

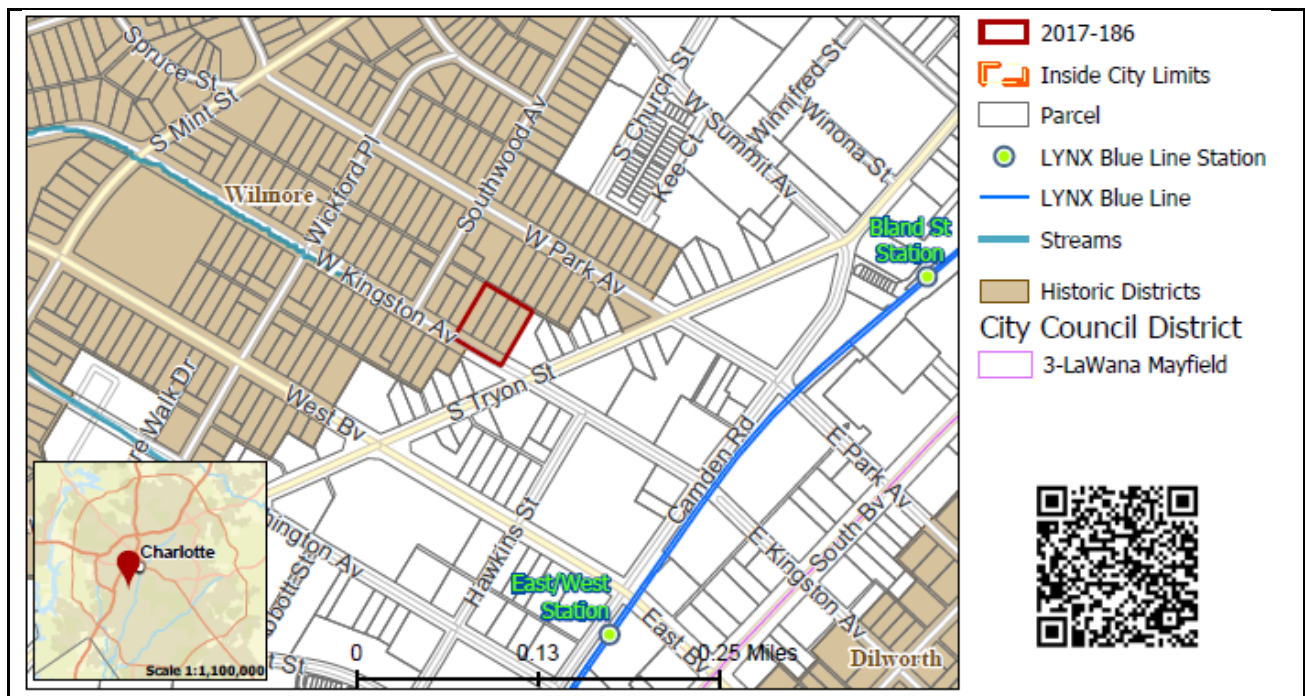
## REQUEST

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

Proposed Zoning: UR-2(CD), HD (urban residential, conditional, historic district overlay), with 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 19 attached townhomes at a density of 21.8 dwelling units per acre on four parcels in the Historic Wilmore Neighborhood.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

BrNell Holdings, LLC  
The Drakeford Company  
Russell Ferguson PLLC, Law Offices of Russell Ferguson

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 5

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The residential land use is inconsistent with the *Central District Plan* recommendation for retail use, but the request is not an increase in density over the existing R-22MF zoning district.

### Rationale for Recommendation

- The subject site is located at the edge of the Wilmore Historic District. West of the site are single family homes, also part of the historic district. East of the site are commercial uses.
- The proposed residential density of 21.8 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) zoning would allow residential development at the density being proposed.
- The building setback shown on the site plan matches the setback of the buildings currently located on the site and is compatible with other setbacks along West Kingston Avenue.

The approval of this petition will revise the adopted future land use map as specified by the *Central District Plan*, from retail to residential up to 22 dwelling units per acre for the site.

## PLANNING STAFF REVIEW

### • Background

- At its meeting on March 19, 2018, the City Council held a public hearing on this conditional request to rezone the subject site from R-22MF (HD-O) (multi-family residential, historic district overlay) to UR-2(CD) (HD-O) (urban residential, conditional, historic district overlay). At that meeting some neighbors and council members expressed concerns about the water-runoff, open space, guest parking, trash pickup, and building elevations for the proposed development.
- At the April 3<sup>rd</sup>, May 1<sup>st</sup>, and June 3<sup>rd</sup>, 2018 meetings of the Zoning Committee, the Committee voted to defer the petition to allow the developer to have time to work on revising the plan.
- At the July 31, 2018 Zoning Committee Work Session, staffed informed the Committee that the petitioner submitted a revised plan with a new site design, additional residential units, and scale and massing changes adjacent to single family residential. The proposed changes would require another hearing with the Historic District Commission and that it should be sent back to City Council for a new rezoning public hearing. The Zoning Committee unanimously voted 7-0 to send the petition back to City Council for a new public hearing.

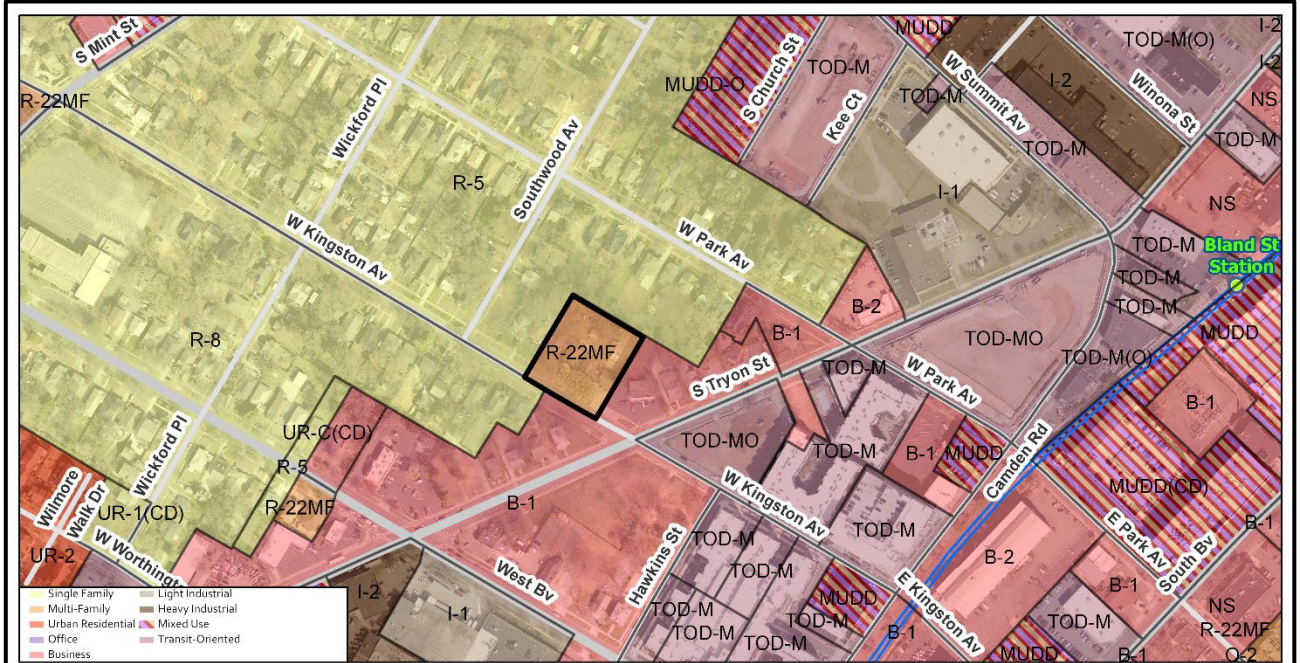
### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

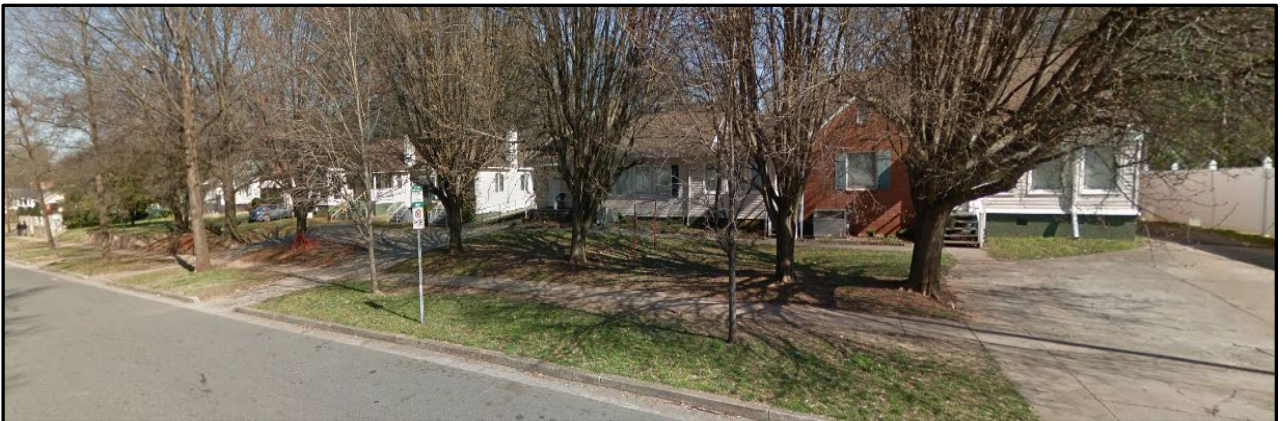
- Allows up to 19 single family attached dwelling units at a maximum density of 21.8 dwelling units per acre.
- Existing 14.5 foot-planting strip and six-foot sidewalk will remain along West Kingston Avenue.
- 53-foot building setback from the existing back-of-curb.
- Single family attached units will be a maximum of 34 feet and three stories in height.
- Eight-foot Class "C" buffer landscaping area with fence will be provided along the western propertyline.
- 11-foot Class "C" buffer landscaping area will be provided along the northern propertyline.
- 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.



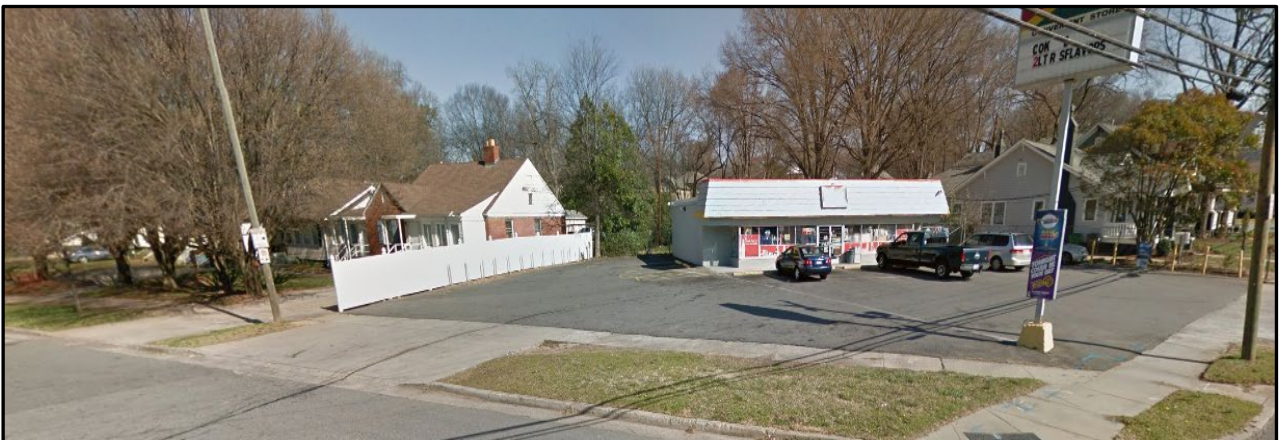
- **Existing Zoning and Land Use**



- The subject site is currently developed with two commercial structures for a daycare.
- The properties to the north and west are currently developed with residential structures. The properties to the east and south are developed with residential and commercial structures.

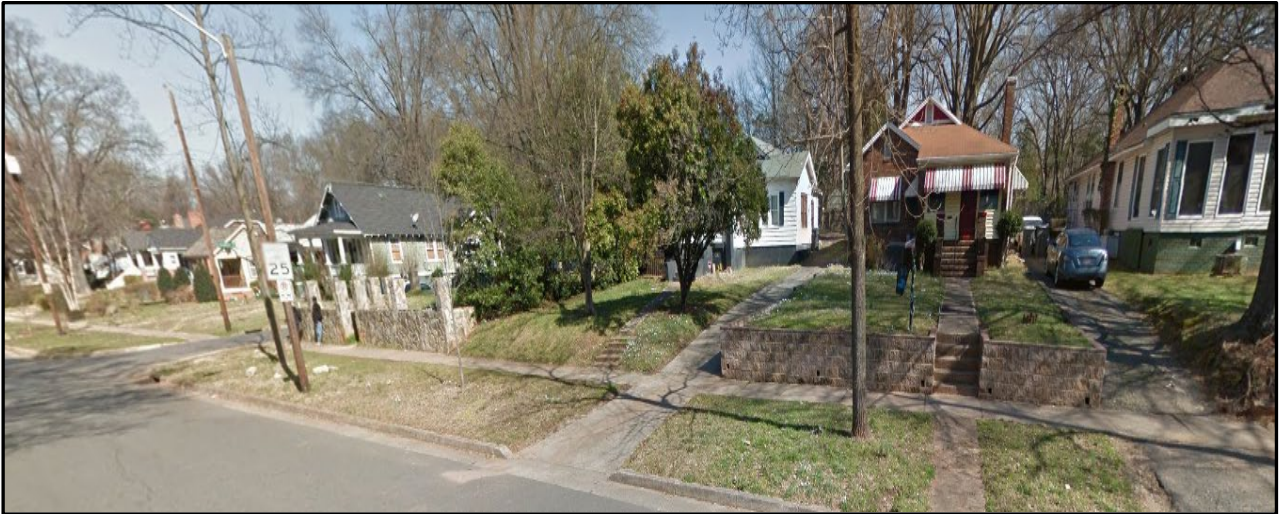


The subject site is developed with two structures for a daycare use.



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





West of the site along West Kingston Avenue are single family homes.



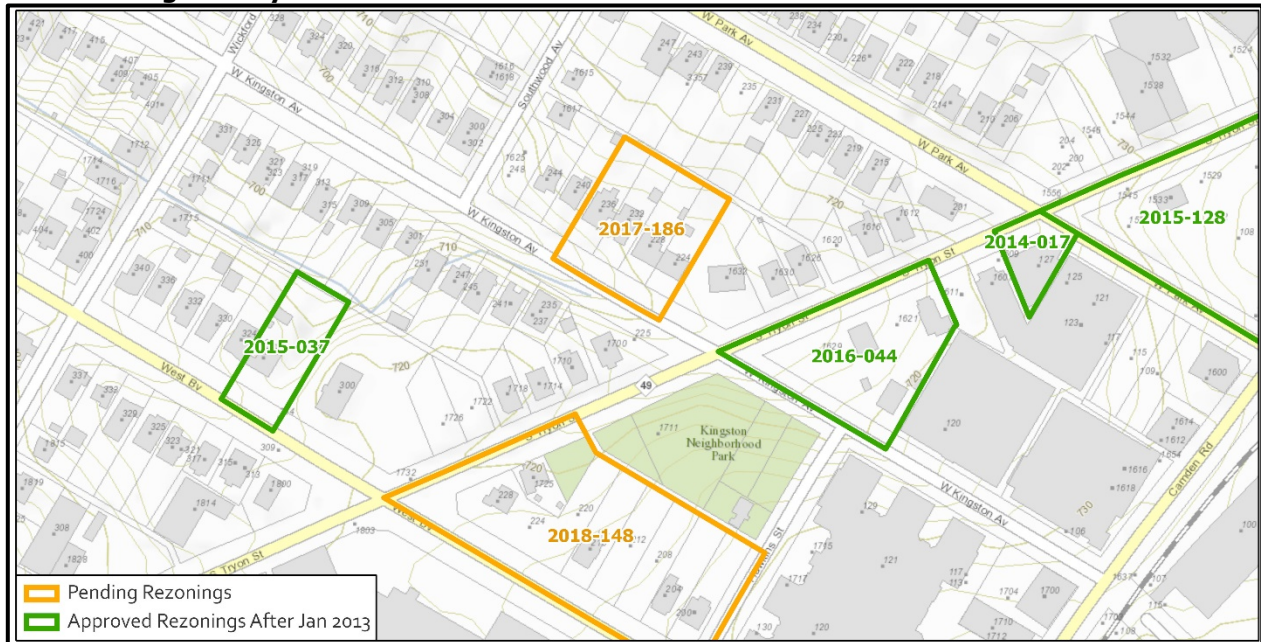
South of the site, across West Kingston Avenue, are single family homes and duplexes.



North of the site, along West Park Avenue, are single family homes.

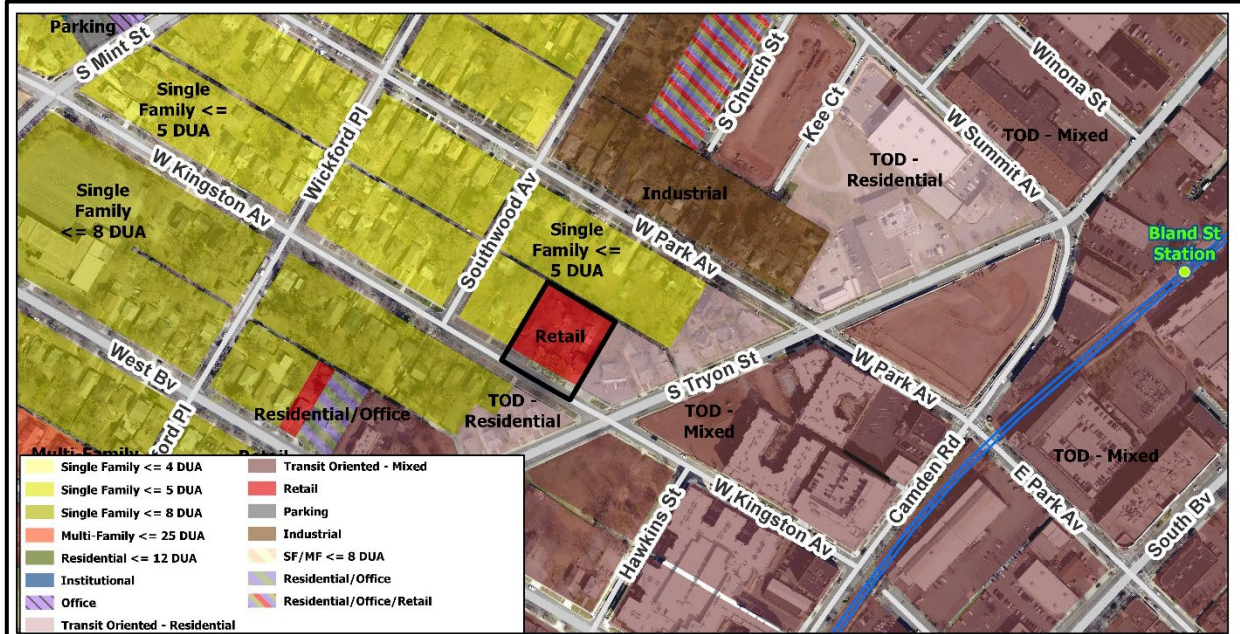


• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-103	Rezoned 0.80 acres to TOD-MO (transit oriented development - mixed-use, optional) at allow the reuse of 14, 381 square feet in two buildings for non-residential uses.	Approved
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.
- **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.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 20 trips per day (based on 7 dwelling units).
      - Entitlement: 240 trips per day (based on 19 apartments).
    - Proposed Zoning: 160 trips per day (based on 19 townhomes).

**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 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 existing school utilization over existing conditions (without mobile classroom units) and utilization will remain as follows:

  - Dilworth Elementary at 136%
  - Alexander Graham Middle from at 112%
  - West Charlotte High from at 96%.
- **Charlotte Water:** 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.
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **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 and label 20-foot building setback from the rear property line.~~ Addressed
2. ~~Reduce the number of units by one in building "D" to allow for additional buffer along the western property line.~~ Rescinded by Staff.
3. ~~Remove note 7 under "Open Space" from the plan.~~ Addressed
4. ~~Provide a full 15-foot class "C" buffer along the rear property line.~~ Addressed
5. ~~Provide a full 10-foot class "C" buffer in addition to the proposed wall along the western property line.~~ Addressed
6. ~~Site must provide a six-foot sidewalk along the West Kingston Avenue to comply with the zoning ordinance.~~ Addressed
7. ~~Provide a note that petitioner reserves the right to modify the proposed sidewalk width per section 9.407 (4), and must file for a modification if petitioner intends pursue a sidewalk width reduction.~~ Addressed

##### Environment

8. ~~Submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right of way. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ Addressed

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#### Attachments Online at [www.rezoning.org](http://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