

<b>REQUEST</b>	Current Zoning: BP(CD) (business park, conditional) Proposed Zoning: R-12MF(CD) (multi-family, conditional)
<b>LOCATION</b>	Approximately 30.93 acres located on the west side of West Tyvola Road south of South Tryon Street. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the construction of up to 295 multi-family residential units at a density of 9.54 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Ross Land Company and Big B&G LLC Switzenbaum & Associates Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>Southwest District Plan</i> and the <i>General Development Policies</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The area plan recommends business park uses; and,</li> <li>• The <i>General Development Policies</i> recommend six dwelling units per acre.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed use is compatible with the surrounding single family residential and multi-family residential developments; and,</li> <li>• The proposed density is consistent with other multi-family residential developments in the area;</li> </ul> <p>By a vote of 4-1 of the Zoning Committee (motion by Commissioner Nelson, seconded by Commissioner Sullivan).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 4-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The site plan has been revised to show a Class "C" buffer along property lines abutting the R-4 zoned parcel.</li> <li>2. The widths of the existing sidewalks along Tyvola Centre Drive and West Tyvola Road are now noted on the site plan.</li> <li>3. Under the Architectural Standards development note, the following language has been removed from the second sentence: "Although the designs for the building have not been completed..."</li> <li>4. The petitioner has added language under Parks, Greenways, and Open Space heading, committing to the following improvements: <ol style="list-style-type: none"> <li>a. Development of both active and passive recreation facilities including a walking/amenity trail with locations for individual exercise activities.</li> <li>b. Walking/amenity trail will have approximately 1,200 linear feet, with trail to be comprised of wood chips or similar surface, and at least four outdoor exercise stations at intervals along the trail.</li> <li>c. Provision of outdoor seating/conversation areas associated with each building.</li> <li>d. Provision of active recreation amenities, including a pool, meeting spaces, and outdoor cooking facilities.</li> </ol> </li> <li>5. The site plan has been revised to show the correct zoning for parcel 167-081-07 located on the south side of Tyvola Centre Drive, which is zoned R-12MF (CD).</li> </ol>
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6. Addressed CDOT and Engineering and Property Management comments:
  - a. Addressed CDOT comment pertaining to relocation of the proposed westernmost driveway, and its conversion from exit only to both an ingress and egress driveway.
  - b. CDOT requests that the petitioner relocate the easternmost main entrance driveway further east and align it with the existing driveway on the south side of Tyvola Centre Drive. *Staff has rescinded this request as it will be contingent upon adequate sight distance at permitting.*
  - c. Addressed CDOT comment pertaining to the provision of a left-turn lane at the westernmost driveway.
  - d. Addressed Engineering and Property Management comment by providing a wetland letter.
7. The following Architectural Standards notes have been added to the site plan:
  - a. At least 30% of the portions of the building exteriors located below the roof line will be composed of a combination of brick, stone, artificial stone, and/or stone or similar masonry products.
  - b. The principal roof pitch will be no less than 5:12.
  - c. Balcony railings, if included, will be of durable material and will not be painted pressure treated lumber.
  - d. Roofing materials will be architectural fiberglass composite shingles and roof vents and features will be painted to match the roof color.
  - e. Buildings will be designed so that no more than 20 feet of blank wall will be constructed along the frontage of a public street or private street.
  - f. Building heights will be limited to four stories.
  - g. Buildings will be designed with façade articulation to break up wall mass and to create variety in the character of the façade.
  - h. Main windows will be arranged to avoid large masses of glass and will be designed so as to be taller than they are wide. This will not apply to minor windows such as for bathrooms, stairways and architectural accent.
  - i. All building entrances will be connected to the on-site sidewalk network subject to grade and ADA standards.
  - j. On site directional signage will be designed to reflect the architectural character and materials of the principal buildings.
  - k. Building facades will incorporate vertical elements and material changes to break up the mass of the building walls.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented this request to the committee, noting that all outstanding issues had been addressed, and additional notes pertaining to architectural commitments placed on the site plan. Staff noted that the request is inconsistent with the recommendations contained in the adopted plans with respect to land use and density, but the project was consistent with the surrounding character and land use patterns.

A commissioner expressed concern that the project did not have a presence along the abutting rights-of-way (Tyvola Centre Drive in particular) and is oriented away from the community. Staff responded that a comfort level with the design was achieved due to the additional amount of tree save and open space being provided, the topographical constraints, and this area being more suburban development than urban. The commissioner maintained that the design of the project also did not serve the public realm with respect to public safety, as it does

not allow for eyes on the street. Another commissioner noted that (regardless of land use) in order to be a successful project, a certain type of design that makes sense in one location may not be appropriate or feasible in another.

**STAFF OPINION**

Staff agrees with the recommendation of the majority of the Zoning Committee.

**MINORITY OPINION**

One commissioner felt that the proposed project was poorly designed and lacked a presence on the abutting rights-of-way. She noted that the design of the development did not contribute to the public realm with respect to public safety as it did not allow for "eyes on the street."

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

**PLANNING STAFF REVIEW**

- **Background**

- The rezoning site is part of a previous rezoning petition (1997-043) for approximately 113 acres. That petition rezoned "Parcel A" from R-4 (single family residential) to BP(CD) (business park, conditional) and "Parcel B" from R-4 (single family residential) to R-12MF(CD) (multi-family residential, conditional). The petition allowed a maximum of 534,800 square feet of business park uses on "Parcel A," and up to 596 multi-family dwelling units on "Parcel B." The current rezoning site is part of "Parcel A." "Parcel B" is currently developed with a 404-unit apartment community on approximately 49.81 acres, at a density of 8.11 units per acre.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 295 multi-family residential units in six buildings with detached garages at a density of 9.54 units per acre.
- Security gate proposed at both project access points.
- Internal driveways with main entrance access and proposed exit only drive onto Tyvola Centre Drive.
- Active and passive recreation facilities that include a walking/amenity trail with locations for individual exercise activities. Outdoor seating/conversation areas associated with each building, and active recreation amenities including a pool, meeting spaces, congregation and seating areas, and outdoor cooking facilities. Exact locations and design to be established during the design and development process.
- Freestanding lighting on site will utilize full cut-off luminaries and be limited to a maximum height of 25 feet.
- Architectural standards including percentage of brick, roof pitch, details on balcony railings and roofing material, blank walls, height, and articulation.

- **Public Plans and Policies**

- The *Southwest District Plan* (1991) as amended by rezoning petition 1997-043 recommends business park land uses on the subject property.
- The proposed use is inconsistent with the *Southwest District Plan*, but consistent with the Plan's recommendation prior to the 1997 rezoning, which supported multi-family with densities consistent with the *General Development Policies* on the rezoning site. The proposed use is compatible with surrounding land uses, which are predominantly single family and multi-family developments.
- The proposed density is inconsistent with the *General Development Policies* (GDP), which recommends up to six (6) dwelling units per acre. However, the proposed use is compatible with surrounding single family and multi-family developments, including the existing 404-unit apartment community on the south side of Tyvola Centre Drive that has a density of 8.11 dwelling units per acre.

**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 comments received.
  - **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*.
    - Proposes to provide 25% of the site as tree save area.
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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
- 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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