre square is part of Parcel B. Overall, 94.29-acres (54%) of open space are provided within the subdivision (current TR zoning requires 40%, or more, of open space).
- An easement is being offered along the northern stream, where a new sewer line was recently installed, to accommodate a section of future County/Town greenway.
- Minimum Tree Preservation for the current TR zone is 35%. The proposed TR-CD Rezoning Plan saves 40% of the overall existing tree canopy.
- A grass path has been indicated to run within both gas-line easements. These paths should be clearly labeled.
- An “emergency-access only” path is proposed to cross one of the gas line easements in order to provide multiple accesses to the western portion of the subdivision.

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

- Density – to be discussed with the applicant.
- Four (4) waivers are requested:
 - Waiver to reduce side yard setback to 5 ft. minimum with 16 ft. building separation. This waiver was approved on 10-16-06 and is on the current 2010 version of the CD Rezoning.
 - Waiver to increase block length per block length table. This waiver was approved on 10-16-06 and is on the current 2010 version of the CD Rezoning. It should be noted that there were three (3) blocks that required a waiver in 2010, but there are only two (2) on the proposed plan.

- Waiver to eliminate curb and gutter requirement on Huntersville-Concord Road and Poplar Tent Church Road. This waiver was approved on 10-16-06 and is on the current 2010 version of the CD Rezoning.
- Waiver to decrease the 80 ft. buffer along Poplar Tent Church Road. This is a new waiver request. The 2010 CD Rezoning provides an 80 ft. buffer in this location.
- Several lots are not located within $\frac{1}{4}$ of Urban Open Space. Additional Urban Open Space will need to be provided.
- Lot 88 is proposed to have access only via a driveway easement running in front of another lot. This access is not permitted. Another solution will be needed for lot access or the lot can revert to open space.
- A side yard setback of 5 ft. with a minimum of 16 ft. of building separation is a hold-over from the 2010 CD Rezoning. However, the lots at that time were a minimum of 85 ft. wide, thus 16 ft. could be accommodated. The current plan permits a 70 ft. wide lot and there is concern 16 ft. of separation cannot be met. Fire Code only requires 10 ft. of building separation.
- A build-to range of 20 ft. – 50 ft. is proposed. This range is acceptable, however, a provision that there will not be more than 5ft. – 10 ft. of variation from one home to another is recommended.
- As part of this CD Rezoning, a reservation of land (dedication or easement) is required to be provided to facilitate the development of the greenway, per Article 11.3.7(h) of the Zoning Ordinance, which stipulates that “in approving a petition to reclassify property to conditional zoning district... Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to town ordinances, the officially adopted Huntersville Community Plan, other applicable adopted long range plans and those that address the impacts reasonable expected to be generated by the development or use of the site.” In summary, adequate accommodation, such as a dedication of land (preferred) or an easement, should be provided for future greenway development.
- In addition to the greenway-land reservation, the applicant has indicated that they will provide a private trail connection to the proposed subdivision.
- The properties involved in this CD-Rezoning have not been offered for voluntary annexation into the Town of Huntersville.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA) - The addition of 40 lots (from 180 to 220) to the approved plan did not exceed the threshold to require a TIA for the Town.

Site Plan Comments

- The street centerline radius in three locations does not meet the minimum in the Engineering Standards and Procedures Manual.
- Several of the end-of-the-street turnarounds may need to be shifted to accommodate the minimum design vehicle.
- Storm water layout will need minor modifications to meet the minimum design standards.
- Preliminary grading is inconsistent with the proposed layout for the cul-de-sac on street 9. The layout may require a grading easement from the adjacent property owner.
- Minor changes to the cross section for the divided residential street
- Other minor changes to plan notes/references.

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. An APF Ordinance Determination of Adequacy was not required, as Skybrook North pre-dates the APF Ordinance.

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 provides adequate open space buffers along Huntersville-Concord Road (80+ feet wide). However, the buffer along Poplar Tent Church Road is not the minimum width of 80 feet. The minimum width must be provided. In addition, 54% of the site is set aside as open space.
- **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 subdivision is located within the Low Intensity Areas of the 2030 Community Plan, which is the area the Comprehensive Plan does not support considering increases in density. The Oaks at Skybrook North subdivision has a proposed density of 1.26 units per acre (2.12 for Tract A only). The only surrounding development, Parkside at Skybrook North, is 1.44, (note that the majority of the land to the north, east and west conforms to the Rural (R) zoning.

<u>North</u>	<u>South</u>		<u>East</u>	<u>West</u>
n/a	Parkside at Skybrook =		n/a	n/a
- **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. The proposed cross-section to be used through the development follows context sensitive design by providing adequate lane widths, green zones for street trees and sidewalks.
- **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 not required, however transportation enhancements are outlined in Part 3 of this staff analysis.
- **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 existing thoroughfares (Huntersville-Concord Road & Poplar Tent Church Road). In addition, there are six (6) stub streets: two to the north, two to the south, two to the east and two to the west.

- **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 provide all TIA-required improvements to external public roads, extend public water and sewer, provide two (2) connections to existing roads, provide six (6) stubs for future connections and provide a greenway reservation.

- **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: see Part 4 of this report.

STAFF COMMENT – The 2030 Huntersville Community Plan would not support this project through the following sections at this time, but could with plan modifications:

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 proposed Conditional District Rezoning for the Oaks at Skybrook North subdivision is supported by the 2030 Comprehensive Plan, as the zoning district is not changing, only the provision of the CD rezoning plan. The Oaks at Skybrook North’s proposed density is 1.26 units per acre, which is slightly lower than nearby development Parkside at Skybrook North (1.44). The TR zoning district does not have a density limit, however, as this proposed subdivision is located along the outer edge of the intensification zone, the proposed density is appropriate as development transitions from the NR zone into the lower-density Transitional Residential (TR) zoning district. The proposal is also appropriate for the area by providing adequate infrastructure (which includes appropriate new roads, existing road upgrades and other transportation enhancements as well as providing ample open space). As long as accommodations are provided for the future greenway, all public infrastructure needs will be provided.

- 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 – see Part 3 of this report.
- The APF Ordinance Determination of Adequacy was required – 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 by Charlotte Water, as well as 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 applicant for this CD Rezoning is looking to make significant changes to the plan (see note, top of staff report), therefore, staff withholds recommendation pending changes.

PART 7: PUBLIC HEARING COMMENTS

Public Hearing scheduled to be held on Monday, April 03, 2017. **ITEM TO BE CONTINUED.**

PART 8: PLANNING BOARD RECOMMENDATION

TBD

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C - Neighborhood Meeting Report from February 27, 2017.
- D – APF Letter of Determination

PART 10: CONSISTENCY STATEMENT - R 16-07 Oaks at Skybrook North Subdivision

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R16-07; Oaks at Skybrook North Subdivision Conditional District Rezoning, the Planning staff recommends conditional approval as it is consistent with Implementation Goals E-1, E-2, E-3, H-1, H-9, T-5, T-7, T-8, CD-5 and PF-2 of the 2030 Community Plan. The property is located within the low intensity development area of the 2030 Comprehensive Plan and the proposed “overall” 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.</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 R16-07; Oaks at Skybrook North Subdivision 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 R16-07; Oaks at Skybrook North Subdivision 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 R16-07; Oaks at Skybrook North 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 R16-07; Oaks at Skybrook North 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>

