

REQUEST	Current Zoning: UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow the construction of eight multi-family residential dwelling units for an increase in the total number of units on the site from 16 to 24, and an increase in density from 13.2 units per acre to 19.8 units per acre.
PROPERTY OWNER	Park Selwyn, LLC
PETITIONER	Park Selwyn, LLC
AGENT/REPRESENTATIVE	Jeff Brown, Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
STATEMENT OF CONSISTENCY	<p>The residential use is found to be consistent with the <i>Central District Plan</i>; however, this petition is found to be inconsistent with the density recommendation, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends multi-family residential use at a density of 17 units per acre. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The site is located on a major thoroughfare; and • The additional eight-unit building is a minor expansion of an existing development; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Provided and labeled the minimum five-foot side yard between the proposed building and the area dedicated to Mecklenburg County Parks and Recreation. 2. Specified that the height of the screening wall at the rear of the site will be a minimum of six feet in height as measured from the development (internal) side as well as a minimum of six feet on the side facing the single family homes. 3. Shifted the building to the east so that it will sit a minimum of 14 feet from the western property line. 4. Added a note to the Site Data/Summary referring to the dedication of the 0.44 acres on the western side of the site to Parks and Recreation. 5. Amended the proposed building elevations.
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VOTE	<p>Motion/Second: Nelson/Ryan</p> <p>Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker</p> <p>Nays: None</p> <p>Absent: None</p> <p>Recused: None</p>
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**ZONING COMMITTEE
DISCUSSION**

Staff reviewed the petition noting the modifications that were made to the site plan after the public hearing. Staff noted that the residential land use is consistent with the Central District Plan, however; the density is slightly higher than the plan recommendations.

One commissioner asked about the trees on the western edge of the site. Staff explained there were no changes to the plan in regards to the trees; however, the petitioner did shift the location of the new building to the east so that it sits at least 14 feet from the western property line in common with the area dedicated for greenway.

Another commissioner asked about commitments to not develop this portion of the site. Staff explained that no agreements were found other than the commitment on the original plan to dedicate a portion of the site to the County for greenway. The original plan did not provide metes and bounds description of the area to be dedicated and it was difficult to determine the area based on the shading shown on the site plan.

A commissioner asked about the process for the remaining area to be dedicated to the County. Staff explained that the dedication has already occurred. Staff requested the dedication be completed prior to the petition moving forward in the rezoning process because it was a commitment from the previous rezoning that had not been completed. The commissioner asked if staff knew why the dedication was not complete as originally planned. Staff stated there were no additional reasons other than the explanation that the petitioner provided at the public hearing.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**

The site plan approved with Petition 1999-034 and administratively amended in 1999 contains the following conditions:

- Allowed the construction of 16 multi-family dwelling units in three buildings at a density of 13.2 units per acre.
- Limits the maximum building height to 44 feet, 6 inches.
- Provides parking at a rate of 1.5 spaces per unit.
- Provides screening in the form of a six-foot high fence along the rear property line.
- Specifies that the exterior building finish shall be a combination of brick and siding.
- Preserves the lower/eastern portion of the site and floodplain as undisturbed open space.
- Limits height of parking area lighting to ten feet and requires lighting to be designed to direct light away from or shield light from the residential area.
- Places large maturing trees in the rear yard.
- Specifies that rear building elevations shall consist of all masonry veneer and may be accented with siding on the perpendicular areas not facing Hassell Place residents.
- Requires the lower/eastern portion of the site to be dedicated to Mecklenburg County Parks and Recreation and stipulates the dedication will occur prior to the issuance of any certificate of occupancy.
- Commits to the construction and completion of the screening wall following the site work and grading prior to further development of the site.
- Prohibits exterior construction work on Sundays.

- **Proposed Request Details**

The site plan amendment contains the following changes:

- Increases the number of total dwelling units from 16 to 24 by allowing the construction of a fourth building containing eight units, for an increase in density from 13.2 units per acre to 19.8 units per acre.

- Removes the specified building height to allow height per the Zoning Ordinance standards and specifies that the building will have a three-story elevation as seen from Woodlawn Road.
 - Continues/extends the existing six-foot screening wall along the rear property line and commits to the construction of the wall prior to development of the new building.
 - Increases the height of the existing screen wall so that the minimum height is six feet on the development side and six feet on the Hassell Place side.
 - Provides large maturing trees behind the new building, between the screen wall and the residents fronting Hassell Place.
 - Provides building design, scale and architecture for the new building to match the existing buildings.
 - Relocates the dumpster from along the rear of the site to the opposite side of the parking lot, next to the existing, western most building.
 - Shows that the lower/eastern portion of the site has been dedicated to Mecklenburg County Parks and Recreation and provides a reference to the Map Book and page on which it is recorded in the Mecklenburg County Register of Deeds.
 - Reserves a 20-foot construction easement within the area to be dedicated to Parks and Recreation and commits to replanting the area with a mixture of deciduous and evergreen, large, maturing trees.
 - Requires a minimum 14-foot side yard for the building along the western property line.
 - Removes the notes committing to the preservation of the lower/eastern portion of the site and floodplain as undisturbed open space.
 - Removes the note requiring the installation of residential type building sprinklers.
 - Removes the note requiring a minimum building separation of 14 feet
 - **Public Plans and Policies**
 - The *Central District Plan*, as amended by rezoning petition 1999-034, recommends multi-family residential use at a density of 17 units per acre.
 - The petition is consistent with the *Central District Plan* recommendation for residential land use but inconsistent with the recommended density. However, the site is located on a major thoroughfare, and is a minor expansion of an existing development.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 12 students, while the development allowed under the proposed zoning will produce 18 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is six students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by developing on an infill site.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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