

September 18, 2017

REQUEST	Current Zoning: R-4 (single-family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 2.22 acres located on the west side of Park Road between Wyndcrofte Place and Hillside Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the redevelopment of an existing single family home site with up to 19 single family attached dwelling units at 8.6 dwelling units per acre near the Ashbrook Neighborhood.
PROPERTY OWNER	The Estate of Eugene Roy Carpenter et al. and Margaret C. Smith
PETITIONER	Saussy Burbank, LLC
AGENT/REPRESENTATIVE	Collin Brown & Baily Patrick, Jr., K&L Gates LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 14
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee finds this petition to be consistent with the <i>Park Woodlawn Area Plan</i> recommendation, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The proposed multi-family residential density of 8.56 dwelling units per acre is significantly less than the 17 dwelling units proposed in the adopted area plan for the subject site and abutting properties.• 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:<ul style="list-style-type: none">• The subject parcel is a large single family lot of over two acres on a segment of Park Road, a major thoroughfare, which is developed with a mixture of institutional, multi-family and single family residential uses; and• Although the zoning district requested is UR-2 (urban residential) and the immediate area has been developed under more suburban districts, the wide side yards and rear yards abutting single family residential are sensitive to and compatible with the existing residential context; and• The proposed 20-foot wide buffer will screen the development from the existing single family homes; and• The UR-2 zoning district is necessary to accommodate a new east/west public street as well as the proposed development on this narrow and deep, 2.2-acre lot; and• The new public street stubbing to the north and south of the property will provide an opportunity to expand the network of local streets in the area if the properties to the north or south redevelop in the future; <p>By a 7-0 vote of the Zoning Committee (motion by Nelson, seconded by Majeed).</p>

ZONING COMMITTEE ACTION

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition, with modifications.

1. The proposed public street will be extended to the southern property line per the Subdivision Ordinance.
2. Elevations for the corner unit facing Park Road includes notes and detail that gives the appearance of a front façade along Park Road. The side wall facing public streets or private drives will also be enhanced with design features including shutters and functional doors.
3. Building elevations are annotated with building materials and

architectural features.

4. A note has been added specifying dedication and fee simple conveyance of all rights-of-way to the City before the first building certificate of occupancy is issued;
5. A note has been added specifying all transportation improvements will be approved and constructed before the site's first certificate of occupancy is issued, or an alternative bond may be posted, if approved by CDOT.
6. Garages will be set back at least 20 feet from the back of the sidewalk.
7. A six-foot sidewalk abutting the back of curb, followed by an eight-foot planting strip along the north side of the public street to accommodate longer 20-foot driveways from the back of the sidewalk, subject to Planning Director approval. If approval is not granted, than an eight-foot planting strip will abut the back of curb, with a six-foot sidewalk, and the driveway will be at least 20 feet from the closest edge of the sidewalk. This street cross-section would require the removal of the on-street parking.
8. The proposed 15' landscape area will meet the planting requirements for a Class C buffer.
9. The buffer area abutting the residential parcels to the south of the site's property line will be 15 feet, and meet the planting requirements for a Class C buffer.
10. The petitioner has removed the eight-foot planting strip along the north side of the public street in order to accommodate longer twenty-foot driveways on the south side of the public street.
11. The petitioner has committed to a low wall at the entrance to the site, with a maximum height of three and one-half feet and composed of painted brick.
12. The petitioner has corrected an error in the development standards showing twenty units. The Petitioner is requesting for nineteen units to be constructed on the site.

VOTE

Motion/Second: Majeed / McMillan
 Yeas: Fryday, Nelson, Majeed, McClung, McMillan, Spencer, and Sullivan
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff noted that this petition is consistent with the *Park Woodlawn Area Plan*. Since the staff analysis was written, the petitioner has agreed to address additional outstanding issues, and made some other minor adjustments to the plan.

A Commissioner asked a question about stormwater mitigation. Mr. Brown responded that it will be underground.

A question was asked about the elevation of the building side facing Park Road. Did it show a real door or an image of a door? Mr. Brown responded that it was an iron gate to allow residents to walk into the setback area.

Mr. Brown noted that there is an alternative street cross-section being considered that would change the location of the six-foot sidewalk to the back of curb, with the planting strip located on the house side of the sidewalk. However, This alternative would be subject to the CDOT and Planning Director approval, and would require the elimination of the on-street parking on the site.

A question was asked about how close the driveway was for the abutting retirement home. Kelsie Anderson, CDOT, responded that the location of the driveway access on Park Road was not an issue, since the lot frontage was narrow. She added that turn lanes would not be

restricted.

A Commissioner asked if the sidewalk is placed at the back of curb, the mobility of challenged pedestrians could be affected because the sidewalk stays at one level. Another Commissioner noted that the on-street parking was needed on the site, since there is no other place for guests to park.

A Commissioner noted that the entrance drive is public, as is the stub street. Could a private street be provided? Staff responded that the stub street requirement comes from the Subdivision Ordinance, and must extend to the property line. Private streets are required to be built to public street standards.

CDOT staff noted that people generally do not use their garages for cars. If the alternative location of the sidewalk and planting strip is considered, then the driveway ramp to the street would impact the sidewalk making it difficult to walk on a level sidewalk surface.

Staff is comfortable with the land use, and the technical issues can be resolved if the Commission is comfortable with the general design of the site. The Commission agreed, and a vote was taken.

There was no further discussion of this petition.

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

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 19 single family attached dwelling units at a maximum density of 8.6 dwelling units per acre.
- Dedication of 50 feet of right-of-way measured from the centerline of Park Road.
- 50-foot front setback measured from the future back-of-curb along Park Road.
- Maximum height of 50 feet and three stories.
- Thirteen foot-planting strip and six-foot sidewalk will be installed along Park Road.
- The Petitioner has revised the site plan to show a six (6) foot sidewalk directly abutting the back of curb, followed by an eight (8) foot planting strip in order to better accommodate the required twenty (20) foot driveway from the back of sidewalk, if approved by the Planning Director. If the sidewalk directly abutting the back of curb is not approved by the Director, the Petitioner will alternatively remove the on-street parking along the north side of the proposed street to accommodate an eight (8) foot planting strip abutting the back of curb followed by a sidewalk on the south side of the proposed street.
- Access will be provided by a private and a public street.
- New north and south public street will provide future connection to the adjoining properties.
- 15-foot Class "C" buffer will be provided adjacent to existing single family homes.
- Freestanding lighting will be limited to 20 feet in height.
- Building elevations of the proposed structures are shown.
- Provides the following architectural treatments:
 - Residential units within 15 feet of the sidewalk will be raised from the average grade a minimum of 24 inches.
 - Pitched roofs if provided will have a 5 to 12 slope.
 - Usable porches if provided will be at least six feet in depth.
 - Garage doors will provide a setback of 12 to 24 inches from the front wall plane.
 - The side wall of the building end units facing public streets or private drives will be enhanced with design features including shutters and functional access points.

- **Public Plans and Policies**

- The *Park Woodlawn Area Plan* (2013) recommends moderate density residential uses (up to 17 dwelling units per acre) for the proposed site.

- **TRANSPORTATION CONSIDERATIONS**

The site is along a major thoroughfare, and the approximated number of daily trips is not significant

to the area traffic. CDOT continues to be concerned about the pedestrian access from on-street parking spaces along the site's northern boundary.

- See Outstanding Issues, Notes 8 and 9.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 20 trips per day (based on one single family dwelling unit).

Entitlement: 100 trips per day (based on eight single family dwelling units).

Proposed Zoning: 160 trips per day (based on 20 attached dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Housing and Neighborhood Services:** No issues.
 - **Charlotte Fire Department:** No on-street parking on roads less than 26 feet of clear width.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate eight 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 is not projected to increase the school utilization (without mobile classroom units) over current conditions, and utilization will remain as follows:
 - Selwyn Elementary at 181%;
 - Alexander Graham Middle at 112%; and
 - Myers Park High at 114%.
 - **Charlotte Water:** The site has water system availability for the rezoning boundary via an existing six-inch water main located along Park Road. The site currently does not have sewer system availability. The closest available sewer main is approximately 100 feet north on Park Road.
 - **Engineering and Property Management:**
 - **Arborist:** No trees can be planted in the right of way on any existing road (Park Road) and all newly created public streets without permission of the City Arborist's office. Contact Laurie Reid (704-336-5753) at the City Arborist's office with any questions. Note: plans submitted during the land development permitting process will not be approved until a permit for the removal of a right of way tree is obtained. The petitioner must submit a tree survey for all trees two-inches or larger located in the rights of way. In addition, the survey shall include all trees eight-inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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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 Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry

- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

Planner: Solomon Fortune (704) 336-8326