

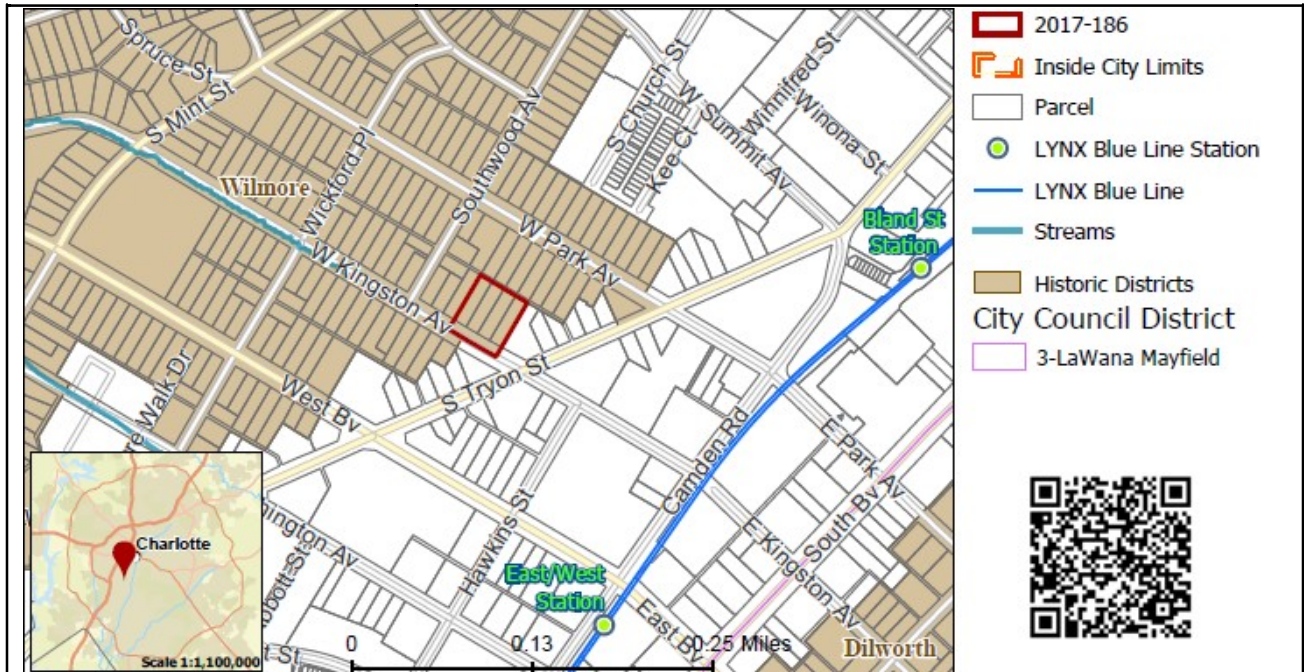
REQUEST

Current Zoning: R-22MF, HD (multi-family residential, historic district overlay)

Proposed Zoning: UR-2(CD), HD (urban residential, conditional, historic district overlay), five-year vested rights

LOCATION

Approximately 0.87 acres located on the north side of West Kingston Avenue, west of South Tryon Street.
(Council District 3 - Mayfield)



SUMMARY OF PETITION

The petition proposes to allow the development of 17 attached townhomes at a density of 19.5 dwelling units per acre on four parcels in the Historic Wilmore Neighborhood.

PROPERTY OWNER

BrNell Holdings, LLC

PETITIONER

The Drakeford Company

AGENT/REPRESENTATIVE

Russell Ferguson PLLC/ Law Offices of Russell Ferguson

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 12

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to site design and transportation and technical issues.

Plan Consistency

The residential land use is inconsistent with the *Central District Plan*, and the density increase over 19.5 units per acre is supported by the *General Development Policies*.

Rationale for Recommendation

- The proposed residential density of 19.5 dwelling units per acre provides a transition between the commercial uses along South Tryon Street and the low density single family along the north side of West Kingston Avenue.
- The existing R-22MF (multi-family residential) would allow development in excess of what is currently proposed.
- The building setback shown on the site plan matches the setback of the previous buildings and is compatible with other setbacks along West Kingston Avenue in this Historic District Location, but dimensional setback note does not correspond.

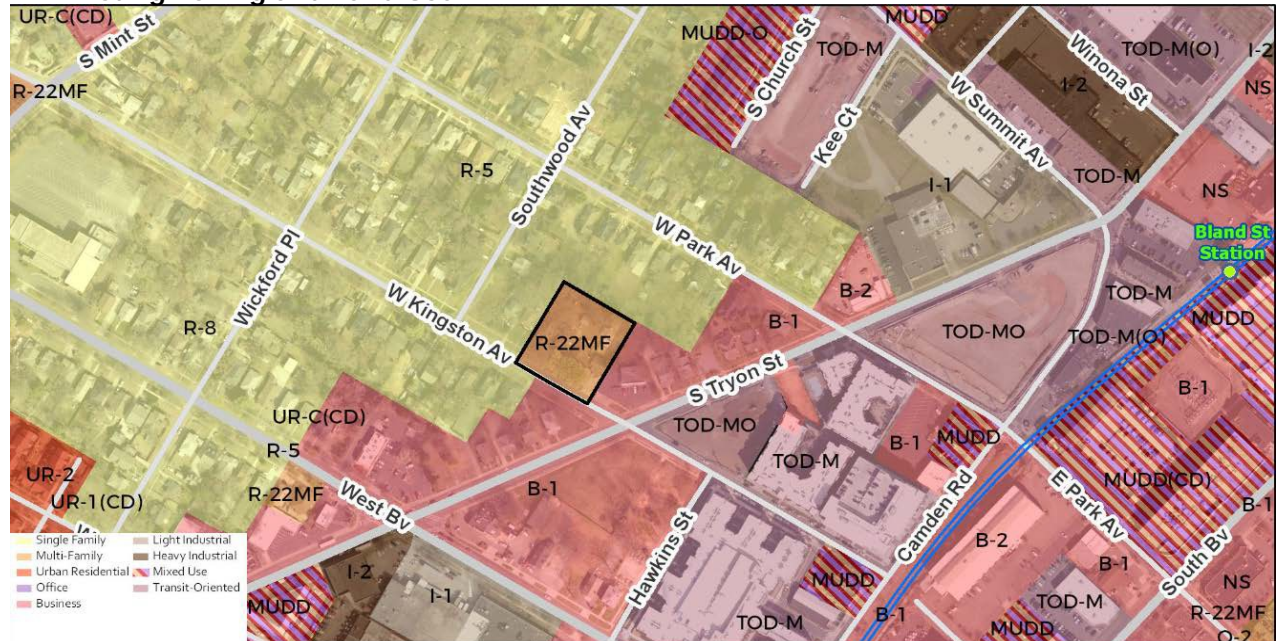
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 17 single family attached dwelling units at a maximum density of 19.5 dwelling units per acre.
- Existing 14.5 foot-planting strip and five-foot sidewalk will remain along West Kingston Avenue.
- 45-foot setback from the existing back of curb.
- Single family attached will be three stories in height.
- Eight-foot Class "C" buffer landscaping area will be provided along the western propertyline.
- Ten-foot Class "C" buffer landscaping area will be provided along the northern propertyline.
- Building elevations of the proposed structures are shown.
- Provides the following architectural treatments:
 - Building materials will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco.
 - Vinyl may only be used on windows, garage doors, soffits, trim and handrails/railings.
 - Attached units in buildings "A & B" will have front entrances and rear vehicular access from the internal private driveway.
 - Attached units in buildings "C & D" will have entrances to the rear of the property, with only vehicular access from the internal driveway.
- Freestanding lighting will be limited to 22 feet in height.

• Existing Zoning and Land Use



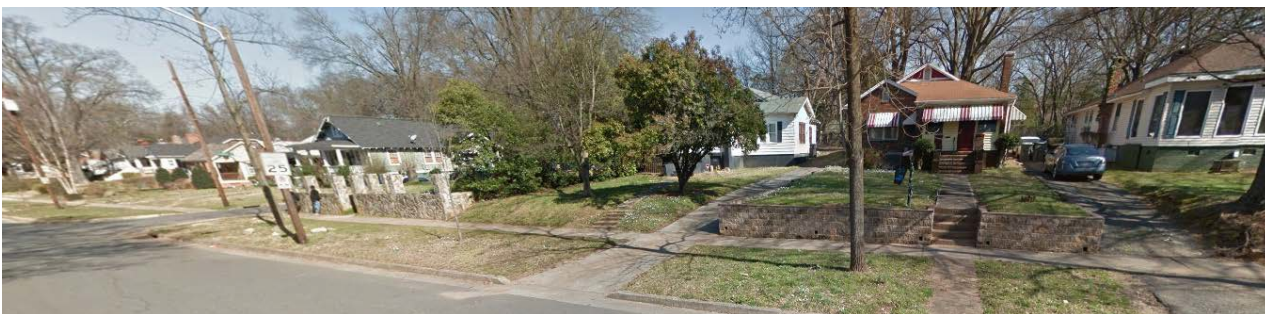
- The subject site is currently zoned R-22MF HD (multi-family residential, historic district overlay) and developed with two commercial structures for a daycare.
- See "Rezoning Map" for existing zoning in the area.
- The properties to the north and west are currently zoned R-5 (single-family) and developed with residential structures. The properties to the east and south are zoned B-1 (neighborhood business) and developed with residential and commercial structures.



The subject site is developed with two structures for a daycare use.



East of the site is a convenience store at West Kingston Avenue and South Tryon Street.

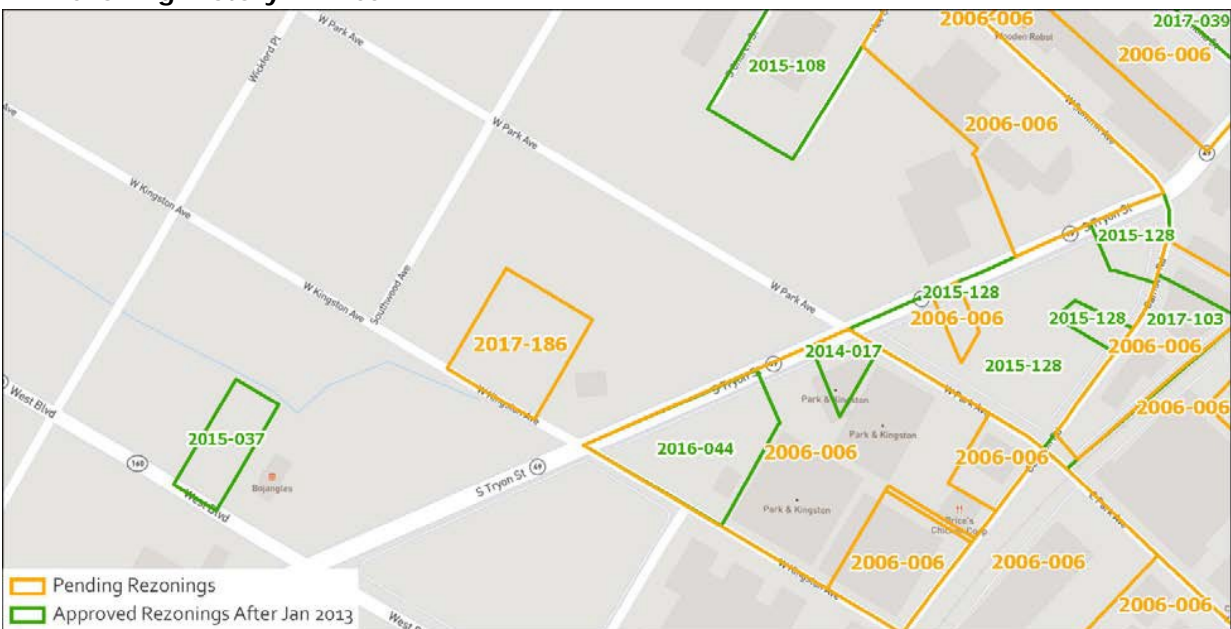


West of the site are single family homes.



South of the site, across West Kingston Avenue, are single family homes and duplexes.

- **Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|--|----------|
| 2016-044 | Rezoned 0.9 acres to TOD-MO (transit oriented development - mixed-use, optional) to allow the development of 130-room hotel. | Approved |
| 2015-128 | Rezoned 2.3 acres to TOD-MO (transit oriented development - mixed-use, optional) to allow the development of 285,000 square feet for office and ground floor retail. | Approved |
| 2015-108 | Rezoned 1.7 acres to TOD-R (transit oriented development - residential) to allow all uses in the district. | Approved |
| 2015-037 | Rezoned 0.46 acres to O-1(CD) (HD) (office, conditional, historic district overlay) to allow the reuse of existing building and construct a new building for residential and office use. | Approved |
| 2014-017 | Rezoned 0.19 acres to TOD-M (transit oriented development – mixed-use) to allow all uses in the district. | Approved |

• Public Plans and Policies



- The *Central District Plan* (1993) recommends retail uses on the subject properties, reflecting the day care use previously on the site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of over 17 dwellings per acre as illustrated in the table below.

| Assessment Criteria | Density Category – over 17 dua |
|------------------------------------|--------------------------------|
| Meeting with Staff | 1 |
| Sewer and Water Availability | 2 |
| Land Use Accessibility | 3 |
| Connectivity Analysis | 5 |
| Road Network Evaluation | 1 |
| Design Guidelines | 4 |
| Other Opportunities or Constraints | NA |
| Minimum Points Needed: 11 | Total Points: 16 |

- **TRANSPORTATION CONSIDERATIONS**

- The site is on a local street approximately 200 feet from the unsignalized intersection with a major thoroughfare. The site plan maintains the existing sidewalk and wide planting strip, which is adequate to support this project.
- See Outstanding Issues, Note 6
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 20 trips per day (based on seven dwelling units).
 - Entitlement: 240 trips per day (based on 19 dwelling units).
 - Proposed Zoning: 140 trips per day (based on 17 dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce zero students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development is projected to retain the existing school utilization (without mobile classroom units) as follows:
 - Dilworth Elementary at 136%
 - Alexander Graham Middle from at 112%
 - West Charlotte High from at 96%.
- **Charlotte Water:** Has accessible water system infrastructure for the rezoning boundary via an existing six-inch distribution main located along Kingston Avenue. Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer infrastructure will be able to support this development after the completion of a public infrastructure project – Charlotte Water’s Wilmore Drive to I-77 Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. There is a tentative completion date of end of Summer 2019. A Willingness to Serve application has been received and is currently under review. Correspondence will be maintained with the applicant.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from or planted in the right-of-way without permission of the City Arborist’s office. The petitioner also must submit a tree survey for all trees two inches or larger located in the rights of way.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** Site shall comply with the City of Charlotte Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

OUTSTANDING ISSUES

Site and Building Design

1. Provide a note that limits the height to three stories and 40 feet.
2. Show and label building setback from West Kingston Avenue based on the building location shown on the site plan.
3. Show and label rear yard based on the building location shown on the site plan.
4. Provide a 15-foot class “C” buffer along the rear property line.
5. Provide a 10-foot class “C” buffer in addition to the proposed wall along the western property line.

Transportation

6. The petitioner should revise the site plan and remove the Type II Modified Driveway label from the site plan.

REQUESTED TECHNICAL REVISIONSLand Use

7. Provide an amended application with the requested UR-2(CD) (HD) district, removing reference to Transit Overlay District.
 8. Update the site plan with UR-2(CD) (HD) requested district under the site data table.
 9. Remove the five-year vested rights from the original application.
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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 Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Transportation Review

Planner: Solomon Fortune (704) 336-8326