



Zoning Committee

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional) with five-year vested rights

LOCATION

Approximately 0.83 acres located at the intersection of Providence Road and Providence Church Road, north of Ballantyne Commons Parkway (Council District 7 - Driggs)

PETITIONER

Sinacori Builders, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Providence Road/ I-485 Area Plan Update*, but slightly exceeds the plan's density recommendation based on the information from the staff analysis and the public hearing and because:

- The area plan recommends residential land use; and
- The area plan recommends a density of up to four units per acre.

However we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The rezoning site plan limits the total number of units to five for a density of 6.02 units per acre; and
- The site is a small, oddly shaped triangular parcel located at the intersection of a major thoroughfare and local street making it not conducive to single family development at four units to the acre as recommended by the area plan; and
- Under the density recommended in the plan up to three residential units could be built on the site. The proposal would allow only two additional units; and
- Although the site is surrounded by residential zoning and the general area is single family in character the site is isolated from single family neighborhoods by institutional uses including, Charlotte Latin School, Providence Presbyterian Church and Providence Spring Elementary so that the site is not directly adjacent to or abutting single family uses; and
- Integrates the buildings with the surrounding institutional uses and residential character of the area by providing:

- architectural standards related to roofs, blank walls and garages; and
- a larger setback along Providence Road and tree save and open space areas around the perimeter of the site; and
- building height limited to two stories.

Motion/Second: Majeed / Spencer

Yeas: Fryday, Majeed, McClung, McMillan, Spencer, and Sullivan

Nays: None

Absent: Nelson

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan recommendation for residential use but the proposed density of six units per acre exceeds the recommended density of up to four units per acre. Staff noted that the petitioner's agent had provided an email committing to reducing the building height to two stories as stated at the hearing. The petitioner has agreed to provide a buffer along the southern property that would include plantings on the site and church property with permission of the church. The petitioner and the church are continuing to discuss this buffer and details of the plan.

A commissioner asked if the church built on their property could any buffer they were required to have be shifted onto the subject property. The staff responded that a required buffer cannot be shifted. Another commissioner asked what class the buffer would be. Staff explained that a class type was not given but explained the provided details. The commissioner expressed concerns about the use of UR-2 zoning to modify elements like buffers.

A commissioner asked if buffers could be something that would be used in GDPs. Staff explained that the GDPs do not apply to this site as it is in an area plan with a specified residential density. If GDPs did apply the density would have been supported. Under the recommended density of the adopted plan a total of three units could be built on the site, the proposed project is for two additional units. Staff also stated that in plans where GDPs do apply staff uses the suggested density as a starting point and can look at elements like the provision of buffers to impact the appropriate density.

A commissioner asked for clarity, the plan allows three but staff is ok with five. Staff replied because it is a very unique site. The site is isolated and does not layout well for single family and there is no adjacent or abutting single family homes.

There was no further discussion of this petition.

Planner

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