

REQUEST	Current Zoning: UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment) with five-year vested rights
LOCATION	Approximately 3.68 acres located on the west side of Bingham Drive between North Tryon Street and Curtiswood Drive. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to amend the existing site plan for an undeveloped residential development in the Bingham Park neighborhood to allow up to 60 age-restricted multi-family dwelling units in a single building, and five townhome units, at a density of 17.66 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Habitat for Humanity of Charlotte, Inc. Mosaic Development Group Kevin Ammons, ColeJenest & Stone
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be inconsistent with the <i>Blue Line Extension Transit Station 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 office and retail uses. • 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"> • Although the proposed residential use is inconsistent with the plan recommendation for office and retail, the subject property is currently zoned for residential development; and • Development on this site will provide a transition between the commercial uses along North Tryon Street and the lower density residential development to the south of the site; and • The primary building on the site is designed to be compatible with the abutting residential, with a height limit of three stories and 50 feet, consistent with the area plan's height recommendation. The development is also separated from the abutting residential by a creek; and • The petition proposes to redevelop a vacant infill site, thereby minimizing environmental impacts while accommodating growth; and • The proposed development will support future area connectivity by providing a public street connection to abutting property located to the west of the site; <p>By a 7-0 vote of the Zoning Committee (motion by Majeed seconded by Fryday).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Specified maximum building height as three stories and 50 feet. 2. Provided building material annotations on the renderings. 3. Increased the setback along the internal street to 18 feet for the face of the building. Added a note that stoops, steps, etc. can encroach four feet into the transition zone. However, an encroachment agreement must be obtained for any nonstandard items proposed within the CDOT right-of-way. 4. Increased and accurately reflected the 20-foot setback on
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- Bingham Drive with a four-foot transition.
5. Amended Note 1A to note that the rezoning plan is subject to "minor" modifications.
 6. Deleted the following portion of Note 1C: "the regulations established under the ordinance for the UR-2 zoning district classification shall govern development taking place on the site."
 7. Deleted the note on the site plan renderings stating that the architectural perspectives are conceptual in nature.
 8. Added the request for five-year vested rights to the site plan.
 9. Amended Note 7D(i) under the heading of "Architectural Standards" to add the following: "Building recesses shall be substantially similar in scale to the conceptual building elevations attached hereto Sheet RZ-300 and RZ-301."
 10. Added Note 9D under the heading of "Landscape Buffers/Open Space/Tree Save Areas" as follows: "The petitioner acknowledges the future possibility of the City of Charlotte or Mecklenburg County requesting a greenway easement, approximately located within the 30-foot wide post construction buffer (PCCO Buffer) as generally depicted on the rezoning plan. Prior to the grant of any greenway easement, the petitioner and easement grantee shall mutually agree to reconcile any and all site improvements, uses, regulatory requirements, or naturally existing conditions that render the site legally nonconforming due to the greenway easement or related construction, maintenance, monitoring or public use. Additionally, the easement grantee shall maintain sole financial responsibility and legal liability for the installation, monitoring, maintenance, and public use of the greenway easement."
 11. Added architectural elevations reflecting partial North elevation, partial South elevation, West elevation, and East elevation.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update on the petition pointing out that there are no outstanding site plan issues. Staff noted that the petition is inconsistent with the *Blue Line Extension Transit Station Area Plan*, which recommends office and retail uses. However, the subject property is currently zoned for residential development; development on this site will provide a transition between the commercial uses along North Tryon Street and the residential development to the south of the site; the primary building on the site is designed to be compatible with the abutting residential, and the development will provide a public street connection to abutting property west of the site. There was no further discussion.

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:
 - Maximum unit count and unit type changed from 24 single family attached units for sale to 60 age-restricted multi-family dwelling units in a single building and five townhome units without an age restriction. Accessory uses allowed in the UR-2 (urban residential) district are permitted.
 - Building height is limited to three stories, and 50 feet.
 - Eliminated the restriction of nonresidential uses to customary home occupations, as the previous

rezoning district allowed nonresidential uses and the proposed development will be entirely residential.

- Removal of phasing requirement which prohibited the petitioner from beginning construction, including grading, on the site or obtaining a building permit until three years after the date of the approval of the petition.
- Established the setback along Bingham Drive as 20-foot setback on Bingham Drive with a four-foot transition, which replaces a 25-foot setback from the back of the existing or future curb along Bingham Drive shown on the previous site plan.
- Increased the width of the proposed sidewalk along Bingham Drive and the interior public street from six feet to eight feet, along with an eight-foot wide planting strip.
- Provides an 18-foot setback along the internal street for the face of the building, with a note that stoops, steps, etc. can encroach four feet into the transition zone. However, an encroachment agreement must be obtained for any nonstandard items proposed within the CDOT right-of-way.
- Lowered maximum height of detached lighting from 25 to 21 feet.
- Deleted note that "location, size and type of any Stormwater Management Systems are subject to review and approval with full development plan submittal" and replaced with "the location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
- Provided a 30-foot wide "Class A" buffer, with a fence or berm, where the site abuts a property developed with an existing warehouse use.
- Added "Transportation Notes" that address the following:
 - Design submitted for permitting will comply with City standards and are the responsibility of the developer.
 - City will consider participating in condemnation for improvements and bonds can be posted to cover work in progress when certificates of occupancy are requested, as agreed to by the City.
 - CDOT and Planning can change transportation improvements through administrative amendment process.
 - Commitment that the developer will complete transportation improvements prior to getting first certificate of occupancy.
 - Commitment by the developer to dedication of public right-of-way prior to getting first certificates of occupancy.
 - Prior to the grant of any greenway easement, the petitioner and easement grantee shall mutually agree to reconcile any and all site improvements, uses, regulatory requirements, or naturally existing conditions that render the site legally nonconforming due to the greenway easement or related construction, maintenance, monitoring or public use. Additionally, the easement grantee shall maintain sole financial responsibility and legal liability for the installation, monitoring, maintenance, and public use of the greenway easement.
- Architectural Standards as follows:
 - Architectural elevations with materials annotated that reflect partial North elevation, partial South elevation, West elevation, and East elevation.
 - All principal and accessory building facades (exclusive of windows, doors and balconies) abutting a street to be comprised of a minimum of 30% brick, stone, or equivalent or better material.
 - Vinyl siding and unfinished concrete masonry units are prohibited as exterior building materials, except for vinyl soffits and window and door trim.
 - Buildings shall be arranged and oriented to front along all public or private network required streets.
 - Buildings exceeding 120 feet in length shall include design variations of the building massing/façade plane to provide visual interest. Such variations shall be a minimum of 10 feet wide and shall extend or recess a minimum of five feet extending through all floors, and will occur every 10 feet.
 - Building elevations shall be designed with recognizable vertical bays or articulated architectural façade features. A minimum of three elevations of each building will be articulated with preferred exterior building materials (brick, stone or other equivalent or better) a minimum of three feet in height. Building elevations facing streets shall not have expanses of blank walls greater than 20 feet.
 - Long rooflines shall avoid continuous expanses without variation by including changes in height and/or roof form. The maximum pitch shall be 4:12 excluding buildings with a flat roof and parapet walls. Rooftop HVAC and mechanical equipment will be screened from

public view at grade from the nearest street and from the nearest single family structure if located on the roof.

- Site service areas shall be screened from view by a wall with a minimum 30% masonry material, utility structures shall be screened architecturally or with evergreen plant material, and walls shall be designed to match and complement the building architecture of the residential buildings of the subject property.
 - Architectural regulations for townhomes that pertain to roof pitch, requirement for useable, unenclosed porches and stoops, setbacks, and architectural treatments for garage doors and limitations on the number of units in a building.
 - Building elevations of the proposed age-restricted multi-family building.
- **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plan* (2013) recommends office and/or retail uses for the subject site.
 - The plan also recommends a 50-foot maximum height for the area in which the site is located.
 - **TRANSPORTATION CONSIDERATIONS**
 - This site is located on a minor collector just south of an unsignalized intersection with a major thoroughfare and north of the Blue Line Extension. The subject site has a negligible increase in daily trips and furthers the envisioned transportation system by committing to construction of the complete cross section for the portion of the envisioned parallel route to North Tryon between 36th Street and Old Concord Road within the limits of the site.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on existing vacant lot).
 - Entitlement: 190 trips per day (based on 24 dwellings permitted per previous rezoning 2010-51).
 - Proposed Zoning: 255 trips per day (based on 60 age-restricted apartments and five townhomes).

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 four students, while the development allowed under the proposed zoning will produce one student. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development will not increase the school utilization (without mobile classroom units) over existing conditions for:
 - Highland Renaissance Academy (101% capacity);
 - Martin Luther King, Jr. Middle (93% capacity); and
 - Garinger High (121% capacity).
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** Charlotte Water currently does not have water or sewer system availability for the parcel under review. The closest existing water main is located approximately 165 feet south of the property at the intersection of Curtiswood Drive and Bingham Drive. The closest existing sewer main is located approximately 140 feet south of the property at the intersection of Curtiswood Drive and Bingham Drive.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **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 Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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