

REQUEST	Proposed Zoning: MUDD-O SPA, mixed use development district optional, site plan amendment
LOCATION	Approximately 5.75 acres located on the north side of Millerton Avenue near the intersection of West Morehead Street.
SUMMARY OF PETITION	The petition proposes a site plan amendment to increase the number of residential buildings while maintaining the same number of residential units at 270.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	South Carolina Bank & Trust, N.A. Lomax Properties Patrick Woods, Lomax Properties
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the Bryant Park Land and Streetscape Plan and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Zoutewelle seconded by Commissioner Firestone).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Delineated a six-foot sidewalk along Millerton Avenue rather than a five-foot sidewalk. 2. Indicated internal sidewalks abutting parking areas will have a minimum width of seven feet. 3. Eliminated the proposed sign. Signage will meet ordinance minimums. 4. Provided an internal streetscape containing a minimum five-foot sidewalk and eight-foot planting strip on both sides of the internal private drive connecting Millerton Avenue to buildings #1 and #2. 5. Reorganized and consolidated the site plan notes within the standardized form. Placed the following Development Data Summary notes under the appropriate headings. <ol style="list-style-type: none"> a. Notes #1 and #6 under "General Provisions" b. Eliminated Notes #2 thru #5, #9 and #10. c. Notes #7 and #14 under "Transportation. Corrected typos in Note #14. d. Note #8 under "Fire Protection". e. Note #11 under "Lighting". f. The last sentence of Note #12 modified and placed under "Architectural Standards" to read "Direct sidewalk connections will be provided from the buildings that abut Millerton Avenue <u>out to the public sidewalk</u>". g. Note #13 under "Streetscape". h. Notes #15 and #16 under "Environmental Features". i. Notes #17 and #18 under "Other". j. Note #19 under "Parks, Greenways, and Open Space". k. Notes #20 and #21 under "Architectural Standards". l. Note 22 under "Optional Provisions". m. Placed "CDOT Notes" under "Transportation". 6. Eliminated the reference of "total parking shown: 279". 7. Eliminated the note under "Permitted Uses" and provided the following note "Up to 270 multi-family residential units and associated accessory uses". 8. Relocated Note b under "Other" to "Architectural Standards". Modified the note to indicate the solid waste enclosure will have a roof.
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9. Provided typical building elevations of the proposed buildings to illustrate the scale and massing.
10. Provided a note under "Streetscape" to state "The petitioner will provide a CATS concrete passenger waiting pad along Millerton Avenue per CATS standards".
11. Addressed Mecklenburg County Parks and Recreation Department's comment by identifying a greenway easement at the northern corner of the subject site, next to the future Stewart Creek greenway, to allow an entrance plaza to the greenway trail.

VOTE

Motion/Second:	Zoutewelle/Phipps
Yeas:	Allen, Dodson, Firestone, Phipps, Rosenburgh and Zoutewelle
Nays:	None
Absent:	Griffith
Recused:	None

ZONING COMMITTEE DISCUSSION

Planning staff presented the petition to the Committee and indicated all outstanding issues had been addressed.

A Committee member had a question regarding the proposed building separation between the two building fronting Millerton Avenue. The petitioner stated the separation is shown on the site plan as approximately 10 feet and that the separation requirements of the fire code would be met.

Another Committee member had a question regarding a street connection identified in the Bryant Park Land Use and Streetscape Plan to the abutting property north of the subject site. Staff confirmed that the adopted plan did identify a street stub to the northern property. However, the original 2007 rezoning shifted the street connection from this subject site to the western portion of the original rezoning to provide a street extending from Evergreen Drive connecting to the abutting northern property.

The topography of the site was also discussed by the Committee members. It was clarified that there is an approximately 12-foot drop in grade from Millerton Avenue to the interior portion of the site. The two buildings along Millerton Avenue are identified as three stories along the street and become four stories at the rear of the building due to the drop in grade. The interior portions of the site are relatively flat and the two interior buildings are identified as four stories.

One Committee member questioned the parking requirements of the proposed development. Staff stated the plan indicates compliance with the minimum parking standard of one parking space per dwelling unit. The MUDD regulations do not have a parking cap and therefore the market dictates the number of parking spaces provided. The Committee member requested further discussion at a future Planning Commission meeting regarding parking regulation throughout the city.

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**

The subject property was part of a larger 36-acre rezoning approved in 2007 (rezoning petition 2007-058). This previously approved rezoning allowed for a mix of single family and multi-family residential units with an overall density of 16.6 dwelling units per acre (700 units) and up to 20,000 square feet of office and retail uses. The portion of the 2007 rezoning associated with this subject site plan amendment allowed one building with up to 270 multi-family units and 20,000 square feet of office and retail uses. The remaining balance of the previous rezoning remains undeveloped.

- **Proposed Request Details**

The site plan amendment contains the following changes:

- Increases the number of buildings from one mixed use building to four residential buildings along with additional accessory buildings.
- Eliminates 20,000 square feet of office and retail land uses.
- Reduces the maximum building height from 120 feet to 80 feet.
- Provides building elevations.
- Adds a CATS concrete passenger waiting pad along Millerton Avenue.

- **Public Plans and Policies**

- The *Bryant Park Land Use & Streetscape Plan (2007)* recommends residential land uses up to 22 dwelling units per acre for this parcel.
- The site plan amendment is consistent with the *Bryant Park Land Use & Streetscape Plan*. The density of the property included in the site plan amendment is approximately 47 dwelling units per acre. However, the overall density of the original rezoning from which this petition was a part will remain the same at 16.6 dwelling unit per acre.

- **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Facilitates the use of alternative modes of transportation by providing a concrete CATS passenger waiting pad along Millerton Avenue.
 - Minimizes impacts to the natural environment by redeveloping an infill lot.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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