

**ZONING COMMITTEE
RECOMMENDATION
September 27, 2006**

Rezoning Petition No. 2006-75

Property Owner:	Southeast Resort Investment Partners, LLC						
Petitioner:	Southeast Resort Investment Partners, LLC						
Location:	Approximately 0.55 acres located on the northwest corner of Hermitage Court and Providence Road						
Request:	R-5, single family residential, up to five dwelling units per acre to MUDD-O, mixed use development district - optional						
Action:	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none">• A driveway for the existing duplex will be added along the Hermitage Court frontage; and• Access to the site will be allowed via Providence Road or the existing alley that abuts the property to the rear provided it has not been abandoned.						
Vote:	<table><tr><td>Yeas:</td><td>Carter, Cooksey, Loflin, Randolph, Ratcliffe, Sheild and Simmons</td></tr><tr><td>Nays:</td><td>None</td></tr><tr><td>Absent:</td><td>None</td></tr></table>	Yeas:	Carter, Cooksey, Loflin, Randolph, Ratcliffe, Sheild and Simmons	Nays:	None	Absent:	None
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Nays:	None						
Absent:	None						

Summary of Petition

This petition seeks to rezone approximately 0.55 acres from R-5 to MUDD-O to allow a total of 13 multi-family residential units integrated into two structures consisting of an existing duplex and a new building with eleven units. The development will be built in one phase, at an overall density of 23.6 dwelling units per acre.

Zoning Committee Discussion/Rationale

Mr. MacVean reviewed the petition and noted that the proposed petition is not consistent with the Central District Plan, which recommends single family residential dwellings up to five dwelling units per acre at this location. However, per application of the General Development Policies (GDP's), the site scored the required 14 points to qualify for an increase in density over 17 dwelling units per acre. He noted that the majority of the site is located within a designated Historic District and must adhere to the design standards of the Historic District Commission (HDC). The HDC has conceptually approved the proposal based on design, not land use appropriateness. The site plan has been revised to retain the existing historically significant 1,331 square foot duplex on the site, in addition to a new structure that will contain eleven units. The revised site plan provides a better transition between the proposed and existing dwellings and more closely adheres to the design guidelines of the General Development Policies. Mr.

MacVean stated that the petitioner has made two additional amendments subsequent to the public hearing, which include the addition of a driveway on Hermitage Court to the existing duplex and a provision that will allow access to the site via Providence Road or the existing alley that abuts the property to the rear if it has not been abandoned. This option would be utilized during the MUDD Urban Review process.

Mr. MacVean provided information on the one unresolved site plan issue, that pertains to the optional request that the petitioner will not be required to irrigate the planting strips adjacent to the site. He noted that staff is awaiting a decision from Urban Forestry as to the appropriateness of this request, but is comfortable moving forward with the remaining outstanding issue. ***NOTE: The day following the Zoning Committee Work Session, the Urban Forestry Division rendered a decision that deletion of the irrigation requirement was permissible.*** He explained that an 8-foot planting strip without irrigation is the standard requirement but CDOT requested a 6-foot planting strip and a 5-foot future bike lane, for a total of 11 feet. Commissioner Carter asked is the building height was an issue. Mr. MacVean responded that staff is comfortable with the proposed building height. Commissioner Sheild questioned Commissioner Loflin, who sits on the Historic District Commission, on the HDC's findings. Mr. Loflin stated that the retention of the historically significant duplex was very important, as the structure could be torn down if not committed otherwise on the conditional site plan. He added that from a design standpoint, without consideration to density, the HDC viewed the proposed development as a good fit into the neighborhood.

Commissioner Ratcliffe requested an update on the stacking issues associated with the proposed entrance on Providence Road that were raised at the public hearing. Scott Putnam of CDOT stated that a minimum distance of 20-feet will be required between the garage door/gate to the back of sidewalk along Providence Road. The garage entrance mechanism may have to be moved further into the interior of the garage in order to provide the necessary queuing. Commissioner Carter expressed concern about potential traffic accidents due to difficulty entering and leaving the site. Mr. Putnam responded that there is no accident history at this location, adding that there are similar driveways on Providence Road that have not posed a problem. Commissioners Sheild and Carter expressed support of the proposed development, that they feel fits in well with the character of the existing homes on Hermitage Court and provides a good transition between Providence Road and Hermitage Court. Mr. Sheild stated that the frontage on Providence Road is no longer a single family residential location and the petition presents a well thought out, attractive proposed use that will complement the various retail uses along Providence Road, as well as meet the City's long-term growth objectives in the Uptown area of Charlotte.

Statement of Consistency

Commissioner Ratcliffe made a motion to find this petition consistent with the General Development Policies and to be reasonable and in the public interest. Commissioner Sheild seconded the motion, which was approved unanimously.

Vote

Upon a motion made by Sheild and seconded by Ratcliffe, the Zoning Committee unanimously recommended approval of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.