

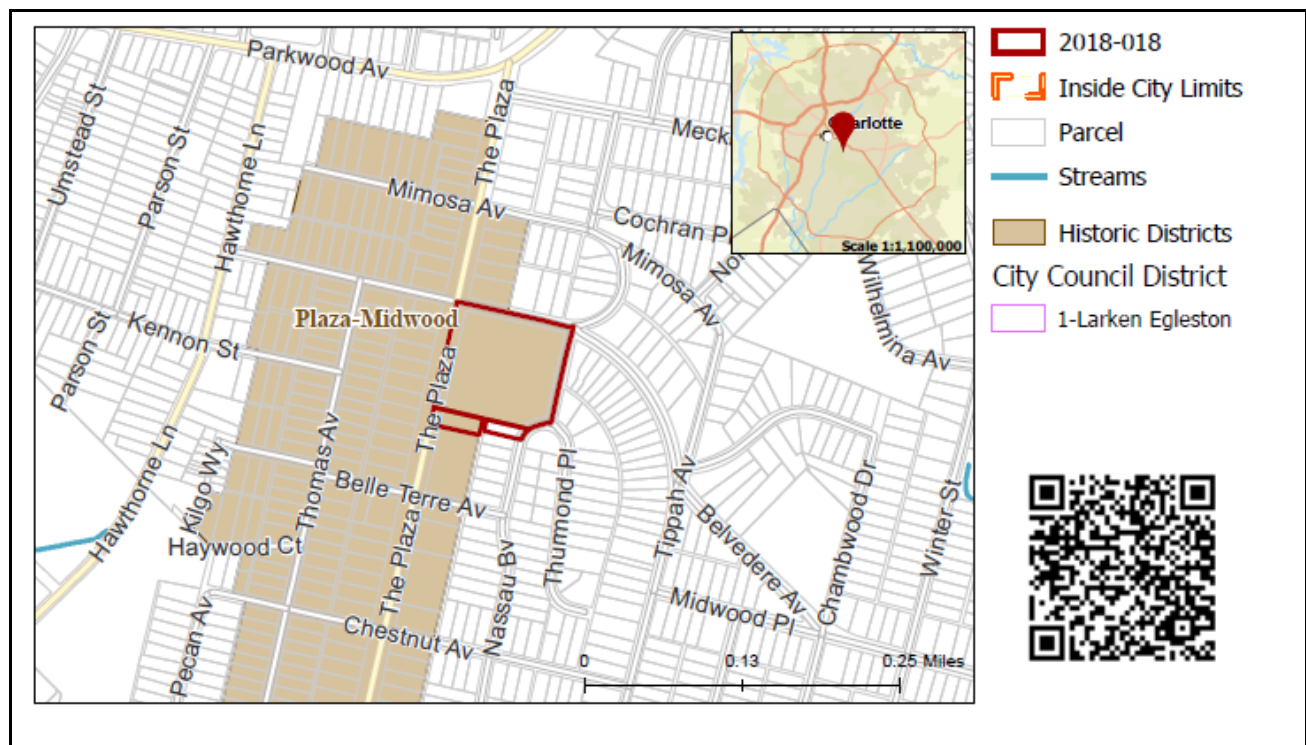
REQUEST

Current Zoning: R-5 (single family residential), R-5 HD-O (single family residential, historic district overlay) and B-2(CD) HD-O (general business, conditional, historic district overlay)

Proposed Zoning: MUDD-O (mixed use development, optional, historic district overlay) and MUDD-O HD-O (mixed use development, optional, historic district overlay)

LOCATION

Approximately 4.54 acres located on the east side of The Plaza, south of Belvedere Avenue.
(Council District 1 - Egleston)



SUMMARY OF PETITION

The petition proposes to redevelop the site to allow 22 single family attached dwelling units, and to retain the existing historic landmark structure, which is located in the Plaza Midwood historic overlay, for a variety of uses permitted in the MUDD (mixed use development) district.

PROPERTY OWNER

Unique Southern Estates, LLC and Mark A. Maddalon

PETITIONER

Unique Southern Estates, LLC

AGENT/REPRESENTATIVE

Collin M. Jenest, ColeJenest & Stone, PA

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 11.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the *Central District Plan* recommendation, as amended by a previous rezoning, for retail business for the existing VanLandingham Estate. While the proposed uses for the site are consistent with the plan recommendation, the townhomes are inconsistent with the area plan.

Rationale for Recommendation

- The majority of the subject site is a historic landmark, which has been used as an event facility and five-room hotel in recent years. The remainder of the site is developed with two single family detached dwellings in single family residential zoning, one fronting Nassau Boulevard and one fronting The Plaza.
- The proposal retains the historic landmark identified as the "Main House", and adds up to 22 single family attached dwellings on the edge of the estate and on the two single family lots abutting the estate.
- The addition of the proposed townhomes to the site increases the mix of housing types available in the neighborhood, while allowing the historic main house to remain on the site.
- Site and building design will be reviewed and approved by Historic Districts Commission and Historic Landmarks to ensure compatibility, context and appropriateness of exterior features.

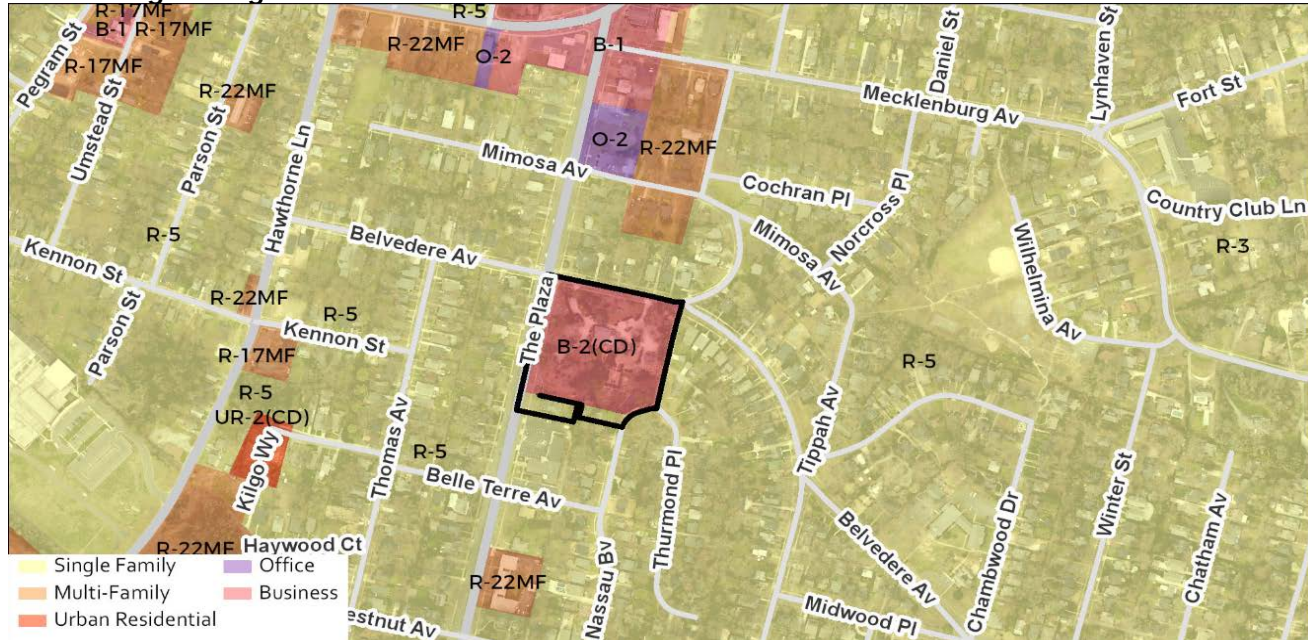
PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Site may be utilized for uses permitted in the MUDD (mixed use development) district with the exception of the uses indicated on the site plan.
- Retains the main house, and proposes up to 22 single family attached dwelling units.
- Provides use restrictions related to amplified outdoor music, location of and installation timing for temporary structures such as stages and event tents and allows only one event per year with a maximum of 325 guests or attendees.
- The existing Carriage House, office and orangerie buildings may be removed or demolished if desired.
- The Charlotte-Mecklenburg Historic Landmarks Commission and Charlotte Historic District Commission shall review and/or approve architectural renderings of the elevations of the single family attached dwelling units to be constructed on the site and the exterior building materials.
- Provides two building envelopes (A and B) for the proposed residential units that will contain a minimum of two buildings, with a five-foot minimum separation between each.
- Site access will be provided off Belvedere Avenue, The Plaza, a portion of Thurmond Place, and a private alley that runs between Nassau Boulevard and The Plaza.
- Optional request:
 - Allow parking and maneuvering space between the buildings and structures located on the site and the required setbacks from all adjacent public streets as shown on the site plan.
 - Allow parking and maneuvering between the single family attached dwelling units and the required setback from Thurmond Place as shown on the site plan.
 - All the existing sidewalks, plantings strips and streetscape will remain in place.
 - Only the internal pedestrian sidewalks and sidewalk connections that are show on the site plan will be required.
 - Valet parking service area(s) may be located between the buildings and structures located on the site and the adjacent public streets.

• Existing Zoning and Land Use



- The residential structure and real property (excluding the outbuilding) including the grounds consisting of a noteworthy garden are known as the VanLandingham Estate, and deemed a historic landmark.
- The VanLandingham property and one of the single family properties are located in the Plaza Midwood historic district overlay.
- The majority of the site is the VanLandingham Estate (built in 1913), and is zoned B-2(CD) per rezoning petition 2000-017. The purpose of that rezoning was to allow the reuse of the existing historic site for the currently operating bed and breakfast style hotel and event facility.
- The remainder of the subject property consists of two single family homes.
- The site is immediately surrounded by single family homes and a religious institution zoned R-5 (single family residential).



The majority of the site is the VanLandingham Estate.



The surrounding area is developed with single family homes.

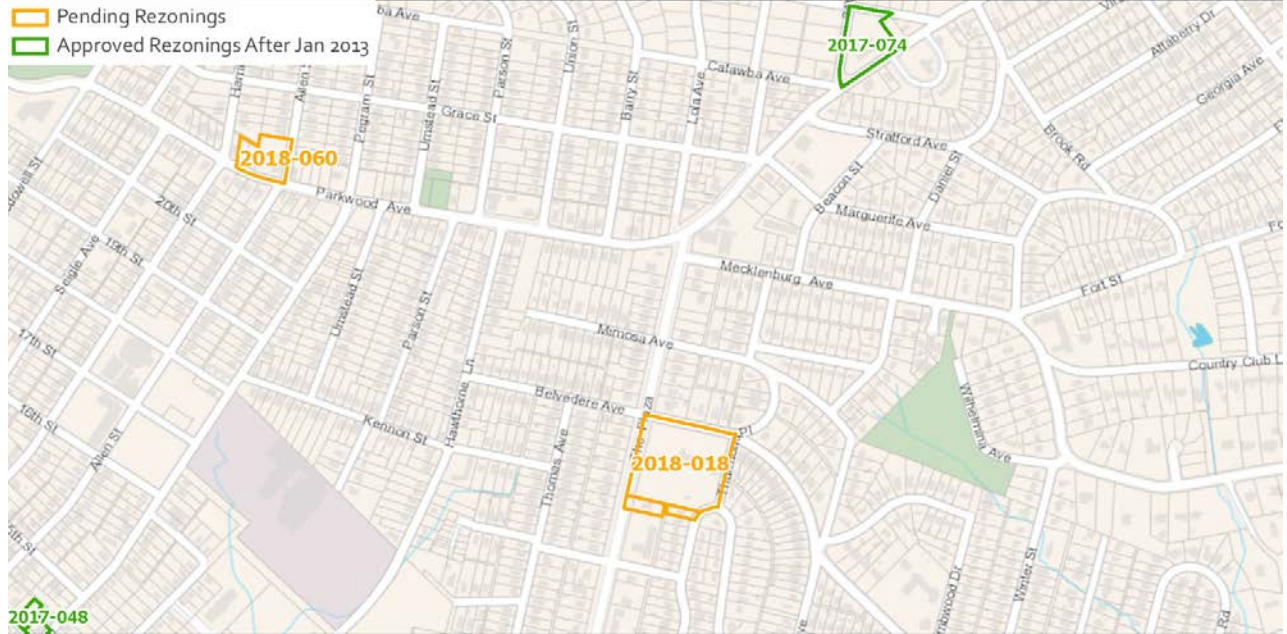


A religious institution is located to the south.



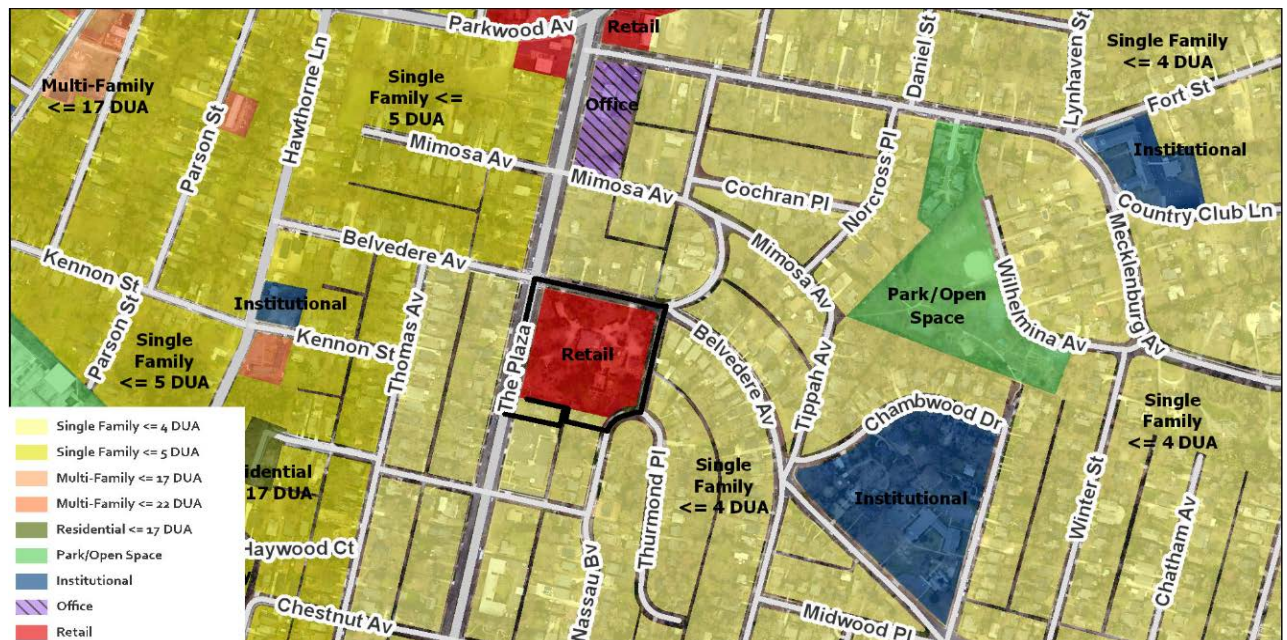
Aerial view of the VanLandingham Estate.

Rezoning History in Area



Petition Number	Summary of Petition	Status
2018-060	Proposes to rezoned 1.04 acres to UR-2(CD) (urban residential conditional) to allow up to 24 residential units.	Pending
2017-074	Rezoned 1.36 acres to MUDD-O (mixed use development, optional) to allow the adaptive reuse of an existing building located in the Villa Heights neighborhood to allow all uses permitted in the MUDD (mixed use development) district, including a brewery.	Approved
2014-110	Proposed rezoning the VanLandingham Estate property to allow the continued operation of the existing hotel and event facility and the addition of a spa, up to 18 single family attached dwelling units and a private neighborhood pool and swim club.	Denied

Public Plans and Policies



- The *Central District Plan* (1993), as amended by rezoning petition 2000-017, recommends retail for the majority of the site. The purpose of the retail land use designation and zoning was to allow the reuse of the existing historic site for a bed and breakfast style hotel with an event facility.

- The plan recommends single family uses for the two single family developed parcels at the southern edge of the site zoned R-5 (single family residential).
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the intersection of a minor thoroughfare and a local road. The site plan proposes a use that will generate higher pedestrian and bike activity. [See Outstanding Issues, Note 1.](#)
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 70 trips per day (based on five-room hotel and two single family detached dwellings).
 - Entitlement: 100 trips per day (based on nine-room hotel and two single family detached dwellings).
 - Proposed Zoning: 210 trips per day (based on five-room hotel and 22 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No on-street parking.
- **Charlotte-Mecklenburg Schools:** No comments submitted.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along The Plaza and via existing six-inch water distribution mains located along Nassau Boulevard and Thurmond Place. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing eight-inch gravity sewer mains located along Belvedere Avenue, Thurmond Place and through the southeast portion of the rezoning boundary.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from the right-of-way of any existing City maintained street (The Plaza, Belvedere Ave., Thurmond Place, and Nassau Blvd) without explicit permission of the City Arborist's office. The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do not confirm or imply authorization by the City to remove any City trees located in street right-of-way; City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way. No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee.

No trees can be planted in the right-of-way of any existing City maintained street (The Plaza, Belvedere Ave., Thurmond Place, and Nassau Blvd.) without explicit permission of the City Arborist's office. Contact Laurie Reid (704-336-5753) at the City Arborist's office to discuss trees species to be planted in the right-of-way of all City of Charlotte maintained street; species must be approved before planting. [See Outstanding Issues, Note 5.](#)
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** [See Outstanding Issues, Note 2.](#)
 - **Urban Forestry:** Site is in a wedge and will be required to provide 15% tree save area based on gross acreage. 15% of 4.54 acres = 0.681 acres tree save. Show tree save and calculations area on site map. Tree save must contain existing healthy tree canopy. Tree save must be 30 feet width minimum.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

- ~~1. The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at two feet behind back of sidewalk where feasible.~~

Environment

- ~~2. Revise Note "A" under the Environmental Features heading to read as follows: "The petitioner~~

shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance." **Addressed**

3. Remove Note C under Environmental Features: Existing vegetation within 20 feet of the building envelope, proposed driveways, proposed walkways, and proposed parking areas may be removed unless otherwise indicated on the plan. **Addressed**
4. Add the following note under Environmental Features: The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. **Addressed**
5. The petitioner shall submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. In addition, the survey shall include all trees eight inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional. **Addressed**

Site and Building Design

6. Add a note that the existing historic landmark (the VanLandingham house) will be preserved and clarify that the orangerie, existing office and carriage house may be removed as the information in "General Provisions" note A conflicts with "Architectural and Design Standards" note B. **Addressed**
7. Under heading of Permitted Uses, amend to add the following uses as prohibited: **Addressed**
 - EDEE Type 1 and 2;
 - theaters, motion picture;
 - breweries;
 - outdoor fresh produce stands;
 - outdoor sales, accessory to a retail establishment;
 - clinics, medical/dental/optical/veterinary;
 - financial institutions;
 - laboratories, applied and basic research within enclosed building;
 - labs, medical/dental/optical.
8. Amend Note E under Architectural and Design Standards to delete the following "dependent on site conditions and if needed." **Addressed**
9. Label Building Envelopes A and B. **Addressed**
10. Provide a legend to explain the circled numbers on the site plan or remove the circled numbers. **Addressed**
11. Specify acreage devoted to single family attached dwelling units. *Staff has rescinded this request.*
12. Add a note that states that the approval of this site plan through the rezoning process does not circumvent the authority of the Historic Landmarks Commission or the Historic District Commission. In addition, the site plan is not intended to show compliance with all ordinances and policies that are required through the development review process. Those requirements still apply even if not shown on the site plan. **Addressed**

Attachments Online at 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 Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327