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<b>REQUEST</b>	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)
<b>LOCATION</b>	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)
<b>SUMMARY OF PETITION</b>	The petition proposes the redevelopment of two single family lots and development of multiple vacant, infill parcels, surrounded by the Heydon Hall neighborhood south of Quail Hollow Country Club, for a single family residential development of up to 25 homes at a density up to 3.54 dwellings per acre.
<b>PROPERTY OWNER</b>	Wayne Edward Edge, Deborah Belk Edge, Ruth Reid Stewart, Heydon Hall II LLC
<b>PETITIONER</b>	Heydon Hall II LLC, c/o Michael Dodson
<b>AGENT/REPRESENTATIVE</b>	Collin Brown and Bailey Patrick Jr., K&L Gates LLP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 54.
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"><li>• The Zoning Committee found this petition to be consistent with <i>South District Plan</i> and to meet the appropriate criteria in the <i>General Development Policies</i> for development at up to four dwellings per acre, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none"><li>• The plan recommends single family residential use; and</li><li>• The petition meets criteria for development up to four units per acre with the provision of sewer, meetings with staff, evaluation of the road network and appropriate site design.</li></ul></li><li>• Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none"><li>• 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 25; and</li><li>• 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, with the possibility of 25 lots under certain conditions, for at up to 3.54 dwelling units per acre is consistent with the existing Heydon Hall neighborhood; and</li><li>• The petition provides for a revised layout of single family homes within the Heydon Hall community consistent with the area plan recommendations; and</li><li>• The site design and commitments are similar and compatible with the existing community because:<ul style="list-style-type: none"><li>• Lot widths shown along Heydon Hall Circle match the widths of the existing parcels along the street; and</li><li>• Minimum lot size of 7,200 square feet and 9,600 square feet for the lots along Heydon Hall Circle are similar to other lots within Heydon Hall; and</li><li>• Setbacks and yards are similar to the existing Heydon Hall community; and</li><li>• Private street design matches the existing private streets within Heydon Hall;</li></ul></li></ul></li></ul>

By a 6-0 vote of the Zoning Committee (motion by McClung seconded by Majeed).

**ZONING COMMITTEE  
ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

Site and Building Design

1. Amended the site plan tables and notes to clarify that lots along Heydon Hall Circle will be at least 80 feet wide.
2. Amended the site plan to show the eight-foot planting strip and six-foot sidewalk along Heydon Hall and Circle Smithfield Church Road as described in the development standards.
3. Eliminated the site development data note 2 and note 5 under IV Architectural Standards because they conflicted with the maximum building coverages listed in the proposed innovative standard.
4. Made the following changes to the innovative standards: reduced the maximum building coverage from 70% to 60%, increased the corner setback from five feet to ten feet, and eliminated a garage setback of 20 feet.
5. Added development standards, at the request of and in cooperation with the Heydon Hall neighborhood, related to building materials, roof pitches, steps, chimneys, home placement, garages, driveways, lighting, design for security gates, security walls, on-street parking, construction activity, irrigation wells, and provision of supplementary declaration documents.
6. Increased the maximum possible number of lots from 24 to 25. A 25<sup>th</sup> lot would only be possible if the stormwater facility is not located on the site.

Transportation

7. Staff rescinded the request that the petitioner should address the proposed major collector street extension along the site's frontage.
8. Provided a note that the right-of-way dedication and transportation improvements will be completed prior to the issuance of the first certificate of occupancy.

Environment

9. Changed the name of the Ordinance in note 1 under VIII Environmental Features from Post Construction Controls Ordinance to Post Construction Stormwater Ordinance
10. Added a note under VIII Environmental Features stating "The location, size, and type of stormwater 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 stormwater treatment requirements and natural site discharge points."
11. Added a note under VIII Environmental Features stating that "The stormwater pond/facility shall meet the requirements of the PCSO and Charlotte-Mecklenburg BMP Design Manual. No woody vegetation will be allowed on any embankments impounding stormwater. The following measures may be taken as long as they do not conflict with the PCSO, Charlotte-Mecklenburg BMP Design Manual, or any Charlotte-Mecklenburg Land Development Standards."

Requested Technical Revisions

12. Staff rescinded the request to move the vicinity map and delete the technical data sheet because the petitioner moved the information in the site development data table to the development notes.
13. Removed note 4 under Architectural Standards as this note would be part of the HOA document and the City does not enforce HOA restrictions.
14. Reorganized the numbering and section headings of the notes to clarify the development standards and reflect the additional standards added.

**VOTE**

Motion/Second: Majeed / McMillan  
 Yeas: Fryday, Majeed, McClung, McMillan, Spencer, Sullivan  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that the petition was consistent with the *South District Plan* and the *General Development Policies*. Staff informed the Committee that the petitioner had addressed the issues from the pre-hearing staff analysis and made some changes to the innovative standards and additions to the notes at the request of the neighborhood related to building materials, roof pitches, steps, chimneys, home placement, garages, driveways, lighting, design for security gates, security walls, on-street parking, construction activity, irrigation wells, and provision of supplementary declaration documents. There were several items related to stormwater noted in the agenda as outstanding but the petitioner had worked with staff with Stormwater Services and the issues were resolved.

There was a question about how density is calculated. Staff indicated that density is determined by dividing the number of units by the total acreage.

There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Background**

- 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 24 single family detached homes on individual lots with the possibility for up to 25 lots only if the stormwater facility is not located on the site for a density of up to 3.54 units per acre.
- Adds the following lot standards:
  - Minimum lot area – 7,200 square feet
  - Minimum lot width – 60 feet with 80-foot wide lots along Heydon Hall Circle
  - Minimum setback – 10 feet from back of sidewalk, side yard – five feet, and rear yard – 30 feet
  - Maximum building coverage - 60%
- 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.

- Provides a number of specifics related to lighting including location and spacing of lights along the private street.
- 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 building setback of ten 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 ten feet from the back of sidewalk.
  - Allow a maximum 60% building coverage.
- Provides the a number of development standards offered by the petitioner, at the request of and in cooperation with the Heydon Hall neighborhood, related to building materials, roof pitches, steps, chimneys, home placement, garages, driveways, lighting, design for security gates, security walls, on-street parking, construction activity, irrigation wells, and provision of supplementary declaration documents.
- **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.
  - **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 20922222, 20922221, 20922224, and 20922299.
- **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:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- 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

**Planner:** John Kinley (704) 336-8311