

<b>REQUEST</b>	Current Zoning: R-22MF (multi-family residential) and B-1 (neighborhood business) Proposed Zoning: MUDD(CD) (mixed use development, conditional)
<b>LOCATION</b>	Approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of up to nine single family attached dwelling units for a density of 21.48 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Kenilworth Lofts, LLC Meeting Street Homes & Communities Teresa Hawkins
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Dilworth Land Use &amp; Streetscape Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends residential uses up to 22 dwelling units per acre for the subject site.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the proposed development:</p> <ul style="list-style-type: none"> <li>• Addresses the street frontage by providing a door, windows and a courtyard on the elevation facing the public street and has not located parking between the building and the street; and</li> <li>• Provides a 28-foot setback from the existing back of curb, which provides a transition from the non-residential building to the west and the single family homes to the east; and</li> <li>• Provides sidewalk connections from the units to the public sidewalk, two accessible ramps on Kenilworth Avenue at Fillmore Street, and a waiting pad for the existing bus stop;</li> </ul> <p>By a 4-1 vote of the Zoning Committee (motion by Commissioner Lathrop seconded by Commissioner Nelson).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 4-1 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. Deleted Note A under Storm Water as requested in order to address the following issue, "Clarify Note A under Storm Water, which reads: 'Storm water runoff for this development will meet ordinance requirements for the PCCO.' The parcel size will exempt the proposed development from all PCCO requirements per Section 18-105(b) of the Ordinance. If the Petitioner intends to voluntarily comply with the Post-Construction Stormwater Ordinance (PCCO), the Storm Water note should be revised to specify the particular provisions of the PCCO targeted for voluntary compliance. If the Petitioner does not intend to voluntarily comply with any portion of the PCCO, then the current Storm Water note should be deleted from the plan to avoid any confusion during permitting."</li> <li>2. Provided an elevation that ensures that the Kenilworth Avenue elevation is designed to resemble the main entrance of the building.</li> <li>3. Amended Note B under Architectural Standards and Materials to say "five-foot minimum width sidewalk" rather than four-foot.</li> </ol>
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4. Provided four-sided building elevations.
5. Amended the label on the site plan regarding the existing driveway closures to replace the word "repaved" with "replaced."
6. Showed and labeled visitor parking spaces.
7. Deleted the label specifying the developer will construct accessible ramps, as this information is specified in conditional Note D under Transportation.

**VOTE**

Motion/Second:	Ryan/Nelson
Yeas:	Labovitz, Ryan, Nelson, and Lathrop
Nays:	Sullivan
Absent:	Eschert
Recused:	Dodson

**ZONING COMMITTEE DISCUSSION**

Planning staff provided a summary of the rezoning and noted the changes since the public hearing. There was discussion regarding the building elevations and potential view of parking. A Commissioner asked about the trash/recycle bins and pickup related to the width of the frontage along the street. Staff explained that the petitioner is considering working with Solid Waste to arrange a biweekly pickup so that no more than nine bins are on the street on collection day. Staff pointed out that this was not a commitment on the site plan. Trash and recycle bins will be stored in the garages except for collection day.

Another Commissioner expressed concerns about the site layout and design and that the project felt stuck into the site. They were also concerned about the orientation of the units.

A Commissioner said the project was better than what could be built by right under the current zoning. There was no further discussion.

**MINORITY OPINION**

The Commissioner feels the proposal is too large and forced into to the site and unit(s) should directly front Kenilworth Avenue.

**STAFF OPINION**

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

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Allows up to nine single family attached dwelling units, with private courtyards and a one car garage on the lower level of each unit.
  - Specifies that no non-residential uses shall be permitted.
  - Access to the site via a private right-in/right-out driveway onto Kenilworth Avenue constructed of a combination of concrete and decorative paving.
  - A six-foot sidewalk and eight-foot planting strip along Kenilworth Avenue.
  - Dedication of 40 feet of right-of-way along Kenilworth Avenue as measured from the existing centerline of the road.
  - A 28-foot setback from the existing back of curb.
  - Individual four-foot tall masonry walls screening HVAC units and utility transformers for each unit, and a six-foot wide planting/screening bed at the rear of units.
  - A six-foot tall decorative wood fence with evergreen and small maturing deciduous trees, shrubs and ornamental grasses within a five-foot wide strip between the driveway and the adjacent single family residential home to the east.
  - Limits the height of detached lighting to 20 feet.
  - Provides a waiting pad for the existing bus stop on Kenilworth Avenue, with exact location to be determined during permitting.
  - Provides a pedestrian ramp on Kenilworth Avenue at Fillmore Street, with exact location to be determined during permitting.

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- Proposes a pedestrian connection from the internal sidewalk to the adjacent shopping center.
  - Provides 3,496 square feet of tree save area and 2,175 square feet of open space, which includes the private courtyards.
  - Provides four-sided elevations.
  - Garbage and recycling to be handled with rollout containers for each unit.
  - Limits the building height to 45 feet and not to exceed three stories.
  - Building materials to include brick, cedar siding, precast stone, synthetic stone, cementitious siding and trim, decorative metal panels, decorative block and/or wood.
  - Prohibits vinyl as a building material except for windows, soffits, attic vents and handrails and railings.
  - Unit constructed on the site abutting Kenilworth Avenue will be designed and constructed so that entrance door on the side of the unit is oriented to Kenilworth Avenue and connected by a four-foot minimum width sidewalk to the public sidewalk.
  - A private courtyard and the front setback to be improved with aesthetic landscaping, benches, tables, artwork, and decorative pavers.
  - Provides visitor parking in the internal driveways.
  - Specifies that the majority of the roofing material will be architectural shingles and portions of the roofs may be constructed using metal or cedar shingles.
  - **Public Plans and Policies**
    - The *Dilworth Land Use & Streetscape Plan* (2006) recommends residential uses up to 22 dwelling units per acre for the site.
    - The plan includes 13 design recommendations for the plan study area. Below are three applicable design recommendations and explanations on how the petitioner addresses the recommendations with the proposed site plan:
      - **Building Orientation:** *Orient buildings toward the street and public space, where provided.* The plan states this recommendation may be accomplished by: including doors, porches and/or windows on elevations facing streets and public spaces; including and defining main entrances on elevations facing streets and public spaces; and not locating parking between the building and the street. The petitioner is providing a door, windows, and a courtyard on the elevation facing the public street and has not located parking between the building and the street.
      - **Setbacks:** *Ensure that building setbacks are consistent with existing neighboring development, are unimpeded by parking areas, and include pedestrian-oriented amenities.* The petitioner is accomplishing this recommendation by providing a 28-foot setback from the existing back of curb, which provides a transition from the non-residential building to the west that is setback 14 feet from the back of curb, and the single family homes to the east, which are setback approximately 50 feet from the back of curb. There is no parking between the building and the street. The end unit has a door and windows facing Kenilworth Avenue with a private courtyard parallel to the street and a sidewalk connection to the public sidewalk.
      - **Street and Streetscape Design:** *Preserve Dilworth's traditional grid street pattern and provide streetscapes that create a safe and enjoyable travel environment for vehicles, pedestrians, bicyclists and transit riders.* The petitioner is accomplishing this recommendation by providing sidewalk connections from the units to the public sidewalk, two accessible ramps on Kenilworth Avenue at Fillmore Street, and a waiting pad for the existing bus stop.
    - The petition is consistent with the *Dilworth Land Use & Streetscape Plan*.
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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 Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** 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*.
    - Minimizes impacts to the natural environment by developing on an infill site.
    - Facilitates the use of alternative modes of transportation by providing a CATS bus waiting pad, providing two accessible ramps on Kenilworth Avenue at Fillmore Street, and proposing a pedestrian connection between the site and the adjacent shopping center.
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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 Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** John Kinley (704) 336-8311