

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2007-104**

<b>Property Owner:</b>	New Bethel Church Ministries
<b>Petitioner:</b>	New Bethel Church Ministries
<b>Location:</b>	Approximately 4.47 acres located on the northwest corner of Wesley Heights Way and Duckworth Avenue
<b>Center, Corridor or Wedge:</b>	Wedge
<b>Request:</b>	R-8 (single family residential, up to 8 units per acre), R-22MF (multi-family residential, up to 22 units per acre), and R-22MF (PED) (multi-family residential, up to 22 units per acre-pedestrian overlay district) to UR-3 (CD) (urban residential, conditional) and UR-3 (PED-O) (urban residential, pedestrian overlay district-optional)

### **Summary**

The request is to rezone approximately 4.47 acres from R-8, R-22MF, and R-22MF (PED) to UR-3 (CD) and UR-3 (PED-O), to allow the construction of 132 condominium units, a 5-story parking deck with 220 parking spaces and 5,500 square feet of street level retail, and 25 townhouses. A portion of the site lies within the *West End Land Use and Pedscape Plan*. The rezoning will increase the residential density permitted on site and request a height increase of 23'-4" more than allowed by the PED Overlay District (maximum 40 feet).

### **Consistency and Conclusion**

The request is consistent with the land use policies set forth in the *West End Land Use and Pedscape Plan* and the *Central District Plan*. Staff supports this proposal subject to the petitioner adequately addressing outstanding site plan items.

### **Existing Zoning and Land Use**

The site is bounded by R-8 and R-22 zoning. Properties zoned B-1 are located within two blocks on West Trade Street. The front portion of this site is within the West End Pedestrian Overlay District. Surrounding land uses include single family, multi-family and neighborhood business.

### **Rezoning History in Area**

Rezoning Petition 2007-129 proposes to rezone approximately .50 acre located on the southwest corner of Auten Street and Duckworth Avenue from R-8 to UR-3 in order to allow the construction of up to 30 attached housing units. Rezoning Petition 2007-071 proposes to rezone

approximately 3.20 acres located on the northeast corner of South Bruns Avenue and Whitehaven Avenue from B-1 (PED) to Inst (PED) to permit additional institutional uses on the site. A parcel consisting of approximately 1.43 acres on the southwest corner of S. Bruns Avenue and Sumter Avenue was rezoned from R-8 to UR-2 (CD) in order to allow the construction of up to 25 townhomes (Rezoning Petition 2006-107). Approximately .46 acre located on the southeast corner of Grandin Road and W. 4<sup>th</sup> Street was rezoned from R-5 to MUDD (CD) in order to allow the conversion of a church and parsonage to 15 multi-family units, an addition to the parsonage, and the construction of one new 3 ½-story building (Rezoning Petition 2006-99). Parcels in the West Trade/Beatties Ford Road area were correctively rezoned to PED (Pedestrian Overlay District) in 2006 (Rezoning Petitions 2006-34 and 2006-35) to support the goals of the *West End Land Use and Pedscape Plan*.

### **Public Plans and Policies**

***West End Land Use and Pedscape Plan.*** The purpose of the *West End Land Use and Pedscape Plan* (approved by City Council in November, 2005) is to re-establish a traditional urban form of development. The Plan includes recommendations for corrective rezonings, land use changes, site development concepts and streetscape design standards. Site development concepts in the Plan recommend buildings fronting all public streets with urban open spaces and parking decks screened by active uses.

The *West End Land Use and Pedscape Plan* updated the previously adopted *Central District Plan* (1993). The recommended land use for this parcel is multi family in the PED area and single family in the rear per the *Central District Plan*. The *Central District Plan* recommends retail land uses along Wesley Heights Way. Rezoning that occur after the plan has been adopted amend the plan.

There is no density cap or floor area ratio (FAR) in the Pedestrian Overlay District. Building form is controlled by height, setbacks, side and rear yards, and parking ratios. However, most of the site is not within the PED area, so the GDP analysis was used to determine the density that can be supported. A portion of the site remains governed by the *Central District Plan*, which recommends single family residential up to 8 dwelling units per acre. The GDP analysis (provided below) supports higher density development on this site.

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

## **Proposed Request Details**

This request is to rezone the parcel to accommodate construction of 157 condominiums and townhomes, parking deck, and ground floor retail. Additional details regarding the development proposal include the following:

- Construction of 25 three-story townhomes with garages
- Construction of a five-story structure with 132 condominium units
- Construction of a five-story parking deck containing 220 parking spaces and street level retail (approximately 5,500 square feet)
- Provision of on-street parking along project side of Duckworth Avenue
- Installation of new public and private streets accessing Duckworth and Sumter Avenues, and Wesley Heights Way
- Installation of a roundabout at the intersection of Sumter Avenue and the proposed new public street
- Installation of a 12' alley to service 13 of the proposed 25 townhouse units
- Installation of 8' wide sidewalk and 8' wide planting strip along project side of Wesley Heights Way, and 6' wide sidewalk and 8' wide planting strip along project side of Duckworth Avenue

## **Public Infrastructure**

**Traffic Impact /CDOT Comments.** CDOT indicates the site could generate approximately 400 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 950 trips per day, which will have a minor impact on the surrounding thoroughfare system. CDOT has provided an additional comment regarding the required provision of a minimum 6-foot sidewalk on all public streets within or abutting the site, adequate sight triangles, driveway permits, and Right-of-Way Encroachment Agreement.

**CATS.** CATS has reviewed the petition and provided comments regarding to provision of sidewalks and planting strips, construction of a waiting pad on Wesley Heights Way, restructuring of existing CATS routes that will traverse Wesley Heights Way, Walnut Avenue, and State Street.

**Connectivity.** The site will be accessed via new public and private streets connecting to Duckworth and Sumter Avenues, and a driveway onto Wesley Heights Way.

**Storm Water.** Charlotte Storm Water Services has reviewed the petition and identified downstream complaints consisting of flooding, blockage and erosion, and notes the site drains to a stream listed as impaired by the NC Division of Water Quality. Storm Water Services has also provided comments pertaining to storm water quantity control and quality treatment, and recommended language on the site plan.

Mecklenburg County Land Use and Environmental Services Agency has reviewed the petition and provided comments on air quality, requirement to submit a Solid Waste Management Plan, storm water quality treatment, and storm water volume and peak controls.

**School Information.** CMS has reviewed the request and indicates that the development allowed under the existing zoning district would generate 28 students, while the proposed zoning designation would generate 54 students. The net change in the number of students generated from existing to proposed zoning is 26. See attached memo for details.

### **Outstanding Issues**

**Land Use.** The proposed project is consistent with the *West End Land Use and Pedscape Plan* (2005) and the *Central District Plan* (1993). The project can be supported subject to the petitioner adequately addressing all outstanding site plan items.

**Site plan.** The following site plan items are outstanding and must be adequately addressed in order to support this request:

- Show required minimum 10% tree save area on site plan and add note indicating proposed minimum tree save area on site plan under Site Data Table.
- Provide pedestrian-scale lighting throughout the site.
- Provide design detail of the courtyard/landscaped area.
- Address remaining storm water comments and provide notes on site plan.
- Show waiting pad on Wesley Heights Way (as requested by CATS) on site plan.