

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-22

Property Owner: Live Oak Development Partnership, LLC

Petitioner: Live Oak Development Partnership, LLC

Location: Approximately 4.9 acres east of Sharon Road and south of Fairview Road

Request: Change from R-15MF(CD) (conditional multi-family residential) to MUDD-O (mixed-use development district with optional provisions)

Summary

This petition seeks approval for 248 multi-family residential units and 12,000 square feet of retail space. One building would contain up to 50 residential units while the second building would contain up to 198 residential units and the retail space. The overall residential density would be approximately 54 units per acre.

Consistency and Conclusion

While the *South Park Small Area Plan* (2000) recommends residential uses for this site, the basic General Development Policies (GDPs) (2003) do not support the proposed density. However, this is a redevelopment / revitalization project with an affordable senior citizen housing component in an area of significantly higher intensity. Using the Opportunities and Constraints portion of the GDPs, staff believes this petition to be consistent with publicly adopted policies.

Upon correction of the site plan deficiencies noted below, this petition would be appropriate for approval.

Existing Zoning and Land Use

The subject property is a portion of an 8.95-acre tract occupied by 32 multi-family housing units operated by the Charlotte Housing Authority, constructed about 1980. To the north are office and commercial properties fronting Fairview Road. Directly to the east is the hotel element of the Phillips Place center. To the south and southeast are multi-family condominium properties recently developed in UR-2 (CD) zoning.

Rezoning History in Area

There have been several infill residential projects in this immediate area. The most recent, approved in 2004, placed a four-story, 55-foot high condominium building just southwest of the petitioned site with an approximate density of 30 units per acre. There is a pending rezoning to redevelop the property immediately to the west of the petitioned property with a mixture of uses.

Public Plans and Policies

The *South Park Small Area Plan* (2000) shows the subject property as Multi-family / Single-family attached. This is the currently applicable plan for the area. The plan references the residential location criteria in the *General Development Policies* as the determinant of appropriate density.

The *South District Plan* (1993) shows the subject property as Multi-family / Single-family attached. The *South Park Small Area Plan* superseded this plan.

The Residential Location and Design section of the *General Development Policies* (2003) (GDP) provides criteria for determining appropriate locations for higher density development. The assessment consists of a point system used to evaluate individual sites. Included in the GDP criteria are Design Guidelines for Multi-family and Attached Single-family Development. In order to gain the four points from the Design Guidelines item, all of the standards must be met. The site's score is as follows:

Assessment Criteria	Density Category - >17 du/a
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (High)
Connectivity Analysis	2 (Med-low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	Total Points: 12

- Based on this score, the site is appropriate for development up to 12 dwelling units per acre, under a design that complies with the Design Guidelines.

Proposed Request Details

This petition seeks approval for 248 multi-family residential units and 12,000 square feet of retail space. One building would contain up to 50 residential units while the second building would contain up to 198 residential units and the retail space. Both surface parking and a parking deck are included in the site. The overall residential density would be approximately 54 units per acre. The site plan accompanying this petition contains these additional provisions:

- The petitioner is seeking Optional provisions to allow: diagonal parking, reduction of the front setback from 14 to 10 feet, use of a hammerhead turnaround instead of a cul-de-sac, allow off-premise signage, and to allow a subdivision of the property with no public street frontage.
- Retail uses will be primarily along the ground floor frontage of a reconstructed Savings Place.
- Maximum building height is 65 feet.

- The petitioner agrees to provide water quality improvements but reserves the right to request a variance to “provide alternative design methods for reaching the intent of the water quality management objectives.”
- Vehicular access will be provided to the site to the west and hence to Sharon Road.
- Building elevations are provided as part of the site plan.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT estimates that trips generated from the site will increase from 820 to 3200, having a significant impact on the nearby thoroughfare system. A TIS is underway. Without an approved termination of Savings Place CDOT will not support the abandonment of the existing Savings Place. CDOT will not support diagonal parking nor the 10-foot setback. A pedestrian connection to Phillips Place is needed. See attached memo for detailed comments.

CATS. CATS requested pedestrian access to Sharon Road and it is being provided.

Connectivity. Adequate connectivity is being provided in conjunction with the pending rezoning to the west.

Storm Water. Storm Water has requested its standard water quality improvements. The petitioner has agreed to comply but reserves the right to request a variance for complying with “alternative designs.” Storm Water Services opposes that variance language.

School Information. CMS is revising its analysis based on the revised site plan. Their comments will be available at the public hearing.

Outstanding Issues

Land Use. Staff believes this proposal is consistent with adopted plans and policies. See “Consistency and Conclusion” for additional details.

Site plan. The site plan accompanying this petition contains the following deficiencies:

- The site plan needs to be more sensitive to the smaller townhomes to the south of the site. The proposed four-story building is on a higher ground elevation than the townhomes and is significantly taller. In addition, many of the trees along that border will be removed to place water quality BMP ponds in that location.
- Tree save and open space are almost non-existent on the site. With Storm Water Services opposing the “alternative methods” proposed by the petitioner for water quality improvements, existing trees are targeted for removal.
- The proposed ten-foot setback is opposed by both Planning and CDOT and CDOT opposes the diagonal parking. These are serious deficiencies that must be resolved and may result in moving the building.
- A pedestrian connection to Phillips Place is needed.