

**March 30, 2016**

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 2.48 acres located on the southwest corner at the intersection of North Wendover Road and Melchor Avenue. (Council District 1 – Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 38 single family attached dwelling units, at a density of 15.3 units per acre, and related accessory uses, on a vacant parcel in the Wendover/Sedgewood neighborhood.
<b>PROPERTY OWNER</b>	South State Bank, et al
<b>PETITIONER</b>	North Wendover Partners, LLC
<b>AGENT/REPRESENTATIVE</b>	John Carmichael, Robinson Bradshaw & Hinson
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
<b>STATEMENT OF CONSISTENCY</b>	<p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"><li>• The petition is consistent with the residential use recommended by the <i>South District Plan</i>. In addition, the site meets the criteria set forth in the <i>General Development Policies</i> for consideration of an increase in density up to 17 dwelling units per acre.</li></ul> <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"><li>• The property is located on a segment of Wendover with multi-family, office, and government uses. Immediately east of the site is an existing multi-family development that also has access from Wendover Road; and</li><li>• The site is separated from existing single family residential units by a stream and a fairly significant grade change; and</li><li>• The proposed driveway location aligns with a potential future extension of Cascade Circle from Billingsley Road to Wendover Road; and</li><li>• Access to the site is limited to the single driveway reducing the number of potential driveways along this heavily traveled portion of Wendover Road;</li></ul> <p>By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Majeed).</p>

**ZONING COMMITTEE ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

Site and Building Design

1. The fencing along Wendover Road has been removed from the site plan and the fencing along the property boundary will be 50 % transparent.
2. The fencing along Wendover Road has been removed; therefore, the request to add a note that the fence will not be a solid wall but will have openings such as gates/entries is no longer needed.
3. Staff has rescinded the request to add a note that there will be no blank walls over 20 feet vertically or horizontally as the petitioner has submitted building elevations.
4. Staff has rescinded the request for the facades fronting Wendover Road to not have a private elevated deck as building elevations

have been provided.

Other Minor Issues

5. Specified the maximum building height as 40 feet and not to exceed three stories.

Infrastructure

6. Added a tree protection fence to protect existing right-of-way trees, and labeled potential tree protection area at rear of site.
7. Added a note stating that petitioner acknowledges that there is no water system availability to the site and that development cannot occur until there is availability.

Requested Technical Revisions

8. Labeled the private open space on the Private Street Section provided on Sheet RZ-2.
9. Deleted Note 4 under General Provisions, Note 3 under Transportation, Note 1 under Streetscape and Landscaping, Note 3 under Environmental Features, Note 1 under Signage and Note 3 under Binding Effect of the Rezoning Documents and Definitions.

The following items have been added or modified since the public hearing:

1. Amended Note B1 under Permitted Uses to specify 38 for sale single family attached dwelling units.
2. Amended Note C1 under Transportation to replaced "access points" with "access point."
3. Added the following note under Transportation: "each single family attached dwelling unit shall have a minimum two car garage."
4. Added the following note under Transportation: "A minimum of six surface parking spaces shall be installed on the site."
5. Added conceptual architectural renderings (Note 3) under Architectural Standards that are intended to depict the general conceptual architectural style and character of these elevations. Accordingly, the conceptual architectural renderings set out on Sheet RZ5.0 of the rezoning plan shall be designed and constructed so that such elevations are substantially similar in appearance to the relevant conceptual architectural renderings set out on Sheet RZ5.0 of the rezoning plan with respect to architectural style, character and primary building materials. Notwithstanding the foregoing changes and alterations which do not materially change the overall conceptual architectural style and character shall be permitted. The conceptual architectural renderings depict the following:
  - I. "The front or north Wendover Road facing elevations of the single family attached dwelling units that will be located adjacent to North Wendover Road,"
  - II. The rear elevations of the single family attached dwelling units that will be located adjacent to North Wendover Road,
  - III. The front or private drive facing elevations of the single family attached dwelling units that will be located adjacent to the rear boundary line of the site,
  - IV. The rear elevations of the single family attached dwelling units that will be located adjacent to the rear boundary line of the site, and
  - V. The end or side elevations of the single family attached dwelling units that are intended to depict the general conceptual architectural style and character of these elevations.
6. Added Note 4 under Architectural Standards as follows: "Although not depicted on the conceptual architectural renderings, exterior decks may be constructed on the second floor of the rear elevations of the townhome units."
7. Added Note 5 under Architectural Standards as follows: "The permitted exterior building materials for the single family attached dwelling units shall be brick veneer and cementitious siding. Vinyl and aluminum shall not be permitted exterior building materials provided, however, that vinyl and/or aluminum may be utilized on

the soffits and trim, and vinyl windows, shutters, doors and garage doors and railings may be installed on the single family attached units. Additionally, in the event that a deck is constructed at the rear of a single family dwelling unit, the deck shall be constructed of pressure treated wood or a composite material."

8. Added Note 6 under Architectural Standards as follows: "Brick veneer shall be utilized on those portions of the building elevations that are depicted and described on the attached conceptual architectural renderings."
9. Added Note 7 under Architectural Standards as follows: "As generally depicted on the conceptual architectural renderings, a combination of vertical and horizontal cementitious siding shall be installed on the exterior of the single family attached dwelling units, and a variety of colors shall be utilized as well. The same color cementitious siding may not be utilized on single family attached dwelling units that share a common building wall. The colors actually utilized on the single family attached dwelling units may vary from the colors set out on the conceptual architectural renderings."
10. Added Note E4 under Streetscape and Landscaping as follows: "A fence shall be installed along the western, southern and northern boundary lines of the Site as depicted on the Fencing Exhibit set out on Sheet RZ - 4 of the Rezoning Plan. Those portions of the fence designated with a green line shall have a minimum height of 4 feet and shall be an aluminum black fence that is substantially similar in appearance to the black aluminum fence depicted on the Fencing Exhibit. Those portions of the fence designated with a purple line shall have a minimum height of 6 feet and shall be a wood shadowbox fence that is substantially similar in appearance to the wood shadow box fence depicted on the Fencing Exhibit."
11. Added Note E5 under Streetscape and Landscaping as follows: "As depicted on the rezoning plan, a retaining wall shall be constructed along the southern boundary of the site. The exterior building materials for the retaining wall shall be modular block."
12. Added Note E6 under Streetscape and Landscaping as follows: "To soften the appearance of the retaining wall as viewed from the adjacent parcels of land located to the south of the site, petitioner shall plant junipers or other cascading plant materials on top of the wall that will grow over and onto the southern side of the retaining wall. A picture of the plant materials at maturity is set out on the Fencing Exhibit."
13. Added Note F3 under Environmental Features as follows: "All solid waste and recycling collection services are to be provided by private collection service. Roll-out bins will be provided for each unit and located internally within the unit's footprint except when rolled out of the unit for pick-up."
14. Amended Note G2 under Lighting as follows: "The maximum height of any freestanding lighting fixture installed on the site, including base, shall not exceed 15 feet."
15. Labeled 50 feet from the center line along Wendover Road.
16. Identified the tree save area on the site plan.
17. Amended the density to 15.3 units per acre.
18. Identified the location of the required solid waste containers.

**VOTE**

Motion/Second: Eschert / Dodson  
 Yeas: Dodson, Eschert, Lathrop, Majeed, Sullivan, and Wiggins  
 Nays: None  
 Absent: Labovitz  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition and explained that there are no outstanding issues. A committee member asked if the proposed retaining wall complies with the zoning ordinance requirements. Staff responded that there are no requirements for retaining walls in the

zoning ordinance pertaining to the distance from property lines. The site plan reflects that the proposed retaining wall is quite a distance from the exterior property line. It was added that there is a large area of SWIM buffer along the rear and the site, which does comply the zoning ordinance requirements for buffers.

Staff noted that this petition is consistent with the *South District Plan's* recommendation for residential use, and that the site meets the criteria set forth in the *General Development Policies* for consideration of an increase in density up to 17 dwelling units per acre.

#### STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

### 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:

- Maximum of 38 single family attached dwelling units not to exceed three stories and 40 feet in height.
- Private open space for each unit.
- Each unit will have a minimum two-car garage, and a minimum of six spaces parking spaces will be installed on the site.
- Units fronting Wendover Road will have doors along the street side of the building to access the private open space associated with each unit.
- A 15-foot wide "Class C" buffer abutting residential zoning and uses located west of the site and abutting a portion of the rear of the site. A 20-foot wide "Class C" buffer will be provided along the remainder of the rear of the site.
- A fence shall be installed along the western, southern and northern site boundary lines. Fencing will consist of an aluminum black fence limited to four feet in height and a minimum six-foot tall wood shadowbox fence. The location and type of fencing is depicted on the site plan.
- Access to the site via one driveway off Wendover Road.
- Units will be accessed by an internal private drive.
- Front, side and rear building elevations provided.
- Exterior decks may be constructed on the second floor of the rear elevations of town home units.
- Exterior building materials shall be brick veneer and cementitious siding. Vinyl and aluminum are not permitted as an exterior building material, and any rear deck will be constructed of pressure treated wood or composite material.
- A modular brick retaining wall will be constructed along the southern boundary of the site. Junipers and other cascading plant materials that will grow over and onto the southern side of the retaining wall will be planted to soften the appearance of the retaining wall as viewed from adjacent properties located south of the site.
- Detached lighting will be limited to 15 feet in height.

- **Public Plans and Policies**

- The *South District Plan* (1992) recommends single family land uses.
- *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category - up to 17 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (High)
Connectivity Analysis	3 (Medium)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 13</b>	<b>Total Points: 13</b>

- The petition supports the *General Development Policies-Environment* by developing an existing

site in a developed area, thereby minimizing further environmental impacts while accommodating growth.

- **TRANSPORTATION CONSIDERATIONS**

- The vehicular access for the development has been sited to create a potential four-legged intersection if Cascade Circle is extended to Wendover Road through future development. The future cross-section of Wendover Road will include bike lanes and a left-turn lane to serve the site. The site plan correctly locates the building setback to allow for the future cross-section to be implemented. NCDOT may require construction of a left-turn lane as part of the access permit to Wendover Road. The rezoning also improves the streetscape, which will include a wide planting strip and sidewalk
- **Vehicle Trip Generation:**  
Current Zoning: 80 trips per day (based on single family dwellings).  
Proposed Zoning: 280 trips per day (based on townhomes).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** See Advisory Comment, Note 1
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate seven students, while the development allowed under the proposed zoning will produce four students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Cotswold Elementary (144%), Alexander Graham Middle (114%) or Myers Park High (115%).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

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**ADVISORY COMMENTS**

1. Developer must comply with the City's Housing Policies if seeking public funding.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Department of Solid Waste Services Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review