

REQUEST	Current Zoning: R-17MF, multi-family residential and MUDD-O, mixed use development district, optional Proposed Zoning: MUDD-O, mixed use development district, optional and MUDD-O SPA, mixed use development district, optional, site plan amendment.
LOCATION	Approximately 1.41 acres located at the intersection of Colony Road and Roxborough Road. (Council District 6 - Dulin)
SUMMARY OF PETITION	The petition proposes a change from 38 for-sale residential units to 100 for sale or for lease multi-family dwelling units and a reduction in building height from 90 to 75 feet through a site plan amendment and the inclusion of additional land.
PROPERTY OWNER	Morrison Place, LLC
PETITIONER	Grubb Properties, Inc.
AGENT/REPRESENTATIVE	Bailey Patrick, Jr. and Collin Brown
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the South District Plan and to be reasonable and in the public interest, by a 6-1 vote of the Zoning Committee (motion by Commissioner Griffith seconded by Commissioner Allen).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Corrected density to reflect 70.92 units per acre. 2. Listed optional request to one detached, ground mounted sign limited to 32 square feet in size and up to four feet in height. 3. Amended Note 2 under heading of General Provisions as follows: <ol style="list-style-type: none"> a. Deleted reference to rezoning petition 2004-015; b. Removed reference to alignment of internal streets; c. Note that buildings will be constructed in a manner similar to the schematic elevations provided on Sheet RZ-3; d. Delete reference to an optional provision from previous petition 2004-015. 4. Amended Note 4C under the heading of "Permitted Uses" to add business centers as an accessory use to the residential development. 5. Amended Note 5B under the heading of "Transportation" to reference Site Plan instead of Schematic Plan. 6. Changes to notes under the heading of "Architectural Standards" as follows: <ol style="list-style-type: none"> a. Removed reference to "mixed use portion of the site" under Note 6C. b. Amended Note D to state that the petitioner agrees not to install any rooftop mounted heating, ventilation or air conditioning equipment unless such equipment is completely screened on all four sides and a sloped roof structure on top of the screening walls. c. Added Note E, which indicates that, in order to reduce the number of rooftop mechanical units, the petitioner agrees to install packaged terminal air conditioner systems in each of the residential units unless installation is not practically feasible given the design and layout of a particular unit, in which case a split heating, ventilation and air conditioning system may be used for such unit; provided, however, in no event shall a split system be used in more than 10 percent of the total units constructed and any equipment placed on the roof for such units using a split system and for any common areas of the building will be screened as provided in Note 6D.
--------------------------------	--

- d. Added Note F stating that no public assembly space or improvements will be constructed on the roof of any building other than a terrace that may be constructed on the roof of a parking structure and which will be integrated as a part of the building configuration.
 - e. Amended Note H to add that exterior balconies may cantilever out from the building a distance not to exceed approximately 18 inches.
 - f. Added Note I to state that dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side. No dumpster will be permitted within 100 feet of the northern property line abutting residential zoning classification.
 - g. Added Note J stating that any loading and dumpster area shall be constructed to accommodate not less than a 24-foot moving truck in such a manner as to avoid such truck from extending into, or blocking traffic on any internal private streets serving the Site. Petitioner will plant large maturing trees on either side of the drive in order to provide screening between the dumpster and adjacent properties across Lloyd Church Road.
 - h. Added Note K stating that the Petitioner agrees to construct and make available to residents of any building developed on the Site amenities which shall include, without limitation, a swimming pool, clubhouse with business capabilities such as Wi-Fi and printer, a fitness center and parking. The pool and fitness center will be of sufficient size to reasonably service the residents of the building.
- 7. Amended Note 7H under the heading of "Streetscape and Landscaping" to state that all roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from an elevation of approximately 75 feet above grade.
 - 8. Added Note I under the heading of "Streetscape and Landscaping" to state that the swimming pool amenity area will be screened from Colony Road and from Sharon Township Lane with either opaque fencing, walls, landscaped plantings or any combination of such screening methods to a maximum height of four feet.
 - 9. Amended Note 12A under the heading of "Lighting" to delete reference to a walking trail.
 - 10. Amended Note 8 under the heading of "Environmental Features" to state that Storm water retention areas will be at existing off-site retention facilities pursuant to existing easements appurtenant to the Site as set forth on Rezoning Petition 2004-015. Site development permits will be conditioned upon submittal of sufficient documentation to verify the existing storm water retention facilities have been properly designed and constructed to serve the proposed development.

VOTE

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

ZONING COMMITTEE DISCUSSION

Planning staff presented this item to the Committee and indicated that there are no outstanding issues. A committee member questioned the parking ratio listed on the plan, which states that one space per bedroom would be provided. Staff responded that the subject property is currently used as an overflow parking area for abutting

residential units and the petitioner chose to leave the note, which was requested by property owners at the community meeting. Staff subsequently rescinded the request to reflect the number and/or ratio of parking spaces as "per ordinance requirement." The committee member expressed concern about a note indicating parking per bedroom, in that renting per the bedroom is not currently permitted, and there is an ongoing stakeholder process pertaining to single room leasing and parking and housing issues near colleges and universities. Staff noted that the MUDD district has a parking requirement of one space per unit. Should there be a predominance of one-bedroom units, the resultant parking will be the same as that required per the zoning ordinance. Staff also pointed out that there are transit stops in the area, which may encourage transit use.

MINORITY OPINION

A minority of the Zoning Committee was unable to support the petition with the note pertaining to parking provided per bedroom because density and parking are currently calculated per dwelling unit, not bedroom. In addition, stakeholder group is currently vetting the issue of renting and parking by the bedroom, and the associated impacts.

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 existing MUDD-O portion of the subject property was part of a 23-acre rezoning approved in 2002 (rezoning petition 2002-129). This previously approved rezoning, consisting of three tracts, allowed 65,000 square feet of retail, 240 age restricted multi-family units and 615 multi-family units. Tract 2, which contains most of the area included in the subject rezoning, consisted of 3.11 acres and allowed 240 age restricted units or 120 multi-family units, with a maximum height of 120 feet.
- Subsequent petition 2004-015 consisting of 23.4 acres approved a site plan amendment and incorporated additional land to allow 127,500 square feet of retail space (18,000 square feet of which can be devoted to office uses), 554 residential units, and a 10,000 square foot fitness center. Tract 2 allowed 38 for-sale residential units, at a maximum building height of 90 feet.

• Proposed Request Details

- The site plan accompanying this petition contains the following provisions:
 - Up to 100 for sale or for lease multi-family dwelling units at a density of 70.92 units per acre.
 - Maximum building height of 75 feet.
 - Parking at one space per each bedroom in a unit.
 - Proposed parking underneath building.
 - Building materials shall include brick and glass as the primary construction material with accents of stucco, architectural concrete block, EIFS, natural or manufactured stone, precast concrete and architectural metals. At least 60 percent of the exterior opaque vertical surfaces below the eaves (excluding doors and windows) of all buildings constructed within the mixed-use portion of the site will be composed of brick.
 - All roof mounted mechanical equipment will be screened.
 - Exterior balconies of all buildings will be designed to be covered and enclosed on three sides.
- Optional:
 - Allowance for a detached, ground-mounted sign in the location on which a sign currently exists, as shown on the Site Plan, and which will be no greater than 32 square feet in size and up to 4 feet in height.

• Public Plans and Policies

- The *South Park Small Area Plan* (2000), as amended by prior rezonings, recommends a mix of multi-family residential, office and retail uses as part of an overall development.
- The petition is consistent with the *South Park Small Area Plan*.

- **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 Schools:** The proposed development would generate 26 students. The net change in the number of students from existing zoning to the proposed zoning is zero 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.
-

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*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- No issues.
-

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 Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327