

REQUEST	Current Zoning: MX-1 (mixed use) Proposed Zoning: MX-2 (mixed use)
LOCATION	Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow up to 124 attached dwelling units and one single family residential home on a vacant parcel of land surrounded primarily by residential neighborhoods comprised of a mix of housing types.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	McCondichie Properties BNA Homes (Attn: Mark Blythe) Jeff Brown, Keith MacVean & Bridget Dixon, Moore & Van Allen, PCCL
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the residential land use recommended in the <i>Southwest District Plan</i>, but inconsistent with the recommended density based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The petition is consistent with the residential land use recommended by the <i>Southwest District Plan</i> but inconsistent with the density recommended by the plan, as amended by a previous rezoning. However, the requested density increase is supported by the <i>General Development Policies</i> (GDPs). • Therefore, 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 <i>Southwest District Plan</i> initially recommended single family residential up to three dwelling units per acre. Approval of rezoning petition 2006-149 amended the adopted land use recommendation to allow up to six units per acre; and • However, the GDP (<i>General Development Policies</i>) support the proposed increase in density to 7.88 dwelling units per acre; and • The site is generally located in an area with a variety of housing types at different densities, ranging from three units per acre to 17 units per acre; and • The proposed rezoning also provides 37.5-foot (with fence) and 50-foot buffers that will provide a transition between the proposed development and abutting lower density single family homes; and • The request includes new streetscape along South Tryon Street, along with new transportation improvements to enhance street network operations. <p>By a 5-0 vote of the Zoning Committee (motion by Majeed seconded by Wiggins).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> 1. The petitioner should revise the site plan to show all residential units on public streets to be alley fed. The units should not have direct driveway access to the public streets. <i>CDOT has rescinded this request.</i>
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2. The petitioner should revise the site plan to show the private streets designed to public street standards including eight-foot planting strips and six-foot sidewalks on both sides. At a minimum, the private streets shall not have back of curb sidewalk. CDOT requests that the private streets are revised to public streets. *CDOT has rescinded this request.*
3. Petitioner has added a note on the site plan stating that all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan.
4. Development Note 11.a under heading CATS Pads for Passengers commits to the construction of two concrete waiting pads for bus passengers along S. Tryon Street. The note has been amended to state that one of the passenger waiting pads may be located across South Tryon Street from the site.
5. The petitioner has added a note stating the design of the parallel spaces is subject to review by CDOT during the subdivision review process.
6. Petitioner has committed to removing the note that commits to standards pertaining to construction traffic, construction staging and timing of construction, including a provision prohibiting staging for the development of the site from being allowed on adjoining single family zoned properties. Construction related notes cannot be enforced through zoning.

Environment

7. Petitioner has amended the site plan to show possible tree save locations and noted that 2.38 acres will be for tree save. "Environmental Features" Note 8.c. has been modified to state the location of the proposed 15% tree save is generally depicted on the Rezoning Plan. A note has also been added to the site plan identifying existing trees in the right-of-way to be protected.

Site and Building Design

8. The "Site Development Data" information has been amended to reflect up to 124 attached dwelling units and one single family home (not exceeding 125 units). Number of principal buildings to be developed on the site has been increased from 30 to 31.
9. Petitioner has added Sheet RZ-3 Building Elevations to the site plan.
10. Petitioner has amended "Streetscape, Buffers, Yards, and Landscaping" Note 7.e to state that street trees will be planted on both sides of the private streets. Note now reads the trees will be spaced as close as possible to 40 feet on center, wider spacing will be allowed to accommodate unit driveways. Petitioner has also provided label on site plan.

REQUESTED TECHNICAL REVISIONS

11. Information has been added under "Development Data" to note proposal is eight units to the acre.
12. "Possible Storm Water Facility" (BMP) is now labeled on the site plan.
13. Legend on the site plan has been amended to clarify meaning of "BW" (Blank walls to have windows) and "CP" (Corner porch where indicated).
14. The petitioner has agreed to remove the note committing to standards pertaining to construction traffic, construction staging and timing of construction, including a provision prohibiting staging for the development of the site from being allowed on adjoining single family zoned properties.
15. The petitioner has added a label identifying existing historical marker to remain undisturbed and Historical Marker Note 10 that states: "The petitioner shall preserve the historical marker located on the Site's frontage on S. Tryon Street. The marker will be decoratively landscaped and maintained by the HOA. The location of the marker is generally depicted on the Rezoning Plan."
16. The petitioner has modified the site plan to note potential location

for McDowell House and drive if preserved. "Permitted Uses and Area Limitation" heading now includes Preservation of the McDowell House. Petitioner has added the following notes:

- a. "Petitioner will donate the existing McDowell House located on the Site, along with a portion of the Site for the home to rest on (the home will be moved from its current location), to an organization, public or private, that will commit to repairing and renovating the house so that the structure is sound, safe, and renovated to have the appearance of being a habitable structure (the structure does not need to be habitable but at a minimum needs to be in good repair with a weather tight roof, siding and windows, be freshly painted and have a functioning front porch).
 - b. In order to give an interested organization time to gather the funds to repair and renovate the house, the Petitioner will not demolish or apply for a demolition permit to demolish the existing McDowell House located on the property for a minimum of one (1) year after the date of the approval of the Rezoning Petition. If after one (1) year an organization has not been able to gather the funds and begin the repair and renovation of the McDowell House, or demonstrate to the Petitioner the ability to renovate the McDowell House, to have the appearance of a habitable structure, the Petitioner may demolish the structure and utilize the area of the Site occupied by the home for the development of the proposed townhome community. The Petitioner will establish the following thresholds to measure and monitor the progress of the origination responsible for the rehabilitation of the McDowell House. Within six (6) months of the approval of the Petition provide documentation that the funds to rehab the home have been secured and an organization (public or private) established; begin the renovation work within eight (8) months of the approval of the Petition; and complete the renovation within 12 months of the approval of the Rezoning Petition."
17. Petitioner agreed to modify added language pertaining to the preservation of the McDowell House by providing the following note: "In order to give an interested organization time to gather the funds to repair, renovate and maintain the McDowell House (the "Home"), the Petitioner will not remove the existing Home located on the property prior to one (1) year after the date of the approval of the Rezoning Petition. The organization to preserve the Home shall be formed and funded demonstrating the ability to repair, renovate and maintain the Home within six (6) months of the approval of the Petition. If after six (6) months an organization has not come forward, the Petitioner may apply for a demolition permit to remove the Home. If after one (1) year the organization that was formed has not completed the repair and renovation of the Home to have the appearance of a habitable structure, the Petitioner may remove the structure and utilize the area of the Site proposed to be occupied by the Home for the development of the proposed townhome community. The Petitioner will enter into an agreement with the organization willing to move, repair, renovate and maintain the Home and will as part of the agreement establish thresholds to measure and monitor the progress of the organization responsible for the rehabilitation of the Home during the time frames specified above."
18. Modified "Construction Traffic, Construction Staging and Timing of Construction" Note 12.a by adding the following sentence: "Petitioner will install a temporary guardrail at the termination point at the intersection of the public street and Culloden Court to eliminate access to and from the adjacent existing community. It will be removed at such time that the public street is dedicated for maintenance to the local authorities." *Petitioner agreed to remove this language.*

VOTE

Motion/Second: Majeed / Eschert
 Yeas: Eschert, Labovitz, Majeed, Spencer and Wiggins
 Nays: None
 Absent: Watkins
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff noted that the land use is consistent with the *Southwest District Plan* and the density inconsistent with the adopted plan. Staff also presented specific details related to this item to the Committee, noting that the request had been modified from up to 124 townhomes to 124 townhomes and a single family residential home (McDowell) House for up to 125 residential units. Staff noted outstanding issues had been addressed, including the petitioner's agreeing to remove language from the site plan pertaining to construction traffic, staging and timing. Staff then discussed added language to the site plan pertaining to a potential location on site for the historical marker and its landscaping and maintenance. Staff further reviewed added commitments regarding the preservation of the Historic McDowell House, noting that the structure qualifies for tax credits but has not been awarded designation. Staff noted that some Council members had expressed concern that the timeframes established in the notes did not allow adequate time for preservation opportunities.

There was a brief discussion about the condition of the structure, noting that as long as the foundation is being maintained interior modifications may occur. A Committee member expressed concern about the status of historic properties as they relate to the region and this area's role in the American Revolution. There was no further 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

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes up to 124 attached dwelling units and a single family residential home, at a density of 7.88 dwelling units per acre, and a pool amenity area.
- Limits building height to two stories and 40 feet.
- Limits number of principal buildings on site to 30.
- Proposes the following innovative provision:
 - Provide a 20-foot building setback (where 30 feet is typically required) along the internal public streets as measured from the back of the proposed sidewalk.
- Provides "Class C" buffers (widths 37.5 feet with a fence, and 50 feet) along property lines abutting properties zoned R-3 (single family residential).
- Provides a 30-foot "Class C" buffer with existing vegetation to be supplemented as needed to provide screening along South Tryon Street.
- Notes a potential location for the McDowell House and drive if preserved and adds language specifying timeframes for repairs and renovation, and demolition and use of the site in the event the McDowell House is not preserved.
- Commits to the following transportation improvements:
 - Proposes an internal network of private streets and public (local residential medium) streets, and a connection to Culloden More Court located within the neighboring residential subdivision to the southeast.
 - Accommodates on-street parallel parking on certain portions of proposed internal streets.
 - Provides two points of ingress/egress onto South Tryon Street (at South Tryon Street and Beam Road extension, and at southern access point).
 - At South Tryon Street and Beam Road Extension:
 - Constructs a southbound left-turn lane on South Tryon Street.
 - Provides an uninterrupted 100-foot stem for the fourth leg of the intersection created by the development.

- Provides directional curb ramps at all corners of the intersection and marked crosswalks across all legs, as well as pedestrian signals.
 - At Southern Access to South Tryon Street:
 - Designates southern access to South Tryon Street as a right-in and right-out driveway.
 - Along the southern access to South Tryon Street provides a concrete median on South Tryon Street extending up to 150 feet beyond the curb returns of the proposed access intersection (median may extend for a lesser length if CDOT or NCDOT determine that 150 feet is not needed or conflicts with other improvements on South Tryon Street).
 - Dedicates and conveys portion of site for public right-of-way extending 67 feet from the center line of South Tryon Street, to occur prior to issuance of the first certificate of occupancy for the first residential dwelling building constructed on the site.
 - Commits to the following architectural standards:
 - Building materials consisting of a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), vinyl, EIFS or wood.
 - No more than two six-unit buildings will be placed next to each other on the site.
 - Front door entrances within 15 feet of a sidewalk will be raised 24 inches above the average grade of the sidewalk.
 - Provides guidelines for design and location of front and side porches, and treatment of blank walls.
 - Each residential dwelling unit will be provided with a one car garage. Garage doors visible from private or public streets will be recessed at least one foot behind the front most building face, to minimize the visual impact of the garage doors on the public street.
 - Identifies a proposed bus stop and waiting pad (location to be confirmed with CATS).
 - Identifies location of an easement connection to be provided for access to Sugar Creek Greenway.
 - Commits to minimum 10 percent common open space as required in the MX (mixed use) zoning districts.
 - Illustrates possible tree save areas.
 - Identifies existing trees in the right-of-way to be preserved.
 - Provides a note committing to the preservation of the historical marker located on the site's frontage on South Tryon Street, to be decoratively landscaped and maintained by the homeowners association.
 - Limits height of detached lighting on site to 21 feet.
 - **Public Plans and Policies**
 - The *Southwest District Plan* (1992) recommended single family residential up to three dwelling units per acre for the subject site. Approval of rezoning petition 2006-149 amended the adopted land use recommendation to allow up to six units per acre.
 - The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to eight dwellings per acre.
 - **TRANSPORTATION CONSIDERATIONS**
 - The site is location on a major thoroughfare at a signalized intersection. The current site plan provides public street connections and commits to right-of-way dedication for the future cross section of South Tryon Street.
- Current Zoning:
- Existing use: 20 trips per day (based on two single family dwelling units).
Entitlement: 900 trips per da (based on 85 single family dwelling units).
- Proposed Zoning: 775 trips per day (based on 124 townhome units).

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.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 23 students, while the development allowed under the proposed zoning will produce 46 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 23 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Steele Creek Elementary from 130% to 132%;

- Kennedy Middle to remain at 99%; and
 - Olympic High from 152% to 153%.
 - **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 comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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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 Fire Department 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