

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-75

Property Owner:	Southeast Resort Investment Partners, LLC
Petitioner:	Southeast Resort Investment Partners, LLC
Location:	Approximately 0.58 acres located on the northwest corner of Hermitage Court and Providence Road
Request:	R-5, single family residential, up to five dwelling units per acre to MUDD-O, mixed use development district - optional

Summary

This petition seeks to rezone approximately 0.58 acres from R-5 to MUDD-O to allow a total of 13 residential units integrated into a single structure that will be built in one phase, at an overall density of 23.6 dwelling units per acre. The optional requests are as follows:

- Petitioner will not be required to irrigate the planting strips adjacent to the site.
- Planting strip will be reduced from 8-feet to 6-feet.
- Routing of the sidewalk and planting strip may be modified pursuant to the attached site plan, in order to preserve the Historic Landmark at Hermitage Court.

Consistency and Conclusion

The petition is not consistent with the Central District Plan, which recommends single family residential dwellings at maximum density of five dwelling units per acre. The site currently scored 11 out of the required 14 points needed to qualify for an increase in density over 17 dwelling units per acre. The site could gain an additional four points and have an overall score of 15 points if it meets the design guidelines.

The majority of the site is located within a designated Historic District and must adhere to the design standards of the Historic District Commission (HDC). Staff is reliant on the HDC for guidance as to adherence to the design guidelines prior to determining whether the site has garnered additional GDP points for design criteria and before providing a recommendation for approval. The proposal is scheduled to be presented to the Historic District Commission on July 12, 2006 for a conceptual review and possible approval, after which staff will evaluate and report on the overall GDP score at the public hearing.

Existing Zoning and Land Use

The subject properties are zoned R-5 and occupied with two single family structures and one duplex unit. Properties on the west side of Providence Road are zoned R-5, UR-3(CD),

O-1(CD), O-2, O-2(CD) and B-1. Land uses primarily consist of single family residences, but also include a church, multi-family residential, offices, and a theater. Properties on the east side of Providence Road are zoned R-5, R-22MF, O-2, O-6(CD) and B-1(CD). Land uses include single family and multi-family residences and offices.

Rezoning History in Area

Petition 2000-144 rezoned approximately 1.43 acres located on the east side of Queens Road, north of Dartmouth Place from R-43MF to UR-3(CD) to allow a total of 62 residential units. Petition 2001-123 rezoned approximately 0.85 acres located on the east side of Queens Road, north of Dartmouth Place and south of Colonial Avenue from O-6 (CD) to O-2 (CD) to allow the Little Theatre of Charlotte to renovate and expand.

Public Plans and Policies

General Development Policies (2003). The residential portion of the General Development Policies apply to this petition. Currently, the site qualifies for an increase in density of six to eight dwelling units per acre, as follows:

Assessment Criteria	Density Category – 6 – 8 du
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (High)
Connectivity Analysis	5 (High)
Road Network Evaluation	0 (No)
Design Guidelines	Not Determined
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	Total Points: 11

Central District Plan (1993). The Central District Plan recommends single family residential dwellings up to five dwelling units per acre at this location.

Proposed Request Details

The petition proposes to rezone from R-5 to MUDD-O to allow a total of 13 residential units integrated into a single structure that will be built in one phase, at an overall density of 23.6 dwelling units per acre. The site plan accompanying this petition contains the following provisions:

- A 35-foot build-to line, excluding stairs, related cheek walls, structured planters and other hardscaped landscape elements, will be provided on Hermitage Court, as measured from the back of the existing sidewalk.
- Trees eight inches in caliper or greater shall be preserved in setbacks except where their preservation conflicts with the installation or replacement of utilities or other similar

elements. Should trees in the setbacks have to be removed, the mitigation of such removal will be coordinated through Urban Forestry consistent with the Tree Ordinance.

- Trees a minimum of four inches in caliper will be installed in the planting strip along Providence Road.
- Parking is not permitted between the building and the established back of curb on public streets. This does not exclude on-street parking spaces.
- A minimum of 29 parking spaces will be provided on site.
- Detached lighting on the site will be limited to 20 feet in height.
- Maximum building height not to exceed 43 feet.
- Building limited to three stories. If a third story is constructed it must be wholly contained within roof structures and dormers may be used.
- Storm water detention will not be permitted in the setbacks.
- 40-feet of right-of-way, measured from the centerlines of Hermitage Court and Providence Road will be dedicated and conveyed.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 30 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 80 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments:

- In the MUDD zoning district setbacks are measured from the back of an existing or proposed curb line. CDOT and CMPC staff have met and determined that the future curbline for Providence Road is five feet behind the existing curbline. This will accommodate bike lanes on Providence Road in the future. The site plan has been revised to show the proposed curbline.
- We do not support MUDD-Optional Provision 2 to reduce the planting strip width along Providence Road from eight feet to six feet.
- A driveway connection to Hermitage Court is needed to provide connectivity.

CATS. There is currently CATS bus service provided to the site.

Connectivity. There are no connectivity issues associated with this petition.

Storm Water. Notes have been added to the site plan that pertain to Storm Water Quality Control, Storm Water Quality Treatment and Volume and Peak Control.

School Information. Adequacy of existing school capacity in this area is a significant problem. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at Eastover Elementary, Alexander Graham Middle School, and Myers Park High School. This development will add approximately 2 students to two schools in this area. See Attachment.

Outstanding Issues

Land Use. The petition is not consistent with the Central District Plan, which recommends single family residential dwellings at maximum density of five dwelling units per acre. The site currently scored 11 out of the required 14 points needed to qualify for an increase in density over 17 dwelling units per acre. The site could gain an additional four points and have an overall score of 15 points if it meets the design guidelines.

The majority of the site is located within a designated Historic District and must adhere to the design standards of the Historic District Commission. Staff is reliant on the Historic District Commission for guidance as to adherence to the design guidelines prior to determining whether the site has garnered additional GDP points for design criteria and before providing a recommendation for approval. One of the structures on the site is considered a contributing structure to the historic neighborhood and it is highly likely that the HDC will delay the issuance of a demolition permit for at least one year.

Site plan. The following site plan comments are outstanding:

- Delineate the Historic District boundaries
- Provide a 10-foot building separation from the abutting residential use on tax parcel 155-022-19, as required per Section 9.8505(3)
- Parking - Amend Note #1 to state back of curb instead of ROW.
- Signs - Specify no neon signs will be provided.
- Specify whether decorative, pedestrian scale lighting will be provided.
- Right-of-Way Dedication - Amend to state that right-of-way will be required prior to MUDD approval.
- Optional Request #1 - Specify which planting strip.
- Optional Request #2 - Specify the planting strip along which street.
- Optional Request #3 - Specify the Historic Landmark.
- Indicate two space bicycle rack.
- Indicate a maximum height on the retaining wall along Providence Road. Recommend 30-inch maximum height.
- F.A.R. is not required in MUDD.
- Address CDOT comments.
- Urban Forestry requests that the planting strips adjacent to the site be irrigated, unless there are practical difficulties that would prevent it.