

REQUEST	Current Zoning: MX-2 (INNOV), mixed use, innovative Proposed Zoning: R-12MF(CD), multi-family conditional
LOCATION	Approximately 34 acres located on the west side of Carmel Road between Quail Hollow Road and Bridgewood Lane.
SUMMARY OF PETITION	The petition proposes to redevelop a 34-acre site occupied by 232 apartments with up to 390 multi-family dwelling units at 11.47 units per acre.
PROPERTY OWNER	Faison-Hollow, LLC
PETITIONER	Faison-Hollow, LLC
AGENT/REPRESENTATIVE	Jeff Brown and Keith MacVean, King & Spalding LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Griffith seconded by Commissioner Labovitz).

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. Amended "Site Development Data" on Sheet RZ-1 and RZ-2 to indicate that podium type buildings are limited to three stories and 48 feet in the front and four stories and 60 feet along the rear of the building (three residential stories over one level of parking) for "Podium" type buildings. 2. Amended Note 5B under the heading of "Streetscape, Buffers and Landscaping" to indicate that planting strip width may vary but will be a minimum of eight feet in width unless the Planning Department, in conjunction with City Engineering, determines that a narrower planting strip should be allowed to save existing trees. 3. Staff replaced the request to amend Note 7A under the heading of "Open Space/Tree Save Areas" to indicate that greenway trails are not permitted in delineated tree save areas with a request to add the following: "Tree save areas may include Mecklenburg County Park and Recreation Greenways. The greenway trail placement within tree save areas must be coordinated with the city so that the affected tree save area required is maintained." 4. Amended Note 7C under the heading of "Open Space/Tree Save Areas" to specify that approximately 2.80 acres will be conveyed to Mecklenburg County Park and Recreation. 5. Note 8A under the heading of "Signage" remains as written. Staff understands it is a commitment to the neighborhood. 6. Amended Note 10(V)(a) under the heading of "Other" to specify that solid waste and recycling pick-up will be provided by a private hauler. 7. Notes 2F and 10V(f) are acceptable as written. Though staff has concerns regarding enforceability it is understand they are listed as commitments to the neighborhood. 8. Deleted Notes 4D, 5G and 6D, which are minimum ordinance requirements. 9. Addressed Park and Recreation comments by specifying location of easements. 10. Addressed Transportation comments by (1) adding a note committing to provide a raised landscape median (approximately 8' x 50' and planted with ground cover only, no trees), which will include a pedestrian refuge island and any required accessible
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ramps needed to be constructed to allow pedestrians to cross Carmel Road, as depicted on the rezoning plan; and (2) adding a note committing to construct in the NW quadrant of the intersection of Carmel Road and Quail Hollow Road a raised concrete pedestrian refuge right-turn island with associated accessible ramps. The petitioner will also reconstruct the existing accessible ramp on the NW quadrant of the intersection to align with the proposed pedestrian refuge island.

VOTE

Motion/Second: Griffith/Labovitz
 Yeas: Allen, Eschert, Griffith, Johnson, Labovitz, Lathrop and Phipps
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented the petition and indicated the outstanding issues had been addressed. Commissioner Phipps questioned why the increased density is supported. Staff responded that when a site is rezoned the land use plan recommendation is amended. Therefore, because this rezoning proposes an increased number of units than the prior approved rezoning it is inconsistent with the land use plan. However, the site meets the criteria set forth in the General Development Policies for an increase in density.

STAFF OPINION

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 originally rezoned in 2007, via petition 2007-114, to allow up to 229 single family detached, attached, and/or multi-family for sale dwelling units along with accessory structures, at a density of 6.8 units per acre. The site plan included the following conditions:

- A 30-foot landscaped buffer along Carmel Road.
- A 50-foot Class C buffer along the northerly property boundary in common with the Rockbridge neighborhood.
- Access via Carmel Road and Quail Forest Drive.
- Proposed dedication of land within the 100-foot SWIM buffer to Mecklenburg County for use as greenway.
- Reserved right to relocate the existing cell tower access and maintenance easement from its current location.
- Preservation of 15 percent of site as open space.

- **Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
- Maximum 390 multi-family units limited to 580 bedrooms consisting of manor house and podium type buildings, and accessory uses excluding bed and breakfasts, boarding houses, dormitories, institutional uses, and office and business uses. Customary home occupations are permitted.
- Manor house type buildings not to exceed two stories and 40 feet in height. Podium type buildings limited to three stories and 48 feet in the front and four stories and 60 feet along the rear of the building.
- Minimum unit size of 700 square feet exclusive of attached garages.
- Building setbacks along Carmel Road range from a minimum 70 feet to 127 feet as depicted.

- Building materials consisting of a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco or wood. A minimum 35 percent of the exterior of each building to be constructed of brick, stone and synthetic stone, precast stone or precast concrete. Vinyl siding not permitted as an exterior building material, except on windows and soffits.
- The front or side of manor type buildings will be oriented toward Carmel Road, the internal private street, the southern property boundary along buildings 9, 10, 12, 13, 14, or the adjacent single family dwelling along the northern property boundary.
- Parking prohibited between the buildings and Carmel Road.
- Allowance of gates along the internal private street at its intersection with internal drives, which shall not prohibit connectivity between Carmel Road and Quail Forest Drive on the private street.
- An eight-foot planting strip and a six-foot sidewalk along Carmel Road.
- An eight-foot planting strip and five-foot sidewalk along both sides of the internal private street linking Carmel Road to Quail Forest Drive.
- A pedestrian access to the adjoining shopping center to be located between Building #8 and #9.
- A CATS bus passenger waiting pad along Carmel Road.
- Dedication of a portion of the 100-foot wide SWIM buffer along McMullen Creek to Mecklenburg County Park and Recreation Department and a 40-foot side greenway access easement.
- Detached lighting not to exceed 15 feet in height.
- An edge treatment along the northern property boundary consisting of variations of a 50-foot tree save/buffer area, a series of retaining walls along the inner edge of the buffer area, evergreen trees and shrubs, and a decorative metal fence.
- A 40-foot tree save/Class C buffer along the southern property boundary adjacent to the existing condominiums.
- Existing vegetation along the southern property boundary adjacent to the existing commercial shopping center will be preserved and supplemented to Class C standards where portions are removed or do not exist.
- The two on site existing wireless communication towers to remain. Additional transmission towers are prohibited.
- Solid waste compactor facility and recycling area located a minimum of 60 feet from the exterior property line.
- **Public Plans and Policies**
 - The *South District Plan* (1993) as amended by the prior rezoning shows the subject property as multi-family residential at 6.8 dwelling units per acre.
 - The *General Development Policies* (GDP) support residential densities at up to 12 units per acre.

Assessment Criteria	Density Category - >8 up to 12 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	3 (Medium)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 12

The land use is consistent with the amended *South District Plan* but the density is inconsistent with the density as amended. However, the site meets the density recommendations of the GDP.

- **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.

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 Police Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The proposed development would generate 100 students. The net change in the number of students generated from existing zoning to the proposed zoning is 40 students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** 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*.
 - Protects/restores environmentally sensitive areas by preserving a portion of the 100-foot SWIM buffer along McMullen Creek to be conveyed to Mecklenburg County Park and Recreation Department and providing a 40-foot wide greenway access easement to allow Mecklenburg County Park and Recreation Department to construct an easement to the greenway.
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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
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Police Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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