

<b>REQUEST</b>	Current Zoning: R-22 MF, multi-family residential Proposed Zoning: UR-3 (CD), urban residential conditional district and five year vesting
<b>LOCATION</b>	Approximately 0.89 acres located on the southeast corner of Selwyn Avenue and Queens Road West
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	Proposal to rezone to construct 42 multi-family units with associated parking. The site plan includes elevations, architectural guidelines, height limits, parking, and open space locations.
<b>Property Owner</b>	The Boulevard at 2409 Selwyn LLC
<b>Petitioner</b>	The Boulevard Company
<b>Agent/Representative</b>	John Carmichael and Laura Simmons
<b>Community Meeting</b>	Meeting required and held. Report online.

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 4-2 to recommend <b>DENIAL</b> of this petition.
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<b>VOTE</b>	Motion/Second: Lipton/Rosenburgh Yeas: Carter, Johnson, Lipton, and Rosenburgh Nays: Allen and Griffith Absent: Howard and Randolph Recused: None
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**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition and noted that it was deferred from the September meeting. Staff also explained that the petitioner submitted plans for "planned multi-family review". The plans propose to develop the property under the current R-22 MF zoning with a 19 unit, 11-story building. All departments are ready to sign off on the project however the petitioner asked for the approval to be put on hold pending the outcome of this rezoning request.

At the last Zoning Committee meeting the petitioner, the Myers Park Home Owner Association and other citizens were asked to meet and determine if a compromise on height, density and other issues could be reached. Staff was told by the petitioner's agent that two meetings occurred however no resolution was found. Due to this, the petitioner is asking for the Zoning Committee to move forward and make a recommendation on the petition.

It was noted that the petition is consistent with the *Central District Plan* and the *General Development Policies*. All of the outstanding site plan issues have been addressed with the exception of the CDOT issues. Scott Putnam indicated that the issues are still outstanding.

One Commissioner asked staff to elaborate on the planned multi-family application. Staff responded that the application is for an 11-story building with 19 units within the current R-22 MF zoning. The planned multi-family review process is complete however the project must still go through the building permitting process. Another Commissioner asked about the square footage of the by-right development and development proposed by the rezoning. Staff confirmed that the by-right development has 100, 675 square feet. The building proposed through the rezoning is 107,530 square feet.

The Commission suspended the rules to ask the petitioner to explain the major hurdle that could not be addressed in the meeting with the neighbors. Chris Branch from Boulevard Homes stated that they met with the people from 2100 Roswell and Myers Park Home Owners Association on two occasions. They clearly indicated that there was no compromise for anything more than 19 units. One Commissioner asked Mr. Branch where he was in the approval process for the 11-story building. He indicated that they could pick up the permit tomorrow but they had held it in abeyance in deference to this process. The Commissioner asked what level of detail that approval involved. Mr. Branch responded that it was just for the building footprint and other engineering issues and did not include elevation review.

The Commission discussed the issue of setting precedence with this rezoning. It was also noted that there are times when the zoning ordinance has enough protection in it to produce a desirable result.

Debra Campbell stated that staff was in an unusual place with this petition. When first approached with the issues associated with this property, staff was asked to act as a mediator since we weren't initiating an area plan nor were we responding to a proposed rezoning. Staff regrets that a project could not be delivered that would be more acceptable to the residents. They came to us and said what is allowed by right is totally unacceptable. Although we were not advocating for this project, we were trying to make it compatible with the neighborhood.

The Commission asked staff to look at the height regulations especially in the R-22MF. Ms. Campbell stated that we are trying to work through that issue in the residential design guidelines. It will take a lot of work because we have a lot of parcels, both developed and undeveloped, that will be impacted.

**STATEMENT OF  
CONSISTENCY**

This petition is found to be consistent with the *Central District Plan and GDP* but not reasonable and not in the public interest, by unanimous vote of the Zoning Committee (motion by Commissioner Griffith second by Commissioner Johnson)

**MINORITY OPINION**

The minority of the Committee felt the compromise project is better for the corridor than the by-right development.

**STAFF OPINION**

Staff agrees with the recommendation of the minority of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org) )

**PLANNING STAFF REVIEW**

**Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 42 multi-family units.
- Maximum building height of 90-feet.
- Parking is primarily located under the structure.
- Open space is provided between the building and the Roswell Condominiums.
- The minimum setback along Queens Road West is 40-feet and the minimum side yard along Selwyn Avenue is 50-feet.
- Lighting is limited to 20-feet in height with full cut-off fixtures and no wall-pak lighting is permitted.
- Architectural guidelines and elevations are provided.

**Public Plans and Policies**

The *Central District Plan (1993)* recommends multi-family development for this site but does not specify a density. When a plan doesn't indicate a specific density, the GDPs are applied.

The *General Development Policies (GDP's)* establish guidelines for density and design for residential development. The proposal meets the multi-family location criteria for over 17 dwelling

units per acre. The site is currently zoned for 22 dwelling units to the acre. The petitioner has, with the redesign, reduced the height of the building from 138 feet to 90 feet and enhanced the design of the project consistent with architectural elements that are seen throughout Myers Park and identified in the GDPs. To achieve the reduction in height and enhanced design, the density of the project increased.

<b>Assessment Criteria</b>	<b>Density Category – over 17 dua</b>
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (High)
Connectivity Analysis	5 (High)
Road Network Evaluation	0 (Yes)
<b>Design Guidelines</b>	<b>4 (Yes)</b>
Other Opportunities or Constraints	NA
<b>Minimum points needed: 14</b>	<b>Total Points: 14</b>

#### **STAFF RECOMMENDATION (Updated)**

Staff agrees with the minority of the Zoning Committee.

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#### **PUBLIC INFRASTRUCTURE UPDATES** (see full department reports online)

**CDOT:** CDOT is requesting 5-feet of additional right-of-way on Selwyn Avenue and has specific comments on the setback and the location of the sidewalk. Selwyn Avenue is currently being evaluated for a road conversion that may provide bicycle lanes, a 3-lane cross-section, and intermittent pedestrian refuge islands. To maximize the capacity of reduced lanes, the petitioner needs to eliminate the driveway on Selwyn Avenue, restricting access to only Queens Road West.

**Charlotte Fire Department:** No issues.

**CATS:** No comments received.

**Connectivity:** Connectivity with adjacent properties is not an issue on this .89-acre corner lot.

**Schools:** No comments received.

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#### **ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

**Storm Water:** No remaining issues.

**LUESA:** Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities.

**Site Design:** No remaining issues.

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#### **OUTSTANDING ISSUES**

1. The petitioner should include a note on the site plan indicating that he will submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities.
2. CDOT issues remain outstanding.

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

Application Form  
 CDOT Review  
 Community Meeting Report  
 Fire Department Review  
 LUESA Review  
 Site Plan  
 Storm Water Review