

**Submitted Date**

November 25, 2019

**Meeting Date**

December 12, 2019

**Topic**

Open and conduct a public hearing and consider adopting an ordinance for annexation of four (4) parcels located on the northeast side of the Rocky River Road and Lower Rocky River Road intersection. The authorized petitioner for the annexation is Keith Rains, PE, of McKim and Creed.

**Background**

The subject property consists of +/- 56.83 acres on the northeast corner of Rocky River Road and Lower Rocky River Road. The property is also adjacent to the southwest corner of the Mills and Rocky River project, and west of Rocky River Elementary School.

The applicant has proposed to annex the subject property for the development of a single-family detached subdivision. Should annexation be adopted, a request for the RV-CD (Residential Village Conditional District) zoning classification will be presented to the Planning and Zoning Commission. A preliminary site plan has been submitted and is attached to Council's packet materials indicating a maximum of 113 lots. This site plan has been through one complete round of technical site review by City Staff at the time of this staff report and is currently under the second submittal review. Additional modifications may be required as a result of this, and subsequent reviews.

The property is currently zoned CR (Countryside Residential) in Cabarrus County which permits a density of up to one (1) dwelling unit per acre. Under the current annexation/rezoning proposal, density would be +/- 1.95 dwelling units per acre.

The subject property is located within the 2030 Land Use Plan's Suburban Neighborhood Land Use Category, Conservation District Character Area, and the Central Area Plan's Very Low Density development guide. RV and conditional district variations are compatible zoning classifications to the Land Use Category. However, the Central Area Plan's guidance only allows density up to 1 unit per two acres or 2 units per acre with additional development standards. Additional development standards have not been provided to demonstrate why the additional density should be considered beyond one (1) unit per acre. They are not required at the time of annexation but will be prior to rezoning.

As Council is aware, the 2030 Land Use Plan's Conservation District Character Area sets basic recommendations for developments in this area. However, specific Development Ordinance standards have not yet been adopted for regulation of subdivisions in this area but are currently in the composition process. With that said, Staff cannot say with 100% certainty what the final Conservation Subdivision standards will be and therefore will be limited to reviewing the rezoning proposal against current basic subdivision standards and the minimal and suggestive (not required by ordinance) guidance provided by the Land Use Plan until those regulations are adopted. LUP guidance:

**“Maintain large, wide blocks of contiguous habitat** to avoid habitat fragmentation by conserving 50% or more of the site if possible.

**Maintain functional connections between core habitat areas that wildlife can travel through to avoid isolating habitats.** Major roads and large developments, make wildlife travel difficult or impossible while working farms and forests are more conducive to species movement.

**Protect rare landscape elements, sensitive areas and associated species.** Not all open spaces are created equal. Natural open spaces—such as wetlands, riparian and native upland forests—will protect water, air, and wildlife much better than manicured open spaces.

**Allow patterns of natural disturbance to continue such as periodic fire and river flow patterns.** Encourage habitat management, which can be funded by homeowner associations and parks departments.

**Ensure that the native tree and shrub species of the region will be retained** by species and diameter requirements and minimize the introduction and spread of nonnative, invasive species.

**Avoid land uses that deplete or degrade natural resources** in environmentally sensitive areas, including habitat for species of conservation concern.

**Define specific buffer widths,** based on science, within which no permanent structures are allowed.

**Encourage the management of stormwater on site through Low Impact Development techniques** such as rain gardens, native vegetation, constructed wetlands and swales.

**Accommodate a mix of housing densities,** from large lots to more affordable and attractive condo-type development, on site due to open space amenities and attractive housing appearance.

**Contiguous open space** can be owned by the homeowner association.

**Coordinate with local land trust, Soil and Water Conservation District, and Extension agency** to assist with conservation planning and projects, and potential ordinance amendments.”

Staff's opinion is that this project does not meet the intent of the Conservation Subdivision section of the 2030 Land Use Plan as no specified Low Impact Development Standards have been discussed, absence of tree survey/tree save proposal, no defined incorporation of native plant species, and the lack of a mixture of housing types.

Should Council annex the subject property and the plan proceed to the Planning and Zoning Commission or rezoning, Staff will advise the Commission that the plan does not appear to be in conformance with the Land Use Plan. As an alternative, since a City zoning classification must be applied to the property after annexation, Staff would

recommend RE (Residential Estate) for conformity with the surrounding area and the 2030 Land Use Plan.

**RECOMMENDATION:** Conduct a public hearing and consider a motion adopting the annexation ordinance and set the effective date for December 12, 2019.