



**Rezoning Petition 2014-050
Zoning Committee Recommendation**

July 7, 2014

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| REQUEST | Current Zoning: R-3 (single family residential), UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment) |
| LOCATION | Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road. (Council District 6 - Smith) |
| SUMMARY OF PETITION | The petition proposes to develop up to 43 single family attached dwelling units, in two phases, at a maximum density of 4.73 dwelling units per acre. |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Colony Carmel Investors, LLC and W.W. Hagood, Jr. Trust Copper Builders, Inc. and Cambridge Properties, Inc. John Carmichael, Robinson Bradshaw & Hinson |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 30 |
| 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, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert). |

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| ZONING COMMITTEE ACTION | <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Enhanced drawings of typical courtyard and typical drive to better reflect layout of screen wall with pedestrian gates. Deleted proposed screen walls with gated pedestrian street access that were previously shown on Carmel Road and Colony Road. 2. Showed and labeled proposed tree save areas in Phase I and Phase II that meets the 15 percent requirement. Noted that identified tree save areas where tree canopy does not exist will be replanted at a rate of 36 trees per acre. Specified undisturbed and proposed tree save areas. 3. Showed building and parking footprint for Phase 2 as a separate inset on Sheet RZ-2. 4. Provided a typical front, side, and rear elevation for any façade that will be oriented toward a public or private street on Sheet RZ-4. 5. Designed elevations for end units that front Colony Road with architectural details that create a sense of entry and develop a pedestrian scale orientation towards Colony Road. 6. Amended Sheet RZ-1 to state that existing residential structure is to remain in Phase 1. 7. Relabeled "screen wall" along Colony Road and Carmel Road as "proposed site retaining wall." 8. Specified acreage of Tract A and Tract B in the development data. 9. Amended development data to indicate that all units in Phase I and Phase 2 shall be provided a minimum 400 square feet of private open space. 10. Clarified that each single family attached unit will have a two-car garage. 11. Added a note that the internal private street shall not be required to connect to Carmel Road, per determination of the Subdivision Administrator. 12. Added a note that the petitioners shall install a northbound left turn lane on Colony Road prior to the issuance of the first |
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| | <p>certificate of occupancy for any single family attached dwelling unit constructed on the site.</p> <ol style="list-style-type: none"> 13. Added a note that a door shall not be required on the side elevation of Units 3-6, 31-32, and 34. 14. Noted that the finished grade of each single family attached unit located with frontage on Carmel Road shall be a minimum of three feet below the elevation of the sidewalk located on Carmel Road. 15. Added a note that any railings required to be installed on top of retaining walls along the site's frontage on Colony Road and Carmel Road will be constructed of decorative metal. 16. Provided a streetscape elevation of the proposed residential community along Colony Road. 17. Provided a conceptual landscaping plan. 18. Added a note that the shrubs to be located between the retaining walls and the sidewalks along the site's frontage on Colony Road and Carmel Road will be installed during the first available planting season. 19. Noted that the on-site pond will be preserved. 20. Showed location of solid waste and recycling facilities. 21. Relocated proposed retaining wall at the intersection of Carmel and Colony Roads out of the 35' x 35' sight distance triangle. |
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VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that the outstanding issues have been addressed and that the petition is consistent with the *South District Plan*. A committee member asked if the units along Carmel Road will be visible from the road. The Zoning Committee suspended the rules and the petitioner's agent responded that there will be a five-foot grade difference between Carmel Road and the development, and the wall will not go above street level. In addition, shrubs will be planted on top of the retaining wall.

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**
 - Petition 2005-162 rezoned 7.64 acres of the total 9.09 acres included in the subject rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow 36 for-sale condominium units in three buildings. One attached residential dwelling was built in 2010.
- **Proposed Request Details**
 The site plan amendment contains the following changes:
 - Up to 36 single family attached dwellings and one individual single family attached dwelling is proposed in Phase 1 of the development.
 - The individual single family attached unit shall be demolished and replaced with up to seven single family attached dwelling units in Phase 2 of the development.
 - Minimum setback of 14 feet along Colony Road and Carmel Road.
 - Maximum height of single family attached units is two stories. However, some units may have two stories above a basement.
 - Building materials consist of brick, stone, cementitious siding, miratec trim, and stucco. Vinyl shall not be a permitted exterior building material for the attached units but may be utilized on

Comment [HL1]: Have critical changes been included here?
 S3: deleted 1 bullet; added to last bullet. Don't see any additional changes

Comment [HL2]: I missed this on the original staff analysis, but I cannot tell the difference between the first set of bullets and the second. Should the first on be changes in the site plan amendment?
 S3: 1st set meant to represent changes per the SPA only.

the soffits and vinyl windows.

- A minimum 75 percent of each façade of the attached units shall be composed of brick, stone, or a combination thereof.
- Providing a retaining wall along Carmel Road and Colony Road.
- Minimum of two parking spaces provided for each attached dwelling unit and up to 22 on-street parking spaces provided on one side of the proposed private street.
- Walking trails to be installed on site.
- Detached lighting limited to 20 in height.
- No standards from the previous rezoning remain.

The proposed petition contains the following provisions for the entire site:

- A separate lot may be created for the individual attached dwelling unit.
 - Vehicular access to the site off Colony Road via a proposed private internal street.
 - A proposed pedestrian access point off Carmel Road that leads to community open space.
 - Maximum height of the individual single family attached dwelling unit is 40 feet.
 - No expanses of blank wall in excess of 20 feet on facades facing Colony Road and/or Carmel Road.
 - Existing pond to remain.
 - Walking trails to be installed on site.
 - Private roll out trash and recycling containers to be utilized by the community and picked up by a private service.
 - Schematic architectural rendering of front, rear and side elevation of the single family attached units provided.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends residential development for the subject property.
 - The *South District Plan* supports six units at a density of four units per acre for the 1.5-acre portion of the site that is currently zoned R-3 (single family residential). The plan, as amended by rezoning 2005-162, supports 36 multi-family units at a density of 4.7 units per acre for the portion of the site currently zoned UR-2(CD) (urban residential, conditional). The plan supports a total of 42 units at a density of 4.6 units per acre for the combined properties.
 - The petition is consistent with the residential use recommended by the *South District Plan*, and the proposed density represents a minor increase from 4.62 units per acre, as supported by the plan, to 4.73 units per acre.
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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-Mecklenburg Schools:** No issues.
 - **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*.
 - Protects/restores environmentally sensitive areas by preserving an existing pond.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- 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
- Urban Forestry Review

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