

July 17, 2017

REQUEST	Current Zoning: MX-1 (mixed use) and MX-1 SPA (mixed use, site plan amendment) Proposed Zoning: MX-1 SPA (mixed use, site plan amendment)
LOCATION	Approximately 7 acres located on the north side of Smithfield Church Road where it meets Heydon Park Way, west of Heydon Hall Circle. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes the redevelopment of two single family lots and development of multiple vacant, infill parcels for a single family residential development of 24 homes at a density of 3.4 dwellings per acre, surrounded by the Heydon Hall neighborhood south of Quail Hollow Country Club.
PROPERTY OWNER	Wayne Edward Edge, Deborah Belk Edge, Ruth Reid Stewart, Heydon Hall II LLC
PETITIONER	Heydon Hall II LLC, c/o Michael Dodson
AGENT/REPRESENTATIVE	Collin Brown and Bailey Patrick Jr., K&L Gates LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 54.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues and requested technical revisions related to site design, transportation and stormwater.

Plan Consistency

The petition is consistent with the *South District Plan* recommendation of single family residential, and meets appropriate criteria in the *General Development Policies* for development at up to four dwellings per acre.

Rationale for Recommendation

- The subject area is currently entitled for a total of 59 single family homes. The proposal increased the number of units allowed on the portion of the site previously specified for five lots but decreases the total number of homes allowed to 24.
- The original Heydon Hall rezoning allowed an average density of three dwelling units per acre. The densest portions of the existing neighborhood are developed at approximately five units per acre. The proposal for 24 lots at 3.4 dwelling units per acre is consistent with the existing Heydon Hall neighborhood.
- The petition provides for a revised layout of single family homes within the Heydon Hall community consistent with the area plan recommendations.
- The site design and commitments are similar and compatible with the existing community because:
 - Lot widths shown along Heydon Hall Circle match the widths of the existing parcels along the street.
 - Minimum lot size of 7,200 square feet is similar to other lots within Heydon Hall.
 - Setbacks and yards are similar to the existing Heydon Hall community.
 - Private street design matches the existing private streets within Heydon Hall.

PLANNING STAFF REVIEW

- **Background zoning information**
 - The proposed rezoning contains 7.045 acres that includes approximately 3.15 acres previously rezoned to MX-1 under petition 2001-032 and approximately 3.89 acres previously rezoned to MX-1 SPA under 2009-007.

- Petition 2001-032 was the original Heydon Hall rezoning and allowed the construction of single family homes on 63.28 acres at an overall average density of three dwelling units per acre which comes to 189 units. Since the approval 130 dwellings have been constructed, leaving approximately 59 units undeveloped.
- Petition 2009-007 modified a 3.89 acre portion of the original Heydon Hall site plan to specify that a total of five single family parcels would be permitted on the portion. These five lots were never developed.
- Under the previous two rezonings the subject 7.045 acres is entitled to 59 units made up of the five lots specified in 2009 and 54 remaining undeveloped units. This would be for a density of 8.37 units per acre. However, it should be noted that the full entitlement may not be achievable due to lot standards, street requirements and requirements from other applicable ordinances.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Allows the development of up to 24 single family detached homes on individual lots for a density of 3.4 units per acre.
 - Adds specification of the following lot standards:
 - Minimum lot area – 7,200 square feet
 - Minimum lot width – 60 feet: the site plan shows 80 foot wide lots along Heydon Hall Circle
 - Minimum setback – 17 feet, side yard – five feet, and rear yard – 30 feet
 - Maximum building coverage - 70%
 - Provides vehicular access from Smithfield Church Road via a gated private street connecting to Heydon Hall Circle.
 - Provides a private street cross-section that will include eight-foot planting strip and six-foot sidewalk matching existing Heydon Hall private streets.
 - Indicates areas where potential on-street parking may be provided with the final location(s) to be determined during permitting.
 - Specifies that freestanding lighting will be fully capped, shielded and downwardly directed. The maximum height of any pedestrian scale, freestanding lighting is limited to a maximum of 15 feet.
 - The petitioner is requesting the following innovative provisions in order to support a small lot residential village:
 - Permit single family lots to front on private streets.
 - Allow a minimum garage setback that is 20 feet from the back of sidewalk and a minimum building setback of 10 feet from the back of sidewalk.
 - Allow minimum corner setback, for lots where the private street intersects Heydon Hall Circle and forms the corner of the lot, of five feet from the back of sidewalk.
 - Allow a maximum 70% building coverage.
 - Provides the following standards offered by the petitioner:
 - Commitment that architectural design be substantially similar to the existing architecture of the existing Heydon Hall community.
 - Provides preferred building materials list including brick, natural stone or synthetic equivalent, stucco to comprise a minimum of 20% of the building façade facing public or private streets.
 - Prohibits building materials including vinyl siding except for handrails, windows or door trim and concrete masonry units which are not architecturally finished.
 - Commitment to the same landscaping restrictions as the existing Heydon Hall community.
 - Specifies that garage doors shall not be visible from any network required public or private street.
- **Existing Zoning and Land Use**
 - The subject property is occupied with two single family homes. It was part of the larger Heydon Hall development site zoned MX-1 (mixed use) by petition 2001-032. A portion of the site was rezoned MX-1 SPA (mixed use, site plan amendment) with revised lot configuration by petition 2009-007. The subject property is surrounded to the north, east, and south by the developed portion of Heydon Hall, consisting of single family homes on private gated streets. To the west are additional single family homes in R-20MF (multi-family residential) and R-15(CD) (single family residential, conditional) zoning.
 - The subject property and the Heydon Hall development are accessible by vehicle only via Smithfield Church Road, a major collector which extends eastward from Park Road. Smithfield Church Road also provides access to Quail Hollow Middle School, Smithfield Elementary, and Quail Hollow Presbyterian Church, all zoned R-3 (single family residential), and Southminster retirement community, zoned INST(CD) (institutional, conditional).
 - See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**

- Petition 2016-138 made revisions to the 25.4-acre Southminster retirement community, rezoning to INST(CD) SPA (institutional, conditional, site plan amendment)
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends single family residential use at up to three dwellings per acre.
 - The *General Development Policies* (GDP) provides criteria for increased residential density up to four units per acre. These include provision of sewer, petitioner meeting with staff, evaluation of road network, and adherence to appropriate design guidelines.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located along a major collector and a local street. The site plan commits to installing new six-foot sidewalks along the site's Smithfield Church Road and Heydon Hall Circle frontages. CDOT continues to request that the site plan recognize the major collector extension that abuts the site's frontage.
 - See Outstanding Issue, Note 5 and Requested Technical Issues, Notes 7 and 8.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 30 trips per day (based on two dwellings).
 - Entitlement: 650 trips per day (based on 59 dwellings).
 - Proposed Zoning: 280 trips per day (based on 24 dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 34 students, while the development allowed under the proposed zoning will produce 14 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development will not increase the school utilization (without mobile classroom units) over existing conditions for:
 - Smithfield Elementary (111% capacity);
 - Quail Hollow Middle (89% capacity); and
 - South Mecklenburg High (142% capacity).
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water main located along Smithfield Church Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Smithfield Church Road and passing through parcels 209-22-222, 209-22-221, 209-22-224, and 209-22-299.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from or planted in the right of way of all City of Charlotte maintained streets without permission of the City Arborist's office. The petitioner must submit a tree survey for all trees two inches or larger located in the rights of way. In addition, the survey shall include all trees eight inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** See Requested Technical Revisions, Note 9.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Amend the site plan tables and notes to clarify that lots along Heydon Hall Circle will be at least 80 feet wide.
2. Amend the cross-section detail to reflect six-foot sidewalks as shown on the site plan.
3. Amend the site plan to show the eight-foot planting strip and six-foot sidewalk along Heydon Hall Circle and Smithfield Church Road as described in the development standards.
4. Eliminate the maximum building coverages listed in the site development data note 2 and note 5 under IV Architectural Standards because it conflicts with the proposed innovative standard.

5. Amend note 2 under IV Architectural Standards to remove the words “a small lot residential village” and replace with “residential development consistent with the adjacent single family neighborhood.”
6. Amend note 2c under IV Architectural Standards to clarify that the corner setback only applies where two private streets intersect.

Transportation

7. The petitioner should address the proposed major collector street extension along the site's frontage. It is unclear if a full street cross section can be extended across the site's frontage but the connectivity should be explored with Planning and CDOT.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

8. Move the information in the site development data table and the vicinity map on technical data sheet to the schematic site plan sheet and delete the technical data sheet as it is not needed.
9. Remove note 4 under IV Architectural Standards as this note would be part of the HOA document and the City does not enforce HOA restrictions.

Transportation

10. The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right of way set at two feet behind back of sidewalk.
11. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.

Environment

12. Add the following note: “The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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