

REQUEST	<p>Current Zoning: R-5 (HD-O) (single family residential, historic district overlay)</p> <p>Proposed Zoning: UR-C(CD) (HD-O) (urban residential - commercial, conditional, historic district overlay)</p>
LOCATION	<p>Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield)</p>
SUMMARY OF PETITION	<p>The petition proposes to reuse and expand an existing residential structure built in 1929 on one lot and to construct a new building on the second lot to accommodate office and residential uses. The site is located in the Wilmore Historic District.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>Dominick Ristaino Dominick Ristaino Craig W. Isaac</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online.</p> <p>Number of people attending the Community Meeting: 3</p>
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be inconsistent with the <i>Central District Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends retail uses on the subject property. • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The subject property is located at the edge of the historic Wilmore neighborhood which is primarily developed with single family homes. The site also abuts commercial property fronting on West Boulevard and located outside of the historic district; and • Maintaining the existing historic structure and constructing a similar building on the rest of the site will help to maintain the integrity of the Wilmore historic district; and • The use of the property for office and residential uses will provide a transition between the more intense commercial uses on South Tryon Street and the single family housing in the Wilmore neighborhood; and • While the request is technically inconsistent with the retail use recommended in the district plan, the office and residential uses proposed are less intense than the retail use but are still appropriate for this site; <p>By a 6-0 vote of the Zoning Committee (motion by Labovitz seconded by Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. A commitment has been added that 100% of the residential units will be work force housing for 10 years. 2. The 20-foot front setback has been labeled on the site plan. 3. The 14-foot future back of curb has been labeled on the site plan. 4. A maximum number of four residential units will be allowed on the site. 5. A note has been added that 100 percent of the units will be
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	<p>work force rental or for sale for a period of ten years.</p> <ol style="list-style-type: none"> 6. Tree save areas have been shown on the plan. 7. The proposed uses have been updated to read "General office and residential uses." 8. Notes 2.3 and 3.1 have been combined. 9. The proposed square footage for the office use for the existing and proposed structures and expansion area for the existing building has been added to the site plan. 10. Note 4.1 have been removed from the site plan. 11. Note 7 under "Streetscape and Landscaping." The word variance has been removed. 12. Existing and proposed zoning has been modified to include the historic district overlay. <p><u>Transportation</u></p> <ol style="list-style-type: none"> 13. A note has been added stating that the replacement, type, and width of the driveway, and the length of the driveway stem will be determined during the permitting phase. 14. A note has been added stating all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan. 15. A note has been added stating the proposed parking space in the front of the site will comply with the requirements of Chapter 12 in the Zoning Ordinance for off street parking. <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 16. Note 1.3 has been modified to read "for UR-C (HD-O) shall be followed with respect to this site." 17. The five-foot sidewalk connection from the proposed new building to the public street sidewalk system along West Boulevard has been added to the site plan. 18. Variance number and date approved has been placed on the site plan near the proposed buffer along the western edge of the site. 19. A note has been added that the site will comply with the City of Charlotte Zoning Ordinance and the conditions of the variance request.
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VOTE

Motion/Second: Labovitz / Ham
 Yeas: Eschert, Fryday, Labovitz, Ham, Majeed, and Watkins
 Nays: None
 Absent: Lathrop, Spencer, and Wiggins
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee and described modifications made to the site plan since the public hearing. Staff noted that the proposed office and residential land use is inconsistent with the *Central District Plan*.

There was no further discussion on this 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

- **Background**
 - At its meeting on March 16, 2015, the City Council held a public hearing on a conventional request to rezone the subject site from R-5 (HD-O) (single family residential, historic district overlay) to B-1 (HD-O) (neighborhood business, historic district overlay). At that meeting some Council members expressed concerns about the absence of a site plan and permitting all uses in the B-1 (neighborhood business) district.

- At the March 25, 2015 Zoning Committee Work Session, the Committee discussed this request, with some members expressing concerns about its conventional status and echoed the City Council's concerns regarding the absence of a site plan. The Zoning Committee unanimously voted 5-0 to defer this petition so that staff could ask the petitioner if there was a willingness to convert the request to a conditional rezoning petition with a site plan.
- At the April 29, 2015 Zoning Committee Work Session, staff informed the Committee that the petitioner had submitted an amended application and site plan requesting B-1(CD) (neighborhood business, conditional, historic district overly) zoning instead of B-1 (neighborhood business, historic district overly). The Zoning Committee unanimously voted 6-0 to send the petition back to City Council for a new public hearing.
- At its May 18, 2015 meeting, the City Council voted to set a new public hearing date for July 20, 2015. The public hearing was deferred as the petitioner was holding meetings with the City Council and various residents of the surrounding community.
- At the May 25, 2016 Zoning Committee Work session, staffed informed the Committee that the petitioner submitted a revised application converting the requested zoning district to UR-C(CD) (HD-O) (urban residential commercial, conditional, historic district overlay) and that it should be sent back to City Council for a new hearing. The Zoning Committee unanimously voted 6-0 to send the petition back to City Council for a new public hearing.
- The Zoning Board of Adjustment (ZBA), at its meeting on May 26, 2015, granted a variance from the ten-foot "Class C" buffer and ten-foot required side yard to allow the existing principal structure and accessory structure on the subject site to remain as shown on the site plan subject to the following conditions: 1) the variance is subject to the installation of the fence and planting requirements indicated on the proposed site plan presented to the Board; and, 2) the variance is contingent on Historic District Commission's approved application. The variance was granted for both parcels (316 and 320 West Boulevard).
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Convert existing residential structure to accommodate residential and 5,948 square feet of general office uses with new parking area in the rear.
 - Construct new building to accommodate residential and office on second lot with parking in the rear.
 - Allow up to four residential units on the site.
 - Retail uses will not be allowed on the site.
 - 100 percent of the residential units will be workforce housing.
 - Parking areas behind buildings will connect and have a shared access onto West Boulevard via an existing concrete driveway.
 - Petitioner will request a streetscape deviation from staff to allow the existing seven-foot planting strip and five-foot sidewalk to remain along West Boulevard to match existing conditions.
 - Detached lighting limited to 21 feet in height.
- **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends retail uses on this site.
- **TRANSPORTATION CONSIDERATIONS**
 - This site is approximately 200 feet from the signalized intersection of major thoroughfares. The minor scope of work has a limited increase in traffic generated.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing use: 10 trips per day (based on one single family home).
 - Entitlement: 20 trips per day (based on two single family homes).
 - Proposed Zoning: 178 trips per day (5,924 square feet of office and four dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** The water system has availability via an existing six-inch water main along West

Boulevard. The sewer system has availability via an existing eight-inch gravity sewer main along West Boulevard.

- **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Charlotte Urban Forestry:** Street trees in the street right-of-way along West Boulevard must be protected during all phases of construction by fencing. All underground utilities shall be placed outside of the trees' protected root zone or be bored under the roots. The protected root zone extends six inches for every one inch of tree diameter including private property. Contact the City Arborist's office for a permit if you plan to plant in the right-of-way. Street tree species must be approved before planting. Be sure to check with Urban Forestry in Land Development in case there are tree save and/or planting requirements on private property.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services 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
 - Transportation Review

Planner: Solomon Fortune (704) 336-8326