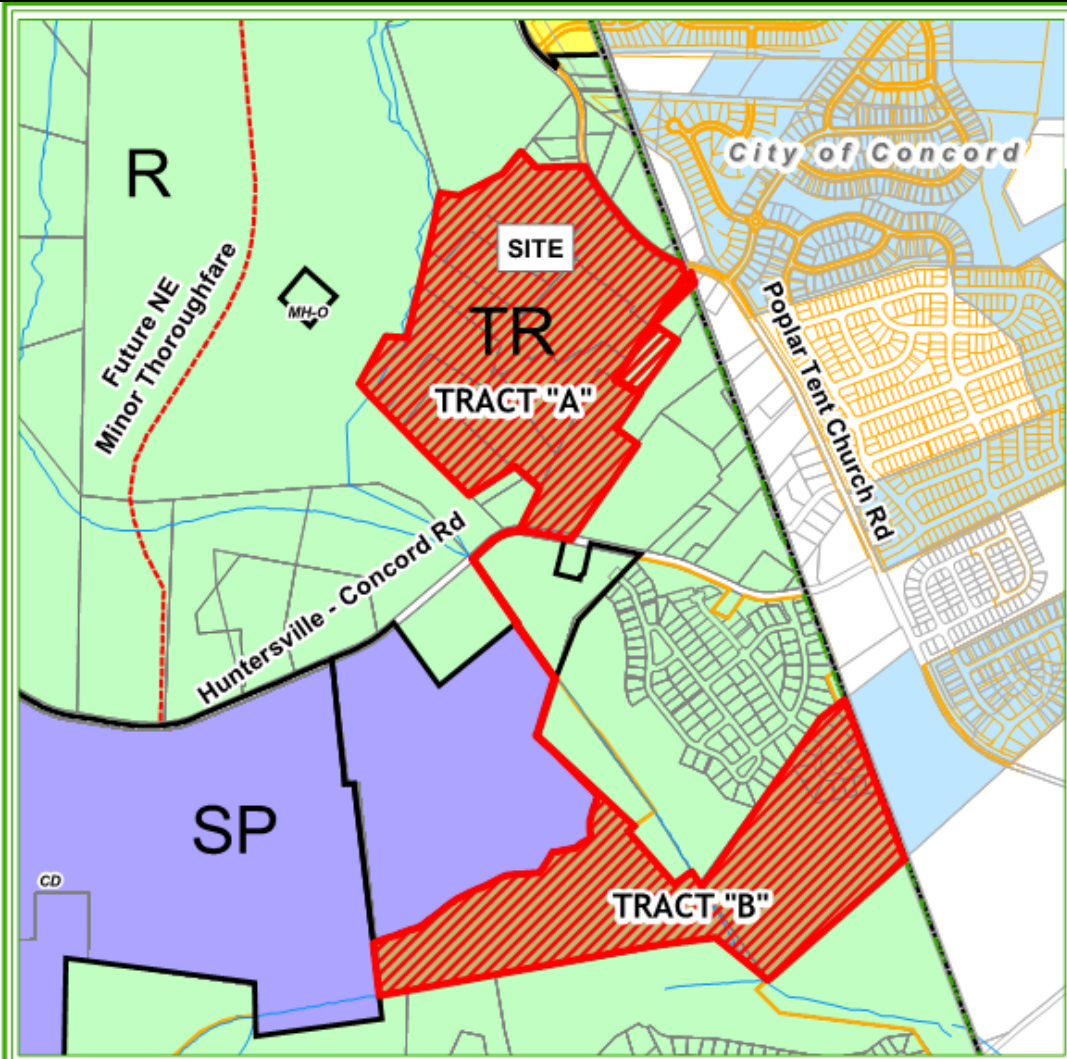


Petition R16-07
Oaks at Skybrook North Conditional District Rezoning

PART 1: PROJECT SUMMARY



Applicant: Skybrook, LLC

Property Owner: John T. Coley IV and Jordan Real Estate Holdings, LLC (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:
221 single-family homes:
205 in Tract A;
16 in Tract B
(a 41 home increase over currently approved plan)

1. Purpose: Rezone 175.05-acres from an existing conditional district plan to a revised conditional district plan. The changes are proposed on the 96.39-acre area north of Huntersville-Concord Road and west of Poplar Tent Church Road, near the Cabarrus County line (north of Parkside at Skybrook Subdivision), shown as Tract A, above. No changes are proposed for Tract B (see above). The specific request is to rezone 175.05 acres 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 221 and to adjust open spaces and street layouts.

It is important to understand that Oaks at Skybrook North, as a whole, includes 175.05-acres broken-out into Tracts A & B. All of the PROPOSED CHANGES ARE FOR TRACT A ONLY. The addition of new acreage, street layout changes, open space adjustments and other revisions are all on Tract A. There are no revisions proposed for Tract B.

A Subdivision Sketch Plan for this project has also been submitted concurrent with this Rezoning Plan and was reviewed by the Planning Board on June 27 and July 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.
5. NOTE: This rezoning petition has been continued twice by the applicant, to explore the possibility of developing under the new Transitional Residential (TR) zoning regulations. The applicant ultimately decided not to pursue that route and has continued with their original revision submittal, with some adjustments.

PART 2: REZONING/SITE PLAN ISSUES

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

- The Oaks at Skybrook North subdivision (Tract A), which is the only portion of the development making changes, 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 outlined in previous approvals (see Part 3 for details).
- Required Urban Open Space is provided via a 1.64-acre Park, a 0.54-acre pocket park, a 0.33-acre pocket park and a 0.69-acre square for a total of 3.20-acres for Tract A. There are a total of 3.62-acres of Urban Open Space provided for both Tracts A & B. Overall open space totals are 97.53-acres (55.72%). Current TR zoning requires 40% open space, minimum, to achieve maximum permitted density.
- 2.30-acres is proposed to be dedicated to Mecklenburg County, 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 51.49% of the overall existing tree canopy, [12.51% for Tract A (Currently 7.6%) & 85.64% (currently 58.1%) for Tract B].
- Grass paths will be maintained along both gas-line easements by the Home Owners Association (HOA).
- An “emergency-access only” drive / pedestrian 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:

- The total density increase of 41 homes is supported by staff. From the beginning of this review process, staff indicated they could support a 40 unit increase, provided, open space deficiencies were addressed by incorporating “additional open space features” into the CD-Rezoning Plan and all redline comments were addressed. **(7-25-17 UPDATE) The requirements outlined to support 40 more units have been incorporated into the CD-Rezoning Plan.**

- Two (2) waivers are requested and must be specifically approved or denied. The waivers are as follows:
 - “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, Block “V” and “W”.
 - 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.
- 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 was recommended **(7-25-17 UPDATE) This note has been added to the latest version of the plan.**
- 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. **(7-25-17 UPDATE) As stated on page 2, 2.30-acres is proposed to be dedicated to Mecklenburg County to accommodate a section of future County/Town greenway.**
- In addition to the greenway-land reservation, the applicant **(7-25-17 UPDATE) will provide a private trail connection to the future greenway from the subdivision.**
- The properties involved in this CD-Rezoning will be offered for voluntary annexation into the Town of Huntersville, as have all other sections of Skybrook.

PART 3: TRANSPORTATION ISSUES

A TIA is not required by the Town for the proposed increase from 180 to 221 single family detached housing units as it is below the 50 peak hour and 500 daily trip thresholds. A left-turn lane on Huntersville-Concord Road at the site entrance as well as a left-turn lane on Poplar Tent Church Road at the site entrance are recommended by Town staff and are required by NCDOT (both with a minimum of 100 feet of storage).

Two streets centerline radii are proposed to be below the Engineering Standards and Procedures Manual minimum of 200 feet for streets posted 25 MPH. The Engineering Dept. recommends that both be increased to this minimum. Centerline radii of 165 – 195 are consistent with Article 5 of the Zoning Ordinance for context of the streets proposed in this neighborhood. Both of the curves that were below the 165 foot minimum were increased to this minimum in the latest version of the plan.

The plan however still lists a design speed of 20 MPH and a centerline radius minimum of 90 in one of the typical cross sections (see Sheet 5) which is not applicable based on the context of the street network design and actual layout depicted on the plans. Removal of these notes on the Typical Section are needed as they are not applicable.

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 (80+ feet wide) along both Huntersville-Concord Road and Poplar Tent Church Road. In addition, 55.72% of the overall site and 26% of Tract A is set aside as open space.
- **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 and 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 new TIA was not required for this revision; 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, one to the east and one 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 dedication.
- **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.

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 (CD) 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 overall density is 1.26 units per acre, however Tract A (where the revisions

are proposed) would have a density of 2.12 units per acre. Overall, the density is below the Transitional Residential District (TR) maximum density of 1.5 units per acre, but the proposed density for Tract A would be higher than both the TR density limit, as well as the adjacent Parkside at Skybrook North development, which has 1.44 units per acre. The proposal will provide adequate infrastructure (which includes new roads within the development, existing, adjacent road upgrades and other transportation enhancements as well as providing additional 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 originally required in 2006, but NOT for this revision – see Part 3 of this report.
- The APF Ordinance Determination of Adequacy was not required, as the initial APF allocation for Skybrook North was not exceeded – see Part 4 of this report.
- Storm water drainage, water supplies and wastewater and refuse disposal and a Willingness-to-serve letter provided by Charlotte Water (which has been issued), as well as PCO-1 storm water approval from Mecklenburg County are conditions of recommended approval.

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 Oaks at Skybrook North Conditional District Rezoning Plan can be supported by staff subject to the following:

- All required TIA/Town/NCDOT required improvements, as well as all outstanding Transportation comments are addressed, as outlined in Part 3 of this report;
- All outstanding redline comments are addressed.
- RECOMMENDATION: The centerline radii for two curves in “Street 2” are proposed to be below the Engineering Standards Manual min. of 200 feet for streets posted 25 MPH. The Engineering Dept. recommends that both are increased to this min. Article 5 of the Zoning Ordinance permits centerline radii of 165 – 195 given the context of the streets proposed in this neighborhood. Both of the curves that were (originally) below the 165 foot min. were increased to this min. in the latest version of the plan.
- RECOMMENDATION: Property should be annexed into the Town limits in exchange for all municipal services. (UPDATE 6-27-17 – Applicant indicated (via email) on June 5, 2017 that property will be offered for annexation into Town as a condition of Conditional District Rezoning. A note to this effect must be added to the Rezoning plan.)

PART 7: PUBLIC HEARING COMMENTS

Public Hearing was held on Monday, June 05, 2017. No specific questions or concerns were raised during the public hearing.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board continued item on June 27, 2017, with applicant’s consent, to address staff’s concerns.

Planning Board, on July 25, 2017 made a motion to deny by 6 – 3 vote. The motion to deny was based upon factors related to density and it was not seen as in the public interest to continue to “eat away at our Rural zones”. The July 25, 2017 Planning Board minutes offer additional comments relative to their recommendation (see Attachment E).

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
- E – Planning Board (draft) minutes from July 25, 2017.

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 FOR ONLY 221 units, as overall, it is consistent with Implementation Goals E-1, E-2, E-3, 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 similar 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 provisions, it is reasonable and in the public interest to approve the Conditional District Rezoning Plan BECAUSE it is consistent with the 2030 Comprehensive Plan (as outlined above) and the applicable provisions of the Zoning Ordinance can be adequately addressed, with staff's recommendations in Section 6 .</u></p>	<p>APPROVAL: n/a</p>	<p>APPROVAL: In considering the proposed rezoning application R16-07; Oaks at Skybrook North 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: In considering the proposed rezoning application R16-07; Oaks at Skybrook North Subdivision Conditional District, the Planning Board <u>recommends denial, by 6-3 vote, based on the Plan not being reasonable and not in the public interest to continue to “eat away at our Rural zones”.</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>