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<b>REQUEST</b>	Current Zoning: NS (neighborhood services) Proposed Zoning: R-17MF(CD) (multi-family residential, conditional)
<b>LOCATION</b>	Approximately 4.29 acres located on the south side of Shopton Road between Courtney Oaks Road and South Tryon Street. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes up to 72 multi-family dwelling units and accessory uses allowed in the R-17MF (multi-family residential) district.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the <i>Southwest District Plan</i> , 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.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Tryon South Professional Center, LLC Cottonwood Residential John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

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#### **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.
- A 10-foot wide landscaped area along portions of the site's northern boundary line adjacent to the existing office use. Trees and shrubs shall be installed within this 10-foot wide landscaped area at the rate of three trees and 20 shrubs per 100 feet.
- 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.
- Freestanding lighting fixtures to be a maximum of 20 feet in height.

- **Existing Zoning and Land Use**
  - The subject property is currently vacant. Surrounding properties located on the north side of South Tryon Street are zoned R-3 (single family residential), R-12MF and R-17MF (multi-family residential), INST (institutional), B-1 (neighborhood business) and NS (neighborhood services) and developed with multi-family residential, office, and institutional uses. Single family dwellings exist on the south side of South Tryon Street, in R-3 (single family residential) zoning.
- **Rezoning History in Area**
  - There have been no rezonings in the immediate area in recent years.
- **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 plan recommends multi-family for the southwest quadrant of the intersection of South Tryon Street and Shopton Road. The plan also recommends a neighborhood convenience center along South Tryon Street and Shopton Road and Beam Road.
  - 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:** CDOT has the following request:
  - CDOT requests that the petitioner make the proposed private street connect to the existing driveway/private street on adjacent parcel as shown in memorandum via a concept sketch. The existing topography should be graded in a way that provides proper sight distance at this connection.
  - **Vehicle Trip Generation:**  
Current Zoning: 4,000 trips per day.  
Proposed Zoning: 560 trips per day.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce nine students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is nine students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No comments received.
- **Engineering and Property Management:** Show all existing right-of-way trees with tree protection fence on rezoning plan.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** Street trees in the street right of way along South Tryon Street must be protected during all phases of construction by fencing.

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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.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Provide a North arrow on the site plan that is oriented to the north. Orient the site plan so it

corresponds to the North arrow.

2. Remove reference to petition 2001-054 under Site Development Data.
  3. Note maximum building height (number of stories) under Site Development Data.
  4. Setback from Shopton Road should be 35 feet (as shown on first site plan submitted).
  5. Sheet Z2.00 shows parking and proposed storm water facility where open space is proposed. Amend site plan and remove this conflict, and revise open space information under Site Development Data if necessary.
  6. Correct conflict on site plan that shows a 10-foot side yard and 40-foot rear yard adjacent to the south property line.
  7. Address CDOT, Engineering and Property Management, and Urban Forestry comments.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- 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

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