

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2008 - 056**

**Property Owner:** Helen Readling, Edward and Christine Keller, Nancy Greene, and Jose and Felicita Lugaro

**Petitioner:** Hathaway Development Company

**Location:** Approximately 19.1 acres located on both sides of West Tyvola Road between Nations Ford Road and Tyvola Centre Drive.

**Center, Corridor, or Wedge:** Corridor

**Request:** R-4, single family to R-17MF(CD), multi-family conditional district

### **Summary**

This request proposes to rezone 19.1 acres, on properties located on both the north and south sides of West Tyvola Road, to R-17MF(CD) to allow a total of 286 multi-family units with a combined site density of 14.9 dwelling units to the acre. The request includes 12.5 acres on the south side of West Tyvola Road to allow 204 multi-family units at a density of 16.9 dwelling units per acre. The request also includes 7.07 acres on the north side of West Tyvola Road to allow 82 multi-family units at a density of 11.6 dwelling units per acre.

### **Consistency and Conclusion**

This request is consistent with the *Southwest District Plan* which recommends multi-family, with densities determined by the *General Development Policies*, at this location. The *General Development Policies* recommend up to 15 dwelling units to the acre at this location. Therefore, this request could be considered appropriate for approval after the site plan is revised to meet minimum ordinance standards and upon resolution of the outstanding site plan issues.

### **Existing Zoning and Land Use**

The surrounding properties are zoned R-4, R-12MF(CD), and CC and are occupied by single family dwellings, multi-family development and commercial uses.

### **Rezoning History in Area**

A 2-acre site located to the northeast was granted an amendment to a CC conditional plan to allow a 90-room hotel under rezoning petition 2008-18.

## **Public Plans and Policies**

**Southwest District Plan (adopted 1991).** This plan recommends multi-family development on the portion of this request located on the south side of West Tyvola Road and residential on the north site of West Tyvola Road. Both locations would need to meet the design guidelines, as outlined in the *General Development Policies* to determine appropriate densities.

**General Development Policies (adopted 2003).** This plan gives recommendations for higher densities on sites based on design criteria.

Assessment Criteria	Density Category - >8 up to 12dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (High)
Connectivity Analysis	3 (Med-low)
Road Network Evaluation	0 (No)
<b>Design Guidelines</b>	<b>4 (Yes)</b>
Other Opportunities or Constraints	See note below
<b>Minimum Points Needed: 12</b>	<b>Total Points: 12</b>

Considering other opportunities and constraints, the site fronts on a thorough-fare and is within one mile of the Tyvola Road light rail transit station, and would be eligible for an increase in density of three dwelling units to the acre. This would increase the total density recommendation to 15 dwelling units to the acre.

## **Proposed Request Details**

This request proposes to rezone 19.1 acres, on both the north and south sides of West Tyvola Road to R-17MF(CD) to allow a total of 286 multi-family units with a combined site density of 14.9 dwelling units to the acre. The request includes 12.5 acres on the south side of West Tyvola Road to allow 204 multi-family units at a density of 16.9 dwelling units per acre. The request also includes 7.07 acres on the north side of West Tyvola Road to allow 82 multi-family units at a density of 11.6 dwelling units per acre.

- The petitioner will install internal sidewalks throughout the site.
- The petitioner will improve areas with both active and passive amenities on both parcels.
- The petitioner has included building elevations.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT notes that because of a reduction in trips proposed by this petition being amended to R-17MF(CD), a Traffic Impact Study is no longer required. Additional CDOT comments are attached.

**CATS.** CATS did not comment on this request.

**Connectivity.** Connectivity has been addressed.

**Storm Water.** Storm Water Services notes that this site drains to a stream listed as impaired by the North Carolina Division of Water Quality. The site plan includes a note indicating the site will comply with the post construction ordinance.

**School Information.** Charlotte Mecklenburg Schools (CMS) notes that the existing zoning will generate 26 students, while the development allowed under the proposed zoning will produce 91 students. Since area schools are currently under capacity, CMS has determined this proposal would not have a significant impact on school capacity.

**LUESA.** Mecklenburg County Land Use and Environmental Services Agency indicates in the attached memo that specific notes be added to the site plan to address environmental concerns.

### **Outstanding Issues**

**Land Use.** This request is consistent with the *Southwest District Plan* which recommends multi-family, with densities determined by the *General Development Policies*, at this location. The *General Development Policies* recommend up to 15 dwelling units to the acre at this location.

**Site plan.** The following site plan issues are still outstanding:

- The petitioner should label the buildings along the northern property line on the property on the north side of West Tyvola Road as garage apartments.
- The petitioner should provide an additional 5-foot wide sidewalk connection from the interior sidewalk on the west side of the property located on the north side of West Tyvola Road to the sidewalk along West Tyvola Road.
- The petitioner should show all building entrances at least 15 feet from private streets or surface parking.
- The petitioner needs to correct the parking requirements to 306 spaces on the parcel on the south side of West Tyvola Road to meet minimum ordinance standards.
- The three buildings on the northeast corner of the property located on the south side of West Tyvola Road do not meet the maximum 400-foot separation (as the vehicle travels) from a public or private street (as defined by the ordinance).
- The garages with apartments above on the property on the south side of West Tyvola Road must be located a minimum of 20 feet from the back of the sidewalks.
- The petitioner should provide an additional 5-foot wide sidewalk connection from the interior sidewalk on the northeast portion of the property on the south side of West Tyvola Road to the sidewalk along Nations Ford Road.
- The petitioner should indicate, on the site plan, that they will construct 6-foot wide sidewalks with 8-foot wide planting strips along Nations Ford Road and West Tyvola Road.
- The petitioner should correct the lighting note to indicate lighting fixtures will be shielded with full cut-off.

- The petitioner should show a required 50-foot wide Class “C” buffer and rearyard on the northern and western property lines of the property on the north side of West Tyvola Road.
- The petitioner should show tree save areas and include a tree survey for areas within setbacks.
- The petitioner needs to correct the acreage for both parcels on sheet C.1.0 to reflect the total 19.1 acres.
- The petitioner should correct the note regarding installation of a fence on the perimeter of the site to indicate any fence installed within a buffer will be located on the interior half of the buffer.
- The petition number should be indicated on the site plan.
- The petitioner should address outstanding CDOT comments.
- The petitioner should address all outstanding Mecklenburg County Land Use and Environmental Services Agency comments.