

REQUEST	Current Zoning: R-5 (single family residential) and B-2 (general business) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow for the development of up to 39 single family attached units (for-sale) at a density of 14.55 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Charles Stack, et al (see website) Pulte Home Corporation Barry M. Fay, American Engineering
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 20
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i> and the <i>New Bern Transit Station Area Plan</i> and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend DENIAL of this petition. The following modifications have been made to address the outstanding issues:</p> <ol style="list-style-type: none"> 1. The petitioner has removed the language under Development Data with respect to Proposed Zoning that states "Parcel 12107605 will remain R-5 zoning" as the petitioner has stated the intent is to rezone entire property to UR-2(CD), and to be consistent with the application. This parcel is designated as possible Tree Save Area on the site plan. 2. The petitioner has added notes under Streetscape and Landscaping, committing to installation of planting strips and sidewalks along Euclid Avenue, Atherton Street, and Marshall Place (including required minimum widths of six-foot for sidewalks and eight-foot for planting strips). 3. The petitioner has specified in the development notes under Streetscape and Landscaping the intent to allow certain sections of the proposed sidewalk along Marshall Place to meander and to be located behind the back of proposed curb in in order to preserve existing trees. 4. Petitioner has provided information under Development Data that notes the proposed units will have garages. The petitioner has added a note stating that each residential unit will be provided with a minimum of 400 square feet of private open space. The subplot must be sufficient to accommodate the dwelling unit and 400 square feet of private open space. Further, the petitioner has added a note reserving the right to install ornamental fencing on the site for decoration and to aid in delineating the areas devoted to private open space. Any such fencing will not exceed 4 feet in height and will not be opaque. 5. Staff has rescinded this request to realign units 10-16 to parallel Marshall Place to create a strong street edge. 6. A note has been added under Streetscape and Landscaping stating the private alleys that terminate perpendicular to Marshall Place will be screened with a combination of masonry walls and landscaping. 7. Petitioner has amended site plan to depict all units facing streets
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- (i.e. Euclid Avenue, Marshall Place, and Atherton Street).
8. The elevations provided by the petitioner illustrate that the garage doors have been moved to the rear.
 9. The elevations provided windows in place of previous garage doors.
 10. Staff has rescinded this request to provide entrance doorways with porches or stoops on end elevations that front onto Euclid Avenue and Marshall Place. Petitioner has added a note under Architectural Standards that states small horizontally aligned windows on all elevations will not be allowed.
 11. Petitioner has modified site plan (including typical private open space detail) to better distinguish between patios, porches, and balconies.
 12. Petitioner has added a note that states the buildings will contain a minimum of 70% masonry (brick or stone) on all building faces.
 13. The petitioner has added notes committing to building materials (to include brick, stone and/or other masonry products and hardy plank or other similar durable siding materials); and no expanses of blank wall exceeding 20 feet in length for end units will be permitted. In addition, a note has been added to state that the units will be offset by two feet to provide articulation along the front of the buildings, and that buildings will be aligned to face the adjacent roadway.
 14. A note has been added under Lighting stating that freestanding lighting fixtures will be installed throughout the Site, fully capped and shielded with illumination downwardly directed. Mounting height for light fixtures will not exceed 12 feet.
 15. Possible tree save areas are now labeled on the site plan.
 16. Addressed all CDOT and Engineering and Property Management comments.
 - a. City of Charlotte Land Development Standards allows a minimum 16-foot wide alley for double loaded, two-way operation.
 - b. The petitioner has provided cross-sections for Marshall Place and Euclid Avenue on Sheet RZ-3.
 - c. The petitioner has added a note on the site plan that states the petitioner is encouraged to provide on-street parking along the entire length of Euclid Avenue, provided it does not conflict with the private open space requirements for individual residential units. The extent of the on-street parking will be determined by the City staff through the site planning process. Further, the petitioner has provided language that states the petitioner will support the installation of on-street parking along Marshall Place, Atherton Street, and Euclid Avenue.
 - d. With respect to Engineering and Property Management, the petitioner has identified possible tree save areas, including existing trees to remain. Adherence to the Tree Ordinance is a minimum requirement.
 17. Locations of solid waste and recycling facilities are shown on the site plan.
 19. The petitioner has revised the driveway on Unit 32 so that it is consistent with the City of Charlotte Land Development Standards requiring a minimum of five feet but no greater than seven feet, or a minimum of 20 feet. The petitioner has also added a note to the site plan that states intent to comply with these regulations.

The following items were added/modified after the public hearing:

1. The petitioner has increased the number of units from 37 units to 39 units.
2. The petitioner has submitted revised elevations that include a rendering that was provided with the original submittal.
3. The petitioner has added the centerline of Marshall Place and a measurement of 26.5 feet of right-of-way measured from the existing centerline to the new right-of-way line.

4. The petitioner has amended the site plan to reflect the correct zoning district of the abutting parcel to the south.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Zoning Committee, noting that since the public hearing the petitioner had redesigned the site so that all units face a street, and that the number of units had increased from 37 to 39. Staff also indicated that rather than submitting with revised site plans the elevations shown at the public hearing, the petitioner submitted elevations provided with the initial application package.

Staff noted the items addressed by the petitioner, modifications/additions made since the public hearing, as well as new outstanding issues resulting from project redesign. A Commissioner discussed the character of the immediate area along Euclid Avenue versus Marshall place and asked staff if there had ever been a discussion with the petitioner about single family residential detached homes on the rezoning site. Staff responded that the project was reviewed as submitted (proposed townhouse development), with staff providing information about the proposal's inconsistency with the adopted land use recommendation. A Committee member recommended that the rules be suspended to allow the petitioner to explain why this proposal is good for the neighborhood.

The agent for the petitioner noted that the project is lower in density than a nearby project recently rezoned (2014-001), and that the B-2 (general business) portion of the rezoning site is located within the *New Bern Station* plan area, which recommends transit supportive uses. He stated that it would be difficult to build a nice single family residential development that backs to commercial uses.

Staff clarified construction on the B-2 (general business) portion of the rezoning site would be challenging but not impossible, noting that up to 10 multifamily units could be built on that 0.692-acre portion. Staff also stated that up to 10 residential units could be built on the portion of the site zoned R-5 (single family residential).

A Commissioner inquired if the development would be built in one phase. The agent for the petition stated that the site would be cleared and infrastructure put in place, followed by construction of units in sections.

A Committee member inquired about a comment made by a resident about new single family residential (infill) housing in the area. The rules were suspended in order to allow neighborhood representative to respond to this question. The neighborhood representative noted the locations and status of this new housing. A Commissioner asked the representative how the neighborhood felt about the change in the elevations, and he responded that the residents were opposed to the project in general, and preferred single family detached homes on the rezoning site.

A Commissioner stated this was a difficult site; however, unlike the project at the corner (rezoning petition 2014-001), rezoning petition 2014-063 was situated more internally to the neighborhood. There was no further discussion of the petition.

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**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 39 single family (for-sale) attached homes with garages, at a density of 14.55 units per acre.
 - Maximum building height of 36 feet.
 - Internal residential alleyways providing two points of access onto Euclid Avenue.
 - Proposed on-street parking along all abutting streets (10 spaces on Euclid Avenue, nine spaces on Atherton Street, and 11 spaces on Marshall Place).
 - Six-foot planting strips and eight-foot sidewalks along Euclid Avenue, Atherton Street, and Marshall Place.
 - Modifications to the design of the planting strip and sidewalk along Marshall Place in order to preserve existing trees.
 - Note committing to manage construction parking so that no construction vehicles will be allowed to park on the east side of Marshall Place.
 - Building finishes will include brick, stone and/or other masonry products and hardy plank or other similar durable siding materials. Minimum 70% masonry (brick or stone) provided on all building faces.
 - No expanses of blank wall exceeding 20 feet in length will be permitted for the two end units that have a side along Euclid Avenue and Marshall Place.
 - Small horizontally aligned windows on all elevations will not be allowed.
 - Individual residential units to be offset by two feet to provide articulation along the front of the buildings. Buildings will be aligned to face the adjacent roadway.
 - Private alleys terminating perpendicular to Marshall Place will be screened with a combination of masonry walls and landscaping.
 - Possible tree save areas.
- **Public Plans and Policies**
 - The *Dilworth Land Use and Streetscape Plan* (2006) recommends residential at up to four dwellings per acre for the parcels zoned R-5 (single family residential), with the intent of preserving the character of the existing single family neighborhood.
 - The *New Bern Transit Station Area Plan* (2008) recommends transit oriented development-mixed for the portion for the rezoning site that is zoned B-2 (general business) and supports a minimum density of 15 dwelling units per acre. The rezoning site is within ½ mile of the New Bern transit station.
 - The petition is inconsistent with the *Dilworth Land Use and Streetscape Plan*. The petition is consistent with the *New Bern Transit Station Area Plan* with respect to land use and inconsistent with respect to recommended density.

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 comments received.
- **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.

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.
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OUTSTANDING ISSUES

- Land use:
 1. The proposed density for the parcels zoned R-5 (single family residential) is inconsistent with the Dilworth and Land Use Streetscape Plan, which recommends up to four dwelling units per acre.
 - The petitioner should:
 1. The petitioner should provide a regular pattern of windows on end elevations, including the ground floors. Windows should be aligned to building levels and not set at varying heights. Windows on end elevations should maintain consistency in size and style. Staff notes that while the petitioner has provided this, it appears the side elevation with windows will be used only on Units 1 and 9. Staff would like to see the side elevation with windows (as shown on the plan) also used on Units 10, 16, 17, 24, 25, 28, 29, and 39.
 2. The Petitioner should integrate rear porches into the building design instead of attaching them to the face of the building on stilt-like supports. Petitioner has responded that this request is unable to be accommodated, but the petitioner will work with staff during the construction design development to minimize impact where possible. In addition, new layout has all units facing streets, so petitioner feels visual impact of rear porches is now minimal.
 3. The rear elevation should have a passage door on the ground level so residents can enter from the alley side without having to raise the overhead garage. Petitioner has responded that the proposed unit type does not have a provision for an exterior door at ground level along the rear elevation. The residents will access the unit through the garage door. The garage doors will be large enough to accommodate two vehicles and the overall unit width will be 24 feet.
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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 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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