

REQUEST	Current Zoning: UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment) with five-year vested rights
LOCATION	Approximately 3.68 acres located on the west side of Bingham Drive between North Tryon Street and Curtiswood Drive. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to amend the existing site plan for an undeveloped residential development in the Hampshire Hills neighborhood to allow up to 60 age-restricted multi-family dwelling units in a single building, and five townhome units, at a density of 17.66 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Habitat for Humanity of Charlotte, Inc. Mosaic Development Group Kevin Ammons, ColeJenest & Stone
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design, and minor technical issues.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the land use recommendation of the <i>Blue Line Extension Transit Station Area Plan</i>, which recommends office and retail uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> Although the proposed residential use is inconsistent with the plan recommendation for office and retail, the subject property is currently zoned for residential development. Development on this site will provide a transition between the commercial uses along North Tryon Street and the lower density residential development to the south of the site. The primary building on the site is designed to be compatible with the abutting residential, with a height limit of three stories and 50 feet, consistent with the area plan's height recommendation. The development is also separated from the abutting residential by a creek. The petition proposes to redevelop a vacant infill site, thereby minimizing environmental impacts while accommodating growth. The proposed development will support future area connectivity by providing a public street connection to abutting property located to the west of the site.
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PLANNING STAFF REVIEW

- Proposed Request Details**
The site plan amendment contains the following changes:
 - Maximum unit count and unit type changed from 24 single family attached units for sale to 60 age-restricted multi-family dwelling units in a single building and five townhome units without an age restriction. Accessory uses allowed in the UR-2 (urban residential) district are permitted.
 - Building height is limited to three stories.
 - Eliminated the restriction of nonresidential uses to customary home occupations, as the previous rezoning district allowed nonresidential uses and the proposed development will be entirely residential.
 - Removal of phasing requirement which prohibited the petitioner from beginning construction, including grading, on the site or obtaining a building permit until three years after the date of the approval of the petition.

- Established the setback along Bingham Drive as 14 feet from the future back of curb, which replaces a 25-foot setback from the back of the existing or future curb along Bingham Drive shown on the previous site plan.
- Increased the width of the proposed sidewalk along Bingham Drive and the interior public street from six feet to eight feet, along with an eight-foot wide planting strip.
- Lowered maximum height of detached lighting from 25 to 21 feet.
- Deleted note that "location, size and type of any Stormwater Management Systems are subject to review and approval with full development plan submittal" and replaced with "the location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
- Provides a 30-foot wide "Class A" buffer, with a fence or berm, where the site abuts a property developed with an existing warehouse use.
- Added "Transportation Notes" that address the following:
 - Design submitted for permitting will comply with City standards and are the responsibility of the developer.
 - City will consider participating in condemnation for improvements and bonds can be posted to cover work in progress when certificates of occupancy are requested, as agreed to by the City.
 - CDOT and Planning can change transportation improvements through administrative amendment process.
 - Commitment that the developer will complete transportation improvements prior to getting first certificate of occupancy.
 - Commitment by the developer to dedication of public right-of-way prior to getting first certificates of occupancy.
- Added Architectural Standards as follows:
 - All principal and accessory building facades (exclusive of windows, doors and balconies) abutting a street to be comprised of a minimum of 30% brick, stone, or equivalent or better material.
 - Vinyl siding and unfinished concrete masonry units are prohibited as exterior building materials, except for vinyl soffits and window and door trim.
 - Buildings shall be arranged and oriented to front along all public or private network required streets.
 - Buildings exceeding 120 feet in length shall include design variations of the building massing/façade plane to provide visual interest. Such variations shall be a minimum of 10 feet wide and shall extend or recess a minimum of five feet extending through all floors, and will occur every 10 feet.
 - Building elevations shall be designed with recognizable vertical bays or articulated architectural façade features. A minimum of three elevations of each building will be articulated with preferred exterior building materials (brick, stone or other equivalent or better) a minimum of three feet in height. Building elevations facing streets shall not have expanses of blank walls greater than 20 feet.
 - Long rooflines shall avoid continuous expanses without variation by including changes in height and/or roof form. The maximum pitch shall be 4:12 excluding buildings with a flat roof and parapet walls. Rooftop HVAC and mechanical equipment will be screened from public view at grade from the nearest street and from the nearest single family structure if located on the roof.
 - Site service areas shall be screened from view by a wall with a minimum 30% masonry material, utility structures shall be screened architecturally or with evergreen plant material, and walls shall be designed to match and complement the building architecture of the residential buildings of the subject property.
 - Architectural regulations for townhomes that pertain to roof pitch, requirement for useable, unenclosed porches and stoops, setbacks, and architectural treatments for garage doors, and limitations on the number of units in a building.
 - Provided building elevations of the proposed age-restricted multi-family building.
- **Existing Zoning and Land Use**
 - Petition 2010-51 rezoned the subject property to UR-2(CD) (urban residential, conditional) to allow the construction of up to 24 townhomes for sale at a density of 6.61 units per acre.
 - The subject property is currently undeveloped.
 - Surrounding properties on the south side of North Tryon Street contain a mix of industrial and commercial uses fronting North Tryon Street, with residential and warehouse uses and undeveloped acreage located south of the subject property below Little Sugar Creek on properties zoned R-22MF (multi-family residential), R-5 (single family residential), and I-2

- (general industrial).
- Parcels on the north side of and fronting North Tryon Street are zoned B-2 (general business) and I-2 (general industrial), with R-12MF (multi-family residential), B-2 (general business) and B-2(CD) (general business, conditional) located to the rear of these properties. The parcels are developed with retail/strip shopping centers, warehouse, car wash, automotive garage, child care center, and residential uses.
- See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plan* (2013) recommends office and/or retail uses for the subject site.
 - The plan also recommends a 50-foot maximum height for the area in which the site is located.
- **TRANSPORTATION CONSIDERATIONS**
 - This site is located on a minor collector just south of an unsignalized intersection with a major thoroughfare and north of the Blue Line Extension. The subject site has a negligible increase in daily trips and furthers the envisioned transportation system by committing to construction of the complete cross section for the portion of the envisioned parallel route to North Tryon between 36th Street and Old Concord Road within the limits of the site.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on existing vacant lot).
 - Entitlement: 190 trips per day (based on 24 dwellings permitted per previous rezoning 2010-51).
 - Proposed Zoning: 255 trips per day (based on 60 age-restricted apartments and five townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City's Housing Policies if seeking public funding.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate four students, while the development allowed under the proposed zoning will produce one student. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development will not increase the school utilization (without mobile classroom units) over existing conditions for:
 - Highland Renaissance Academy(101% capacity);
 - Martin Luther King, Jr. Middle (93% capacity); and
 - Garinger High (121% capacity).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water currently does not have water or sewer system availability for the parcel under review. The closest existing water main is located approximately 165 feet south of the property at the intersection of Curtiswood Drive and Bingham Drive. The closest existing sewer main is located approximately 140 feet south of the property at the intersection of Curtiswood Drive and Bingham Drive.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Specify maximum building height in feet and stories.
2. Provide building material annotations on the renderings.
3. Increase the setback along the internal street to 18 feet for the face of the building. Add note that stoops, steps, etc. can encroach four feet into the transition zone (the four foot wide area between the back of sidewalk and the face of buildings). Increase the setback on Bingham Drive

to 20 feet with a four-foot transition.

4. The setback on Bingham Drive is located in the sidewalk on the current site plan.

REQUESTED TECHNICAL REVISIONS

Land Use

5. Amend Note 1A to note that the rezoning plan is subject to "minor" modifications.
 6. Delete the following portion of Note 1C: "the regulations established under the ordinance for the UR-2 zoning district classification shall govern development taking place on the site."
 7. Delete the note on the site plan renderings stating that the architectural perspectives are conceptual in nature.
 8. Add the request for five-year vested rights to the site plan.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services 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
 - Transportation Review

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