

<b>REQUEST</b>	Current Zoning: O-2, office Proposed Zoning: MUDD (CD), mixed-use development district, conditional
<b>LOCATION</b>	Approximately 0.36 acres located at the intersection of Greenwood Cliff and Harding Place.
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	This petition seeks to develop 1,196 square feet of office space and eight dwelling units with 23,808 square feet in a single building.
<b>Property Owner</b>	William T. Turner
<b>Petitioner</b>	William T. Turner
<b>Agent/Representative</b>	Chet Helt, Architect
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.
<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-1 to recommend <b>Denial</b> of this petition.

<b>VOTE</b>	<p>Motion/Second: Lipton/Johnson</p> <p>Yeas: Allen, Griffith, Johnson, Lipton, Randolph, Rosenburgh</p> <p>Nays: Howard</p> <p>Absent: None</p> <p>Recused: None</p>
<b>ZONING COMMITTEE DISCUSSION</b>	<p>Ms. Keplinger summarized the petition and noted that the square footage for the residential component is now 23,808. The <i>Central District Plan</i> does recommend mixed-use for this parcel, while the General Development Policies recommends up to 17 dwelling units per acre. Staff has been working with the petitioner to resolve the outstanding site plan comments. They have all been resolved with the exception of the public sidewalk connection from Greenwood Cliff to Baxter Street Park. The petitioner has provided a sidewalk, but has gated it for use only by the residents.</p> <p>Scott Putnam from Charlotte Department of Transportation noted that the City routinely asks for pedestrian sidewalk connections for the public from a street to a park.</p> <p>One Commissioner expressed that they felt rushed with the outstanding comments being resolved at the last minute. Ms. Keplinger noted that the applicant's architect has been in the hospital, which has made it difficult to submit a revised site plan, but staff was trying to work with them.</p> <p>Ms. Montgomery explained that the petitioner has proposed a 5' sidewalk, but a gate limits public access through the site. Only residents of the building can use the sidewalk to access the park.</p> <p>Commissioner Rosenburgh made a motion to defer the petition for one month until a mutually agreeable site plan is submitted. The motion was seconded by Commissioner Lipton. Tom Drake noted that the issue is one where the petitioner feels strongly about not providing a</p>

pedestrian connection to the park, and deferring for a month may not result in a change to the site plan. The Commission suspended the rules to ask the petitioner's agent to share their thoughts about the sidewalk.

Mr. Chuck Kibler, an architect who represents Mr. Helt, stated that no one uses the Baxter Street Park now. There are no houses nearby or businesses that front it. If the walkway is open, it would invite outsiders onto the property, who are undesirable drug-users/dealers, winos, etc., going to the park. This would put the new residents at severe risk. If the park was well-lit, and supervised, this may be different. There would need to be a lot more projects like this one before that would ever occur. There are good and bad parks. The Baxter Street Park is not a good place, particularly at night. There are no significant residential uses in the area now.

The Commission went back in session, and asked Mr. Putnam to address why a pedestrian connection is needed. Mr. Putnam noted that there are not many connections to this park. With all the redevelopment along in the area, and improvements being made to the greenway, staff would like to provide better access to this park, and place more eyes on the park. This is an important pedestrian connection to make.

One Commissioner noted that Greenwood Cliff does not have sufficient on-street parking that would allow people to park and walk to the park. Is this the right area for a connector? Mr. Putnam stated that the City is trying to get a reasonable number of connections to the park/greenway so that people can walk to it, eat lunch, etc.

Another Commissioner noted that the City wants to be user-friendly and encourage pedestrian traffic, and this is a logical connection. Pedestrian use of a park makes a community.

Another Commissioner wanted to point out that this is a long, narrow property, and the provision of the sidewalk will impact the lot. Is this the best place for a connection? The sidewalk is being provided, it is just restricting public access with the gate.

A vote on the motion to defer failed 3:4. Upon a motion made by Commissioner Lipton and seconded by Commissioner Johnson, the Zoning Committee recommended denial of this petition by a vote of 6:1.

#### **STATEMENT OF CONSISTENCY**

This petition is found to be consistent with the *Central District Plan* and to be reasonable and in the public interest, by unanimous vote of the Zoning Committee (motion by Commissioner Allen second by Commissioner Lipton)

#### **MINORITY OPINION**

This may not be the best place for a public pedestrian connection. The property is long and narrow. The petitioner is providing a sidewalk, but not a public sidewalk.

#### **STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee, however, if the unresolved outstanding issues are resolved, the petition is appropriate for approval.

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### **FINAL STAFF ANALYSIS**

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

#### **PLANNING STAFF REVIEW**

##### **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- One office suite at a maximum of 1,196 square feet.
- Eight multi-family apartments at a maximum of 23,808 square feet.
- Maximum total building heated space of 25,004 square feet

- Maximum height from average grade to the top of the structure is 70 feet and limited to four stories.
- A total of 14 off-street parking spaces will be provided below grade.
- An 8 foot planting strip and 6 foot sidewalk will be provided along the project frontage on Greenwood Cliff.
- A private 5 foot walkway connects the residential building to Baxter Street Park.

#### Public Plans and Policies

The *Central District Plan* (1993) recommends mixed use development on the site.

The proposal meets the *General Development Policies* multi-family location criteria for over 17 units per acre.

Assessment Criteria	Density Category - >8 up to 12 du/a
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (High)
Connectivity Analysis	5 (High)
Road Network Evaluation	1 (Yes)
<b>Design Guidelines</b>	<b>4 (Yes)</b>
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 14</b>	<b>Total Points: 16</b>

#### STAFF RECOMMENDATION (Updated)

Staff recommends approval of this petition upon resolution of the outstanding site plan issue to provide a public pedestrian connection from Greenway Cliff to Baxter Street Park.

Crime statistics for a 1000' radius around Baxter Street Park were provided by the Police Department. There have been 51 incidents reported for the first nine months of this year within this radius. The Housing Authority Property accounted for 25 of those incidents. Because the park has no physical street address, none of the incidents were from the park.

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#### PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

**CDOT:** The petitioner needs to dedicate a 10-foot wide public easement along the west edge of the site and construct a 5-foot minimum sidewalk connecting Greenwood Cliff with Baxter Street Park to the rear of the site.

**Charlotte Fire Department:** No issues.

**CMPD:** Statistics

**CATS:** No comments received.

**Connectivity:** Pedestrian connectivity from Greenwood Cliff Drive to the Baxter Street Park has been requested by CDOT, Planning, and Mecklenburg County Park and Recreation.

**Schools:** This development will add approximately 2 students to the schools in this area.

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#### ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

**Storm Water:** No new comments.

**LUESA:** No new comments.

**Site Design:** The petitioner has agreed to protect and save the existing trees located in the 10 foot rear yard and in the front setback.

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**OUTSTANDING ISSUES**

1. The petitioner should revise the site plan layout to provide a ten-foot (10') easement with the five-foot (5') wide public sidewalk connection from Greenwood Cliff to Baxter Street Park. The site plan shows a private five-foot walkway that is accessible only to the residents of the building, not to the public, and it does not extend from Greenwood Cliff, as per CDOT's request, Park and Recreation, and Planning. The private gate should be removed since it restricts public access to the Park. In addition, a note should be added to the site plan that the sidewalk easement will be dedicated to CDOT. The building on the site plan is shown abutting the five-foot sidewalk, with no extra area for a ten-foot easement.

**Items 2-9 have been agreed to by the petitioner, but have not been submitted on a revised site plan:**

2. The petitioner has agreed to fix a discrepancy in square footage numbers. The site plan states that the maximum total building heated space is 25,004 square feet. The petitioner has stated that the correct figure is 23,808 square feet. A revised site plan is needed.
3. The petitioner has agreed to amend Note #A4 under "General Notes" to state that "The maximum building height proposed is 70 feet from the average grade to the top of the structure, and four stories". Also amend all four elevations by relabeling the height to read "maximum proposed height = 70 feet", not "maximum allowable = 120 feet". The petitioner has agreed to delete Note #H2 under "General Notes". This contradicts information in the Parcel Information box, and in Note A4. Revised site plan notes are needed.
4. The petitioner has agreed to add a note on the site plan that all mechanical equipment on the roof will be screened from view from the public street and from adjacent property. A revised site plan is needed.
5. The petitioner has agreed to add a note that prior to the issuance of building permits, the petitioner will convey right-of-way in fee simple title to the City, measuring 25 feet from the centerline. A revised site plan note is needed.
6. The petitioner has agreed to save major trees in the rear yard. A note to this effect should be added to a revised site plan, as well as text on the drawing showing that these trees will be saved.
7. The petitioner has agreed to label "Greenwood Cliff" on the site plan. A revised site plan is needed.
8. The petitioner has agreed to add a note that states no spandrel glass will be used. A revised site plan noting this is needed.
9. The petitioner has agreed to add a note that where there are expanses of solid walls, they will not exceed 20-feet in length. A revised site plan is needed.

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Pre-Hearing Staff Analysis
- Application Form
- Site Plan
- CDOT Review
- Storm Water Review
- Park and Recreation Review
- Police Statistics Review
- Fire Department Review
- Community Meeting Report and Sign-In Sheet

**Planner: Sandra Montgomery (704) 336-5722**