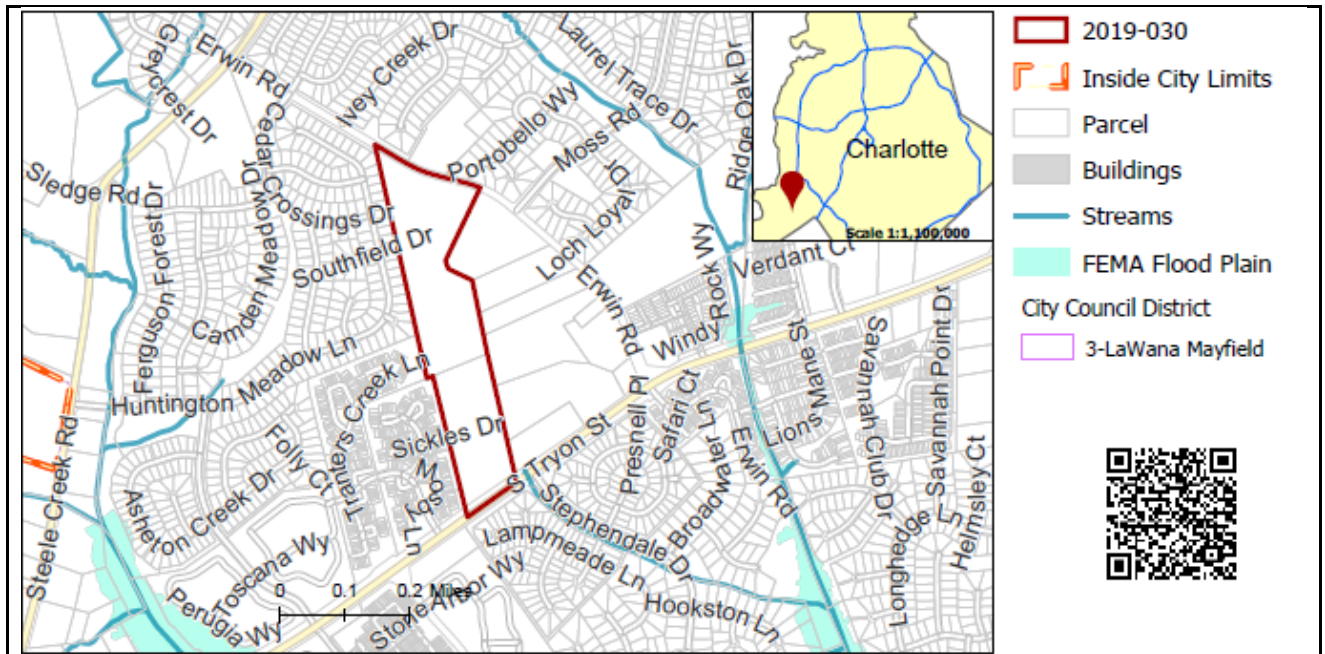


REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)

LOCATION

Approximately 30.73 acres located on the north side of South Tryon Street, south of Erwin Road, east of Choate Circle.



SUMMARY OF PETITION

The petition proposes to allow a multi-family residential development on a vacant parcel of land in southwest Charlotte, northeast of Rivergate.

PROPERTY OWNER

Sellprops Carolina Corp, LLC
William S Gordon, Jr. and Alice B. Gordon Family Trust

PETITIONER

AGENT/REPRESENTATIVE

Continental 475 Fund, LLC
Collin Brown and Bailey Patrick, Jr.

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 100

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition provides residential land uses found in the the *Steele Creek Area Plan*, but it is **inconsistent** with the density recommendation of 4 dwelling units per acre on the northern portion of the property (Erwin Road), and 8 dwelling units per acre on the southern portion (S. Tryon Street).

Rationale for Recommendation

- The petitioner has reduced the number of units from 312 to 272, and the density from 10.2 DUA to 8.85 DUA.
- The proposed density of ~~10.2~~ 8.85 DUA exceeds the 4 and 8 DUA recommendations for the site. The project layout has been

adjusted to move buildings further away from existing single family residential homes to the south.

- The proposed development provides transportation improvements, including a new public road that will connect South Tryon Street to Erwin Road, and a multi-use path and CATS bus waiting pad on South Tryon Street.
- The proposed development provides a buffer between the proposed multi-family and existing single family on adjacent properties.
- The buildings will be limited to a height that is compatible with neighboring development.
- The proposed development is consistent with the existing mix of residential housing in the area.
- The petition provides common open space and amenity areas to support the proposed residential project.

The approval of this petition will revise the adopted future land use as specified by the *Steele Creek Area Plan*, from current residential land use up to 8 DUA and 4 DUA, to residential land use up to 12 DUA for the entire site.

PLANNING STAFF REVIEW

• Background

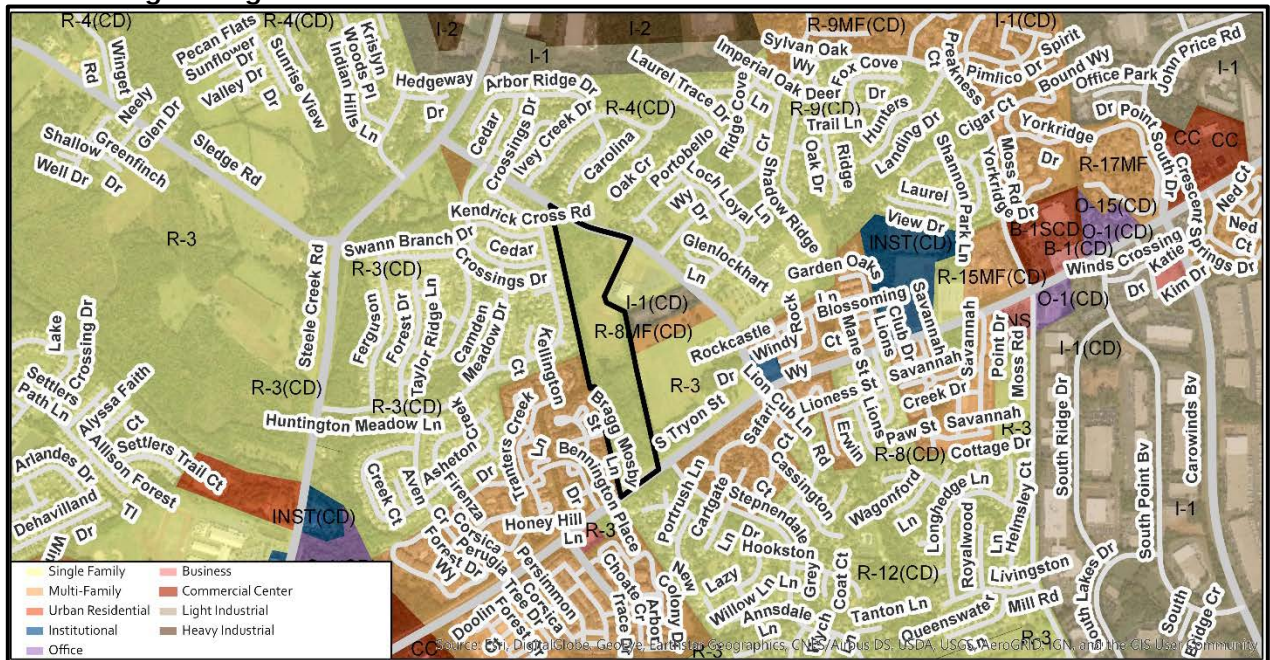
- The City Council public hearing for rezoning petition 2019-030 was held on July 15, 2019. Staff did not support this request due to density. At its meeting of July 30, 2019, the Zoning Committee recommended denial of this request. The petitioner has since submitted a revised site plan with fewer units and buildings relocated further away from existing single family residential detached homes.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to ~~312~~ 272 multi-family residential dwelling units at ~~40-45~~ 8.85 units per acre with parking areas (including covered parking), and amenity areas.
- Limits building height to 40 feet and 2 stories.
- A ~~50-foot~~ 37.5-foot Class C buffer with 5-foot ~~decorative fence~~ opaque fence or wall around perimeter and adjacent to single family homes along the portion the western property line abutting single family detached homes zoned R-3(CD). A separate note indicates only 37.5-foot buffer; needs clarification.
- Provides a minimum 6 acres of preservation areas.
- Provides a minimum 20,000 square feet of common open space and amenity areas to include but not be limited to landscaping, hardcaping, benches, garden artwork, pools, clubhouses, pet parks, washing stations, and/or walking paths.
- Illustrates wetland areas and stormwater buffers.
- Proposes the following transportation commitments:
 - Proposes access to the development via new Public Road A that will extend from South Tryon Street to Erwin Road.
 - Proposes 2 gated entrances from Public Road A, and one gated proposed emergency access point from Erwin Road.
 - Commits to a 12-foot multi-use path along South Tryon Street, with back of path 64 eet from centerline.
 - Constructs a left turn lane on Erwin Road at the site's proposed access.
 - Constructs a northbound leftover on South Tryon Street at Public Road A.
 - ~~Designs and constructs dual turn lanes westbound on Erwin Road onto Steele Creek Road, as generally depicted on the rezoning plan. Includes Exhibit 1 on Sheet RZ-1 illustrating improvements.~~
 - ~~Notes that if deemed warranted by CDOT and NCDOT, petitioner will install signalization for the intersection of South Tryon Street and Erwin Road so long as such installation costs do not exceed \$75,000.~~
 - Constructs a concrete pad for a bus stop along South Tryon Street.
 - Dedicates all rights-of-way in fee simple conveyance to the City of Charlotte before issuance of the site's first building certificate of occupancy.
 - Provides language on site plan regarding public roadway improvements and acquisition of additional right-of-way.

- Commits to the following architectural standards:
 - Limits building height to 2 stories.
 - Limits building length to 250 feet in length along a right-of-way.
 - Requires that multi-family buildings 150 feet in or longer divide facades into shorter segments by means of façade modulation or mass separation at intervals of no more than 60 feet.
 - Requires all ground floor entrances to have a direct pedestrian connection between street facing doors to adjacent on-site sidewalks.
 - Prohibits vinyl as a building material except for windows, trim, and soffits.
 - Prohibits band or strip-window fenestration design.
 - Requires a minimum transparency of 25% for all upper-level floors.
 - Proposes usable porches and stoops to form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches should be covered and be at least 6 feet deep.
 - Proposes all corner/end units facing a public or private street have a porch, stoop or blank wall provisions that wrap a portion of the front and side of the unit to limit the maximum blank wall expanse to 10 feet on all building levels.
- Existing Zoning and Land Use**



- The site is currently vacant and immediately surrounded by single family detached residences, townhomes, apartments, and vacant land. Also nearby are daycare, educational (Lake Wylie Elementary), and religious facilities, and an office/utility use.
- Petition 2008-118 was a request to rezone a 20 acre portion of the site from R-3 to INST(CD) (institutional, conditional) to allow an active adult retirement community with 35 villa townhomes and 110 dependent senior condominiums for an overall density of 7 units per acre. The request did not proceed to public hearing.



The subject property is vacant.



A single family residential neighborhood abuts the site directly to the west.



A townhome community also abuts the site directly to the west.

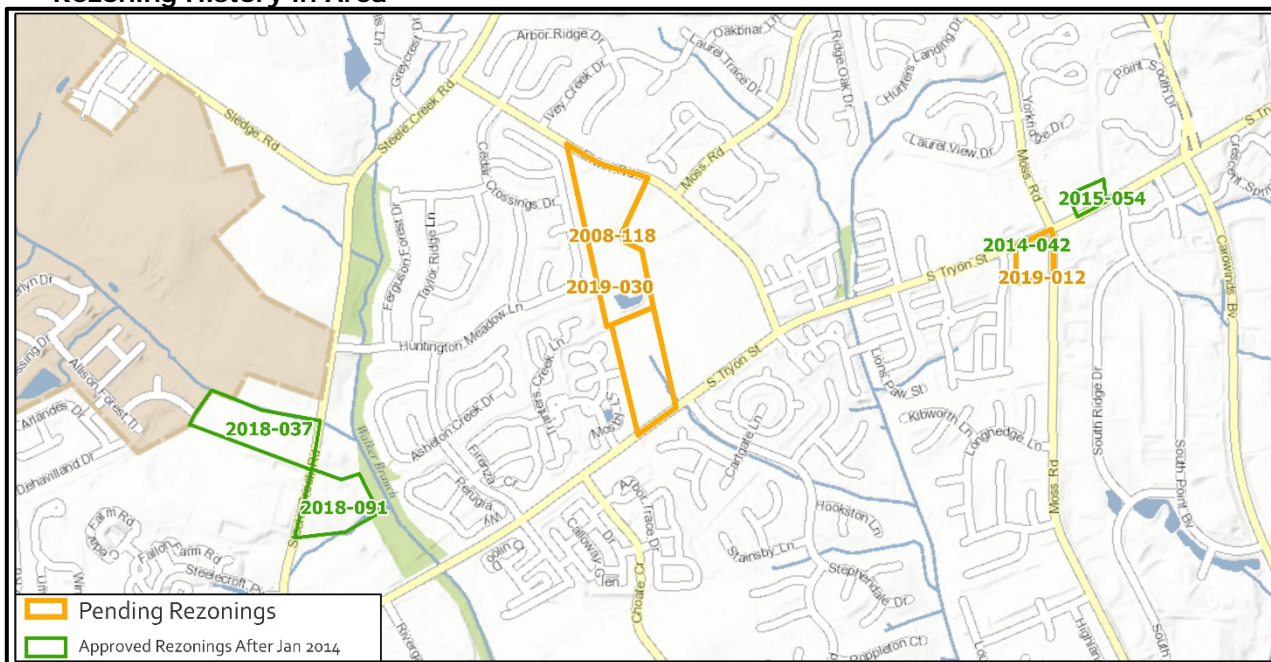


Townhomes and a daycare facility are located to the east.



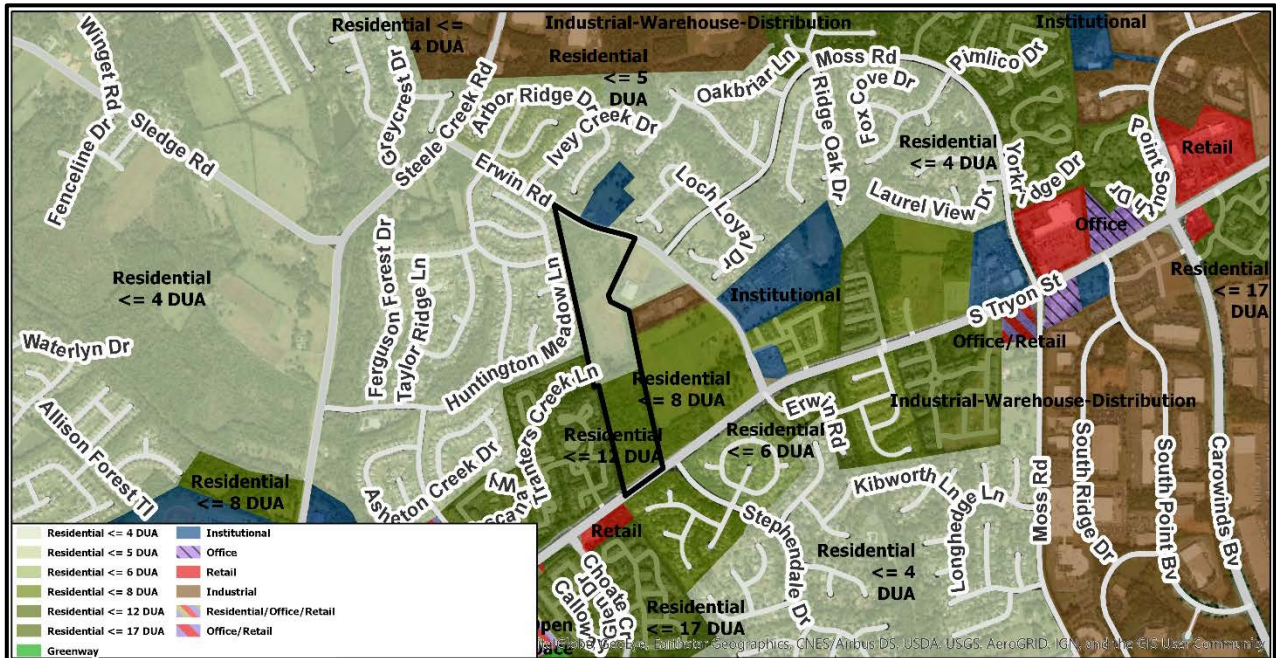
A religious institution is located to the east.

- Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|--|----------|
| 2019-012 | NS site plan amendment for 2.84 acres to modify an approved plan to allow up to 30,500 square feet of grocery store and retail uses. | Approved |
| 2018-091 | O-1 site plan amendment for 8.65 acres to modify an approved site plan to reduce a required buffer and adjust language pertaining to permitted uses on the site. | Approved |
| 2018-037 | Rezoned 12.5 acres from R-3 to UR-2(CD) to allow 75 townhomes at a density of 6.3 units per acre. | Approved |
| 2015-054 | Rezoned 1.56 acres from B-1SCD to B-1(CD) to allow up to 10,000 square feet of office, retail, EDEE, personal services and other commercial uses allowed in the B-1 district. | Approved |
| 2014-042 | NS site plan amendment for 2.84 acres to allow for additional uses on the site to include up to 6,000 square feet of retail and/or automobile services, and to increase the square footage of a previously approved office building from 29,000 square feet to 30,000 square feet. | Approved |

- Public Plans and Policies**



- The *Steele Creek Area Plan* (2012) recommends residential land use up to 8 DUA for about half of the site closest to South Tryon Street, and residential up to 4 DUA for the remaining portion of the site up to Erwin Road.
- TRANSPORTATION CONSIDERATIONS**
 - The site is located on major thoroughfare and a minor thoroughfare. The site plan commits to building a local street connecting South Tryon Street and Erwin Road. The site plan also commits to streetscape improvements on South Tryon Street and on Erwin Road.
 - Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 960 trips per day (based on 92 single family homes).
 - Proposed Zoning: 2,320 trips per day (based on 312 apartments).

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.

- **Charlotte Department of Housing and Neighborhood Services:** There is an estimated need for approximately 24,000 affordable housing units in the City of Charlotte. To increase the supply, developers are encouraged to assist in providing homes at diverse price points to meet increased housing demand.
- **Charlotte Department of Solid Waste Services:** Advisory comments provided online regarding dumpster requirements.
- **Charlotte Fire Department:** Fire hydrant must be 750 feet from the most remote point of building as truck travels. See Section D 106. IFC 2018 for access requirements.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 52 students, while the proposed development may add 114 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Lake Wylie Elementary from 105% to 115%
 - Southwest Middle from 134% to 136%
 - Olympic High from 132% to 133%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Erwin Road, and via an existing 16-inch transmission main located along South Tryon Street. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. 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 comments submitted.
 - **Erosion Control:** No comments submitted.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

1. ~~Reduce density of proposal to better conform to the recommendations of the area plan.~~ Addressed.
2. ~~Consider reducing building masses of buildings 6, 7, & 8 to better transition to adjacent single family uses.~~ Addressed.
3. ~~Increase fence height from 5 feet to 6 feet along adjacent single family property lines, and clarify fence type to ensure it provides adequate screening.~~ Addressed.

REQUESTED TECHNICAL REVISIONS

4. ~~Under Site Data remove "Min. Building Separation: 10' Per Ordinance" from the site plan.~~ Addressed.
5. ~~Label setbacks along Erwin Road and Public Road A.~~ Addressed.
6. ~~Confirm if the area adjacent to proposed Building 3 is a dumpster enclosure/refuse area. If so, label on the site plan.~~ Addressed.
7. ~~Remove Monument Sign label and proposed location from the site plan.~~ Rescinded.
8. ~~Petitioner proposes a 50-foot Class C buffer along the western property line. Open Space and Amenities Note VII.3 proposes a "minimum 37.5-foot Class C buffer" in this location. Petitioner should clarify intent to have ability to reduce buffer by 25% with wall or fence per ordinance and modify labelling and development note to reflect consistency.~~ Addressed.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Claire Lyte-Graham (704) 336-3782