

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007 - 059

Property Owner: Carlton Development, LLC

Petitioner: John R. Poore

Location: Approximately 1.30 acres located on the northwest quadrant of the E. Independence Boulevard/Briar Creek Road interchange

Center, Corridor or Wedge: Corridor

Request: MUDD-O, Mixed-Use Development District, Optional, to UR-2(CD), Urban Residential, Conditional

Summary

This petition proposes to rezone approximately 1.30 acres located on the northwest quadrant of the E. Independence Boulevard/Briar Creek Road interchange in order to allow the construction of 28 townhomes with garages.

Consistency and Conclusion

Per approval of Rezoning Petition 2003-91, the current MUDD-O zoning designation allows up to 12,800 square feet of office/general uses, and up to 3,200 square feet of retail. The requested change to UR-2 (CD) would allow the development of 28 townhomes at a density of 21.5 d.u.a.

The proposed residential use is inconsistent with the *Central District Plan* as amended through rezoning petition #2003-91. However, the use is consistent with the *Transit Station Area Principles* which support higher density residential uses within ½ mile of transit stations. The development must meet the design guidelines provided in the *Transit Station Area Principles* to be considered appropriate at this location. However, if the design guidelines of the Transit Station Area Principles are met, higher density residential uses are appropriate.

Staff reviews have identified a need for future extension of a bike/pedestrian trail easement as a means of connectivity to Shenandoah Avenue. Staff supports this project subject to addressing this and other outstanding site plan items.

Existing Zoning and Land Use

The subject parcel is surrounded primarily by residential and commercial uses and zoning districts. Single-family residential development is located to the north, east and west on properties zoned R-4. Offices, commercial/retail, and multi-family residential development is situated to the south and southeast, across E. Independence Boulevard, on properties zoned R-22MF, O-2, B-1, and B-2.

Rezoning History in Area

Rezoning Petition 2003-91 rezoned the subject property from R-4 to MUDD-O. There have been no other recent rezonings in the general area.

Public Plans and Policies

Central District Plan (1993). The subject site is within the *Central District Plan*, adopted in 1993 and updated for this property in 2003 through the approval of rezoning petition #2003-91. The adopted future land use is a mixture of office and commercial uses with up to 12,800 square feet of general office uses and up to 3,200 square feet of retail uses.

Southeast Transit Corridor Draft Environmental Impact Statement (underway). The subject site is located within the Southeast Transit Corridor. The nearest transit station proposed in the Draft Environmental Impact Statement (DEIS) is located on Independence Boulevard near Coliseum Drive. The subject property is within ½ mile radius of the proposed station location, as well as within the 10-minute walk area. The *Transit Station Area Principles* (2001) would therefore be applicable.

Transit Station Area Principles (2001). The *Transit Station Area Principles*, which are part of the *General Development Policies*, apply to the site. The *Transit Station Area Principles* encourage a mixture of complementary transit-supportive uses and increased land use intensity. For non-residential development, the principles recommend a minimum floor area ratio (FAR) of .75 within a ¼ mile walking distance of a transit station and .50 within ½ mile walking distance. For residential development, the principles recommend a minimum of 20 dwelling units per acre within the ¼ mile walk area, and 15 dwelling units per acre within the ½ mile walk area. In some cases, station area plans will recommend lesser intensities for development. These lesser intensities might be necessary to preserve existing structures, to ensure that new development is consistent with the character of existing transit supportive development or to mitigate traffic impacts. This development proposes a density of 21.5 dwelling units per acre, and therefore meets the recommended residential density for a ½ mile walking distance.

Proposed Request Details

This petition proposes to construct 28 townhomes with garages at an overall density of 21.3 units per acre. The site plan accompanying this petition contains the following additional provisions:

- Provision of sidewalks from each unit to Briar Creek relocated sidewalk
- Provision of proposed 15 foot bike trail easement
- Installation of bio-retention area
- Provision of brick screen wall and screening consisting of evergreen trees and evergreen shrubs

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT notes that this site could generate approximately 400 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 160 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has provided comments regarding the bike trail easement, aisle width and other notes on the site plan pertaining to a North arrow and limits of controlled access along Briar Creek Road.

CATS. CATS has no comments on this petition.

Connectivity. The proposed development will be accessed through an ingress/egress point from Briar Creek Road. Pedestrian access will be provided via internal sidewalks and connections to the relocated sidewalk along Briar Creek Road.

Storm Water. Comments provided by Storm Water have been addressed.

School Information. Charlotte Mecklenburg Schools has reviewed the request and indicates existing zoning would generate 0 students and the proposed development would add approximately one student to the schools in this area.

Solid Waste (City). Notes should be added to the site plan pertaining to comments provided by City Solid Waste Services on provision of a Solid Waste Management Plan.

Park and Recreation. Comments were provided pertaining to collection of the proposed 15-foot bike trail easement as a future means of connectivity from Shenandoah Avenue.

Outstanding Issues

Land Use. The proposed residential use is inconsistent with the *Central District Plan* as amended through rezoning petition #2003-91. However, the use is consistent with the *Transit Station Area Principles* which support higher density residential uses within ½ mile of transit stations. The development must meet the design guidelines provided in the *Transit Station Area Principles* to be considered appropriate at this location.

Site plan. The following site plan items are still outstanding:

- A minimum 400 square feet subplot for private open space per unit is required. Drives can not count towards the 400 square feet. This information needs to be reflected under *Development Data*.
- The petitioner should identify common areas on the site plan.
- A note should be provided requiring 20' minimum typical from face of garage to back of curb/travel lane.
- Work with NCDOT to upgrade control of access fence and provide detail. In addition, site plan shows existing control access fence directly behind some of the units. It may be more appropriate to relocate this portion.