

<b>REQUEST</b>	Current Zoning: MX-1 (mixed use) Proposed Zoning: MX-2 (mixed use)
<b>LOCATION</b>	Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 124 attached dwelling units on a vacant parcel of land surrounded primarily by residential neighborhoods comprised of a mix of housing types.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	McCondichie Properties BNA Homes (Attn: Mark Blythe) Jeff Brown, Keith MacVean & Bridget Dixon, Moore & Van Allen, PCCL
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to environment, transportation, and site and building design.</p> <p><u>Plan Consistency</u> The petition is consistent with the residential land use recommended by the <i>Southwest District Plan</i> (1991) 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).</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• However, the GDP (<i>General Development Policies</i>) support the proposed increase in density to 7.81 dwelling units per acre.</li> <li>• 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.</li> <li>• 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.</li> <li>• The request includes new streetscape along South Tryon Street, along with new transportation improvements to enhance street network operations.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Proposes up to 124 attached dwelling units, at a density of 7.81 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 existing vegetation to be supplemented as needed to provide screening along South Tryon Street.
  - 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.
- 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.
- 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.
- **Existing Zoning and Land Use**
  - A portion of the site is developed with a 4,258-square foot single family structure that was built in 1900, and a 3,044-square foot single family home constructed in 1962. The remainder of the site is vacant. Historic Landmarks Commission staff has indicated the house constructed in 1900 is eligible for landmarks designation, but designation has not occurred.
  - Rezoning petition 2006-149 rezoned the subject site from R-3 (single family residential) to MX-1 (mixed use) to allow up to 85 single family detached units for sale at a density of 5.38 units per acre, and to preserve the existing homeplace on site. The property was never developed.
  - To the north are single family residential homes, apartment communities, offices, religious institutions, government facilities, and vacant land on properties zoned R-3 (single family residential), R-12MF (multi-family residential), R-17MF (multi-family residential), R-17MF(CD) (multi-family residential, conditional), B-1 (neighborhood business), B-2 (general business), BP(CD) (distributive business, conditional), INST (institutional), and I-1 (light industrial).
  - To the east and south are single family residential homes and an apartment community zoned R-3 (single family residential) and R-17MF(CD) (multi-family residential, conditional).
  - To the west are single family homes, apartments, and townhomes zoned R-3 (single family residential), R-12MF (multi-family residential), and R-17MF (multi-family residential).
  - See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- Rezoning petition 2015-069 rezoned approximately 4.29 acres located on the south side of Shopton Road between Courtney Oaks Road and South Tryon Street from NS (neighborhood services) to R-17MF(CD) (multi-family residential, conditional) in order to allow 72 multi-family dwelling units.
- Rezoning petition 2014-058 rezoned approximately 30.9 acres located on the west side of West Tyvola Road south of South Tryon Street from BP(CD) (business park, conditional) to R-12MF(CD) (multi-family residential, conditional) to allow the construction of up to 295 multi-family residential units at a density of 9.54 units per acre.

- **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 (6) 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 as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	1
Connectivity Analysis	3
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 11</b>	<b>Total Points: 11</b>

- **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. However, the petitioner could further refine the site plan by making all internal streets public, providing planting strip and sidewalk along both sides of all streets, and revising interior lots to have alley fed garages to provide better sidewalks that are uninterrupted by driveways.
- See Outstanding Issues, Notes 1 through 3.
- **Vehicle Trip Generation:**  
 Current Zoning:  
     Existing use: 20 trips per day (based on two single family dwelling units).  
     Entitlement: 900 trips per day (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:** See Outstanding Issues, Note 4.
- **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:** See Outstanding Issues, Notes 5 and 6.

- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

## OUTSTANDING ISSUES

### Transportation

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.
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.
3. The petitioner should revise the site plan to add a note specifying 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. This site is located on an existing bus route at a traffic signal. The Petitioner is requested to provide and construct two new bench pads for a relocated bus stop pair on South Tryon Street near the signalized intersection of Beam Road (per image of the standard detail 60.02A for the requested bench pad pair). One of these requested bench pads should be along the frontage of the site. The other requested bench pad should be opposite the site, but still within public right-of-way, tying into existing sidewalk.
5. A portion of the proposed on-street parking along the private streets appears to be on a curve. This may need to be modified for safety purposes.
6. Remove the statement that CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings and revise "Transportation" Note 4d to commit to improvement completion before the first certificate of occupancy is issued.

### Environment

7. Show 15 percent tree save and right-of-way trees to be protected on site plan.

### Site and Building Design

8. There is a discrepancy between "Site Development Data" (up to 124 attached dwelling units) and "Permitted Uses and Development Area Limitation" Note 3a (up to 127 attached dwelling units). The petitioner should clarify the numbers to ensure information is accurate and consistent on both sheets.
9. "Architectural Standards, Open Space" Note 4b references attached illustrative building elevations; however, none are attached to most recent site plan submittal.
10. Add a note to site plan on street tree planting and spacing along private streets.

## REQUESTED TECHNICAL REVISIONS

11. Under "Site Development Data", specify the density of the proposed project.
12. Label "Possible Storm Water Facility" (BMP) on the site plan.
13. Provide a legend on the site plan that clarifies meaning of "BW" and "CP".
14. Remove 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.

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## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- 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

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