

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2006-73**

**Property Owner:** Nicholas Presti, Edward Heiser, Jr., Aaron Clark, Jason Clark

**Petitioner:** Project Innovations, LLC

**Location:** At end of Belle Terre Avenue, west of Thomas Avenue

**Request:** R-5 (Single Family Residential) to UR-2(CD) (Urban Residential, Conditional District)

### **Summary**

The petition is requesting approval for the construction of 13 residential units on .9 acre, at an overall density of 14.4 homes per acre.

### **Consistency and Conclusion**

This request to allow for the development of 13 multi-family units is inconsistent with the land use recommendation of the recently adopted plan. The request for 13 dwelling units on .9 acres has an overall density of approximately 14.4 dwelling units per acre, which is significantly higher than the recommended 5 dwelling units per acre by the *Belmont Area Revitalization Plan* (2003) and *Central District Plan* (1993). Therefore, staff cannot support approval. If this petition is considered for approval, all outstanding site plan comments should be addressed.

### **Existing Zoning and Land Use**

The subject properties and all surrounding parcels are zoned R-5 (Single Family Residential). Three single family homes reside on the subject parcels. The subject properties are bounded by single family dwellings, with the exception of a vacant lot to the north which fronts on Hawthorne Lane.

### **Rezoning History in Area**

The three subject parcels were part of a 31.35 acres corrective rezoning which took place in 2003. Petition 2003-06 rezoned these parcels from R-22 MF (Residential Multi-Family) to R-5 (Single Family Residential).

### **Public Plans and Policies**

The *Belmont Area Revitalization Plan* (2003) recommends residential up to 5 dwelling units per acre for these parcels and adjacent properties. The area is located within the Plaza-Midwood community, but the Belmont Plan addresses land use along the edges of the community. This plan also provides for the revitalization of this area.

Since the plan has specific density recommendations, the residential General Development Policies (2003) does not apply to this site.

The *Central District Plan* (1993) recommends single family up to 5 dwelling units per acre for this site and other surrounding properties within the area.

### **Proposed Request Details**

The development would include 13 residential units on .9 acre.

- Townhomes will adhere to the general architectural theme shown on the plan.
- A solid 6 feet tall fence will be built around the property.
- Each dwelling unit will have a garage.
- Stormwater management will be provided per Stormwater Services recommendations.
- On street parking will be provided on one side of the private drive.

### **Public Infrastructure**

#### **Traffic Impact/CDOT comments:**

- Belle Terre Avenue and the unnamed north-south public street must have right-of-way widths of at least 50 feet. (*2<sup>nd</sup> request*)
- While we recognize the unlikelihood of a public street connection to the south, a public street and T-turnaround is needed in place of the proposed private drive.
- Egress from unit 8's driveway appears to require backing into unit 7's driveway in order to travel northbound on the proposed private drive.
- Indicate the how trash will be collected and the maneuvering path for waste collection vehicles.
- 8-foot planting strips and 6-foot sidewalks must be constructed on all sides of all public streets. The planting strip is located between the back-of-curb and the sidewalk.
- The proposed extension of Belle Terre Avenue must align with the existing portion of the street. The site plan should be revised to show a portion of the existing street to verify the correct alignment.
- Conditional note 9 needs to be revised to say "...the street curb (*back of*), or the back of sidewalk, whichever is greater,..." (addition in italics).

**CATS.** CATS had no comments regarding this petition.

**Connectivity.** CDOT staff stated there are limited opportunities for interconnectivity. One stub street is provided to the property on the north side of the property.

**Storm Water.** Charlotte-Mecklenburg Stormwater Services has resolved all outstanding issues with the petitioners.

**School Information.** CMS stated that Adequacy of existing school capacity in this area is a significant problem. CMS staff is particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development will exacerbate this situation.

This development will add approximately 2 students to two schools in this area. The existing zoning would generate approximately 1 student.

CMS recommends the petitioner schedule a meeting with staff to discuss any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development.

## **Outstanding Issues**

**Land Use.** The request is not consistent with the adopted land use plans for the area (*Central District Plan* (1993) and the *Belmont Area Revitalization Plan* (2003)). Consequently, staff cannot recommend approval of the petition.

**Site plan.** Staff has requested the petitioner to provide the following notes to the revised plan:

- Delineate the 17.5% tree save area on revised plan. (2<sup>nd</sup> request)
- Establish a maximum building height and note on site plan. (2<sup>nd</sup> request)
- Show the 14 feet minimum building setback on site plan. Buildings 1, 2 and 13 may encroach into required setbacks.
- Buildings 8 and 9 should be redrawn to meet the 20 feet curb to garage door minimum setback requirement.
- Provide a detail of the fence surrounding the project was requested. (2<sup>nd</sup> request)
- A brick wall was recommended to mitigate the impact of a multifamily project next to single family homes. Change not included on revised plan.
- Pedestrian scale lighting and a detail of the fixture were requested by planning staff, but not shown on the plan.
- 5 feet sidewalks were requested on both sides of the internal streets. 4 feet sidewalks are shown. Sidewalks on site plan do not connect at the corner of Bell Terre Avenue and the private drive. 5 feet sidewalks are required by ordinance.
- 6 feet sidewalks and 8 feet planting strips were requested on both sides of Belle Terre. A sidewalk is shown on one side. The sidewalk and planting strip are inverted. 2 parallel sidewalks are shown on the left side of Belle Terre Avenue.

- The EPM Land Development Services Division has reviewed the site plan submitted in connection with the subject rezoning petition and has the following requested the following note be added to the conditional site plan:

*“The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission, the stricter condition or existing requirements shall apply.”*

- Address CDOT comments.