

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-092

Property Owner: Michael A. Davis

Petitioner: Meeting Street Companies

Location: Approximately 11.98 acres located on the west side of West Sugar Creek Road between W. W. T. Harris Boulevard and David Cox Road

Center, Corridor or Wedge: Wedge

Request: R-3, single family residential up to 3 dwelling units per acre, to UR-2(CD), urban residential, conditional

Summary

The request is to rezone approximately 11.98 acres from R-3 to UR-2(CD) in order to allow the construction of up to 149 townhomes and condominium units, at a density of 12.44 dwelling units per acre.

Consistency and Conclusion

The proposal is inconsistent with the *Northeast District Plan*. Therefore, staff recommends denial of this petition. The remaining site plan issues should be addressed if the petition is to be considered appropriate for approval.

Existing Zoning and Land Use

The site is surrounded by a mix of residential, institutional, and business/office/retail land uses and zoning designations. To the north, northeast, and east, and are single family residential homes, vacant land and commercial uses on properties zoned R-3, NS, and CC. To the southeast, south, and southwest are commercial uses, vacant land and multifamily development on properties zoned CC and R-9MF (CD). To the west and northwest are David Cox Elementary School and single family residential development on properties zoned R-3.

Rezoning History in Area

There have been no recent rezonings in the area.

Public Plans and Policies

The *Northeast District Plan* (1996) recommends residential land uses up to 8 dwelling units per acre for this parcel. The *General Development Policies* (GDP) Residential Location Criteria are not applied because the *Northeast District Plan* sets a specific density for the parcel.

Proposed Request Details

The request proposes the construction of 149 residential units, consisting 109 townhomes and 40 condominiums. The site plan accompanying the petition identifies the following improvements:

- A total of 109 townhomes with detached garages adjacent to 2-way alleyways.
- A total of 40 condominium units (5 buildings with each containing 8 units).
- A total of 236 parking spaces, including 105 detached garages, 46 surface parking areas adjacent condominiums, and 85 on-street spaces.
- Internal private streets with on- and off- street parking spaces and alleyways accessing the detached garages.
- Internal pedestrian system connecting to West Sugar Creek Road.
- Bicycle racks adjacent to condominium buildings.
- Tree save and common open space areas, and Class “B” buffer areas.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed this petition and indicates this site could generate approximately 350 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 880 trips per day, which will have a minor impact on the surrounding thoroughfare system. CDOT has also provided additional comments critical to their support of this petition:

- A vehicular connection needs to be made from the site to David Cox Road. This connection is required by the Subdivision Ordinance. (*Previous review comment*)
- A 10-foot bicycle/pedestrian connection needs to be made to the adjacent David Cox Road Elementary School. The connection should be made in the area of the proposed 2-way alley in the middle of the site. (TAP) (*Previous review comment*)

CATS. CATS has no comments on this petition.

Connectivity. The site plan submitted shows access onto West Sugar Creek Road. Another ingress/egress point is required onto David Cox Road. Staff has also requested that a pedestrian connection to the adjacent David Cox Road Elementary School site.

Storm Water. Mecklenburg County Land Use and Environmental Services Agency and Charlotte-Mecklenburg Storm Water Services comments are attached pertaining to storm water quantity control, storm water quality treatment, and volume and peak controls.

School Information. Charlotte Mecklenburg Schools has reviewed the petition and indicates that adequacy of the existing school capacity in that area is a significant problem. Development under the existing zoning would generate 20 students and 35 students under the proposed zoning, resulting in a net change of 15 students.

Fire. The Charlotte Fire Department has reviewed and provided comments on this petition pertaining to access requirements and adequacy of water supply. Their comments are attached.

Engineering and Property Management. Engineering and Property Management has reviewed the request and provided comments regarding provision of a tree survey of the setbacks and location of all parking spaces within 60 feet of a tree.

Outstanding Issues

Land Use. The proposal is inconsistent with the *Northeast District Plan's* land use recommendation of residential land uses at a density of 8 dwelling units per acre.

Site plan. The following site plan items remain outstanding:

- Minimum 15% tree save area should be provided. Petitioner should revise site plan accordingly.
- Curb and gutter are required pursuant to City of Charlotte Zoning Code, Chapter 19. Note acknowledging this requirement should be added to the site plan.
- On site plan specify encroachments on West Sugar Creek Road.
- The petitioner should identify proposed screening adjacent school, including plant/fence materials.
- The petitioner should provide pedestrian to adjacent David Cox Elementary School site.