

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: R-12MF(CD) (multi-family residential, conditional) and BD(CD) (distributive business, conditional)
LOCATION	Approximately 9.52 acres located on the north side of South Tryon Street, east of Wrights Ferry Road and west of Steelescrot Parkway. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow up to 74 attached dwelling units (townhomes for sale) with a maximum height of 38 feet on a vacant parcel near RiverGate Shopping Center. The BD (CD) (distributive business, conditional) portion will allow a new public street to serve the townhouse community, or accessory uses associated with a climate controlled storage facility. The potential accessory uses could include but are not limited to buffers, screening, storm water and water quality structures, emergency vehicle turn around areas, and parking area and or maneuvering areas for parking.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Compton Contracting Co. BNA Homes, LLC Jeff Brown and Keith MacVean
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 15
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be inconsistent with the <i>Steele Creek Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of this site. • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The proposed development serves as a transition between the higher density residential development and lower density single family residential neighborhoods; • The BD (CD) portion of the property is a small portion of the site and will be used for circulation, buffers and storm water. <p>By a 5-0 vote of the Zoning Committee (motion by Wiggins seconded by Majeed).</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. Deleted Note 4(a) that states the building materials used on the principal buildings constructed on site will be one or more of the following materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, vinyl, aluminum, stucco, EIF, decorative block and/or wood. 2. Revised Note 4(f) to include wording "behind the front most building face, excluding porches..." 3. Removed reference to building height for portion of site zoned BD (CD). 4. Corrected acreage for Development Areas A and B to add up to 9.52 acres. 5. Modified the fence detail on Sheet RZ-1 to specify vinyl as proposed material. 6. Amended note on Sheet RZ-1 by removing under Site Data stating
------------------------------------	---

	<p>parking will comply with the minimum requirements of the zoning ordinance.</p> <p>7. The petitioner will include a sidewalk connection along the proposed private street from the intersection of the public streets to the first intersection of the private streets.</p> <p>8. The petitioner will amend General Provisions Note 1c (Graphics and Alterations) to reflect only the first paragraph.</p> <p>9. The petitioner modified the site plan to ensure that language on the site plan reflects that no buildings will be constructed on the BD (CD) (distributive business, conditional) portion of the site.</p>
--	---

VOTE

Motion/Second: Majeed / Wiggins
 Yeas: Dodson, Eschert, Majeed, Sullivan, and Wiggins
 Nays: None
 Absent: Labovitz
 Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff reviewed this petition the Committee, noting that this site is linked to an abutting property also under consideration for rezoning (petition 2016-028). Staff noted both sites are inconsistent with the adopted Plan, which calls for residential up to four dwelling units. It was stated that staff typically does not support alternate plans but that these petitions were unique because the alternate plans address infrastructure needs. Staff expressed concerns about how the note pertaining to the BD(CD) (distributive business, conditional) portion was written, requesting that the language ensure that no buildings will be constructed on that portion of the site and that it be only used for fire turnaround, storm water purposes and buffers. A Commissioner inquired if this petition serves as a transition for residential, and staff confirmed yes. The Committee suspended the rules to allow the agent, Keith MacVean, to speak. Mr. MacVean committed to addressing all outstanding issues. The Committee asked if staff would support the request since the petitioner had agreed to all of the changes. Staff responded there would still be a recommendation of non-support due to density.

There was no further discussion of this request.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee because the request is inconsistent with the adopted plan and the proposed climate controlled storage use is out of character with the immediately surrounding residential development.

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

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes the development of an 8.47-acre portion of the site (Development Area A) with up to 74 for sale townhouse units under R-12MF (CD) (multi-family residential, conditional) zoning.
- Proposes rezoning a 1.05-acre portion of the site (Development Area B) to BD (CD) (distributive business, conditional). This area will be developed with a public street to serve the proposed townhouse community in Development Area A, or, as an Alternative Plan, will be used for accessory uses associated with a climate controlled storage facility such as, but not limited to, buffers, screening, storm water and water quality structures, emergency vehicle turn around areas and parking and/or maneuvering areas.
- Limits number of principal townhouse buildings to be built on portion of site to be rezoned to R-12MF (CD) (multi-family residential, conditional) to 18, and per ordinance on the portion to be rezoned to BD (CD) (distributive business, conditional).
- Allows a maximum building height of 38 feet or two stories for townhouse buildings.
- Dedicates to NCDOT (North Carolina Department of Transportation) a minimum of 67 feet of right-of-way from the existing center line of South Tryon Street.
- Provides an internal network of private streets to access townhouse units, with five-foot wide

-
- sidewalks on one side.
- Provides a 48-foot wide Class "C" buffer (reduced to 36 feet with a fence) along the property line abutting parcels zoned R-3 (single family residential), with buffer fence (vinyl) detail shown on the plan.
 - Provides a Class "B" Buffer within Development Area B, as required per ordinance, if Development Area B is developed as part of the climate controlled storage facility as proposed by rezoning petition 2016-028 for the adjoining parcel.
 - Proposes building materials used on principal buildings will be one or more of the following materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, vinyl, aluminum, stucco, EIFS, decorative block and/or wood.
 - Proposes front door entrances for townhomes located within 15 feet of a sidewalk will be raised 24 inches above the average grade of the sidewalk.
 - Proposes porches will form a predominate building element of the building design. Each unit will be constructed with a front porch with a minimum depth of six feet as generally indicated on the site plan.
 - Proposes that units located on the interior of the site with end elevations directly across the proposed private street from units that front the same private street will be constructed with corner porches. Corner porches will extend a minimum of six feet from the front elevation and will have a minimum depth of six feet.
 - Proposes that on the interior of the site end units that abut the internal private streets will have windows located on the end facades to avoid a blank street wall.
 - Proposes that garage doors visible from the public or private streets will be recessed at least one foot behind the front building line to minimize the visual impact of the garage doors on the public and private streets.
 - Identifies possible tree save/reforestation area.
- **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of this site.
 - **TRANSPORTATION CONSIDERATIONS**
 - The site will be accessed by a proposed road connecting to South Tryon Street. The primary transportation goal for this site is to preserve the future expansion of South Tryon Street from four to six lanes with protected bike lanes, which is achieved through right-of-way dedication. This petition will not significantly increase the amount of traffic compared to what can be built under the existing entitlements.
 - **Vehicle Trip Generation:**
Current Zoning: 330 trips per day (based on 28 single family dwelling units).
Proposed Zoning: 500 trips per day (based on 74 townhomes).

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:** The development allowed under the existing zoning would generate 19 students, while the development allowed under the proposed zoning will produce 21 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is two students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Palisades Park Elementary from 97% to 99%
 - Southwest Middle to remain at 127%
 - Olympic High from 152% to 153%
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** See Advisory Comment, Note 2.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

OUTSTANDING ISSUESLand Use

1. The accessory uses associated with the climate controlled storage are inconsistent with the residential use recommended in the area plan and should be removed from the site plan.

ADVISORY COMMENT

2. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. The property is located in the Wedge, therefore tree save shall be provided on site.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Claire Lyte-Graham (704) 336-3782