

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 2: 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

STAFF RECOMMENDATION	<p>Staff does not recommend approval of this petition in its current form.</p> <p><u>Plan Consistency</u> The proposed multi-family use is consistent with the <i>Central District Plan</i> recommendation for multi-family residential development for the majority of the site. However, the proposed density of over 22 units per acre is greater than the density supported by the <i>General Development Policies</i> (GDPs). In addition, a small portion of the site is recommended for retail land uses, and therefore the proposed multi-family development is inconsistent with the plan for that part of the site.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The <i>Central District Plan</i> called for multi-family development on the majority of this site. • At the time that the plan was written, this site was at the edge of the Westerly Hills neighborhood, which is predominantly developed with single family homes. However, since the plan was adopted in 1993, new single family homes have been built on property to the west, and the subject site is now almost entirely surrounded by single family development. • The proposed multi-family buildings are out of character with the surrounding neighborhood with respect to density, setbacks, building form and massing. • Specifically, the petition proposes to place three-story multi-family buildings and surface parking lots with reduced setbacks along Ashley Road and Heywood Avenue. This form of development is inconsistent with the predominantly single family pattern of development along those streets.
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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).
 - 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.
- Commits to combinations of the following building materials: masonry, precast concrete, 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.
- **Existing Zoning and Land Use**
 - The site is currently vacant and surrounded by primarily single family residential and institutional uses.
 - North of the site are single family homes, attached homes, vacant land, Central Piedmont Community College School of Cosmetology, Phillip O. Berry Academy of Technology, and Harding University High School on properties zoned R-8 (single family residential), R-12MF (multi-family residential), R-17MF (multi-family residential), INST (institutional), and BD(CD) (distributive business, conditional).
 - To the east are single family homes zoned R-4 (single family residential).
 - South of the site is a religious institution and an accessory parking lot zoned R-4 (single family residential) and B-1 (neighborhood business).
 - To the west are single family homes zoned R-4 (single family residential).
 - See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **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.

- See Outstanding Issue, Notes 10.

- **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 change in the number of students generated from existing zoning to proposed zoning is 0 students.
 - The proposed development is projected to increase the school utilization (without mobile classroom units) over current conditions as follows:
 - Westerly Hills Pre K-8 from 146% to 146%; and
 - Harding High from 129% to 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.

OUTSTANDING ISSUES

Land Use

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.

Site and Building Design

2. Show a 20-foot "Class C" buffer along the western property line of the subject property.
3. Remove 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."
4. Add a note to the site plan that if the 40-foot unopened right-of-way along the western property boundary is abandoned, the 20-foot buffer may be moved to this area.
5. Identify future back of curb for all streets.
6. Setback for face of building should be 20 feet with porches, stoops, steps, et. allowed to encroach four (4) feet (setback on Ashley Road needs to be 23 feet). A 14-foot setback is not correct as the sidewalk and planting strip are a total of 16 feet.
7. Move the "community green" to an area that is usable and commit to a minimum size.
8. Architectural design standards reference building facades along "required" streets. Ashley, Joy and Bullard are not subdivision required streets since they already exist.
9. The maximum height of any lighting should be limited to 21 feet to match industry standards.

Requested Technical Revisions

11. Delete Note H.1 related to signage as it is not needed.
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Attachments Online at 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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