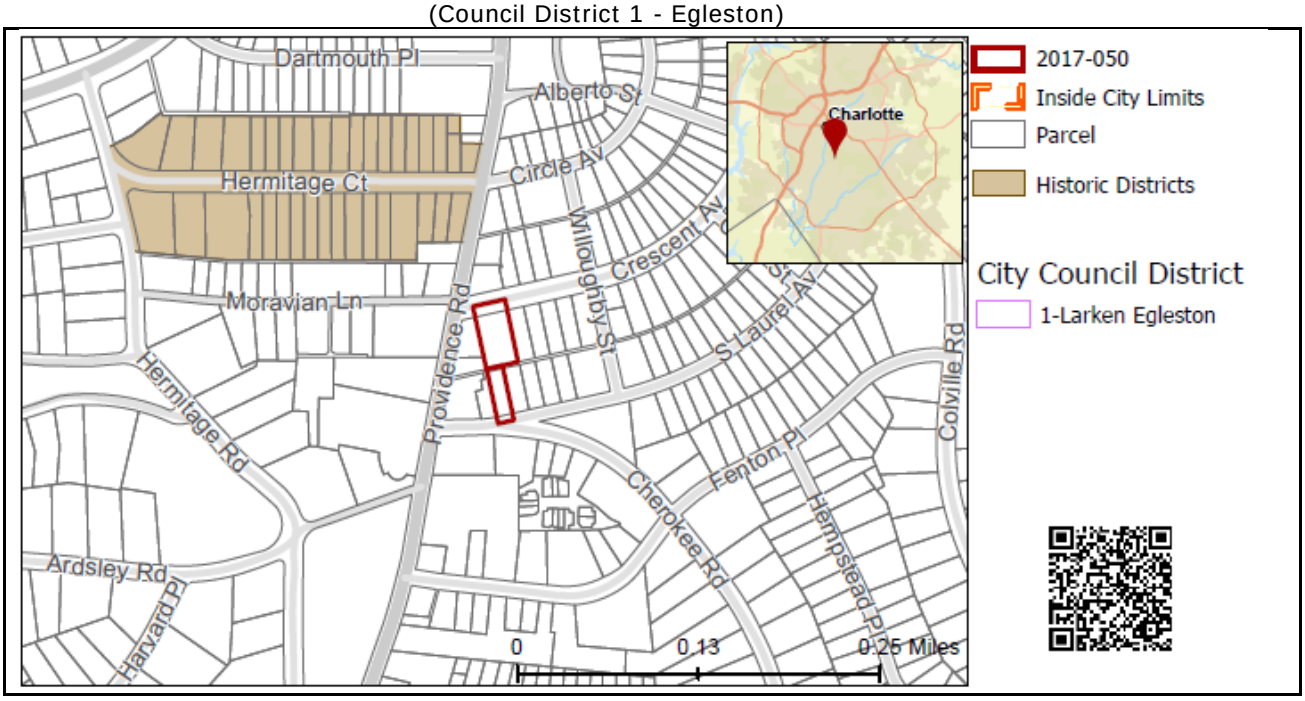
CHARLOTTE.
CHARLOTTE-MECKLENBURG PLANNING

Rezoning Petition 2017-050
Post-Hearing Staff Analysis

July 31, 2018

REQUEST	Current Zoning: B-1 (neighborhood business) and O-1 (office) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 0.77 acres located south of Crescent Avenue and north of South Laurel Avenue, between Providence Road and Willoughby Street. (Council District 1 - Egleston)



SUMMARY OF PETITION	The petition proposes to allow three existing residential structures to be converted to 7,600 square feet of non-residential uses and ten multi-family residential dwelling units.
PROPERTY OWNER	Circa Investments, LLC
PETITIONER	Circa Investments, LLC
AGENT/REPRESENTATIVE	Collin Brown, K & L Gates, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 37

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The retail and office land use is consistent with the *Elizabeth Area Plan* recommendation for retail and office uses. However, the proposed residential use is inconsistent.

Rationale for Recommendation

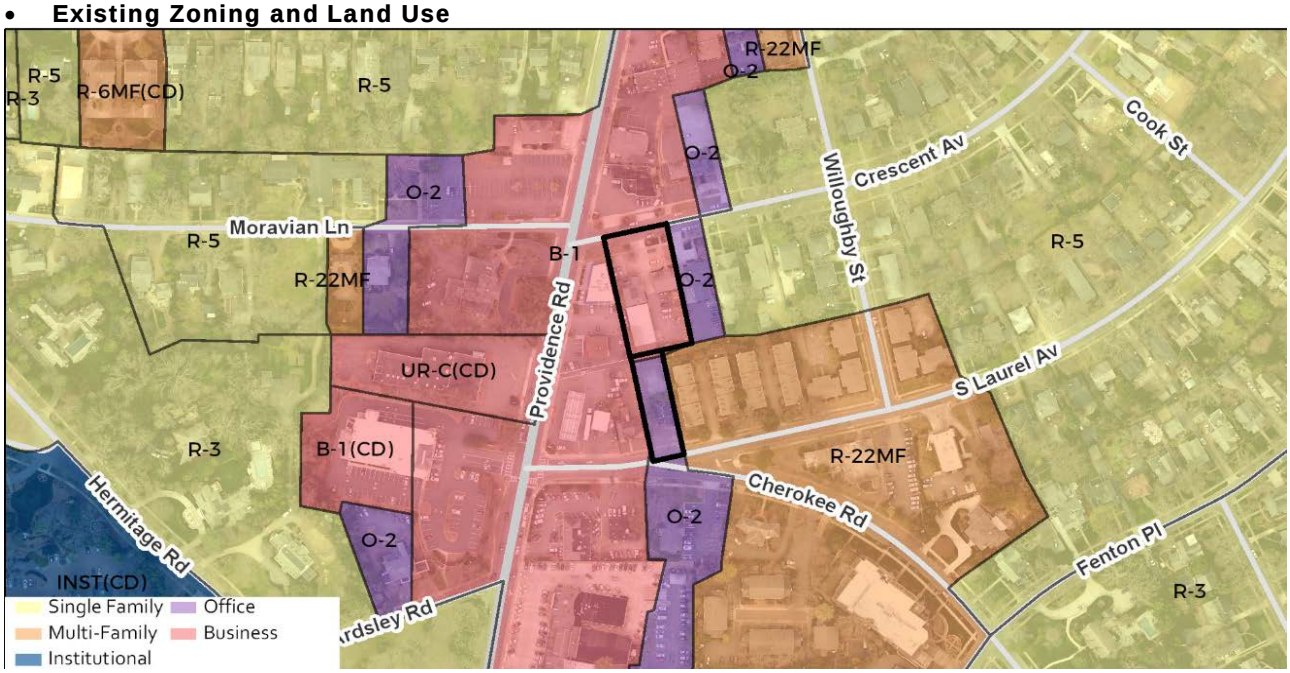
- The proposed office and retail development supports the *Plan's* recommendation for maintaining retail and office uses along the Providence Road corridor.
- The integration of office, retail and residential uses support the goal of building mixed use places with access to needs and services.
- The building on S. Laurel Avenue is located to maintain and strengthen the established street-oriented neighborhood pattern by fronting on the street consistent with the adjacent buildings.
- The mixed use building on Crescent Avenue includes a 50-foot setback from the street and a front yard open space that supports the street's established pattern of building setbacks and front

	yards. • The mixed use building on Crescent Avenue includes a base height of 40 feet and a maximum 50 foot height with a step back to minimize its visual impact along the street.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to twelve multi-family dwelling units and 4,000 square feet for retail and 3,600 square feet for office uses in a mixed use structure and office building, for parcels fronting along Crescent Avenue and S. Laurel Avenue
  - Eight-foot planting strip and six-foot sidewalk along Crescent Avenue and S. Laurel Avenue.
  - 50-foot building setback from the back-of-curb along Crescent Avenue.
  - 30-foot building setback from the back-of-curb along South Laurel Avenue.
  - 14 foot setback from the existing back of curb along South Laurel Avenue.
  - Minimum 1,200-square foot open space along the Crescent Avenue building frontage.
  - Five-foot wide landscape area along the eastern property line for the parcel along Crescent Avenue.
  - Steel picket fence with brick columns in front of parking located on S. Laurel Avenue.
  - Six-foot wide landscape area along the proposed parking area abutting the residential use fronting on S. Laurel Avenue.
  - The following uses shall not be permitted: eating/drinking/entertainment establishments, financial institutions, funeral homes, group homes, clinics, and cultural facilities.
  - Site will provide one-way driveway access from Crescent Avenue to Cherokee Road.
  - Building elevations of the proposed structures are shown, and the following commitments have also been made:
    - Building materials will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, stucco. Vinyl may only be used on windows, garage doors, soffits, trim and handrails/railings.
    - No expanses of blank wall exceeding 20 feet in length will be permitted along street frontages.
    - Maximum 50 feet in height with rooftop terraces and details.
    - Residential parking provided under the building.

- **Existing Zoning and Land Use**



  - The northern portion of the subject property is currently zoned B-1 (neighborhood business) and the southern portion is zoned O-2 (office). The properties are developed with three residential structures converted for commercial use and a warehouse building.
  - The properties to the north and west are zoned B-1 (neighborhood business) and developed with various low scale commercial buildings and uses.
  - The properties to the east are zoned R-22MF (multi-family residential) and O-2 (office) and

developed with residential buildings and low scale commercial structures.

This portion of the site on Crescent Avenue is zoned B-1 (neighborhood business) and developed with an office use and warehouse storage building to the rear.

This portion of the site on South Laurel Avenue is zoned O-2 (office) and developed with an office use with multi-family to the east.

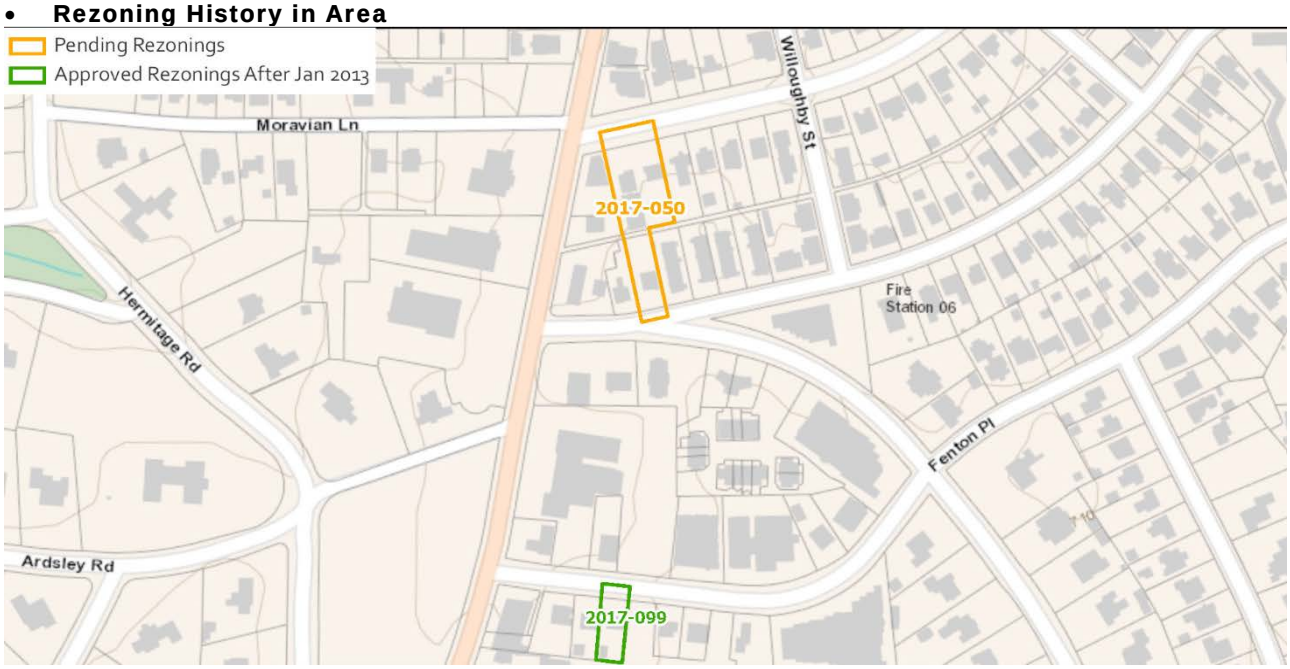
The immediate area is a mix of small office and retail uses along with multi-family dwellings. (The subject property is represented by the red stars.)

Properties to the south and east are developed with multi-family dwellings.

Properties to the west along Providence Road are developed with a mix of office and retail uses.

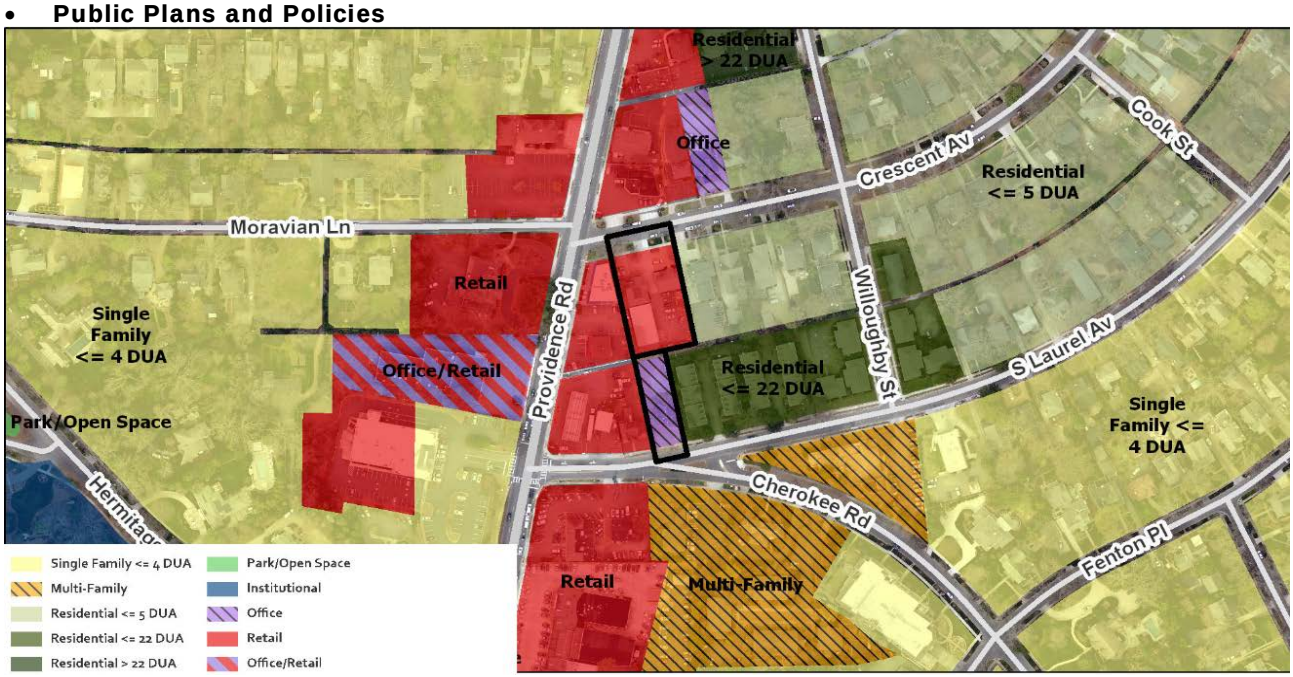
A single family neighborhood is located to the east of the property.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-099	Rezoned 0.19 acres located on the south side of Fenton Place between Providence Road and S. Laurel Avenue to MUDD-O (mixed use development, optional) to allow the reuse of 2,650 square foot residential structure for office, retail and neighborhood food and beverage.	Approved

- **Public Plans and Policies**



- The *Elizabeth Area Plan* (2011) recommends maintaining office and retail uses on the proposed site but discourages further encroachment of these uses into the neighborhood. The plan recommends future infill to be compatible with the setback and scale of the established neighborhood character.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is located between a local street and a major collector. While the current site plan reduces the distance of the site driveway on Crescent to Providence Road intersection from 100 feet (existing) to approximately 60 feet, less than the preferred separation of driveways to intersections, the one-way proposed circulation alleviates some operational concerns with the closer driveway. CDOT can work with the petitioner during permitting to develop appropriate signing and access restriction (e.g. median, if needed) to preserve operations and safety of the adjacent Providence Road intersections.
  - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 160 trips per day (based on 5,644 feet of office and 3,000 square feet of warehouse uses).
    Entitlement: 1,110 trips per day (based on 5,300 square feet of retail and 3,450 square feet of office uses).
    Proposed Zoning: 1,130 trips per day (based on 4,000 square feet of retail, 3,600 of office uses and 12 dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate seven students, while the development allowed under the proposed zoning will produce three students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units), and utilization will remain as follows:
    - Eastover Elementary at 92%;
    - Alexander Graham Middle at 112%; and
    - Myers Park High at 114%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Crescent Avenue and an existing two-inch water main located along S. Laurel Avenue. There is sewer system availability via existing eight-inch gravity sewer mains located along Crescent Avenue and S. Laurel Avenue.
- **Engineering and Property Management:**
  - **Arborist:** Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting.
  - See Outstanding Issue, Note 9.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Land Use

1. ~~Amend the purpose note to indicate there are two buildings: one with multi-family and retail uses; and one with office uses.~~ Addressed
2. ~~Show the permitted uses based on what is allowed in Area "A" and Area "B."~~ Addressed

Site and Building Design

3. ~~Provide and label a 30 foot building setback along South Laurel Avenue.~~
4. ~~Amend Note b under Architectural Standards to note that if 12 multi-family units are developed, either dumpsters or private rollout service will be provided.~~ Addressed
5. ~~Provide and label the horizontal step back dimensions for the proposed roof top terrace.~~ Addressed

6. ~~Provide details on what will be located in the 1200 square foot open space and clarify the boundaries.~~ Addressed

Transportation

7. ~~Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at back of sidewalk.~~ Addressed
8. ~~Revise the access by making Crescent Avenue an "entrance only" and S. Laurel Avenue an "exit only."~~ Addressed

Environment

9. Submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. Tree survey may be completed by landscape architect, surveyor, or other land development professional. Outstanding

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

Planner: Solomon Fortune (704) 336-8326