

**REQUEST**

Current Zoning: R-5 (single family residential), R-5 (HD-O) (single family residential, historic district overlay) and B-2(CD) (HD-O) (general business, conditional, historic district overlay)  
Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O (HD-O) (mixed use development, optional, historic district overlay)

**LOCATION**

Approximately 4.54 acres located at the southeast corner of the intersection of The Plaza and Belvedere Avenue (VanLandingham Estate) located in the Plaza Midwood neighborhood.  
(Council District 1 - Kinsey)

**SUMMARY OF PETITION**

The petition proposes to allow the continued operation of the existing hotel and event facility and the addition of a spa, up to 18 single family attached dwelling units and a private neighborhood pool and swim club.

**PROPERTY OWNER  
PETITIONER  
AGENT/REPRESENTATIVE**

Unique Southern Estates, LLC; Mark A. Maddalon  
Unique Southern Estates, LLC  
John Carmichael

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 33.

**STATEMENT OF  
CONSISTENCY**

The hotel, event facility, and spa are found to be consistent with the *Central District Plan*; however, the swim club facility and residential uses are found to be inconsistent with the *Central District Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends retail for the B-2(CD) (general business, conditional) portion of the site and single family residential for the R-5 (single family) portion of the site.

However, 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 the:

- Proposed residential density is supported by the *General Development Policies*; and
- Location of the pool and dwelling units preserves the existing structures on the site and significant trees along The Plaza and Belvedere Avenue; and
- Site plan reduces parking demands by limiting the operations of the events facility and the swim club facility; and
- End units facing The Plaza and Belvedere Avenue provide architectural details and orientation to the street; and
- Site plan preserves the historical character of the estate;

By a 7-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Eschert).

**ZONING COMMITTEE  
ACTION**

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

Site Design

1. Provided a cross-section showing additional detail for the hedge around the pool to clarify how the pool would be screened from view from The Plaza.

Technical Revisions

1. Provided a technical note that confirmed that parking would not be allowed on the side of Belvedere Avenue abutting the VanLandingham Estate.

Additional commitments

1. Added a detail for the parcels to be used for off-site parking that showed the Ordinance-required improvements.
2. Amended the Sunday opening hour of the pool from 10 am to 12 pm.

**VOTE**

Motion/Second: Nelson/Labovitz  
 Yeas: Dodson, Eschert, Labovitz, Lathrop, Nelson, Sullivan, and Wiggins  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided a brief summary of the petition and the changes since the public hearing. A commissioner asked about the on-street parking. Staff clarified that the on-street parking would be prohibited on the Belvedere Avenue frontage adjacent to the estate and would be striped and provided across Belvedere Avenue adjacent to the single family homes. The commissioner asked about the improvements to be made to the off-site parking. Staff clarified that Council asked the petitioner to show the location of the proposed off-site parking on the site plan, as well as the improvements to the parcels that are required by the Zoning Ordinance to qualify for off-site parking. The commissioner also asked if agreements had been made between the petitioner, church and neighborhood. Staff indicated that the petitioner had worked with the church to amend the hours of the pool on Sundays to a 12 pm opening. No specific agreements had been made related to parking.

Another commissioner stated that she felt the pool would be an amenity to the neighborhood and based on past experience feels that there will not be the impacts related to parking and traffic feared by the neighbors.

A commissioner asked about the off-site parking requirements. Staff clarified that the MUDD (mixed use development) district requires that any off-site parking be located within 1,600 feet of the property. The proposed site is within that distance. Documentation of the parking agreement must be provided prior to the decision.

There was no further discussion

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Background**
  - An initial public hearing for this petition was held in January 2015. The staff analysis for that hearing identified significant staff concerns about the proposal, including the proposed site design for the townhome units and potential intensity of use of the swim club.
  - At the public hearing for this petition, nearby residents expressed concern about the proposal's impact on traffic on Belvedere Avenue and the impacts that the swim club would have on nearby residents.
  - The petitioner made changes to the site plan after the initial hearing including relocating the pool from the Belvedere Avenue frontage to The Plaza frontage, limiting the operation of the events facility and swim club, providing additional site design commitments and architectural details for the townhome units, and reconfiguring parking on Belvedere Avenue.
  - Staff thought the changes were significant and recommended to Council and Zoning Committee that a new public hearing be held.
  - The Zoning Committee did not believe the changes were significant, and did not recommend to Council to hold a new public hearing. The Committee recommended approval of the petition on

June 24, 2015.

- On July 20, 2015 City Council determined that the changes were significant and voted to hold a new public hearing on September 21, 2015.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Existing facilities
  - Allows the main house, carriage house porch and grounds to continue to be used for the following:
    - conferences, meetings, and private events catered by the owner of the main house,
    - social events sponsored by non-profit and charitable organizations,
    - neighborhood and community events to which the public is invited,
    - a hotel with a maximum of nine rooms for overnight lodging of guests (five in the main house and four in the carriage house), and
    - the addition of a spa to the main house.
  - New single family attached units, as described below:
    - Addition of up to 18 for-sale single family attached dwelling units to be added to the perimeter of the property as shown on the site plan, and
    - Screening of the proposed townhome units north of the carriage house by preserving the majority of the existing 15-foot hedge along Thurmond Place.
    - New private neighborhood pool and swim club with associated accessory uses and structures located along The Plaza. The club will be operated on a membership basis and includes the following:
      - Limits the operations of the swim club and events facility so that large events do not overlap,
      - Prohibits swim meets with other swim clubs,
      - Limits the number of swim club members to 420 (includes family memberships),
      - Specifies the hours of swim club operations as 10 am to 8 pm Monday through Saturdays and 12 pm to 6 pm on Sundays,
      - Prohibits bubbles or other enclosures over the pool that would allow off-season use, and
      - Provides a decorative pool fence with a hedge and existing vegetation between the pool area and The Plaza.
    - Additional general provisions for the site include:
      - 128 parking spaces (87 on-site and commits to 41 off-site spaces). The Zoning Ordinance requires 44 parking spaces for all of the proposed uses.
      - Shows Ordinance required improvements to the parcels proposed to be used for off-site parking.
      - Specifies the petitioner will install seven on-street parking spaces on the north side of Belvedere Avenue between The Plaza and Thurmond Place. The width of Belvedere Avenue is such that on-street parking can only be provided on one side of the street if two-way traffic is to be maintained. Additionally, "no parking" signage exists along Thurmond Place prohibiting parking on both sides of the street.
      - Specifies that events with more than 40 guests will have at least one parking attendant, events with more than 75 guests will have at least two attendants, and events with more than 200 guests will have at least one off-duty police officer. The neighborhood pool and swim club is exempted from these requirements.
      - Provides building elevations for the pool house and the townhomes. Specifies that architectural and design standards are subject to the review of the Landmarks Commission and the Historic District Commission and that the architectural renderings and building materials have been approved by both Commissions.
      - Provides details related to the screening between the pool and The Plaza.
    - Optional Provisions include the following allowances:
      - Parking located between the buildings and the adjacent public streets as depicted on the site plan,
      - The existing sidewalks and planting strips located along the public street frontages to remain,
      - Existing screening hedges located in portions of the setbacks to remain,
      - Internal pedestrian sidewalks and sidewalk connections as depicted on the site plan, and
      - Valet parking service between the building and the street.
- **Public Plans and Policies**
  - The *Central District Plan* (1993), as amended by rezoning petition 2000-017, recommends retail for the majority of the site. The purpose of the retail land use designation and zoning was to allow the reuse of the existing historic site for a bed and breakfast style hotel with an events facility.

- The plan recommends single family uses for the two single family developed parcels at the southern edge of the site zoned R-5 (single family residential).
- The *General Development Policies (GDP) - Residential*, provides policy guidance for evaluating proposed residential densities greater than four units per acre. The site meets minimum *General Development Policies (GDP)* criteria for consideration of up to 17 dwelling units per acre as illustrated in the table below.

Assessment Criteria	Density Category up to 17 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	Medium (2)
Connectivity Analysis	High (5)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
<b>Total Points Needed: 13</b>	<b>Total Points: 14</b>

- The petition supports the *General Development Policies-Environment* by redeveloping an infill site, thereby minimizing environmental impacts to undeveloped areas while accommodating growth.

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#### TRANSPORTATION CONSIDERATIONS

- This site is located within an existing residential neighborhood. The primary transportation goals are to address site design issues that may impact on-street parking and minimize the number of new driveways along the street. The proposed site plan achieves these goals by providing rear loaded garages. On-street parking will be restricted on the north side of Belvedere Avenue in order to reduce congestion and improve operations during events.
- **Vehicle Trip Generation:**  
Current Zoning: 260 trips per day.  
Proposed Zoning: 540 trips per day.

#### DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues
- **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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#### OUTSTANDING ISSUES

##### Administrative

1. To ensure that there is sufficient parking for the neighborhood pool and swim club, the petitioner should provide, prior to the zoning decision, a lease with a minimum five-year term for at least 41 off-site parking spaces within 1,600 feet from the permitted use. (Note: While the initial lease has a minimum five-year term, the petitioner will be required to provide the off-site parking beyond the five years, as long the conditional plan is in effect.)
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis (January 2015 hearing)
- Zoning Committee Recommendation (June 2015 meeting)
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Transportation Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte-Mecklenburg Utilities Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Urban Forestry Review

**Planner:** John Kinley (704) 336-8311