

REQUEST	Current Zoning: MX-1, mixed use Proposed Zoning: UR-2(CD), urban residential, conditional
LOCATION	Approximately 26.68 acres located on the west side of Interstate 77 north of the intersection of Reames Road and Lakeview Road. (Council District 2 - Mitchell)
SUMMARY OF PETITION	The petition proposes to allow up to 324 multi-family residential units.
PROPERTY OWNER	Brookline Residential, LLC
PETITIONER	Brookline Residential, LLC
AGENT/REPRESENTATIVE	Anthony Fox and Bobby Sullivan, Parker Poe
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Northlake Area Plan</i> ; however, to be reasonable and in the public interest, by a 4-1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Nealon).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Modified Note 4.C. to reference driveway permits to be approved by CDOT and NCDOT. 2. Modified the last sentence of Note 4.D. to read: "...is valid for a period of ten (10) years from the date of the <u>first certificate of occupancy being issued on the site</u> original approval of the Brookline site plan". 3. Eliminated Note 4.E. 4. Eliminated Note 4.G. 5. Modified the second sentence of Note 4.H. to read: "Petitioner <u>may</u> shall be allowed to construct control access gates at the project entrance, generally as depicted on the schematic site plan and subject to CDOT <u>and Planning</u> approval". 6. Provided an additional "Transportation" note indicating the petitioner will construct a concrete passenger waiting pad for bus service along the eastern side of Reames Road and that the location will be coordinated with CATS. 7. Provided an additional "Transportation" note that reads: "During the subdivision development review process, it will be determined if a vehicular/pedestrian connection(s) will be required to the abutting property north of the site. If such connection(s) is required and the development of this site occurs prior to the redevelopment of the abutting site to the north, the portion of the connection(s) on the site will be designed and constructed at the property line within two feet above or below the existing grade of the northern abutting parcel to facilitate the connection. Once such connection(s) is made it shall remain open to the public and any gate if installed to date must be removed." 8. Modified Note 5.D. to read: "...masonry materials <u>including</u> (brick, stone, brick veneer, and/or simulated stone architectural lock and other masonry materials". 9. Eliminated Note 6.A. 10. Eliminated the last sentence of Note 6.B. 11. Eliminated Note 6.D. 12. Eliminated Note 6.E. 13. Eliminated Note 6.F. 14. Provided a conditional note regarding the open space areas, including tree save and stormwater areas, that indicate what amenities will be provided.
--------------------------------	--

15. Removed the note on Sheet RZ-2 that states: "Due to existing conditions/perennial stream along this property line, roadway connection per USDG shall not be required".
16. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 4 and 5 out to the internal sidewalk along Boylston Drive.
17. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 7 and 11 out to the internal sidewalk along Boylston Drive.
18. The building elevation on Sheet RZ-3 indicates "accent vents and cupola on featured buildings". Provided additional notes that clearly define the featured buildings that will be constructed with the additional architectural elements.
19. Addressed Transportation comments.
20. The buffer width along Interstate 77 has been increased from a 50-foot Class "C" buffer to a 75-foot buffer along a majority of the road frontage. A portion of the buffer adjacent to the storm water management pond has been increased to 65 feet.
21. The minimum requirement for masonry materials on the exterior building walls has been increased from 25 percent to 30 percent. The percentage requirement for the carriage unit facades facing Boylston Street and the single family homes has been increased to 75 percent and their elevations have been modified to incorporate covered porches.
22. Provided a note to allow the eight current homeowners within Brookline to use the pool facility at the proposed apartment community for an annual fee of \$600.
23. Provided a note indicating the petitioner will fund the repair of the existing gate at the Lakeview Road entrance and commit to having the apartment community pay for the long term maintenance of the gates.
24. Provided a note indicating the apartment community will share in the cost of maintaining the private roads in Brookline and in keeping up the landscaping along Reames Road.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee members and noted that all outstanding issues had been addressed. Staff also listed changes that the petitioner made to respond to concerns discussed by City Council members at the public hearing. These changes included:

1. Increasing the buffer width along Interstate 77 from 50 feet to widths ranging from 65 feet to 75 feet and
2. Increasing the minimum percentage of exterior building walls being constructed with masonry materials from 25 percent to 30 percent for all buildings except a minimum 75 percent for the carriage unit buildings along Boylston Drive.

Staff also summarized an email from the petitioner received following the Zoning Committee agenda being sent that indicated additional commitments. Some of these additional commitments included:

1. The eight current homeowners within Brookline may use the pool facility at the proposed apartment community for an annual fee of \$600,
2. Revised building elevation for the carriage units along Boylston Drive that incorporate covered porches and other architectural features similar to those on the single family homes within the Brookline development, and

3. Repair of the existing gate at the Lakeview Road entrance, long term maintenance of the gates, and shared maintenance of the internal private streets.

The discussion began by one Committee member asking for clarification of the location of the proposed multi-family units in relationship to the existing single family homes and future single family homes within the partially developed Brookline neighborhood. Staff reviewed the site plan and pointed out the location of the unit types and noted that the plan provides for an appropriate transition by providing for two-story buildings, identified as carriage units, with single family design elements that front the street that separates the two unit types. The Committee member stated there should be a larger separation between the single family and the carriage units. The member also stated additional concerns that include multi-family units across from single family could impact the property values of the single family homes and with the economy improving there is an increasing market for single family homes.

Another Committee member stated it is tough to make a recommendation on a petition to rezone a portion of a stalled development. They continued by stating the proposal would provide the investment needed to restart the stalled development and would also help to maintain and improve the property values of the existing single family homes. The Committee member indicated the location and single family design elements of the carriage units create a good transition between the proposed multi-family and the existing partially developed single family development. The proposed layout also helps to integrate the two developments.

A third Committee member stated the Northlake Area Plan indicates where various residential densities are recommended to be located. The densities in this area are similar to a single family development. Their concern is that increasing densities in the area will decrease the amount of land available for single family developments and that the rezoning will encourage more multi-family developers to petition to rezone for more multi-family developments in areas designated for single family. The member also indicated their concern that this could create a situation where there is an over development of multi-family units within the Northlake area.

It was then stated that the additional commitments made by the petitioner were commendable and in the public interests. A Committee member asked if there was a deferral for one month, would the petitioner have more discussions with the neighborhood residents and staff to modify the plan to address any additional concerns. The petitioner indicated they had met with the neighborhood several times and could not see any further compromise.

The Committee discussed if a larger vegetative buffer between the existing single family neighborhood and the proposed multi-family would be more appropriate. A Committee member restated their position that the proposed layout establishes a good relationship between the two unit types and creates a unified development. One Committee member stated their concern that the residents of the partially developed neighborhood bought into a single family development rather than a mixed residential neighborhood.

The Zoning Committee suspended their rules to allow a resident of the Brookline single family neighborhood to state two concerns they have regarding the proposed rezoning. The resident indicated the increased traffic on the private streets within the single family portion of Brookline from Lakeview Road to the proposed multi-family would have a negative impact on the neighborhood. They also indicated their concern regarding possible decreases in property values.

The Zoning Committee then asked the petitioner to respond to the neighborhood concerns. The petitioner indicated the City requires the connectivity between the internal streets so there are connections to both Reames Road and Lakeview Road. The petitioner then stated the high quality design of the proposed multi-family development will help to maintain the values of the existing single family homes. It was also stated that the carriage units will have similar character and building materials as the existing single family homes within Brookline.

The Committee members then discussed the transportation commitments by the petitioner to contribute \$50,000 towards a future traffic light at Reames and Lakeview Roads. Staff indicated the traffic signal and a proposed pedestrian crossing along Reames Road will have an impact on traffic calming in the area. A Committee member asked if the internal roads within Brookline are to remain private. Staff indicated the private streets were built to public street standards. Therefore, if the residents choose to do so, they could request the streets become public and have the City take over maintenance. It was then asked if traffic calming devices could be placed on the private streets within the single family portion of the development. Staff indicated such devices would be allowed on private streets but there are currently no traffic calming devices proposed within the development.

The Zoning Committee asked the resident of the Brookline single family neighborhood if the installation of a traffic signal at Lakeview and Reames Roads would address some of their traffic concerns. The resident stated they were less concerned with the traffic on the abutting public streets and more concerned with the multi-family traffic driving within their community and the possible safety issues associated with that traffic. A Committee member indicated that the original rezoning proposed a similar internal street network with traffic directed to only two access drives providing access from either Reames Road or Lakeview Road. Another Committee member stated discussions should occur between the residents and the petitioner regarding possible traffic calming devices within the development on the private streets.

The discussion ended by a Zoning Committee member stating the situation involving a stalled development and the proposed rezoning is difficult, but it appears that the petitioner has been willing to work with the existing homeowners within the Brookline neighborhood and have made improvements to the plan throughout the rezoning process to address some of their concerns.

MINORITY OPINION

No minority opinion was given beyond the comments provided within the Zoning Committee Discussion.

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 part of a larger 55-acre rezoning approved in 2006 (rezoning petition 2006-038). This previously approved rezoning allowed for up to 257 single family lots with an overall density of 4.7 dwelling units per acre. The portion of the rezoning east of Reames Road, which includes this subject site, was allowed to be a gated community with private streets. The southern portion of this previous rezoning has been partially developed with a private street network and nine single family homes have been constructed. The balance, including the subject site, remains undeveloped. Excluding the current rezoning, a total of 131 single family units are permitted on the remaining acreage of the 2006 rezoning.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 324 multi-family units with an overall density of 12.14 dwelling units per acre.
- Prohibits surface parking between the buildings and Reames Road.
- A 30-foot setback provided along Reames Road.
- Internal streets to be interconnected with the existing street network of the abutting Brookline single family development.
- Portions of the private internal streets to be constructed to public street standards.
- Control access gates may be installed at the project entrance.
- Up to \$50,000 to be contributed towards the installation of a traffic signal at the intersection of Lakeview and Reames Roads.
- Buildings will have facades that face Reames Road.
- Building elevations provided to illustrate the general character and scale of the proposed buildings.
- Maximum building height limited to three stories.
- Minimum of 30 percent of the exterior building walls shall be constructed with masonry materials. The carriage units along Boylston Drive will have a minimum of 75 percent of the exterior building walls constructed with masonry materials. Vinyl is prohibited as an exterior wall material.
- Buildings along Boylston Drive, abutting the existing Brookline single family development, will face the street, be limited to two stories, and be designed to complement the single family community.
- Various tree save areas proposed abutting the existing Brookline single family development.
- A buffer ranging for 65 to 75 feet in width will be provided along Interstate 77.
- Fountains to be installed in the water quality ponds adjacent to Interstate 77 for sound abatement.
- Detached lighting shall be limited to 20 feet in height.
- All lighting shall utilize full cut-off light fixtures.
- Access to the site will be provided from Reames Road and Lakeview Road via the private streets within the abutting Brookline neighborhood.

- **Public Plans and Policies**

- The *Northlake Area Plan* (2008) recommends residential uses up to five dwelling units per acre for the subject property. This land use recommendation reflects the overall density of a previous rezoning approved in 2006 (rezoning petition 2006-038).
 - The petition is inconsistent with the *Northlake Area Plan*; however, the proposed density of approximately 12 dwelling units per acre for the subject rezoning is consistent with the density of the multi-family developments located north of the site. In addition, the proposed site plan provides for a transition from three-story buildings along the northern portion of the site adjacent to existing multi-family residential to open space/tree save areas and two-story buildings with single family design elements along the southern portion of the site adjacent to the partially developed single family development. The design elements of the proposed rezoning along with the integrated street network help to establish a compatible unified development with the adjacent partially developed single family neighborhood, resulting in an overall development with a mix of housing types.
-

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.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** 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
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Shad Spencer (704) 353-1132