

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-128

Property Owner: Stone-Hunt Development, LLC

Petitioner: Stone-Hunt Development, LLC

Location: Approximately 6.76 acres located on both sides of Main Street between Baxter Street and Baldwin Avenue

Center, Corridor or Wedge: Wedge

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

Summary

This petition proposes to rezone 6.76 acres for the development of 74 multi-family homes for sale. The overall density is 10.9 units per acre.

Consistency and Conclusion

The proposed rezoning is consistent with objectives of the *Cherry Small Area Plan*. However, the site plan contains many deficiencies that should be resolved prior to this petition being considered for approval. Staff is recommending denial of this petition in its current form.

Existing Zoning and Land Use

The property is surrounded by residential zoning and land use. Multi-family zoning exists for the property to the northwest and southeast with single family residential to the northeast and southwest.

Rezoning History in Area

In February 2007, rezoning petition 2007-007 for the property located at the northwest corner of Avant Street and Main Street was rezoned from R-8 and R-22 MF to UR-2 (CD). The proposed development consists of 42 independent living units within one building. The site plan accompanying the petition includes 21 parking spaces, access to Baxter and Main Streets and 6-foot sidewalks and 8-foot planting strips on all streets.

Public Plans and Policies

The *Cherry Small Area Plan* recommends R-8 single family in this area "...until an appropriate site plan is submitted and approved to ensure that the density and scale of multi-family development will be compatible with the adjacent uses."

GDP guidelines for assessing the design of residential development are applicable. Given 4 points for acceptable site and building design the proposal scores 14 points which allows over 17 dwelling units per acre.

Assessment Criteria	Density Category - >8 up to 12 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (High)
Connectivity Analysis	4 (Med-low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 14

Proposed Request Details

The site plan accompanying this petition shows 58 units. There appear to be several different building designs with some possibly including garages. There is a central area with a gazebo and a note that all trees in the “buffer” will remain. The location of the buffer is not shown on the site plan.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 440 trips per day as currently zoned. Under the proposed zoning and new site plan, the site could generate the same 440 trips per day. This will have a minor impact on the surrounding thoroughfare system.

CDOT has the following specific comments that are critical to their support of the rezoning petition:

- Consistent with the TAP (Section 2.9.6), existing street connections (Main Street) and platted non-existing streets shall be protected. Additionally the TAP requires that previously terminated street, bicycle, and pedestrian connections are to be restored where feasible.
- The proposed site plan must be in conformance with the TAP. *(Previous review comment)*
- CDOT can support the abandonment of the segment of Main Street between Avant Street and Baxter Street provided that Avant Street is extended between Main Street and Luther Street.
- CDOT cannot support the private street as shown and its stub into a single residential parcel (not owned by the petitioner) because there is little likelihood that it will connect with Luther Street in the future. The site plan shows 2 parcels with frontage on Luther Street that are owned by the petitioner and are of sufficient width to accommodate a local residential public street standard. This is necessary to maintain a network of interconnected streets and replace the connectivity lost by the abandonment of the section of Main Street described above. The plan needs to be updated to show this additional connection. *(Previous review comment)*
- Driveways need to be a minimum of 10 feet from side property lines, a minimum of 20 feet from existing driveways, and perpendicular to existing/proposed public streets through the setback. *(Previous review comment)*
- The driveways on the site plan are excessive in width and will not be approved as shown. Driveway widths will be determined during the urban review process.

CATS. CATS had no comments on this petition.

Storm Water. The following notes should be added to the site plan:

Note 15: The Standards have changed as of October 1, 2007: Please Revise to the following.

- For projects with defined watersheds greater than 24% built-upon area, construct water quality best management practices (BMPs) to achieve 85% Total Suspended Solid (TSS) removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the Mecklenburg County BMP Design Manual, July 2007 or North Carolina Division of Water Quality Stormwater Best Management Practices Manual, July 2007. (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.

Note 17: Remove Current note and add the following

- For residential projects with greater than 24% BUA and greater than one acre of disturbed area, control the peak to match the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency. "Residential" shall be defined as "A development containing dwelling units with open yards on at least two sides where land is sold with each dwelling unit."

For commercial projects with greater than 24% BUA and greater than one acre of disturbed area, control the peak to match the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10-yr and 25-yr, 6-hour storms.

For commercial projects with less than or equal to 24% BUA and greater than one acre of disturbed area, but greater than one acre of disturbed area, control the peak to match the predevelopment runoff rates for the 2 and 10-yr, 6-hr storm.

School Information. This development will add approximately 3 students to the schools in this area. See attached memo for additional information.

Outstanding Issues

Land Use. The proposed rezoning to UR-2 CD is consistent with objectives of the *Cherry Small Area Plan* provided the site plan and building design meet adopted policies.

Site plan. The following site plan issues are outstanding:

- Large maturing trees at 40-feet on center in the planting strip along all public ROW should be provided.
- Fence or wall if provided should be outside the ROW and not chain link. Details should be provided.
- Common open spaces and amenities should be shown.
- The parking space configuration in the parking lot should be shown.

- The minimum 10% tree save area should be indicated with existing trees labeled as being preserved.
- Buffer and screening abutting the single-family homes should be provided and a cross section of the buffer treatments shown.
- The right-of-way which is to be abandoned should be labeled.
- A 10-foot rear yard along the western property line and a 5-foot side yard beside the Housing Authority lot at the corner of Luther and Eli should be provided. The noted side and rear yards should be increased one foot due to the height increase over 40-feet.
- Since the proposed units are attached, the minimum 400 square foot sub lot for private open space should be shown on the site plan.
- Bike parking should be indicated on the site plan.
- Additional details are needed for the following areas: tree save; storm water detention and building elevations.
- Visitor parking areas should be shown.
- All department comments should be addressed.