

<b>REQUEST</b>	Current Zoning: INST (CD), institutional, conditional Proposed Zoning: R-12MF(CD), multi-family residential, conditional
<b>LOCATION</b>	Approximately 7.23 acres located on the west side of Weddington Road between Simfield Church Road and Portstewart Lane. (Council 7 – Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of up to 70 multi-family residential dwelling units, at a density of 10.37 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	New Dominion Bank Charlotte-Mecklenburg Housing Partnership Keith MacVean/Jeff Brown, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 5-2 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Ryan).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-2 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Added note and indicated on site plan that the required curb and gutter along Weddington Road must be located 34 feet from the center line.</li> <li>2. Amended Note 3(c) to state: "The petitioner will construct a northbound left turn lane into the site from Weddington Road. The left turn lane will be created by remarking the existing painted median on Weddington Road for a northbound left turn lane with 100 feet of storage and a 50-foot bay taper in the manner generally depicted on the Rezoning Plan."</li> <li>3. Amended Note 4a to amend the list of proposed building materials as follows: "The building materials used on the principal buildings constructed on the site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings."</li> <li>4. Amended Note 4(c) to state "The two ends of the proposed building will be designed to be a maximum of two stories in height as generally illustrated on Sheet TE002 of the Rezoning Plan."</li> <li>5. Amended Note 5(d) to amend the buffer to be provided along the site's boundaries from a 38-foot Class C buffer to a 50-foot Class A buffer, except where the site's access drive is located, in which case a 38-foot Class A buffer will be provided.</li> <li>6. Amended Note 5(d) to add that the required buffer will be enhanced by utilizing only evergreen trees to meet the required buffer plantings for trees "and by installing a six-foot fence generally along the interior edge of the buffer, the fence may be located up to three feet into the buffer, as generally depicted on the Rezoning Plan. No more than 25% of the fence surfaces shall be left open and the finished side of the fence shall face the abutting property. The width of the Class A buffer will not be reduced by the installation of this fence as prescribed by the Ordinance."</li> </ol>
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7. Amended Note 6 to added the following: "The site's storm water detention facility will be designed and constructed to be a wet pond and will be outfitted with a water circulation fountain and will be enclosed by a decorative four-foot metal type picket fence as generally depicted on the rezoning plan."
8. Amended Sheet TSP001 as follows:
  - a. labeled a two-story building element.
  - b. specified that a porte cochere building element will be omitted.
  - c. showed location of and label a six-foot privacy fence along the edge of the 50-foot Class A buffer
  - d. showed and label the 50-foot Class A buffer to remain disturbed.
  - e. showed approximate location of and labeled the four-foot high decorative fence around the open space/storm water BMP area
  - f. labeled wet pond in open space/storm water BMP area.
9. Amended Sheet TE002 as follows:
  - a. omitted a porte cochere on Building 1A.
  - b. reflected an amended roof line on portions of building, an addition of two units, and an increase of the breezeway from two stories to three stories.
  - c. revised three units to remove porches from the west (Willomere) side of the building and relocated porches to the east side.
  - d. revised building height to coordinate with reduced building height on the north end.
  - e. omitted two units and a breezeway on building elevations from three stories to two stories on the north end.
10. Amended Note 6(c) under Environmental Features to state "If approved by City Storm Water Services and City Engineering the Site's storm water detention facility will be designed and constructed as a wet pond. If constructed as a wet pond it will be outfitted with a water circulation fountain. The storm water detention facility will be enclosed by a decorative four (4) foot metal type picket fence as generally depicted on the Rezoning Plan."

**VOTE**

Motion/Second: Walker/Allen  
 Yeas: Allen, Dodson, Eschert, Ryan and Walker  
 Nays: Labovitz and Low  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

The Committee Chairperson reminded the committee that affordability of the proposed units cannot be discussed, as it is not a land use issue.

Staff provided an overview of the current status of the petition, stating that there are no outstanding issues. Staff explained that while the petition is inconsistent with the *South District Plan* and falls short of qualifying for the requested increase in density, the proposed development is less intense in terms of traffic congestion and land use than the previously approved child care center for up to 425 children. In addition, the *General Development Policies* encourages a range of housing type and densities that will meet the needs of people with a range of incomes.

A committee member asked staff to restate the proposed density, which is 10.37 units per acre. There was no further discussion of the petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**MINORITY OPINION**

A minority of the Zoning Committee noted that the proposed petition seemed to be the wrong project in the wrong location. It was stated that the bar should be raised on how similar projects are addressed in the future to include use of education and case study examples in evaluating. It was also noted that the area is primarily developed with single family residential uses and the addition of 70 multi-family apartment units is not appropriate nor in the public interest based on the overall density.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Background**

Rezoning petition 2009-077 rezoned the subject property from R-3 (single family residential) to INST(CD) (institutional, conditional), to allow the development of a childcare center serving a maximum of 425 children located in two buildings, which are limited to 13,000 and 16,000 square feet in size.

**• Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:

Proposed Uses

- Maximum of 70 multi-family dwelling units in one principal building.
- Accessory buildings and structures are permitted on the site.

Architectural Standards

- Building height limited to 40 feet and three stories.
- Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
- Building roofs will utilize architectural shingles.
- Building elevations are provided.
- Building façade along Weddington Road will have a minimum of three off-sets of at least 15 feet in depth and 50 feet in length to allow for a variety of building setbacks as measured from the Weddington Road right-of-way.
- A minimum 50 percent of the ground floor façade facing Weddington Road will be articulated principally through the use of windows, doors, balconies, and breezeway/pedestrian access corridors.
- No spans of blank, unarticulated walls greater than 20 feet will be allowed along Weddington Road.
- A central open space at least 50 feet in width facing Weddington Road will be incorporated into the design of the principal building.
- The principal building end closest to Nottingham Estates and the end closest to the Willowmere neighborhood will be designed so that patios/decks located on the units closest to these neighborhoods are oriented toward the interior of the development and not toward the adjoining property owners.

Access and Transportation

- Access to the site will be provided via one driveway on Weddington Road; vehicular access from Riseley Lane is prohibited.
- Up to 50 feet of right-of-way from the center line of Weddington Road will be dedicated prior to the issuance of a certificate of occupancy.
- A northbound left-turn lane into the site from Weddington Road will be provided.
- A right-turn deceleration lane on Weddington Road into the site's driveway will be constructed.

General

- Parking spaces provided at 1.6 spaces per unit, which exceeds the ordinance requirement of 1.5 spaces per unit.
- Surface parking prohibited between the principal building and Weddington Road.
- Meter banks will be screened from adjoining properties and from Weddington Road.

- The wall or fence used to enclose dumpster and recycling areas will be architecturally compatible with the building materials and colors used on the principal building.
- The principal building end along the northern property line adjacent to the Willowmere neighborhood will not be located closer than 65 feet to the property line.
- The principal buildings end along the southern property line adjacent to the Nottingham Estates neighborhood will not be located closer than 60 feet from the property line.
- A 50-foot Class A buffer will be provided along the sites boundaries, except where the site's access drive is located, in which case a 38-foot Class A buffer will be provided. The buffer will be enhanced by a six-foot tall fence generally along the interior edge of the buffer. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. The provision of the fence is in addition to the buffer and will not be used to reduce the width of the buffer.
- The existing trees in the buffer along the northwest property line adjacent to the Willowmere neighborhood will be preserved and used to meet the Class A buffer requirements. The required buffer planting will be enhanced by utilizing only evergreen trees.
- A six-foot fence will be installed along the site's perimeter and will be located on the interior edge of the buffer. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property.
- A five-foot sidewalk and eight-foot planting strip will be provided along the project frontage on Weddington Road.
- An internal sidewalk and crosswalk network will be provided that links the principal building to the public sidewalk along Weddington Road.
- Detached lights limited to 15 feet in height and utilizing full cut-off fixtures, excluding lower decorative lighting that may be installed along the driveways, sidewalks and parking areas.
- **Public Plans and Policies**
  - The *South District Plan* (1993), as modified by a previous rezoning, recommends an institutional use (child care center).
  - The *General Development Policies* (GDP) (2003) support a residential density up to eight (8) dwelling units per acre. For scoring purposes, GDP measurements are taken from the center point of a site and the Plantation Market shopping center is just beyond the ½ mile distance that would qualify the site for up to 12 dwelling per acre.

Assessment Criteria	Density Category - up to 8 dua	Density Category - up to 12 dua
Meeting with Staff	1 (Yes)	1 (Yes)
Sewer and Water Availability	2 (CMUD)	2 (CMUD)
Land Use Accessibility	2 (Medium: 3 uses in ½ mile)	2 (Medium: 3 uses in ½ mile)
Connectivity Analysis	2 (Medium Low)	2 (Medium Low)
Road Network Evaluation	0 (No)	0 (No)
<b>Design Guidelines</b>	<b>4 (Yes)</b>	<b>4 (Yes)</b>
Other Opportunities or Constraints	NA	NA
	<b>Total Points: 11 (11 needed)</b>	<b>Total Points: 11 (12 needed)</b>

- The petition is inconsistent with the *South District Plan* and the *General Development Policies*.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The proposed development would generate 13 students. The net change in the number of students generated from existing zoning to the proposed zoning is 13 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** 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.
  - **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*.
    - This site meets minimum ordinance standards.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- 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 Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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