
REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 6.32 acres located on the east side of Sharon Lane between Providence Road and Heathmoor Lane. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes the redevelopment of five single family home sites with 24 duplex (single family attached) dwelling units in 12 buildings in the Foxcroft area.
PROPERTY OWNER	Mark and Diane Leclaire, et al
PETITIONER	Simonini Saratoga Foxcroft, LLC
AGENT/REPRESENTATIVE	Jeff Brown, Keith MacVean and Bridget Dixon, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 78
STATEMENT OF CONSISTENCY	• The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based in information from the staff analysis and the public hearing, and because: • The plan recommends residential land use; and • The proposed density increase over three units per acre is supported by the criteria in the plan. • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: • The subject site is located adjacent to the Cotswold Mixed Use Activity Center and abuts a large institutional land use (St. Gabriel Catholic Church); and • The proposed development provides a transition between the institutional use and the adjacent established single family residential development located north and west of the site; and • The site plan is limited to a maximum of 24 duplex (single family attached) dwelling units in up to 12 buildings at a density of 3.8 units per acre; and • The proposed density is supported by the <i>General Development Policies</i>, which indicate a potential for a density up to 12 dwelling units per acre; and • The proposal meets the criteria described in the district plan for an increase in density from three to four units per acre. The proposal meets these criteria as follows: • Location: The site is within ½ mile of the Cotswold Mixed Use Activity Center, which includes a concentration of retail and office development. • Water and Sewer: Charlotte Water will serve the subject site with water and sewer. • Open space: The duplex units are clustered in order to provide a “central green.” In addition, a tree save area is provided along the Sharon Lane frontage. • Streetscape Amenities: The proposal provides a 24-foot planting strip (extra width for a future bike lane) and a six-foot sidewalk along Sharon Lane. The project also provides an internal private street with sidewalks and a minimum of six, on-street, visitor parking spaces; and • Compatibility: The proposed development includes a

number of elements to make the new housing compatible with the existing neighborhood along Sharon Lane. These include large setbacks consistent with the established setback on Sharon Lane; a 40-foot rear yard abutting the single family development to the west; and building and architectural commitments, including elevations and height limitations, which result in structures which resemble large single family homes;

By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Fryday).

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

Site and Building Design

1. Annotated the proposed elevations highlighting the key elements committed to in the architectural standards.
2. Amended the provided elevations to match the buildings shown on the site plan, removed elevations that did not match, and added elevations and example image to reflect architectural design intent and building materials.
3. Staff rescinded the request to show 400 square feet of private open space per unit because the petitioner added a note to specify that the development would be a condominium format which does not require 400 square feet of private open space per unit.
4. Showed the proposed phasing line on the site plan.
5. Provided a minimum size and commitment to amenities for the "central green" by adding a note that states: "The petitioner will include a 'central green' area as depicted on the site plan with a minimum size of 15,000 square feet, ornamental landscaping and trees, seating areas, pathways/sidewalks and may also contain additional features such as gazebo/shade structure, fire-pit and other amenities."
6. Added a section of notes under "Transportation" titled "Sharon Lane Sidewalk Enhancements; Radar Speed Signs." This section provides a commitment which is subject to the approval of the corresponding property owners on the western side of Sharon Lane, CDOT and City Arborist for:
 - the installation of curb and gutter;
 - a five-foot planting strip without street trees unless such trees are allowed by the City Arborist (or a six-foot wide planting strip with trees if there is room for the installation); and
 - a five-foot sidewalk from Phoenix Place to Providence United Methodist Church's driveway

If the petitioner and the property owners fail to come to an agreement within 12 months of the approval of the rezoning the petitioner will be relieved of this commitment.
7. The petitioner is also committing to the installation of two radar speed signs, one on each side of Sharon Lane, subject to CDOT approval.
8. Amended notes related to the rear/side yard abutting the northern and eastern property line to change the proposed six-foot high brick wall to a six-foot high metal picket fence with brick piers along the northern property line and a six-foot high solid combination brick and opaque wooden fence along the eastern property line.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

9. Amended the proposed use under "Site Development Data" and Note 2 "Permitted Uses & Development Area Limitation" under the "Development Standards" to further clarify that the development shall be 24 duplex (single family attached) dwelling

units in a condominium format.

10. Clarified that the 15% tree save/open space and the “central green” area are exclusive of one another by deleting “open space” from tree save in the development data table.

11. Amended Note 5e related to utilities that cross the buffer to specify that discharge aprons and swales with or without rip-rap will not be installed in the proposed buffer.

VOTE

Motion/Second: Wiggins / Majeed
 Yeas: Fryday, Majeed, McClung, Spencer, Watkins, and Wiggins
 Nays: None
 Absent: None
 Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and the changes since the second public hearing. Staff noted that the petition is consistent with the adopted land use plan and all the outstanding issues have been addressed.

One commissioner stated they were going to vote for the project because it provides a transition and due to the cost of the land in Mecklenburg County, the density will need to be increased in order to redevelop.

Another commissioner said the change made by the petitioner to reduce the number of units, the buffers, and the design makes the proposal appropriate.

A commissioner asked the staff how the proposal would compare to a by-right development in R-3 (single family) zoning and if the proposal would have a better outcome for tree save, stormwater, and open space. Staff stated they were working on an example R-3 layout to compare to the proposal as part of the City Council follow-up and at this point it's hard to say exactly how that might look.

Staff went on to explain there are tradeoffs between UR-2 zoning the petitioner is proposing and R-3 zoning. One difference is UR-2 zoning provides the ability to use private streets with underground stormwater facilities. There is an increase in required tree save in UR-2 versus open space in R-3. In R-3 up to 18 units would be allowed versus the 24 units proposed under the UR-2 zoning. However, staff has not yet prepared a site the layout to see what would really be feasible under R-3 zoning. The commissioner asked to clarify how tree save would work under the UR-2 zoning. Staff confirmed that tree save under the proposed zoning would be in common open space and the proposal is required to have 15% tree save. In comparison, under R-3 zoning there is just a 10% open space requirement and that could be within individual lots.

Another commissioner stated they considered this petition to be a significant decision for the Zoning Committee and the City Council. The commissioner stated that he used three factors to arrive at his decision: site visits, testimony from resident proponents, and testimony of resident opponents. During site visits he noticed the difference between the residences on Heathmoor and the longer standing, larger lots on Sharon Lane. However, he noted homes on Heathmoor are consistent with homes on streets parallel and near to Sharon Lane. The commissioner's conclusion was that neither lot nor home size much affected the feel of the neighborhood.

The commissioner then summarized statements made by resident proponents and opponents at the public hearing.

The commissioner noted that the homes on Sharon Lane have existed for 75 years in what was once a rural area. The schools in the area, beginning in the 1950's, brought a new type of community, higher density and traffic. Providence Road was once two-lanes and is now

four which has brought pressure for higher density. The Commissioner stated that he supports the rezoning because it is consistent with the future land use. 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)

PLANNING STAFF REVIEW

- **Background**

- A public hearing was held on this petition on October of 2016. The Zoning Committee considered the petition at their work session on January 4, 2017 and unanimously recommended a new public hearing due to the changes made to the site plan related to layout, density, yards and buffers. At the January 17, 2017 City Council Zoning Meeting, the City Council agreed with the recommendation of the Zoning Committee and scheduled a new public hearing for February 20, 2017.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 24 duplex (single family attached) dwelling units in a maximum of 12 principal buildings for a density of 3.8 units per acre.
- Limits building height to two stories and not to exceed 40 feet.
- Provides a 100-foot setback along Sharon Lane. This setback is equivalent to other single family homes along Sharon Lane. The rezoning plan commits to retaining existing vegetation within the setback except as may be required to remove existing driveways and construct the new driveways and sidewalks. The petitioner may also remove any invasive plant species and will provide supplemental landscaping where existing and invasive vegetation is removed.
- Provides a 15-foot rear yard with a six-foot high metal picket fence with brick piers along the northern property line, a ten-foot rear yard with a six-foot high solid combination brick and opaque wooden fence along the eastern property line, and a 40-foot rear yard along the southern property line abutting single family homes, with a 25-foot "Class C" buffer located in the rear yard.
- Commits to using good faith efforts to preserve existing trees of five-inch caliper or greater within 12 feet of the southern property line.
- Provides a minimum 15,000 square foot "central green" containing ornamental landscaping and trees, seating areas, pathways/sidewalks and may also contain additional features such as gazebo/shade structure, fire-pit and other amenities.
- Specifies that the development may be completed in two phases and transportation improvements, landscaping, and buffer improvements per phase will be completed prior to issuance of the first certificate of occupancy for each phase.
- Provides access via a private street off Sharon Lane and a looping, internal private drive.
- Provides a minimum 24-foot planting strip, including width for a future bike lane, and six-foot sidewalk along Sharon Lane. Provides an internal network of five-foot wide sidewalks to provide pedestrian access throughout the site and from units to the public sidewalk.
- Subject to the approval of the corresponding property owners, CDOT and City Arborist, the petitioner commits to the construction of a five-foot wide planting strip without street trees or, if there is space, a six-foot planting strip with trees and a five-foot wide sidewalk along the west side of Sharon Lane from Phoenix Place to Providence United Methodist Church's driveway
- Commits to a minimum of six visitor parking spaces within the development.
- Provides building elevations and specifies building materials. Specifies that side elevations along Sharon Lane will contain windows so that blank walls will not occur.
- Provides additional architectural commitments related to unit entrances along Sharon Lane, pitched roofs, porches and stoops, and garage doors.
- Specifies that accessory buildings and structures will be constructed utilizing building materials, colors, architectural elements, and designs similar to the principal buildings.
- Commits to screening meter banks, HVAC, and related mechanical equipment from adjoining properties and Sharon Lane.
- Provides waste management through rollout containers collected by private contractor.
- Limits detached lighting to 15 feet in height.

- **Public Plans and Policies**

- The *South District Plan* (1993) shows the subject property as single family residential up to three dwellings per acre. The plan has specific criteria for an increase in density to four

dwelling per acre. The criteria are:

- Location: within ½ mile of a transit corridor; within ½ mile of a commercial and/or employment center or public park; where clustering could preserve environmental features such as floodplain, steep slopes or trees; within a large scale mixed use development with a variety of housing types; or adjacent to multi-family development.
- Water and Sewer: Water and sewer provided by Charlotte Water or use of a private system meeting Charlotte Water standards.
- Open space: Provision of common open space as densities rise. Clustering units to create open space amenities is encouraged.
- Streetscape Amenities: Provision of sidewalks, street trees, curb, gutter and on-street parking.
- Compatibility: Blend new development with adjacent single family development of lesser density. This may include lots on project edges having densities, yards, and setbacks similar to the existing development as a transition.

- **TRANSPORTATION CONSIDERATIONS**

- This site is located along a major thoroughfare approximately 1000 feet from a signalized intersection with another major thoroughfare. This petition will replace the existing back of curb sidewalk with new sidewalk behind a wide planting strip, which reserves sufficient area to accommodate a future cross section that includes a bike lane.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 70 trips per day (based on five single family dwellings).
 - Entitlement: 220 trips per day (based on 18 single family dwellings).
 - Proposed Zoning: 190 trips per day (based on 24 duplex dwellings).

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:** The development allowed under the existing zoning would generate 11 students, while the development allowed under the proposed zoning will produce 11 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
 - The proposed development is not projected to increase the school utilization (without mobile classroom units) over existing conditions for Sharon Elementary (154%), Alexander Graham Middle (112%), or Myers Park High (114%).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Sharon Lane. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Sharon Lane.
- **Engineering and Property Management:** Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. Property is located in the Wedge; therefore, trees save shall be provided on site. Tree save area is to be a minimum of 30 feet wide; no structures will be allowed within ten feet of the tree save area.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review

- Charlotte Department of Neighborhood & Business Services Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

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