

<b>REQUEST</b>	Current Zoning: UR-2(CD), urban residential, conditional Proposed Zoning: UR-2(CD) SPA, urban residential, conditional, site plan amendment										
<b>LOCATION</b>	Approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street. (Council District 1 - Kinsey)										
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to amend the notes related to garage and parking area requirements.										
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Virgate 1, LLC & Carolina Cottage Homes, LLC Virgate 1, LLC & Carolina Cottage Homes, LLC Monte Ritchey										
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10										
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>Midtown Morehead Cherry Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends single family residential for the subject property.</li> </ul> <p>Therefore, 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:</p> <ul style="list-style-type: none"> <li>• The petition retains the previously approved single family residential for the subject property; and</li> <li>• This petition amends the previously approved site plan by allowing a change in the number of garages that are required for the proposed single family structures;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Dodson).</p>										
<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.										
<b>VOTE</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Motion/Second:</td> <td>Dodson/Sullivan</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Lathrop, Sullivan, and Wiggins</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>None</td> </tr> <tr> <td>Recused:</td> <td>Nelson</td> </tr> </table>	Motion/Second:	Dodson/Sullivan	Yeas:	Dodson, Eschert, Labovitz, Lathrop, Sullivan, and Wiggins	Nays:	None	Absent:	None	Recused:	Nelson
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Yeas:	Dodson, Eschert, Labovitz, Lathrop, Sullivan, and Wiggins										
Nays:	None										
Absent:	None										
Recused:	Nelson										
<b>ZONING COMMITTEE DISCUSSION</b>	<p>Staff reviewed the petition and noted that the petition is consistent with the <i>Midtown Morehead Cherry Area Plan</i>.</p> <p>One Commissioner asked about the proposed changes and wanted clarification for the need of the rezoning. Staff responded that the previous approved site plan had a conditional note for the garage and parking areas and the only way to modify the requirement is to amend the note through the rezoning process. There was no further discussion.</p>										
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.										

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Background**

- The subject property was rezoned via petition 2014-024 from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment) to allow the development of 39 single family homes and two duplexes on the corner lots of South Torrence Street and Luther Street.
- The approved site plan includes:
  - A new public street between Main Street and Luther Street.
  - Elevations for proposed house designs, which limit units with front entry garages to a single car garage.
  - Prohibition of vinyl siding as a building material except on windows and door trim.
  - All houses will have a porch that is a minimum of eight feet in depth.
  - Prohibition of identical house designs on abutting lots.
  - A provision that a side or rear entry garage will be provided for 35 percent of the units while 45 percent of units will have a front entry and a one car garage. The remaining 20 percent of units will have a parking area provided in the front or side of the units

**• Proposed Request Details**

The site plan amendment contains the following changes:

- The removal of the conditional note that requires “A side or rear entry garage will be provided for 35 percent of the units.”
  - Provides that no more than 19 of the allowed 39 homes will have a front entry, one-car garage that meets the following requirements:
    - the front entry one-car garage will be recessed from the face of the primary structure by a minimum of 2 feet; and
    - the front entry one-car garage will have a minimum of 20 feet of driveway between the face of the garage and the back of the sidewalk.
  - Provides that the remaining homes may have an attached or detached 1 or 2 car garage provided the garage is:
    - accessed from the rear of the lot; or
    - accessed from the side of the lot; or
    - is located behind the house.
  - All other conditions previously approved under petition 2014-024 will remain.
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- **Public Plans and Policies**
    - The *Midtown Morehead Cherry Area Plan* (2012), as amended by petition 2014-024, recommends single-family residential for the subject property.
    - The petition is consistent with the *Midtown Morehead Cherry Area Plan*.

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**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.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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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](http://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 Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** Solomon Fortune (704) 336-8326