

<b>REQUEST</b>	Current Zoning: R-8 (single family residential), R-22MF (multi-family residential), B-1 (neighborhood business), B-2 (general business) Proposed Zoning: TOD-R(O) (transit oriented development, residential, optional)
<b>LOCATION</b>	Approximately 2.17 acres located on the north and south sides of East 16 <sup>th</sup> Street, and east of the intersection of East 16 <sup>th</sup> Street and Parkwood Avenue. (Council District 1 – Egleston)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop a site in the Optimist Park neighborhood to allow up to <b>59 for sale</b> single family attached dwelling units, at a density of <b>29.49</b> units per acre.
<b>PROPERTY OWNER</b> <b>PETITIONER</b> <b>AGENT/REPRESENTATIVE</b>	Phyllis H. Leonard, E. Milburn Davant, Jr., Optimist Park Partners, LLC, Optimist Park Partners, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11.

<b>STAFF RECOMMENDATION</b>	<p>Staff does not recommend approval of this petition in its current form due to <b>density, which results in an inappropriate relationship to the adjoining single family residential uses.</b></p> <p><u>Plan Consistency</u> The adopted <i>Blue Line Extension Transit Station Area Plan</i> contains three recommendations for the subject property. The proposed development of townhomes at a density of 29.49 units per acre is:</p> <ul style="list-style-type: none"> <li>• Consistent with the plan recommendation for residential uses but inconsistent with the density recommendation for up to 12 units per acre for the four existing single family residential lots along the north/east side of East 16th Street (Buildings 4, 5, 6, and 7);</li> <li>• Inconsistent with the plan recommendation for office and retail uses for the lots that front Parkwood Avenue (Buildings 1, 2, and 3); and</li> <li>• Consistent with the plan recommendation for transit supportive uses for the lots on the south/west side of East 16th Street (Buildings 8, 9, 10, 11, and 12).</li> </ul> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject properties provide a transition between the Parkwood Transit Station and the Optimist Park Neighborhood.</li> <li>• Portions of the property (Buildings 1, 2, 3, 8, 9, 10, 11, and 12) are generally consistent with the adopted plan recommendations.</li> <li>• However, Buildings 4, 5, 6, and 7 are within an area designated for protection of the existing single family neighborhood and the plan specifies duplex, triplex and quadraplex uses as appropriate.</li> <li>• The proposed site plan and elevations do not show the relationship between Buildings 4, 5, 6, and 7 and the adjoining single family residential uses.</li> <li>• In addition, the building heights and narrow buffer (Buildings 4, 5, 6, and 7) provide an inadequate transition to the adjoining single family residential.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Maximum of ~~60~~ **59 for sale** single family attached dwelling units in up to 13 buildings, at a density of 29.49 units per acre.

- A minimum six of the for-sale attached dwelling units shall be eligible for the City of Charlotte's HouseCharlotte program.
- Vehicular access via East 16<sup>th</sup> Street and East 17<sup>th</sup> Street, along with internal private drives.
- Building materials will be brick veneer and cementitious siding. Synthetic wood may be utilized around windows. Vinyl, EIFS and Masonite are prohibited as building materials. However, vinyl may be utilized on windows, doors, garage doors, soffits, trim, and railings.
- Dwelling units located in Buildings 4 and 5 may not have outdoor patios, porches, or terraces located above the first story or ground level on the eastern facing elevations.
- Front elevations of single family attached dwelling units in Buildings 4 and 5 shall not be required to have an outdoor terrace located on the fourth level of the units.
- Provides a four-foot transition zone between the back of the sidewalks and the entry door into each dwelling unit that fronts a public street.
- A stoop and patio will be located at the front entry door into each single family attached dwelling unit. A portion of the stoop will be covered with an awning.
- Provides building rendering that reflects the front building elevation, with annotated building materials.
- Provides a 24-foot setback on Parkwood Avenue and a 16-foot setback on East 16<sup>th</sup> Street and Caldwell Street.
- Maximum building height of 44 feet for Buildings 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12.
- Maximum building height of 40 feet for Buildings 4 and 5.
- On-street parking provided along Parkwood Avenue and East 16<sup>th</sup> Street.
- Extension of East 16<sup>th</sup> Street to Parkwood Avenue, with a sidewalk on the west side of the extension.
- Dedication of right-of-way necessary to extend East 17<sup>th</sup> Street to Parkwood Avenue.
- All transportation improvements will be approved and constructed prior to the issuance of a certificate of occupancy for the site or phase per the development plan.
- Construction activities may not be conducted on the site on Sundays, and are limited to the hours of 8:00 a.m. to 7:00 p.m. on Saturdays.
- Optional provisions requested:
  - ~~Maximum building height of 44 feet without providing additional setbacks and yards.~~
  - ~~If the site is developed in phases, the residential density for each phase shall not be required to meet the minimum residential density requirements of the ordinance.~~
  - ~~Roof line variation every 30 feet shall not be required.~~
  - The number of off-street parking spaces allowed on site may exceed the maximum permitted in the TOD-R district.
  - Allow vehicular maneuvering space between the building and the public street to driveways and garages.
  - Driveways and garages for dwelling units shall be permitted.
  - Recessed, on-street parking shall be installed by the petitioner along the site's frontage on Parkwood Avenue and the westerly side of East 16<sup>th</sup> Street. The on-street parking shall be recessed into portions of the planting strip and shall be in lieu of the relevant portions of the planting strip.
  - Where on-street recessed parking is installed adjacent to the site, the setback shall be measured from the back of curb of the travel lane, not the back of curb of the recessed on-street parking.
  - The minimum setback along North Caldwell Street shall not be required to meet standards of Section 9.1208(1)(a)(1), which requires a minimum 30-foot setback for new development abutting or located directly across a public or private street from single family zoning when the single family zoned lots front onto the same local street as the new development.
  - Allow recessed on-street parking in portions of the planting strip and in lieu of the planting strip along frontages on Parkwood Avenue and East 16<sup>th</sup> Street.
  - Allow setback be measured from the back-of-curb of the travel lane instead of the recessed on-street parking when on-street parking is installed adjacent to the site.
- **Existing Zoning and Land Use**
  - The subject property is zoned R-8 (single family residential), R-22MF (multi-family residential), B-1 (neighborhood business) and B-2 (general business), and is currently developed with seven single family detached dwellings, 12 multi-family dwelling units, and a religious institution.
  - Vacant properties zoned I-2 (general industrial) are located across Parkwood Avenue in the former intermodal facility. The future LYNX Blue Line Extension (BLE) will also be located across Parkwood Avenue.
  - A mixture of uses consisting of warehouses, religious institutions, an office, single family and multi-family dwelling units, and scattered vacant lots are developed on the east side of North Brevard Street and the east and west sides of Parkwood Avenue in R-8 (single family residential), R-22MF (multi-family residential), UR-2(CD) (urban residential, conditional), B-1

(neighborhood business), B-2 (general business), TOD-M (transit oriented development, mixed use) , TOD-MO (transit oriented development, mixed use optional), MUDD (mixed use development), MUDD(CD) (mixed use development, conditional) and I-2 (general industrial) zoning districts.

- Surrounding properties on the west side of North Brevard Street contain Highland Park Mill Building No. 1, warehouse uses, and vacant lots in TOD-MO (transit oriented development, mixed use optional) and I-2 (general industrial) zoning.
- See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2016-69 rezoned 0.83 acres located on the southeast corner at the intersection of Belmont Avenue and North Caldwell Street to TOD-M (transit oriented development – mixed-use) to allow all uses permitted in the district.
  - Petition 2016-29 rezoned 11.85 acres located on the east and west side of North Brevard Street and generally surrounded by Parkwood Avenue, Belmont Avenue, East 16<sup>th</sup> Street and North Brevard Street to TOD-MO (transit oriented development – mixed-use, optional) to allow reuse of an existing mill for all uses permitted in the district.
  - Petition 2015-126 rezoned 3.63 acres located on the southeast corner at the intersection of North Brevard Street and East 21<sup>st</sup> Street to TOD-RO (transit oriented development - residential, optional), with five year vested rights to allow up to 351 multi-family dwelling units.
  - Petition 2015-125 rezoned 4.78 acres located east of 13th Street, west of Belmont Avenue between North Brevard Street and North Davidson Street. The properties are located on two adjacent blocks divided by North Caldwell Street to TOD-M (transit oriented development – mixed-use) to allow all transit supportive uses permitted in the district.
  - Petition 2015-091 rezoned 0.99 acres located on the northeast corner at the intersection of Parkwood Avenue and East 17<sup>th</sup> Street to TOD-RO (transit oriented development, residential, optional) to allow up to 50 multi-family dwelling units at a density of 50.5 dwelling units per acre.
  - Petition 2014-023 approved a MUDD(CD) SPA (mixed use development, conditional, site plan amendment) for 2.14 acres located on the south corner at the intersection of North Caldwell Street and East 16<sup>th</sup> Street to reduce the total number of multi-family dwelling units from 150 to 120 and to allow units to be for rent.
- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plans* (2013) recommends residential uses up to 12 units per acre for the four existing single family residential lots along the north/east side of East 16<sup>th</sup> Street, office and retail uses for the lots that front Parkwood Avenue, and transit supportive uses for the lots on the south/west side of East 16<sup>th</sup> Street.
  - Buildings 4 through 7 are within an area designated for protection of the existing single family neighborhood and specifies duplexes, triplexes, and quadraplexes as appropriate.
  - The adopted area plan recommends a maximum height of 40 feet for the four existing single family residential lots (recommended for residential up to 12 units per acre) along the north/east side of 16<sup>th</sup> Street; and a maximum height of 50 feet on the remaining parcels in the petition.
  - The adopted streetscape for Parkwood Avenue is an eight-foot sidewalk, eight-foot planting strip, on-street parking where feasible, no bike lanes, a 16-foot setback, and retaining the existing back-of-curb.
  - The Transportation Network Map indicates the need for an improved intersection between East 16<sup>th</sup> Street and Parkwood Avenue, improved sidewalks along East 16<sup>th</sup> Street, and a proposed streetscape and bike lane along Parkwood.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the unsignalized intersection of a local street and a major thoroughfare. The site plan commits to extending 16<sup>th</sup> street to Parkwood Avenue. CDOT is requesting that the petitioner provide a partial contribution to the future signal at the Parkwood/16<sup>th</sup> intersection that will be installed with the City’s Parkwood improvement project and in conjunction with the 16<sup>th</sup> Street realignment by others.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 800 trips per day (based on 12 multi-family dwellings, 7 single family detached dwellings, and 1,908 square feet of retail uses).
      - Entitlement: 1,640 trips per day (based on based on 18 multi-family dwellings, 5 single family detached dwellings, and 8,250 square feet of retail uses).
    - Proposed Zoning: 410 trips per day (based on 60 single family attached dwellings).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 18 students, while the development allowed under the proposed zoning will produce two students. Therefore, the net change 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:
    - Walter G. Byers PK-8 (102%)
    - West Charlotte High from (96%)
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Parkwood Avenue and existing six-inch water distribution mains located along East 17<sup>th</sup> Street, East 16<sup>th</sup> Street, and North Caldwell Street. Charlotte Water has limited sanitary sewer capacity. After an analysis of the sanitary sewer system and the proposed development, a conditional approval of a "Willingness to Serve" was granted to the applicant with the understanding that the sanitary sewer cannot be provided until the completion of a public infrastructure project—Charlotte Water's Little Sugar Creek Tributary Trunk Sewer to North Tryon Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. There is an anticipated completion date of mid-2019.
- **Engineering and Property Management:**
  - **Arborist:** Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets. Tree species must be approved before planting.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**Transportation

1. ~~The proposed intersection of Parkwood Avenue and East 16<sup>th</sup> St will have a future signal. The petitioner should revise the site plan with a conditional note committing to contribute to the future cost of the signal, in the amount of \$62,500, with a five-year sunset. Rescinded by CDOT.~~

Site and Building Design

2. ~~Show and label future back-of-curb and reflect all setbacks from that line. Setbacks along Parkwood Avenue should be no less than 20 feet from the curb of the travel lane. Addressed~~
3. ~~Remove the note that "the front setback may be reduced to 16 feet once Parkwood Avenue classification is determined." Addressed~~
4. ~~Delete Note 2B under "Optional Provisions," which is problematic because properties do not adjoin. Addressed~~
5. ~~Amend Note 2A under "Optional Provisions" to specify the waiver sought for the required increase to setback and/or yards required per Section 9.1208(3), in order to achieve a maximum height of 44 feet for Buildings 4-7, which are recommended for a maximum building height of 40 feet. Addressed~~
6. ~~Explain what is requested in Note 2G under "Optional Provisions" or delete if section does not apply to the site. Addressed~~
7. ~~Show the relationship between Buildings 4, 5, 6, and 7 to the adjoining single family residential uses. Addressed. The cross-section showing the relationship which was shown to Planning staff should be included with the revised site plan. Addressed~~
8. ~~Reduce the heights of Buildings 4, 5, 6, and 7 and increase the buffer between these buildings and the existing single family residential to provide an adequate transition. Addressed for buildings 4 and 5 by reducing the height to 40 feet and increasing the rear yard from 16 feet to 20 feet. However, the density remains inconsistent with the adopted plan recommendation.~~

9. Reduce the building height of Buildings 6 and 7. **Not addressed**
10. **Add a note under "Architectural Commitments" committing to an average ground floor entrance of 24 inches above grade. Addressed by the petitioner agreeing to provide a single step into the units, which will be above grade.**

**REQUESTED TECHNICAL REVISIONS**Site and Building Design

11. ~~Delete incomplete Note "B" under "Architectural Standards."~~ **This request was rescinded.**
  12. ~~Show the north arrow on the site plan.~~ **Addressed**
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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 Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327