

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-26

Property Owner: Morningside Apartments III, LLC et al

Petitioner: Graham Development, Inc.

Location: Approximately 33.15 acres north of Independence Boulevard and west of Morningside Drive

Request: Change from R-22MF (multi-family residential) and R-4 (single family residential) to MUDD-O (mixed-use development district – optional)

Summary

This petition seeks approval for a mixed-use development up to 1,000 residential units of various types from single family detached to apartment and condominium multi-family. This results in an overall density of 30 units per acre. Up to 30,000 square feet of retail/restaurant/office space is also allowed.

Consistency and Conclusion

This petition represents both sides of the infill redevelopment dilemma. It's near transit and it's a redevelopment / revitalization opportunity. It's also a higher density project in an established neighborhood and it removes a number of affordable housing units. Taken on the whole, the staff believes that upon correction of the site plan deficiencies noted below, this petition is consistent with adopted plans and policies and its approval would be reasonable and in the public interest.

Existing Zoning and Land Use

Veterans Park and the National Guard Armory are to the north and west. The park is zoned R-4 and the armory is zoned O-1. There is a single family neighborhood to the east in R-4 zoning and another to the south across Commonwealth Avenue in R-5 zoning.

Rezoning History in Area

The nearby single family neighborhoods were rezoned from multi-family to single family in 1989 in implementation of the Chantilly Commonwealth Small Area Plan.

Public Plans and Policies

The Central District Plan (1993) recognized the existing multi-family development but did not recommend any specific density for the site.

General Development Policies (2003) provide guidance for the design and density of multi-family development. The base criteria result in a recommended density of 17 units per acre. The existing zoning would allow 22 units per acre. The Opportunities and Constraints portion of the GDPs provides mixed messages for a development of this type. On the one hand it values redevelopment and revitalization, and transit routes with frequent service (Central Avenue). On the other hand the development is internal to an established neighborhood and tears down existing residences.

Proposed Request Details

This petition seeks approval for a mixed-use development up to 1,000 residential units of various types from single family detached to apartment and condominium multi-family. Up to 30,000 square feet of retail/restaurant/office space is allowed. The site plan accompanying this petition contains these additional provisions:

- An architectural Design Review Committee, to include one member of the Planning Commission, will be responsible for adopting and implementing guidelines for all development occurring in the project.
- Amenities and buildings such as a community recreation facility, may be included in the development but will not be included in allowable square footages.
- “Where possible” the developer will preserve existing trees but the majority of trees will be removed due to grading.
- In blocks 5-10, the developer will comply with requests for water quality improvements.
- Enhanced erosion and sedimentation controls will be used during construction.
- Maximum building height on perimeter blocks will not exceed three stories plus “tuck under” parking. In order to “add interest and character” 30% of these buildings may extend to four stories in height. Buildings in block 6 and the building in block 10 at the corner of Iris Drive and “Street A” cannot exceed five stories in height. Block 7 buildings can be a maximum of six stories. Block 9 buildings can be 10 stories high.
- Off-street parking will meet the minimum ordinance requirement of one space per dwelling unit. On-street parking may be used to meet the above requirement.
- A minimum of 3,910 square feet of open space is required; approximately 4,000 square feet is provided. This does not appear to include SWIM buffer areas.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT is seeking on-street parking where feasible and is investigating the availability of right-of-way for proposed street extensions. The Traffic Impact Study is still under review and may generate additional comments. See attached memo for detailed comments.

CATS. CATS is requesting pedestrian access to Central Avenue and to Commonwealth Avenue.

Connectivity. The brochure accompanying the site plan indicates new street extensions but there is no commitment to construct these extensions elsewhere in the submittal. As illustrated, the site would have significantly enhanced connectivity over the existing condition.

Storm Water. The petitioner is indicating that water quality improvements would be provided for the more intensely developed portions of the site but not the lower intensity portions.

School Information. When calculated for 1200 dwelling units this petition would generate an additional 203 students over the existing development. The number of units has been reduced to 1000.

Parks & Recreation. Developer has been requested to dedicate and construct a greenway connection from Veterans Park to the future Briar Creek greenway. Petitioner has not indicated land offered in exchange for the .43 acre portion of the park that is requested for inclusion into the development. Two new homes have been built on land indicated on the site plan as open space to be given to the County. See attached memo for detailed comments.

LUESA. LUESA has specific comments regarding the solid waste from demolition of the existing structures. Water quality comments regarding detention have not been incorporated into the latest site plan. The project's parking may also generate air quality permitting requirements. See attached memo for detailed comments.

Outstanding Issues

Land Use. This site is located with the Central District Plan area (1993). The Central District Plan recognizes the existing MF units. The multi-family component of this site is consistent with the adopted plan's proposed land use recommendations. Although the density is higher than the basic GDP criteria can support, a portion of this site is located within the ½ mile radius of the Southeast Transit Corridor Pecan Station. It is also within walking distance of the proposed streetcar line on Central Avenue. The limited office, retail/restaurant uses are transit supportive uses. Therefore, staff believes that, as an infill redevelopment project this proposal is consistent with adopted plans and policies.

Site plan. The site plan accompanying this petition contains the following deficiencies:

- Illustrative materials refer to the extension of several streets but there is no actual commitment to do this on the site plan.
- The calculated open space is the MUDD district urban open space. Additional open space such as tree save, SWIM buffers, water quality BMPs, etc. should be provided, beyond the urban open space requirement. Ten percent (10%) of the site shall be designated for tree save. The data should also reflect the loss of a heavily wooded piece of Veterans Park. In general, a project of this intensity should provide more open space.
- LUESA's request for demolition, detention, water quality, and air quality notes needs to be satisfied.

- Historic Landmarks Commission is investigating whether the site could be considered a landmark.
- Page 11 in the project book shows 10' travel lanes, please note this in the development notes.
- Blocks 1, 2, 3, 4, 5, 8, and 10 that abut single-family areas should state the maximum height of buildings in feet, not just stories.
- On sheet A001, indicate the housing type, location, and maximum height (in feet) of buildings that would be allowed in each block. Note C. also needs to include the locations of the various housing types.
- Note C.2. needs to be corrected since outdoor dining **will** be used in calculating parking requirements.
- Indicate what the minimum rear yards will be in blocks 1, 2, 3, 4, 8, and 10, and list this on the Technical Data sheet.
- For blocks 1 through 4 provide the distance from the buildings to the edge of the alley pavement.
- A minimum separation of buildings from the proposed SWIM buffer needs to be indicated for Blocks 8 and 10.
- If all development will be completed as a single phase (note C.4.) what will the duties of the architectural review committee be? They should be required to review and approve each building type.
- Note E.1.e.xii needs to reflect ordinance requirement that canopies can only extend into ½ the setback or 9 feet whichever is least, **and may not be closer than 2 feet to the back of curb.**
- Identify and indicate locations of trees over 24 inches in diameter on the site plan. Commit to preserving a number of these trees and have a certified arborist prepare a preservation plan including pre- and post construction preservation. As many trees as possible need to be preserved, including surviving root damage from nearby construction. The preservation plan needs to be completed **and followed**. A note with this commitment needs to be added to the site plan.
- Note P.a. needs to read, "...this Technical Data Sheet **and schematic site plan, bound project book, and similar documents...**"
- List on the Technical Data sheet the MUDD-Optional provisions you are seeking.
- The notes need to be amended to comply with detention and water quality requests (for the entire site) from LUESA and Storm Water Services.
- **The stated parcel size needs to be corrected.**
- Indicate how much will the porch frontages, dooryard frontages, forecourt frontages, stoop frontages and shopfront frontages project into the setback, and what the setback is in these instances.
- The plan needs to indicate, by block, the minimum amenities and public plaza areas and a commitment needs to be made to provide such.
- There are several unresolved issues with Mecklenburg County Parks & Recreation department. These need to be resolved. See attached memo for detailed comments.
- Entry paths to Veterans Park should be reflected on the site plan.
- Roadway improvements should include 6' sidewalks and 8' planting strips.

