



Zoning Committee Recommendation

Rezoning Petition 2022-219

September 18, 2023

REQUEST

Current Zoning: CG (general commercial) and N1-A (neighborhood 1-A)
Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)

LOCATION

Approximately 13.02 acres located on the south side of Albemarle Road, east of Manchester Lane, and west of Wilgrove-Mint Hill Road.
(Council District 5 - Molina)

PETITIONER

Scott Allred

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The map recommends Neighborhood 1 place type.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The petition provides additional housing types and options to the area.
- The petition limits the total number of units to 60, a density of 4.6 units per acre.
- Despite being inconsistent with the recommended place type, the proposed low density, attached residential design provides a compatible transition from the adjacent single family residential west of the site to the commercial uses to the east.
- There are existing wetlands and an existing pond on the site. The lower density and attached dwelling unit building design allow for preservation of those environmental features.
- The proposal constructs a new public street stubbed to the rezoning boundary to facilitate future connectivity.

- All the units are accessed from private alleys so that no units have individual driveways onto the new public street.
- The site is accessed from Albemarle Road a major thoroughfare.
- The petition constructs an 8 ft planting strip and 12 ft multi-use path along the Albemarle Road frontage.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 2: Neighborhood Diversity & Inclusion
 - 5: Safe & Equitable Mobility

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

Motion/Second: Sealey / Neeley
 Yeas: Lansdell, Neeley, Russell, Sealey, Welton, Whilden, Winiker
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner Welton noted that the committee needs to make sure that they focus the part of this petition that is in our jurisdiction.

Commissioner Russell said because we've got so many constraints with developable area, we lose connectivity and so he was curious about cottage court development and anything that might require a variance. Commissioner Sealey also noted that if applicable a cottage court development might be a good fit for this site. Commissioner Welton explained the committee can't design a site plan for someone and they have to consider the development proposal placed in front of them and in these situations, he relies on staff's analysis and they've said this meets the standards and can be appropriate for consideration.

Commissioner Russell asked what kind of variances or grace is given when looking at a site like this with development constraints. Staff responded and said part of the considerations would be in the Post Construction Stormwater Ordinance and what sort of encroachments and impervious areas are permitted in SWIM buffers and wetlands to allow flexibility. There are a lot of factors folks who are designing the site plans have to take into account when they're trying to figure out what's the best fit and for staff perspective what we're looking for mainly does it comply with the ordinance and the district that they're requesting, is it consistent with the Policy map or if it's not consistent with the policy map does it seem to provide compatibility and consistency in terms of transitions in context in the area. In staff opinion, this

petition is compatible with the context of the area, provides a transition in uses and it meets the ordinance requirements. Since staff doesn't design petitioner's site plans we can't determine if a cottage court would work in this particular case so we also have to take into consideration the proposal brought before us.

There was no further discussion of this petition.

PLANNER

John Kinley (704) 336-8311