

REQUEST	Current Zoning: B-1 (neighborhood business) and R-12MF (multi-family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional), five-year vested rights
LOCATION	Approximately 5.81 acres located on the north side of Joy Street between Ashley Road and Wilson Avenue. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow up to 132 multi-family apartments, including up to 60 age-restricted units, at a density of 22.72 units per acre on vacant lots in the Westerly Hills neighborhood.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Ashley Road Holdings LLC CapRock LLC Brian Smith
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 44
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found the majority of the proposed multi-family to be consistent with the <i>Central District Plan</i>; a small portion of the site to be inconsistent with the <i>Central District Plan</i>; and the density to be inconsistent with the <i>General Development Policies (GDP)</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan called for multi-family development on the majority of this site; and • The plan recommends retail land uses for a small portion of the site proposed for multi-family uses; and • The GDPs (General Development Policies) recommend up to 17 units per acre not 22.7 units per acre as proposed. • 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 City has committed to 5,000 affordable housing units over the next three years; and • The urgent need for affordable housing is in the public interest; and • While 22 dwelling units per acre is well beyond the recommended 17 dwelling units per acre, some of the density will be utilized towards the age-restricted units which tend to be smaller in size; and • The proposal will result in less trips than by right development. <p>By a 6-0 vote of the Zoning Committee (motion by Spencer seconded by Wiggins).</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. Shows a 20-foot "Class C" buffer along the western property line of the subject property. 2. Removed the note that says "Any buffers required as a result of the abandonment and redistribution of the right-of-way at the rear of the required rezoning parcel shall be created within that redistributed +/-20 feet of property." 3. Added a note to the site plan that says in the case that the 40-foot unopened right-of-way is abandoned in the future as noted, the 20' Class 'C' buffer at the rear of the property, adjacent to that right-of-way, may be moved from the existing parcel into the
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- abandoned area.
4. Setback along Heywood Avenue extension and internal drives is noted as 20 feet. Setback along Ashley Road is noted as 23 feet.
 5. Redesigned community green and notes area will be approximately 0.06 acres.
 6. Limits height of lighting to 21 feet to match industry standards.
 7. Deleted Note H.1 related to signage as it was not needed.
 8. The petitioner added typical front, side, partial east, partial west, north and south elevations.
 9. The petitioner modified the site design layout, and increased the number of buildings from four to eight.
 10. The petitioner added the following note to the site plan: "A minimum of 50% of the total number of multi-family dwelling units actually constructed on the site shall maintain monthly rents are income restricted for households earning 60% or less, of the Area Median Income for a period of not less than 15 years from the date of issuance of a certificate of occupancy for the first building to be constructed on the site."
 11. The petitioner has added a note stating the developer is requesting a City of Charlotte Housing waiver.

VOTE

Motion/Second: Majeed / Spencer
 Yeas: Fryday, Majeed, McClung, Spencer, Watkins, and Wiggins
 Nays: None
 Absent: Lathrop
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee and noted the resolved outstanding issues, items added and/or modified since the public hearing, and new outstanding issues resulting from the revised site plan. Staff identified a new note on the site plan, reading: "A minimum of 50% of the total number of multi-family dwelling units actually constructed on the site shall maintain monthly rents are income restricted for households earning 60% or less, of the Area Median Income for a period of not less than 15 years from the date of issuance of a certificate of occupancy for the first building to be constructed on the site."

A Committee member expressed concern about the proposed density of the project. Another Commissioner asked if any of the units would be for rent at market rate. The Committee suspended the rules to allow Chris Ogunrinde, the petitioner, to address the inquiry. Mr. Ogunrinde indicated that one-half of the total units could be rented at 60% to market rate, but that the challenge is that the financial numbers have to make sense when trying to develop an affordable housing project. Mr. Ogunrinde noted that the density had been substantially reduced and that the number of buildings had been increased to bring the project to a scale and layout more in keeping with the surrounding neighborhood. Mr. Ogunrinde further noted that part of the project is across the street from an existing religious institution.

A Committee member noted that the site is a perfect location for this type of project as it is close to public transportation and schools. Another Commissioner expressed concerns about the width of Ashley Road and the number of trips on this right-of-way, and asked CDOT staff to address these concerns. CDOT staff noted that the proposed project results in a reduction in trips and stated Ashley Road will be able to handle the trips from this proposed development.

A motion was made to recommend denial of this petition; however, it did not pass.

Staff noted that majority of the proposed multi-family use is consistent with the *Central District Plan*, a small portion of the proposed multi-family is inconsistent with the *Central District Plan* and that the density is inconsistent with the *General Development Policies* (GDP). Staff also

noted that outstanding issues have not been resolved and that staff does not recommend approval of the petition.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee due to the number of outstanding issues, the proposed density and the project being out of character with the surrounding residential area.

STAFF ANALYSIS

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A total of 132 multi-family residential dwelling units at a density of 22.7 units per acre consisting of the following:
 - Up to 60 age restricted multi-family units in a single building; and
 - Up to 72 multi-family units in three buildings (24 units per building).
- Adds a note on the site plan committing to income sensitive provisions.
- Maximum height of residential buildings will be three stories and 40 feet.
- Provides a clubhouse with tot lot.
- Provides access to proposed development via Joy Street and Bullard Street.
- Proposes internal access via the extension of Heywood Avenue through the site.
- Constructs a left-turn lane at the intersection of Ashley Road and Joy Street.
- Identifies the location of a proposed CATS waiting pad on Ashley Road.
- Installs an eight-foot sidewalk and 11-foot wide planting strip along the west side of Ashley Road.
- Installs an eight-foot wide planting strip and eight-foot wide sidewalk along Bullard and Joy Streets.
- Provides "Class C" buffers (34 feet wide and 25.5 feet wide, reduced with fence) along property lines directly abutting single family residential homes.
- Proposes any buffers required as a result of the abandonment and redistribution of the right-of-way at the rear of the required rezoning parcel shall be created within that redistributed +/-20 feet of property.
- Provides front, side, partial east, partial west, north and south elevations.
- Commits to combinations of the following building materials: masonry, precast concrete, and cementitious siding. Vinyl or aluminum material may only be used on windows, soffits and railings.
- Commits to having buildings along a minimum of 50% of the total street frontage.
- Prohibits parking lots from being located between any building and any public or private street.
- Provides building design and massing guidelines that break up long, monolithic building forms.
- Proposes that building elevations will be designed to create visual interest through standards addressing vertical modulation and rhythm; building base treatment; blank walls; and architectural features such as banding and medallions.
- Commits that all building facades abutting a required street will be comprised of a minimum of 30% brick, natural stone (or synthetic equivalent) or other equivalent.
- Limits maximum height of any pedestrian scale, freestanding lighting to not exceed 22 feet.

• **Public Plans and Policies**

- The *Central District Plan* (1993) recommends multi-family land use for the majority of the site, and retail for a small portion of the site along Joy Street.
- 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 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – over 17 dua
Meeting with Staff	Yes - 1
Sewer and Water Availability	CMUD - 2
Land Use Accessibility	High – 3
Connectivity Analysis	Med – 3
Road Network Evaluation	No - 0
Design Guidelines	Yes - 4
Other Opportunities or Constraints	Constraints - Surrounded by single family residential
Minimum Points Needed: 14	Total Points: 13

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on a minor thoroughfare between unsignalized local street intersections. The current site plan incorporates improved planting strip and sidewalk along the site's frontage, reserves right-of-way to widen the substandard bike lane on Ashley Road, and commits to construction of a left-turn lane into the site. The petitioner has declined to incorporate an offsite sidewalk and planting strip along Bullard Street and Joy Street which would extend the sidewalk, to nearby corners at Ashley Road that carries the following bus routes: Jackson Park neighborhood shuttle, the Crosstown local, and the Ashley Park local.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant property).
 - Entitlement: 1475 trips per day (based on 63 multi-family units and 5,000 square feet of retail uses).
 - Proposed Zoning: 760 trips per day (based on 72 multi-family units and 60 age-restricted multi-family units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** Developer must comply with 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 34 students, while the development allowed under the proposed zoning will produce 33 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
 - The proposed development is not projected to increase the school utilization (without mobile classroom units) over current conditions, and school utilization will remain as follows:
 - Westerly Hills Pre K-8 at 146%; and
 - Harding High at 129%.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing eight-inch water distribution mains located along Ashley Road and Joy Street. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Ashley Road and Joy Street.
 - **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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OUTSTANDING ISSUES

The following items are outstanding as a result of the revised site plan:

1. The petitioner should find another location for the dumpster area next to the community green so it is not a prominent feature in the development entry.
2. The petitioner should show two sidewalk connections to the community green.
3. The petitioner should consider shifting the proposed sidewalk adjacent to the western property line and proposed Class C Buffer.
4. Clarify where the setback is being measured from (should be measured from future back of curb).
5. Label landscape screening strip adjacent to tot lot playground and Building 1.
6. Petitioner needs to tie key notes to the elevations and clarify how they key to the labeled building numbers on Sheet RZ-1.0.

The following items remain outstanding:

1. The proposed residential density of 22.72 units per acre is inconsistent with the General Development Policies recommended density of up to 17 units per acre. While the adopted policy plan recommends multi-family, the proposed residential development is out of character with the surrounding single family development with respect to density, building form and overall design. The petitioner should work towards providing a building product that blends with the existing character and environment.
2. Architectural design standards reference building facades along "required" streets. Ashley, Joy

and Bullard are not subdivision required streets since they already exist therefore this note should be clarified.

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

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