

**ZONING COMMITTEE
RECOMMENDATION
January 24, 2007**

Rezoning Petition No. 2007-007

Property Owner: Stonehunt Development

Petitioner: Stonehunt Development

Location: Approximately 1.05 acres located on the northwest corner of Baxter Street and Avant Street

Request: R-8, single family residential to UR-2 (CD), urban residential conditional

Action: A majority of the Zoning Committee voted to recommend **DENIAL** of this petition, including consideration of the following modifications:

- Building elevations revised to include a lower roof line, including a break in the roof sections.
- Increased open space and the rear of the site and “juliette balconies” on the 2nd and 3rd floors..
- Modified parking to one-way access for better circulation.
- Added underground detention.
- Modified building materials to increase percentages of masonry materials and additional architectural details around the windows.
- Added screening and additional streetscaping.
- Road construction will now be per the Charlotte Land Development Standards.

Vote: Yeas: (to deny) Carter, Chiu, Loflin, Randolph, Ratcliffe, and Sheild

Nays: Simmons

Absent: None

Summary of Petition

This petition proposes the development of 42 independent living units within one building. The site plan accompanying this petition includes 21 parking spaces, access to Baxter and Main Streets and 6-foot sidewalks and 8-foot planting strips on all streets.

Zoning Committee Discussion/Rationale

Staff reviewed the changes since the public hearing and noted that, with the changes, staff was now able to support this petition. While the Cherry Small Area Plan only supports up to eight dwelling units per acre, this use was more akin to an institutional use, which area plans do not provide locational criteria for. Staff concluded that the proposal “fits the character” of the area.

A Zoning Committee member noted that there is even more change coming and that what we really need is a Midtown plan. Another Committee member noted that the mass of the building is not warranted in this location. Staff responded that it looks at age restricted uses differently that it does normal multi-family residential and that this site abuts a large institutional use in the form of a church. Another Committee member expressed the opinion that requesting a decision the same night as a contested public hearing sent up red flags for him. Other comments included the urban residential district not seeming appropriate in this location and that the site was not on a thoroughfare and it appeared the building was being “shoehorned” onto this location. Another theme of comments was that this needs to be part of a larger plan and the Committee should have seen it earlier. The proposal recognizes the need for affordable housing but this site plan is not ready. The land use plan for the area was done in 1993 and is old. This comment was countered by the comment that maybe the reason the plan hasn’t been changed is that it’s the right plan. There was a comment that we need to look at how to change for the future rather than preserve the status quo. That was answered with the statement that change may be coming but this is not way to get started. The proposal conflicts with adopted plans. This building was compared to the recent rezoning proposal at Hermitage Court and Providence Road, which was denied by the Council and that building was on a thoroughfare. Staff was asked to confirm that the elevations had been modified but the footprint of the building was still the same. Staff confirmed that that was true. A motion was made to defer the petition for one month. The discussion then focused on how the issue was building scale and that there was no indication the building’s mass would be “fixed” in a one-month deferral. The motion to defer failed by a 2-5 vote.

Statement of Consistency

Upon a motion made by Mr. Sheild and seconded by Mr. Ratcliffe, the Zoning Committee voted unanimously to find that the proposed rezoned was inconsistent with the Cherry Small Area Plan and was not reasonable and in the public interest. However, the Committee also noted that area plans do not contain location criteria for institutional uses.

Vote

Upon a motion made by Ratcliffe and seconded by Sheild, the Zoning Committee voted 6-1 to recommend denial of this petition with the noted modifications.

Minority Opinion

A minority of the Committee felt that while there was concern with the project and the process, he was swayed by the staff changing its position and recommending approval of the modified petition.

Staff Opinion

Staff agrees with the minority of the Zoning Committee. Staff sees this facility as an independent living center, a recognized institutional use for which land use plans provide no locational criteria. If this affordable housing asset is not located here it will be priced out of the fringes of Cherry, which relate more to adjacent affluent residential neighborhoods or to the redeveloping Midtown area. Staff is satisfied with the mass of the building and its context.