

REQUEST	Current Zoning: R-5, single family residential and MUDD(CD), mixed use development, conditional Proposed Zoning: UR-2(CD), urban residential, conditional
LOCATION	Approximately 1.02 acres located on the northeast corner at the intersection of Ideal Way and Euclid Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow for the development of up to 21 single family attached units (for sale), at a density of 20.4 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Mary Helms Stubbs, and Howard and Christine Keller Weekley Homes LP, c/o Shannon Boling Walter Fields
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Allen).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> 1. The petitioner provided a six-foot sidewalk along Marshall Place. 2. The sidewalk widths on Euclid Avenue and Ideal Way are clearly labeled on the site plan. 3. The height of the proposed ornamental fence will be a maximum four feet. 4. The petitioner has amended the Development Data to clearly specify the existing site area (1.028 acres) and the amount of proposed right-of-way dedication (0.188 acres). 5. The site plan delineates proposed right-of-way from centerline for all abutting streets. A note has been added to the site plan stating this additional right-of-way will be dedicated and conveyed to the City. 6. The petitioner has added language to the site plan indicating that the building materials will include brick, stone and/or other masonry products and hardi plank or other similar durable siding materials. No vinyl will be used as siding material. 7. The petitioner has provided language that states no expanses of blank walls exceeding 20 feet in length will be allowed for the two end units that have a side along Euclid Avenue. 8. The "net" acreage has been removed from the site plan. 9. The proposed density is based on the gross acreage as per the Zoning Ordinance (22.37 dwelling units per acre). 10. The five-foot side yard along the property line abutting the R-5 (single family residential) zoned parcel has been increased to ten feet. 11. The petitioner has reduced the number of units for the overall development from 23 to 21, resulting in a decrease in density from 22.37 units per acre to 20.4 units per acre. 12. The petitioner has made the following changes to the portion of the development facing Marshall Place: <ol style="list-style-type: none"> a. Reduced number of units from eight to six, with a slight increase in the size of the building footprints. b. Created two triplexes out of the six units with open area/space as separation. c. Provided an elevation of the proposed triplexes created along
------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Marshall Place.

13. Added language to Architectural Standards note that states the side yard proposed along the property line abutting R-5 zoned property will include a privacy fence and will be landscaped.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that a recommendation of denial (4-2 vote) was rendered at the February 4th meeting. The City Council referred the petition back to the Zoning Committee for reconsideration at the request of the petitioner. Staff stated that the modifications to the site plan related to the portion of the development facing Marshall Place. Modifications included eliminating two units and breaking up the massing by creating two triplexes with open space as separation. Staff stated that the petitioner provided a new elevation of the triplex. Staff noted that this petition is inconsistent with the *Dilworth Land Use and Streetscape Plan* due to the density and that staff did not recommend approval of the petition.

A Commissioner stated that she thought the site plan discussed at the February meeting was appropriate in scale along Euclid Avenue and Ideal Way, but that she had concerns about the massing along Marshall Place relative to the single family residential neighborhood. The Commissioner stated that the updated site plan included modifications that break up the building massing, and the new site plan provides a better transition to the neighborhood along Marshall Place.

The Commissioner referenced an overlay provided by the petitioner of the proposed triplex on top of an existing home in the neighborhood, and noted the appropriateness with respect to scale. The Commissioner stated that she was comfortable with the changes made to the site plan. Another Commissioner show this graphic to other Committee members to view. (Note: This graphic is not part of the official submittal.)

Another Commissioner noted the surrounding conditions, specifically the site's transitional position at the edge of a station area. A Commissioner inquired about the density recommendation and land use, and staff responded that the *Dilworth Land Use and Streetscape Plan* recommends up to five residential units per acre and that the previously approved site plan supports that density.

There was no further discussion of the petition.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee. This request inconsistent with the *Dilworth Land Use and Streetscape Plan* which recommends five (5) units per acre for the proposed site.

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

PLANNING STAFF REVIEW

- **Background**

Rezoning petition 2006-128 (petitioner Blue Sky Partners, LLC), which was approved in December

2006, rezoned an 0.80-acre portion of the subject site from R-5 (single family residential) to MUDD(CD) (mixed use development, conditional) in order to allow the construction of four for-sale townhomes with open space, at a density of five dwelling units per acre. Building heights were limited to 43 feet along Marshall Place and 49 feet along the green space behind the buildings.

- **Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
 - Up to 21 single family (for-sale) attached homes with individual covered patios and two-car garages, at a density of 20.4 dwelling units per acre.
 - Maximum building height of 40 feet.
 - Internal residential alleyways providing access onto Euclid Avenue and Marshall Place.
 - Three on-street parking spaces on Euclid Avenue.
 - Landscaped area along Ideal Way called "Ideal Way Street Park" consisting of:
 - Steps up to private terrace;
 - Pavers with bench;
 - Ornamental trees;
 - Seasonal annuals;
 - Dilworth neighborhood sign;
 - Street trees;
 - Landscape screen or fence along property line abutting parcel zoned R-5 (single family residential); and
 - Retaining wall approximately four feet in height parallel to Ideal Way.
 - Building elevations.

- **Public Plans and Policies**

- The *Dilworth Land Use and Streetscape Plan (2006)*, as amended by rezoning petition 2006-128, recommends residential land uses up to five dwelling units per acre.
 - The petition is inconsistent with the *Dilworth Land Use and Streetscape Plan*.
-

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 comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one (1) student, while the development allowed under the proposed zoning will produce 13 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 12 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.
-

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*.
 - Minimizes impacts to the natural environment by building on an infill lot.
-

OUTSTANDING ISSUES

- Inconsistent with adopted plan.
-

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-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

Planner: Claire Lyte-Graham (704) 336-3782