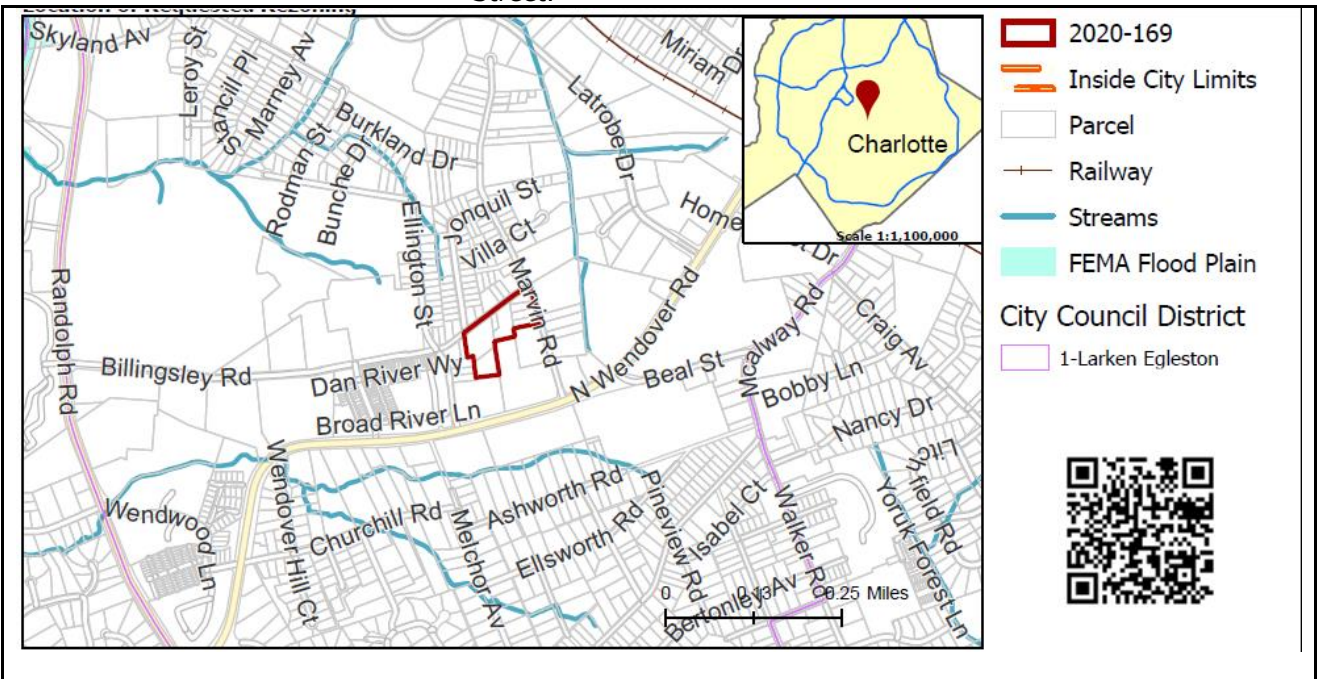


**REQUEST**

Current Zoning: R-22MF (multi-family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 3.556 acres located along the south side of Billingsley Road, on the west side of Marvin Road, east of Ellington Street.



**SUMMARY OF PETITION**

The petition proposes to allow a multi-family residential development on a vacant parcel located at the southwest corner of Billingsley and Marvin Roads.

**PROPERTY OWNER**

Billingsley Road LLC; Charlotte-Mecklenburg Housing Partnership, Inc

**PETITIONER**

Charlotte-Mecklenburg Housing Partnership

**AGENT/REPRESENTATIVE**

Dujuana Keys, Moore & Van Allen

**COMMUNITY MEETING**

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 petition is consistent with the *Central District Plan* (1993) recommendation for multi-family residential with no specified density.

Rationale for Recommendation

- The adopted plan supports multifamily residential development.
- The proposal development supports the need for variety in housing types and housing needs.
- The request commits to 8-foot sidewalk and 8-foot planting strip along Billingsley Road and 10-foot multi-use path and 8-foot planting strip along Marvin Road.
- The request commits to provision of an ADA compliant bus waiting pad with location to be coordinated during the Land Development permitting process.

- The petition commits to 20-foot setbacks along Billingsley and Marvin Roads.
- The request provides a Class C buffer along all property lines abutting single family residential zoning or in single family residential use.
- The site is surrounded by a mix of single family, multifamily, institutional, office, and retail uses.

## PLANNING STAFF REVIEW

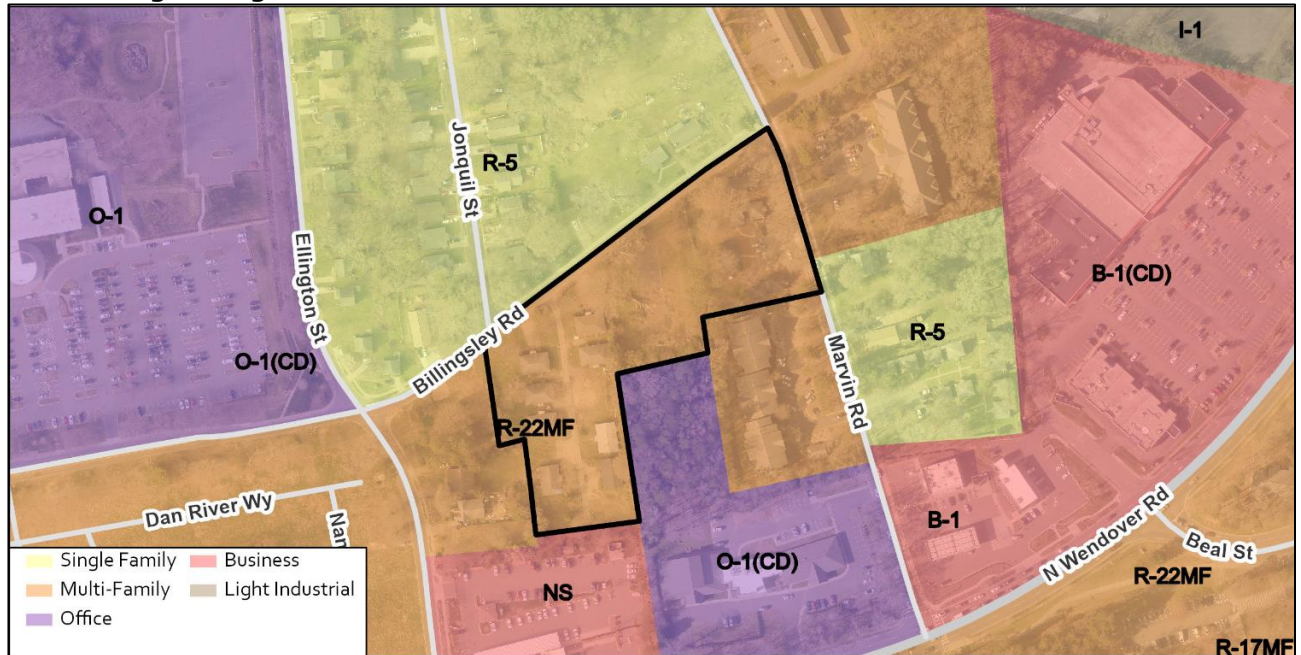
### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to ~~100~~ 85 ~~age-restricted~~ multi-family residential dwelling units in 1 building (~~28-12~~ 23.90 units per acre).
- Provides a note regarding Affordable Housing & ~~Age-Restricted~~ Commitment. Petitioner commits that the permitted residential units are developed for rental housing units that shall maintain monthly rents that are income-restricted for households earning up to and including 80% of Area Median Income for at least a period of thirty (30) years from the issuance of certificates of occupancy for such units. Area Median Income shall mean the then-existing Area Median Income of Mecklenburg County, North Carolina, Metropolitan Statistical Area, as determined using guidelines, definitions, and pricing adopted by the U.S. Department of Housing and Urban Development (HUD) or such other metric mutually acceptable to Petitioner and the City. Petitioner shall use diligent good faith efforts to obtain applicable low income tax credits during the applicable application periods over the one (1) year period after approval of this Rezoning. In the event that after the exercise of such good faith efforts, Petitioner is unable to obtain applicable low income tax credits or other required funding within such one-year period, the Site may be developed without regard to the Affordable Housing ~~or Age-Restricted~~ Commitment.
- Proposes a 24-foot Class C buffer along parcels zoned single family residential and/or single family residential use. May be reduced 25% with a wall or fence.
- Illustrates potential tree save areas.
- Proposes access via Billingsley and Marvin Roads.
- Provides a ~~14~~ 16-foot 20 setback along Billingsley Road from back of future curb.
- Provides a ~~14~~ 20-foot setback along Marvin Road from back of future curb.
- Proposes an 8-foot sidewalk and 8-foot planting strip along Billingsley Road and 10-foot multi-use path and 8-foot planting strip along Marvin Road.
- Commits to provision of an ADA compliant bus waiting pad per Land Development Standard 60.01B. The final pad location will be coordinated during the Land Development permitting process.
- Commits to a minimum of eight hundred (800) square feet of common usable open space that may include play areas, enhanced landscaping, outdoor seating, picnic area, covered patios, lawn area and/or similar outdoor amenities.
- Proposes the following design guidelines:
  - Proposes building materials used on the principal building(s) constructed on Site will be a combination of portions of the following preferred building materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block, and/or wood.
  - Vinyl or aluminum as a building material may only be used on windows, soffits, canopies, and on handrails/railings; concrete masonry units not architecturally finished are prohibited as a building material.
  - Prohibits location of parking lots between building and Billingsley Road and/or Marvin Road.
  - Notes building massing and height shall be designed to break up long monolithic building forms using recesses, projections, and architectural details.
  - Notes elevations shall be designed to create visual interest through a combination of exterior wall offsets, projections, recesses, pilasters, banding, and change in materials or colors.
  - Notes buildings shall be designed with a recognizable architectural base on all facades facing Billingsley Road and Marvin Road.
  - Building elevations facing Billingsley Road and Marvin Road shall have a minimum transparency of 20% on the ground floor between 3 feet and 10 feet as measured from the base of the facade.



- Existing Zoning and Land Use



The site is currently vacant and is surrounded by a mix of single family and multi-family residential developments, institutional, office, and retail uses on parcels in various zoning districts.



The rezoning site is vacant.





The rezoning site is vacant.



The rezoning site is now vacant (view from 2007).





North are single family residential homes.



East are single family homes and multifamily residential developments.



North and west are an institutional facility and multifamily residential units under construction.



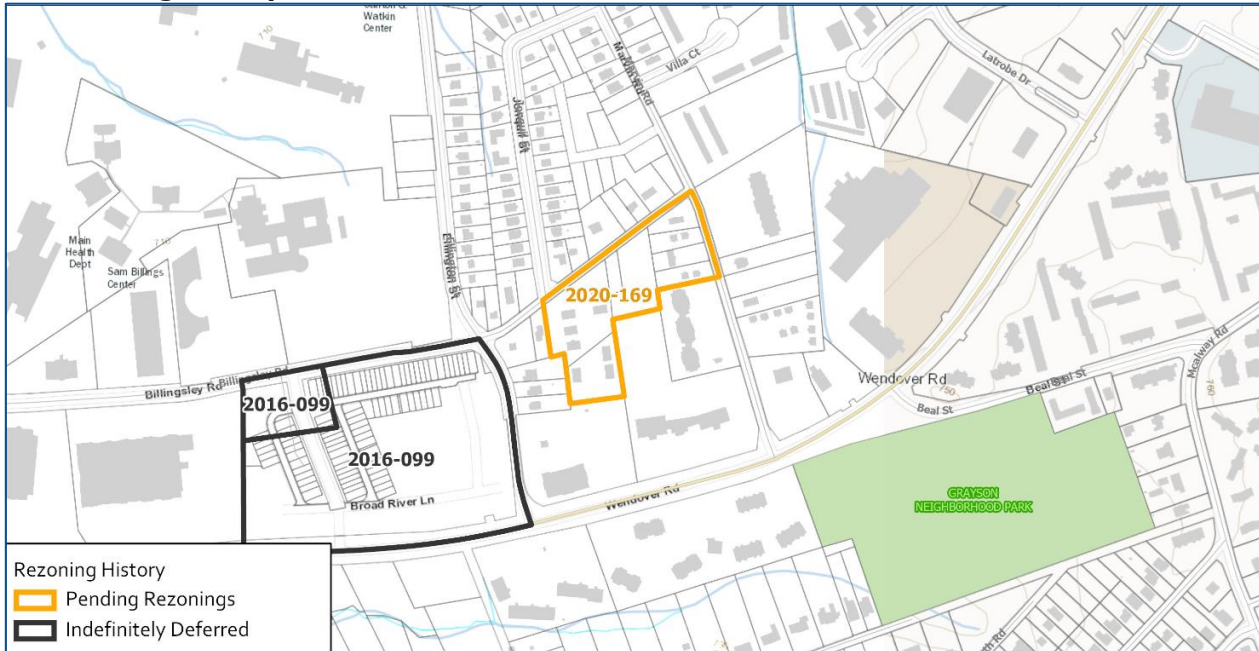
South are apartments, offices, and institutional uses.





The site (denoted by red star) is surrounded by a mix of residential and non-residential uses.

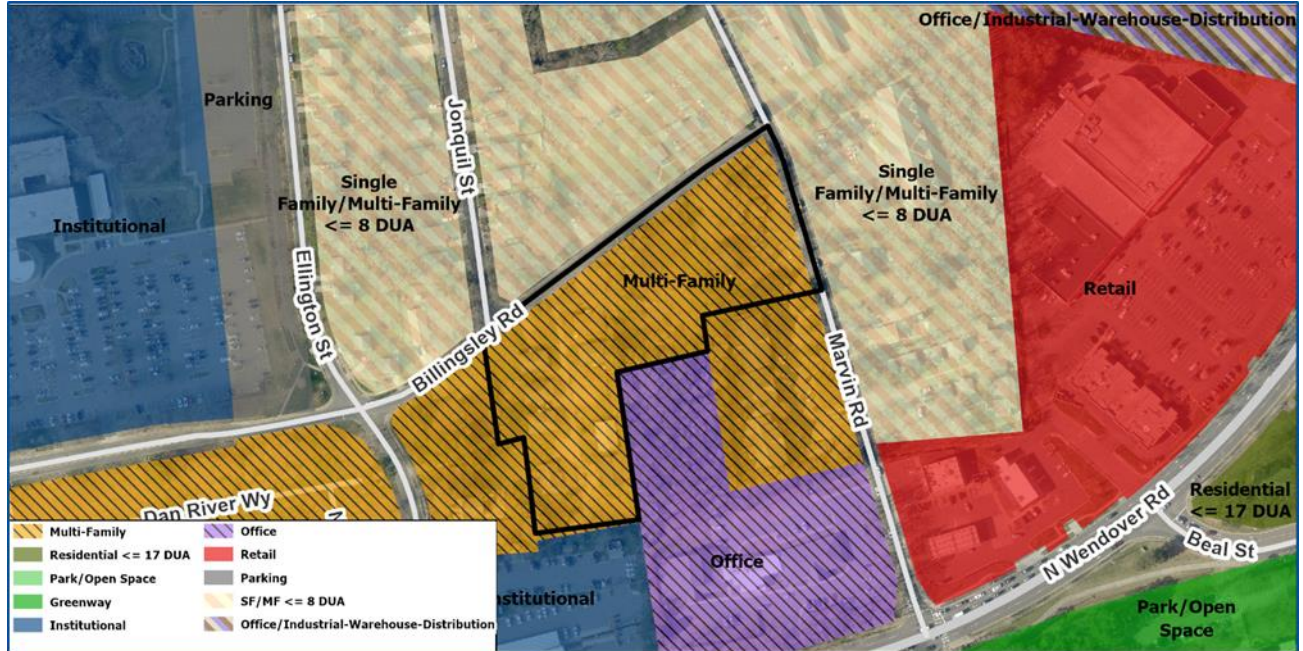
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-099	Rezone 10 acres from R-22MF to NS and BD(CD)	Indefinite Deferral



- **Public Plans and Policies**



- The *Central District Plan* recommends multi-family residential for the parcel with no specified density.
- **TRANSPORTATION SUMMARY**
  - The site is located on two City-maintained, major collector roads, Billingsley Road and Marvin Road. The petitioner commits to constructing an 8-foot planting strip and 8-foot sidewalk along Billingsley Road and Marvin Road. The wider sidewalk meets the Charlotte WALKS Policy. All CDOT comments have been successfully addressed.
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 240 trips per day (based on 20 townhomes).

Entitlement: 425 trips per day (based on 78 apartments).

Proposed Zoning: 465 trips per day (based on 85 apartments).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** The proposed development is aligned with the Housing Charlotte Framework and will help achieve City Council's goal to increase the supply of affordable and workforce housing
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 14 students, while the development allowed under the proposed zoning will generate 16 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 2.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Billingsley Elementary (K-2) remains at 79%
    - Cotswold Elementary (3-5) increases from 78% to 79%
    - Alexander Graham Middle increases from 112% to 113%
    - Myers Park High remains at 121%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Billingsley Rd. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Billingsley Rd. See advisory comments at [www.rezoning.org](http://www.rezoning.org).

- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** ~~See Outstanding Issues, Note 3.~~ Addressed
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Site and Building Design

1. ~~Increase the setback along Billingsley and Marvin Roads to 20 feet. Specify from back of existing or proposed curb.~~ Addressed
2. ~~Improved urban open space has not been provided as previous comment noted.~~ Addressed
3. ~~Under Note 5.f the referenced buffer is not permitted screening.~~ Addressed

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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