

REQUEST	Current Zoning: NS (neighborhood services) Proposed Zoning: R-17MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 4.29 acres located on the south side of Shopton Road between Courtney Oaks Road and South Tryon Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to 72 multi-family dwelling units and accessory uses allowed in the R-17MF (multi-family residential) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Tryon South Professional Center, LLC Cottonwood Residential John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0
STATEMENT OF CONSISTENCY	<p>This petition is found to be inconsistent with the <i>Southwest District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends office and retail uses for the subject property. <p>However, 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 request:</p> <ul style="list-style-type: none"> • Is compatible with surrounding land uses; and • Is an expansion of the existing Courtney Oaks Apartment community; and • The buildings and parking areas are designed in order to enhance the pedestrian experience; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Eschert).</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. A north arrow and metes and bounds information has been added to the site plan. 2. Reference to petition 2001-054 under Site Development Data has been removed from site plan. 3. Maximum building height of three (3) stories is noted under Site Development Data. 4. Staff rescinded the comment that the setback from Shopton Road should be 35 feet as the setback was determined to be 30 feet and is shown correctly on the revised site plan. 5. Staff rescinded the comment to revise the parking, the proposed storm water facility and open space along Shopton Road, as they do not conflict. 6. Staff rescinded the request to amend the 10-foot side yard and 40-foot rear yard adjacent to the south property line as it is shown correctly. 7. Addressed CDOT, Engineering and Property Management, and Urban Forestry comments with the following: <ol style="list-style-type: none"> a. Addressed CDOT comment by making the proposed private street connect to the existing driveway/private street on adjacent parcel. b. Addressed Engineering and Property Management's comment by adding a note to the site plan that states street trees located in the public right of way will be protected during all
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phases of construction by fencing. The Petitioner will demonstrate compliance with this requirement during the permitting process.

c. Addressed City Arborist comment by adding a note to the site plan that states street trees located in the public right-of-way will be protected during all phases of construction by fencing. The petitioner will demonstrate compliance with this requirement during the permitting process.

8. Modified Streetscape and Landscaping Note 6 regarding petitioner’s commitment to establishing a landscape area along portions of the rezoning site’s northern boundary line adjacent to the existing office parcels. Language specifies width of landscape area, plant materials, and intent to obtain an easement from the owner(s) of the adjacent office parcels to establish and maintain portion of landscape area on office parcels. Petitioner will provide a recorded copy of easement to Planning Department during the permitting process.

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

ZONING COMMITTEE DISCUSSION Staff presented this item to the Committee, noting that the request involves constructing 72 multi-family units serving as a Phase II to the existing Courtney Oaks apartment community on the opposite side of the street (Courtney Oaks Boulevard). There was no discussion of this request.

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**
 - The subject site was part of 20 acres rezoned from R-3 (single family residential) to NS (neighborhood services) via rezoning petition 2001-054, allowing up to 100,000 square feet of office/retail and 280 multi-family dwelling units at a density of 17 units per acre. The multi-family component (Courtney Oaks Apartments community) and approximately 15,560 square feet of non-residential uses have been constructed.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Construct up to 72 multi-family residential units as an additional phase of adjacent Courtney Oaks Apartments development approved and constructed via rezoning petition 2001-054.
 - Maximum height limited to three stories.
 - Parking provided via surface spaces and detached garages.
 - An internal private local residential wide street with an eight-foot sidewalk and eight-foot planting strip and four on-street parking spaces on each side. An access drive easement will be provided across the private local street, in order to connect the proposed private street to an existing private street located on an adjacent parcel.
 - Site access off Courtney Oaks Road.
 - Gated access points.
 - An eight-foot sidewalk and eight-foot planting strip along project frontage along Courtney Oaks Road (replacing existing five-foot wide sidewalk and eight-foot planting strip).
 - Dedication and conveyance of right-of-way measuring 35 feet from the existing centerline of Shopton Road to the City of Charlotte.
 - Commitment to establish a 10-foot wide landscape area along portions of the site’s northern boundary line adjacent to the existing office parcels. Petitioner will obtain an easement from

the owner(s) of the adjacent office parcels to establish and maintain a portion of this minimum 10-foot wide landscape area on the adjacent office parcels. A copy of this easement will be provided to the Planning Department during the permitting process.

- Front, rear and side building elevations.
 - Exterior building materials to be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), fiber cement lap siding, stucco, and/or wood. Vinyl as a building material may only be used on windows and soffits.
 - Proposed storm water facility location.
 - Tree save and open space areas.
 - Development note stating that street trees located in the public right-of-way will be protected during all phases of construction by fencing.
 - Freestanding lighting fixtures to be a maximum of 20 feet in height.
 - **Public Plans and Policies**
 - The *Southwest District Plan* (1991) recommends office and retail uses on the subject site, as amended by rezoning petition 2001-054.
 - The petition is inconsistent with the *Southwest District Plan*, but the proposed multi-family use is compatible with the surrounding land uses and will be an expansion of the existing Courtney Oaks Apartment community.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City's Housing Policies if seeking public funding.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** 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.
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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

- No issues.
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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-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services 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: Claire Lyte-Graham (704) 336-3782