

REQUEST	Current Zoning: R-3 (single family residential), R-8MF(CD) (multi-family residential, conditional), and INST(CD) (institutional, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 16.98 acres located on the southwest corner at the intersection of Brown-Grier Road, West Arrowood Road, and Sandy Porter Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow up to 271 multi-family dwelling units for a density of 15.91 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Numerous. See application on website. TWO Capital Partners, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 13.
STATEMENT OF CONSISTENCY	<p>The proposed residential use is found to be consistent with the <i>Steele Creek Area Plan and Centers, Corridors and Wedges Growth Framework</i>; however, the density is found to be inconsistent with the density recommended by the plan, based on information from the staff analysis and the public hearing, because:</p> <ul style="list-style-type: none"> • The plan recommends a portion of the site for the single family residential up to four units per acre, a portion for multi-family residential up to eight units per acre and a portion for institutional land uses; and • The <i>Centers, Corridors and Wedges Growth Framework</i> identifies the area as a Wedge Area and appropriate for low to moderate density residential land uses. <p>Therefore, 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"> • The proposal is immediately adjacent to the Activity Center; and • The proposed development is directly at an intersection of two meaningful thoroughfares; and • The proposed development is across from institutional uses making this a transition between the Center and the Wedge area; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Converted angled parking to parallel parking along the proposed public streets according to the standards of the Local Residential Wide street type. 2. Added the following condition to the site plan: "The properties shall be inspected for septic systems prior to any site development. Any septic tanks identified shall be pumped by a licensed waste hauler to removal residual contents, crushed and backfilled with suitable materials before site development begins." 3. Provided a greater mixture of building types with the addition of townhome style and carriage style buildings adjacent to the single family neighborhood and zoning, with building heights limited to 40 feet within 100 feet of the western and southern property lines. 4. Amended Note 1. d. to change "principal building" at the end of
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- the note to "principal buildings."
5. Removed "private streets" when referencing network required streets. The network required streets need to be public.
 6. Amended the proposed use to commit to a minimum number of carriage style and townhome style buildings to be provided. Specified that carriage units will be above garages.
 7. Specified that the 271 multi-family units allowed include all unit types and 20 buildings is the total number of residential structures allowed.
 8. Deleted the last sentence of Note 3. b. and amended the site plan to reflect that proposed streets, sidewalks and planting strips will be constructed according to Subdivision Ordinance standards.
 9. Provided a note stating that if the easements necessary for the sidewalk extension as specified in Note 3. e. are not obtained prior to the issuance of the final Certificate of Occupancy, then the petitioner will contribute up to \$10,000 towards the construction of the sidewalk extension.
 10. Amended Note 3.h. to refer to Sandy Porter Road rather than Brown-Grier Road.
 11. Connected internal sidewalks at the parking lots to the sidewalk along Brown-Grier and Sandy Porter Road.
 12. Provided typical dimensions for the sidewalk and planting strips on the proposed public streets.
 13. Provided a note stating that if possible existing large maturing trees will be preserved within the 30-foot minimum setback and that the sidewalk may meander in the 30-foot setback to meet this intent.
 14. Provided a note stating that no parking is permitted between the buildings and the public and private streets except as generally depicted on the schematic site plan.
 15. Provided a note committing to building orientation towards internal public and network required streets.
 16. Removed the second part of Note 4. c. that states "as long as the average of the percentage of brick, stone, precast stone, precast concrete, synthetic stone on all the principal buildings constructed on the site is not less than 35%."
 17. Specified that Note 5. i. does not apply to sidewalks along the proposed public streets. These sidewalks shall be eight feet in width, with an eight-foot planting strip.
 18. Amended Note 7. b. to read "At the ground floor level of the buildings facing Brown Grier, Sandy Porter Road and the internal public streets the maximum contiguous area without windows or doors shall not exceed 15 feet."
 19. Amended Note 7. e. to change the word "build" to "building."
 20. Amended Site Development Data for Maximum Building Height to clarify the maximum building heights. Maximum building height will not exceed 3 stories or 50 feet and no buildings over 40 feet will be permitted within 100 feet of the western and southern property boundaries.
 21. Provided typical building elevations for facades facing public streets (front and side). Included elevations for townhome unit facades that face the public streets.
 22. Amended the rendering to illustrate the maximum building height of three stories.
 23. Specified a minimum of 40% open space, as defined by the Ordinance, will be provided.
 24. Extended the 50-foot undisturbed buffer along the southern property line as closely as possible to Carriage Unit #4.
 25. Reduced the number of units to 271, 20 less than originally proposed, resulting in a proposed density of 15.91 units per acre.
 26. Eliminated a multi-family building and added townhome style units. Specified that townhome style units will be designed as side by side units with or without garages.
 27. Added a note committing to landscaping the setback to Class "C"

buffer standards along Brown Grier Road between the intersection of Sandy Porter Road and the tree save area in front of building number three.

28. Added a new section of notes dealing with buffer, wall and building treatments along the southern property boundary adjacent to parcel 201-473-01.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented the petition and the changes since the public hearing. The commission asked the staff to explain the staff position regarding the appropriateness of the density in relation to the Activity Center and the Wedge areas. Staff explained that the site sits across from the Activity Center. If higher density is allowed on the subject site it could encourage that form of development on the other nearby large parcels within the Wedge. The plan was recently adopted for the area and calls for low to moderate density for the site and encourages preservation of the neighborhoods within the Wedge areas.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee. While the use is consistent, the density is not supported by the recently adopted *Steele Creek Area Plan*. The *Steele Creek Area Plan* recommends preserving the character and integrity of neighborhood areas, which are identified as being located within a Wedge in the *Centers, Corridors and Wedges Growth Framework*. Staff is also concerned about the precedent that may be set for similarly situated, adjacent tracts. The two remaining outstanding issues should be addressed in order for staff to recommend approval of the petition.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - Petition 2008-111 rezoned approximately a 7.8-acre portion of the subject site at the intersection of Brown-Grier and Sandy Porter Roads and along Sandy Porter Road from R-3 (single family) to INST (institutional, conditional) and R-8MF(CD) (multi-family residential, conditional) to allow for a 19,500 square-foot child care center, and up to 31 single family attached dwellings at a density of 6.08 units per acre.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Allows up to 271 multi-family dwelling units, in up to 20 buildings, with a mixture of multi-family apartment style buildings, carriage unit style and townhome style buildings.
 - Maximum building height of three stories or 50 feet and no more than 40 feet within 100 feet of single family zoning.
 - Specifies that surface parking will not be allowed between Sandy Porter and Brown-Grier Roads and the proposed buildings, except parking areas may be located alongside the proposed buildings adjacent to Sandy Porter and Brown-Grier Roads.
 - Provides access from Sandy Porter and Brown-Grier Roads via two new public streets with stubs provided to abutting properties to the south and west.
 - Indicates parallel parking along the proposed public streets.
 - Provides an eight-foot sidewalk along Sandy Porter Road and a ten-foot sidewalk along Brown-Grier Road and extends the sidewalk to the west provided the City obtains the necessary easements in order to connect with the City's sidewalk project at Griers Fork neighborhood and Gallant Lane. If easements are not obtained prior to the issuance of the final certificate of

- occupancy for the final building, then the petitioner will contribute up to \$10,000 towards the cost of the extension.
- Provides a pedestrian refuge island on Sandy Porter Road and contributes up to \$50,000 dollars for the installation of a pedestrian hawk signal to be installed by the City at the location of the refuge.
 - Provides a westbound left-turn lane on Brown-Grier Road to serve the site's access from Brown-Grier Road.
 - Dedicates 50 feet of right-of-way along Brown-Grier Road and 43 feet along Sandy Porter Road with a 30-foot setback measured from the future right-of-way along both roads. Preserves existing large maturing trees within the setback, where possible, and the sidewalk may meander to help preserve trees.
 - Provides at least 40% open space as defined by the Zoning Ordinance.
 - Provides a landscaped setback along Brown-Grier Road between the intersection of Sandy Porter Road and the tree save area in front of building number three.
 - Commits to a section of notes dealing with buffer, wall and building treatments along the southern property boundary adjacent to parcel 201-473-01.
 - Commits to building materials including brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Prohibits vinyl or aluminum except for windows, soffits and railings.
 - Specifies that accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal buildings.
 - Provides multi-family building street facing elevations and townhome style building street facing elevations.
 - Specifies that the percentage of brick, stone, precast stone, precast concrete and synthetic stone per building façade may vary but in no case be less than 30%.
 - Commits to the provision of at least one open space/amenity area on the site to be improved with landscaping, seating areas, pavers and pedestrian scale lighting. Also commits to utilizing specialty pavers, stained and patterned concrete/paving or similar means in amenity areas, gathering spaces, plazas and as a method of way finding.
 - Provides disturbed and undisturbed buffers ranging from 37.5 to 50 feet in width along the western and southern property lines with the installation of a five-foot black vinyl chain link fence on the interior edge of the buffers adjacent to the Griers Fork neighborhood. Provides a minimum five-foot wide internal sidewalk network linking parking and buildings to sidewalks along Sandy Porter and Brown-Grier Roads.
 - Commits to buildings orienting to the existing and proposed public streets.
 - Specifies that windows and doors shall be provided for at least 20% of the total façade area along Brown-Grier Road, Sandy Porter Road and internal public streets with each floor counted separately. Limits maximum contiguous area without windows or doors on any floor to 15 feet in length.
 - Incorporates windows, arches, balconies or other architectural details along with varying building materials, roof lines or building offsets on all facades.
 - Specifies that ground floor elevations along the existing and proposed public streets shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, changes in materials, building step backs, art work and landscaping. Blank walls cannot be addressed with landscaping only.
 - Specifies that facades, along the existing and proposed public streets, over 75 feet in length will incorporate wall projections or recesses a minimum of three feet in depth, including patio and balconies, with a combined length of at least 20% of the total façade length.
 - Limits detached lighting to a maximum of 15 feet in height.
- **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends a portion of the site for single family residential up to four units per acre, a portion for multi-family residential up to eight units per acre and a portion for institutional land uses.
 - *Centers, Corridors and Wedges Growth Framework* identifies the north and southwest corners of Sandy Porter and Brown-Grier Roads as a Wedge Area and appropriate for low to moderate density residential uses.
 - The area plan also recommends preserving the character and integrity of the neighborhoods within the Wedge, while improving connectivity and access to green spaces and neighborhood serving land uses. The form and design of future development should follow the Community Design policies to ensure long-term sustainability of the Wedge area.
 - The residential use is consistent with the *Steele Creek Area Plan*; however, the proposed density is inconsistent with the density recommended by the *Steele Creek Area Plan*.

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*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Convert the land use to single family residential and reduce the density to four dwelling units per acre for the portions zoned R-3 (single family residential).
 2. Reduce the density to eight units per acre for the portions of the property zoned R-8MF (CD) (multi-family residential, conditional) and INST (CD) (institutional conditional).
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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 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