

REQUEST	Current Zoning: R-5 (HD-O) (single family residential, historic district overlay) Proposed Zoning: UR-C(CD) (HD-O) (urban residential - commercial, conditional, historic district overlay)
LOCATION	Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.(Council District 3 - Mayfield)
SUMMARY OF PETITION	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.
PROPERTY OWNER	Dominick Ristaino
PETITIONER	Dominick Ristaino
AGENT/REPRESENTATIVE	Craig W. Isaac
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to site design and technical issues.</p> <p><u>Plan Consistency</u> The proposed residential and office uses are inconsistent with the <i>Central District Plan</i> recommendation for retail uses.</p> <p><u>Rationale for Recommendation</u></p> <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. • 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. • 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. • 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.
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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 converting the request

from a conventional to a conditional rezoning petition. 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, staff 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 office use with new parking area in the rear.
 - Construct new building to accommodate residential and office on second lot with parking in the rear.
 - Retail uses will not be allowed on the site.
 - A commitment that 75% 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.
- **Existing Zoning and Land Use**
 - A single family residential home and vacant acreage exist on the site, which is located in the Wilmore Historic District Overlay.
 - North, south and west of the site, it is surrounded by a mix of single family residential homes, duplexes, quadraplexes, and multi-family development in the Wilmore Neighborhood.
 - East of the site in the South End area are office, retail, and warehouse uses on properties in various zoning districts.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - A number of rezonings have taken place to accommodate transit supportive development in the South End area.
- **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.
 - See Outstanding Issues, Notes 2 and 3.
 - **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 6 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.

OUTSTANDING ISSUES

Site and Building Design

1. Label 20-foot front setback on site plan.
2. Show, label and identify the future back of curb on the site plan.
3. Indicate the maximum number of residential units.
4. Work with Neighborhood & Business Services to develop an updated note regarding workforce housing. The note should address the income level to be served and the minimum time frame for which the units will remain affordable.
5. Show and label possible tree save areas that meet the Tree Ordinance.
6. Update the proposed use to read "General office and residential uses."
7. Combine Notes 2.3 and 3.1 and place under "3. Permitted Uses and Maximum Development." For permitted uses, use the more specific information shown in Note 2.3.
8. Add a note and table that shows the proposed square footage for the office use for the existing and proposed structures. Include the expansion area for the existing building.
9. Remove Note 4.1 from the site plan.
10. Remove the word "variance" from Note 7 "Streetscape and Landscaping." This will be a request of staff not a "variance."

Transportation

11. The petitioner should remove the note for existing curb cut and driveway to remain and add a transportation note stating that the replacement, type, width of driveway, and length of driveway stem will be determined during the permitting phase.
12. The petitioner should revise the site plan to add a note specifying 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.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

13. Under Note 1.3 modify "for UR-C (HD-O) shall be followed with respect to this site."
14. Modify the existing and proposed zoning and add "historic district overlay."
15. Show and label five-foot sidewalk connection from the proposed new building to the public street sidewalk system along West Boulevard.
16. Modify and clearly show that proposed handicapped parking space is not providing maneuvering in the required front setback.
17. Place variance number and date approved on the site near the proposed buffer along the western edge of the site.
18. Modify Note 8 and add that the site will comply with the City of Charlotte Zoning Ordinance and the conditions of the variance request.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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