



<b>REQUEST</b>	Current Zoning: R-3, single-family residential Proposed Zoning: R-17MF(CD), multi-family, conditional
<b>LOCATION</b>	Approximately 24.607 acres located on the east side of S. Tryon Street between Yorkdale Drive and Thornfield Road.
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	This petition proposes to construct approximately 330 multi-family units at a density of 13.4 units per acre.
<b>Property Owner</b>	Calvin Kenley, Virginia McKnight and Teresa Keaton; CTG Properties, LLC
<b>Petitioner Agent/Representative</b>	Will Morgan, JDR Communities Susan Cannon and Walter Fields Kimley-Horn and Associates
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted to recommend <b>Denial</b> of this petition. The applicant submitted the following modifications to the petition:</p> <ol style="list-style-type: none"> <li>1. The petitioner agreed to provide a solid waste plan as described in a document entitled <i>Solid Waste Management Plan Guidance</i> dated 10/22/08.</li> <li>2. The site plan includes a note describing proposed materials for fencing along South Tryon and around the remainder of the site.</li> <li>3. A note has been added regarding design elements and building materials for building elevations.</li> <li>4. Notes have been added as requested by LUESA in relation to the existing water supply wells and septic tanks.</li> <li>5. A note has been added indicating that the petitioner will work with CATS on the location of a waiting pad along South Tryon Street.</li> <li>6. Tree save areas have been identified and calculated.</li> <li>7. The narrow strip of land extending to the southeast and abutting single family residential lots has been removed from the rezoning petition, resulting in a decrease in the project total acreage from approximately 24.98 acres to approximately 24.607 acres.</li> <li>8. Add a note to the site plan stating that in the event the engineering analysis is unable to find a reasonable solution for a vehicular connection to the existing stub street then a gated pedestrian access point will be provided.</li> </ol>
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<b>VOTE</b>	Motion/Second:	Randolph/Rosenburgh
	Yeas (to Approve):	Johnson, Randolph, and Rosenburgh
	Nays:	Allen, Griffith, Howard, and Lipton
	Absent:	None
	Recused:	None

**ZONING COMMITTEE  
DISCUSSION**

Staff presented this item to the Committee, noting that the most significant issue still outstanding pertains to the requirement to connect to an existing stub street. The rules were suspended to allow the agent, Mr. Walter Fields, to speak to the Committee on this issue. A committee member asked if vehicular access could be provided to the stub street to the south. Mr. Fields stated that, given the topography and storm water area location, an engineering analysis would be conducted to see if anything in reason with could be done with respect to a connection. He further pointed out that the current location of the storm water area is the lowest point on the property and that there will be a fence around the entire project.

Mr. Fields stated that while he understands the efforts to enhance connectivity, installing a public street through this development would not be in keeping with the type and quality of the proposed project. He recommended that a note be added to the site plan stating in the event the engineering analysis could not provide for a reasonable solution with respect to vehicular connectivity, that a gated pedestrian access be installed to the stub street to the south.

A committee member questioned the intent of the current R-3 zoning designation and the *Southwest District Plan's* recommendation for lower density residential on this site. Staff responded that the *General Development Policies* would support the requested density on this site if the stub street were extended through this site. Staff also noted that there have been similar projects where a second point of access has been requested by staff.

A committee member asked staff if there is any possibility of relocating the storm water area. Staff responded that the City's Storm Water Services Division had been contacted about this issue. There are many methods of addressing storm water and petitioners have been asked to identify storm water areas on site plans as "possible locations". This allows modifications that may be identified later during the permitting stage to be addressed administratively.

A committee member stated that this is another policy issue, and this is the type of project that needs to be gated along a busy street. The committee member noted that he did not see this type of connectivity in some of the other developments along South Tryon. The committee discussed various projects and connectivity versus accessibility, with staff noting the difference between accessibility and connectivity. A committee member expressed concern with a proposed development of this size having only one point of access and noted that the stub street is an opportunity for connectivity. Another committee member felt that the stub street was provided in anticipation of the subject site being developed with single family residential units.

**STATEMENT OF  
CONSISTENCY**

This petition is found to be inconsistent with the *General Development Policies* but reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Rosenburgh seconded by Commissioner Allen).

**STAFF OPINION**

Staff agrees with the majority of the Zoning Committee and recommends denial of this petition.

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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:

Construction of an approximate 330 multi-family unit residential development with gated access.

Clubhouse/recreation area and courtyard.

Proposed 50-foot Class "C" buffers and undisturbed area.

Possible storm water detention area and proposed 30-foot SWIM buffers.

**Public Plans and Policies**

The *Southwest District Plan* recommends single-family residential up to three units per acre on this parcel.

The *General Development Policies* (GDP) do not support the request to increase residential density to 17 dwelling units per acre as it fails to meet the GDP Design Guidelines. In order for the request to meet the Design Guidelines for the requested density, the site plan must be redesigned to provide direct vehicular connectivity and a second access point by constructing a new street that connects the full-movement access point on South Tryon Street opposite Olde Whitehall Road and Cormwell Lane (an existing stub street).

The request is also inconsistent with the *City of Charlotte Subdivision Ordinance*, which requires that a proposed street system be designed to provide a network of interconnected streets.

**STAFF RECOMMENDATION (Updated)**

Staff recommends denial of this petition without the road connection to Cormwell Lane.

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

**CDOT:** CDOT has submitted the following comments are critical to support of this rezoning petition:

1. Improve the road network in this area by providing that a 60-foot wide public right-of-way between the full movement access point on South Tryon Street located opposite Olde Whitehall Road and Cormwell Lane (an existing street stub).
2. Remove portion "All access points will be gated" from Development Note 4.
3. Modify Development Note 15 to indicate a six-foot sidewalk and eight-foot planting strip will be provided.
4. Show the existing geometric features (curb and gutter, sidewalk, accessible ramps, etc.) on the site plan in order to further evaluate this petition.

**Charlotte Fire Department:** No comments received.

**CATS:** No issues.

**Connectivity:** The proposal still fails to extend the existing stub street through the site as required by the subdivision ordinance.

**Schools:** The proposed development would generate 80 students. The net change in number of students generated from existing zoning to the proposed zoning is 38 students.

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

**Storm Water:** No comments.

**LUESA:** The petitioner has agreed to submit a solid waste management plan as requested.

**Site Design:** A tree save area will be designated, calculated, and preserved.

**OUTSTANDING ISSUES**

The petitioner should:

1. Improve accessibility and the road network in this area by providing a 60-foot wide public right-of-way between the full movement access point on South Tryon Street located opposite Olde Whitehall Road and Cormwell Lane (an existing street stub).
  2. Remove portion "All access points will be gated" from Development Note 4.
  3. Modify Development Note 15 to indicate a six-foot sidewalk and eight-foot planting strip will be provided.
  4. Show the existing geometric features (curb and gutter, sidewalk, accessible ramps, etc.) on the site plan in order to further evaluate this petition.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

Application Form  
CATS Review  
CDOT Review  
CMS Review  
Community Meeting Report  
LUESA Review  
Pre-Hearing Staff Analysis  
Site Plan  
Storm Water Review

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