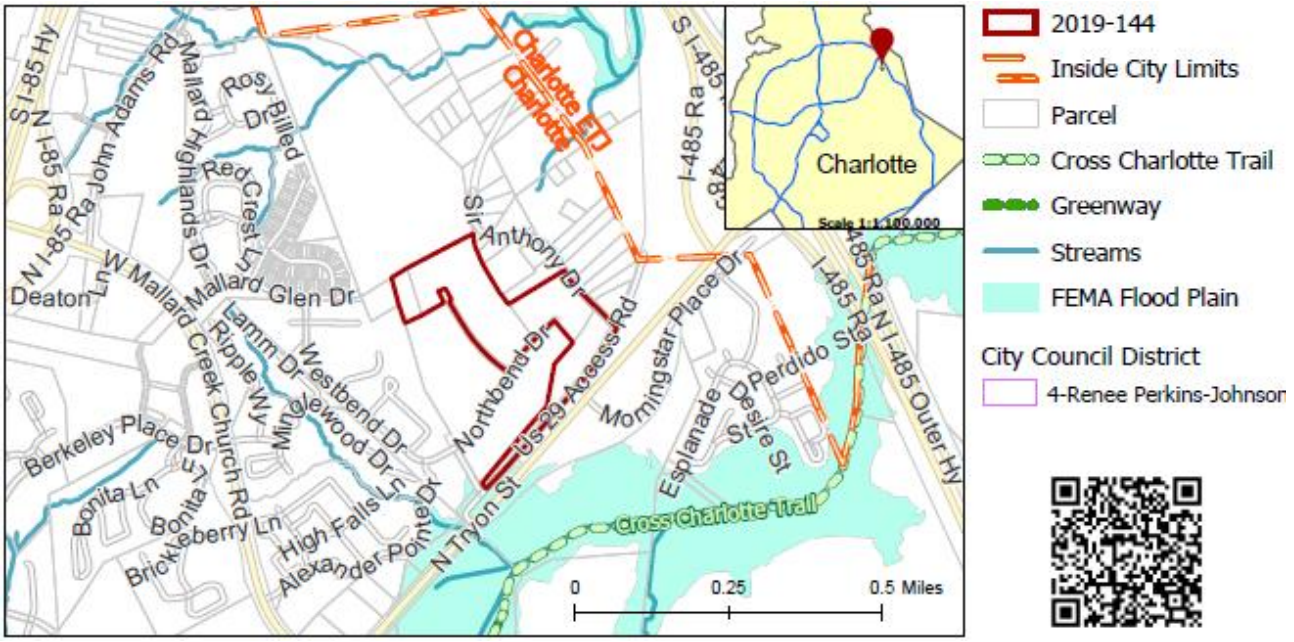
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-144
Final Staff Analysis
March 16, 2020

REQUEST	Current Zoning: R-3 (single-family residential) and R-12(CD) (single-family residential, conditional) Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 23.57 acres located on the west side of North Tryon Street, south of Sir Anthony Drive, north of West Mallard Creek Church Road.



SUMMARY OF PETITION	The petition proposes to allow up to 194 multi-family dwelling units in no more than 41 principle buildings on land vacant except for one single-family house, for a density of 8.23 dwellings per acre.
PROPERTY OWNER	Kevin Evans, Ann Evans, Sybil Del Bueno, and ML North Carolina Apts., LP
PETITIONER	York Acquisitions, LLC
AGENT/REPRESENTATIVE	Keith MacVean, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Northeast Area Plan* (2000) recommendation for residential uses at or less than 12 dwelling units per acre for the majority of the site. The petition is **inconsistent** with the plan recommendation for residential uses at or less than four dwelling units per acre on parcel 02903125.

Rationale for Recommendation

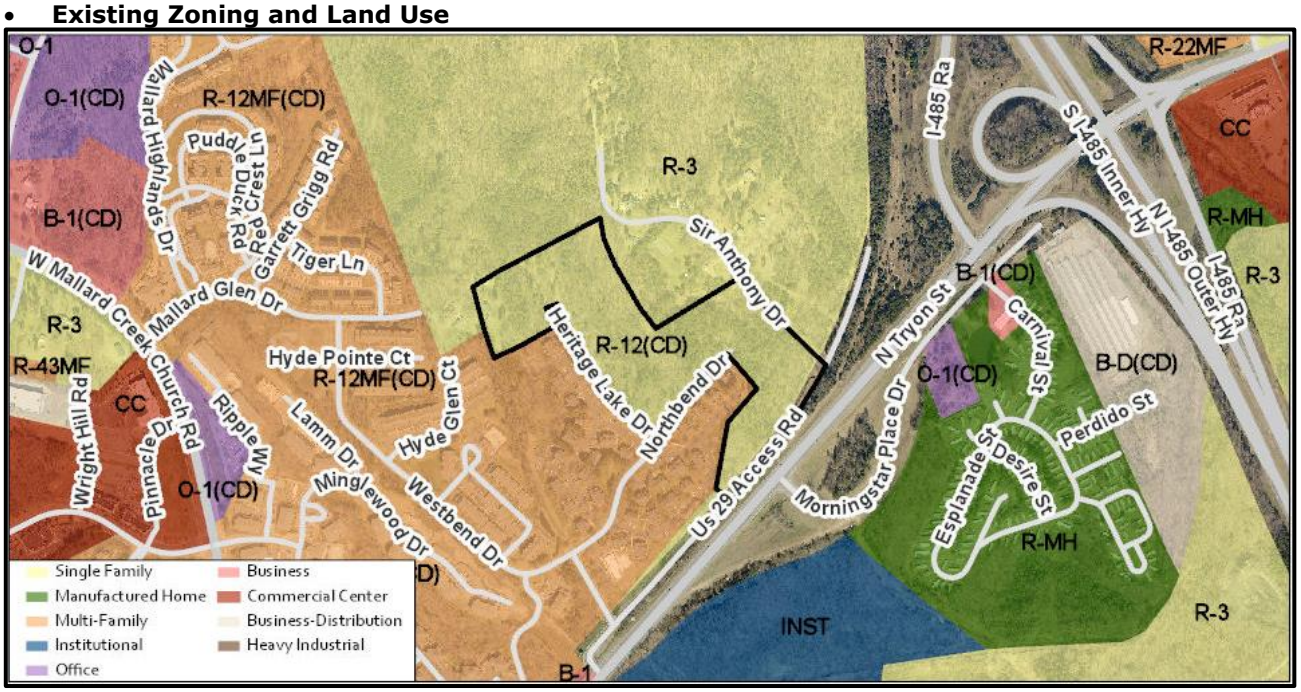
- The petition's residential density of eight dwelling units per acre is less dense than the 12 dwellings units per acre that the plan recommended for the majority of the site. The petition respects the recommendation of four dwelling units per acre on the northern portion of Sir Anthony Drive by locating the leasing office and community amenities on that parcel, making it the least dense portion of the site.
- The petition is sensitive to the neighboring existing and entitled single family development by locating the less dense, attached single family product adjacent to areas zoned R-3 and the multi-family product adjacent to the areas zoned R-12MF.
- In addition, existing trees in the tree-save areas are to be undisturbed, ensuring an adequate buffer between the development and existing and entitled single family development.

The approval of this petition will revise the adopted future land use as specified by the *Northeast Area Plan (2000)* for parcel 02903125, from residential uses at or less than four dwelling units per acre to residential uses at up to 12 dwelling units per acre.

PLANNING STAFF REVIEW

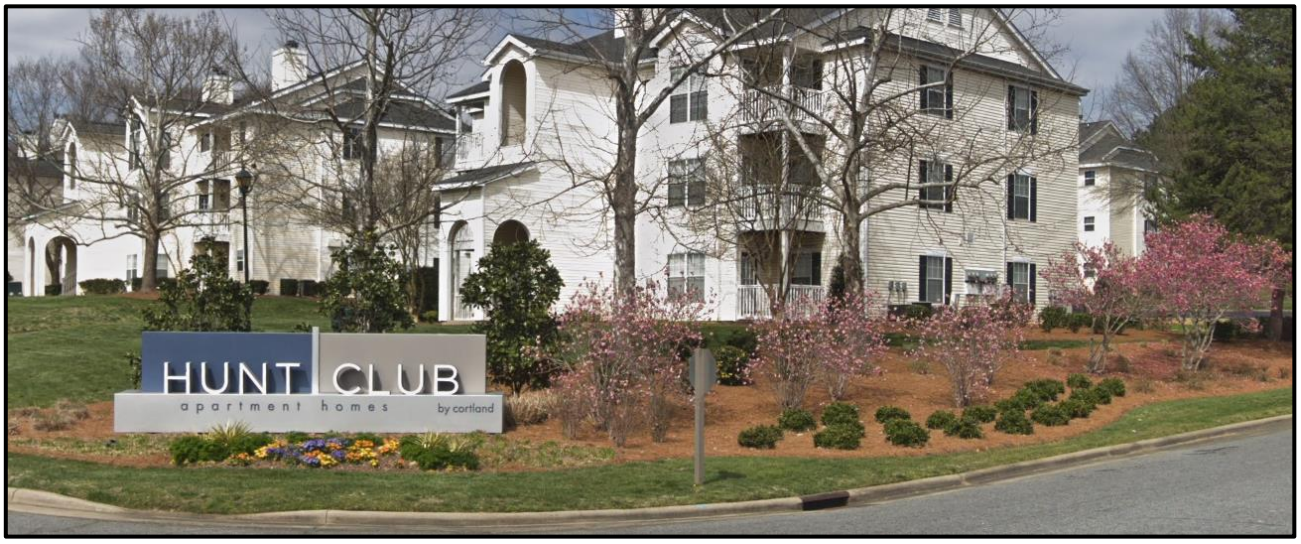
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 194 multi-family units in no more than 41 principal buildings.
  - Permits buildings up to 3-stories and not to exceed 48-feet in height.
  - Provides a clubhouse and amenity area.
  - Access to the site will be from US 29 Service Road, Northend Drive, Sir Anthony Drive, and Heritage Lake Drive.
  - Commits to providing an 8-foot planting strip and a 6-foot sidewalk along the frontage on US 29 Service Road, Northbend Drive, Sir Anthony Drive, and Heritage Lake Drive.
  - Commits to provide a sidewalk and crosswalk network that links the parking areas to the buildings and the sidewalks along the public streets.
  - Commits to improving open space areas with landscaping, seating, hardscape elements, and shade elements.
  - Commits to the following architectural standards:
    - Building materials include: brick, stone, precast stone, precast concrete, synthetic stone, fiber board, stucco, and EIFS. Limits the use of vinyl or aluminum.
    - Buildings exceeding 120-feet in length shall include modulations of the building massing/façade plane.
    - Building elevations will be designed with vertical bays or articulated architectural façade features.
    - No blank walls greater than 20-feet.
    - Varying rooflines.
  - The following changes were made after the Zoning Committee's recommendation:
    - The following use will not be allowed on the Site: Single Room Occupancy (SRO) residence.
    - The Site will participate in the Nine Choice Program and will implement the Gold Standard.
    - The Petitioner will install gates at each of the access points.
    - The front door of each unit must be equipped with a 160 to 180-degree peephole.
    - Each door that provides access to the unit will be equipped with self-closing and locking doors.
    - Building numbers must be visible from the street, and internal directional signage will be provided to help located the proposed buildings.
    - Blue Light Emergency Phones will be installed in the parking areas.
    - The property will install a surveillance system.
    - The security fencing will have pedestrian gates.
    - Any required or provided landscaping will meet the following standards: All shrubbery will be trimmed to maintain a maximum height between three (3) and four (4) feet; all trees must be limbed up to six (6) to seven (7) feet.

- **Existing Zoning and Land Use**



The site is undeveloped except for one single-family house. The surrounding land use includes multi-family apartments, large lot single-family homes, and vacant land.

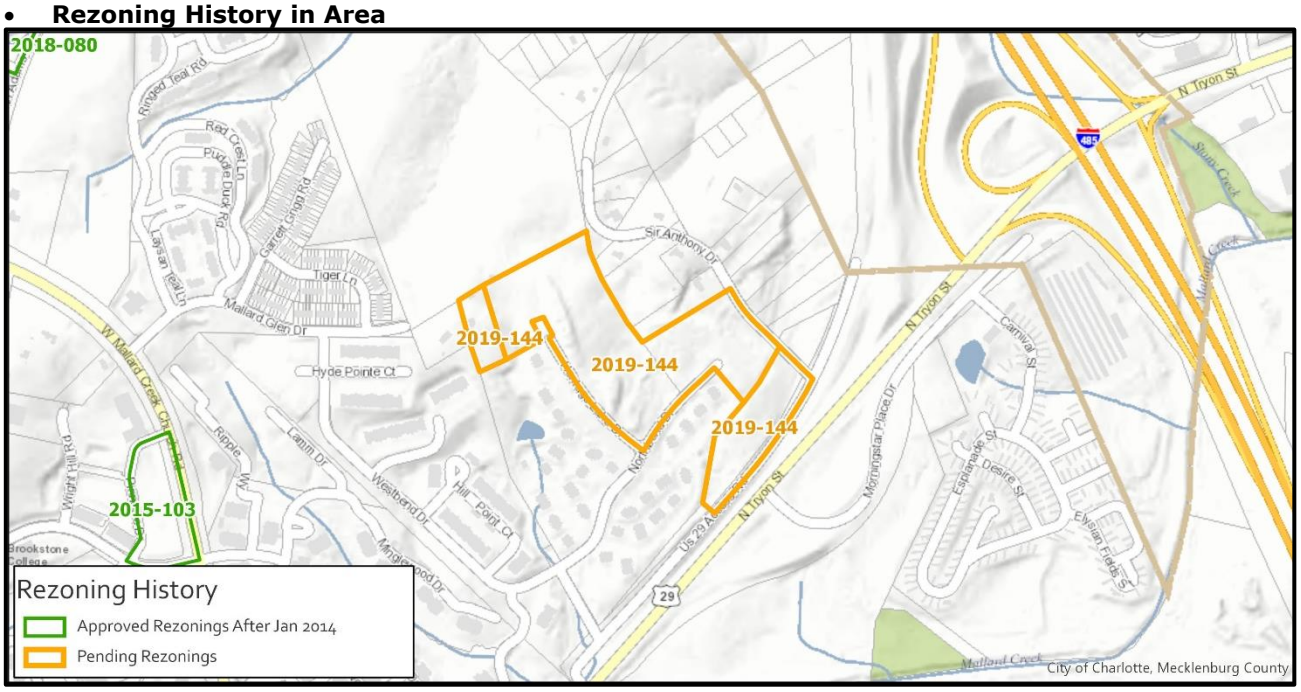
The subject property (denoted by red star) is undeveloped except for one single-family home.



The property to the south and west along Northbend Drive is developed with multi-family apartments.

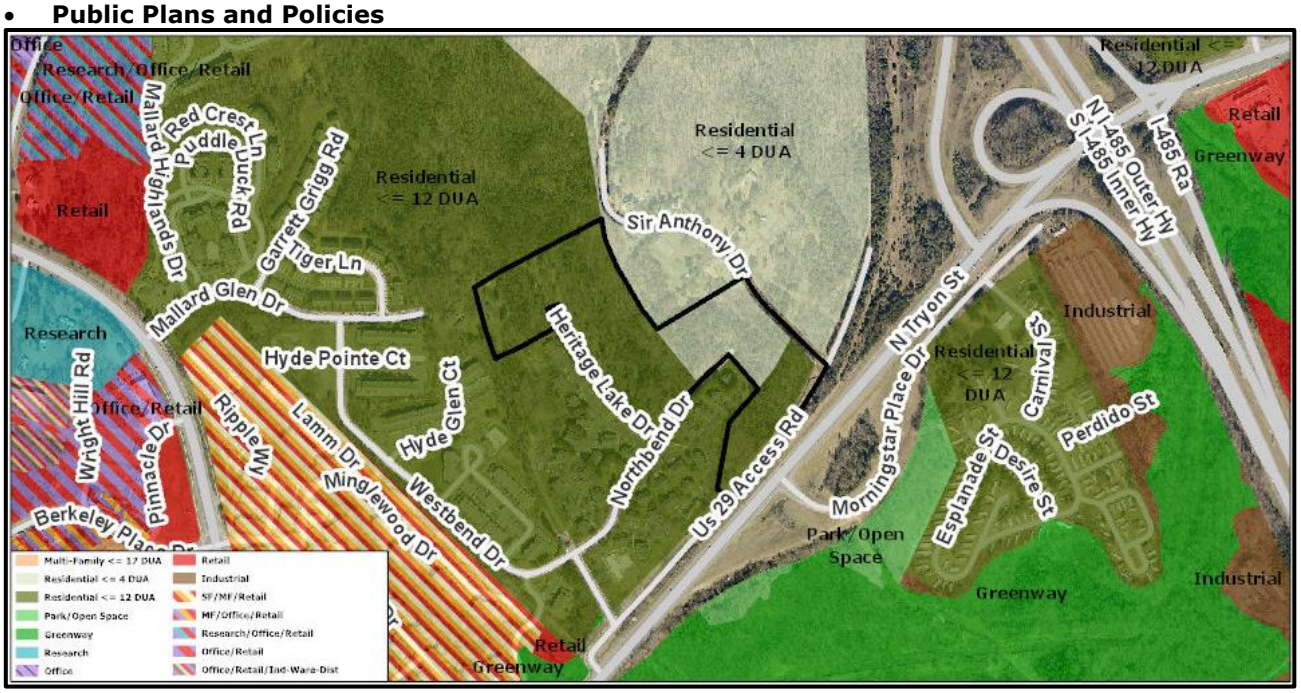
The properties to the north and east along Sir Anthony Drive are developed with large lot single-family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-103	Site plan amendment to allow an additional 31,000 square feet of retail uses and eliminate the limitation that no single retail use can exceed 25,000 square feet, and to eliminate the requirement for buildings with a retail component to be a minimum of two stories, with retail uses limited to the ground floor.	Approved
2018-080	Rezoned 3.22 acres to allow all uses permitted in the office district.	Approved

- **Public Plans and Policies**



- The *Northeast Area Plan (2000)* recommends residential uses at or less than 12 dwelling units per acre for the majority of the site and residential uses at or less than four dwelling units per acre for parcel 02903125.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on local roads. The petition requires a traffic impact study for the full review. CDOT is currently reviewing the Traffic Impact Study and further comments may come after the review. The petitioner should revise the site plan to meet the City ordinance requirements that improve walkability, and meet Charlotte WALKS Policy adopted by Council. In addition, the requested items will provide multi-modal transportation options to the residents of the area. The petitioner should address all the outstanding items listed below.
  - ~~See Outstanding Issues, notes 1,2, and 3.~~ Addressed
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 10 trips per day (based on 1 single-family dwelling).
    Entitlement: 620 trips per day (based on 17 single-family dwellings and 60 apartments).
    Proposed Zoning: 1,420 trips per day (based on 194 apartments).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** ~~See Outstanding Issues, Note 6.~~ Addressed
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 37 students, while the development allowed under the proposed zoning may produce 22 students. Therefore, the net decrease in the number of students generated from existing zoning to proposed is 15.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Stoney Creek Elementary from 110% to 113%
    - James Martin Middle from 78% to 78%
    - Zebulon Vance High remains at 119%.
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Anthony Drive and via an existing eight-inch water distribution main located along Northbend Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along Anthony Drive and via an existing eight-inch gravity sewer main connecting to the northwest portion of the rezoning boundary. See advisory comments at www.rezoning.org
- **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:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

REQUESTED TECHNICAL REVISIONS

Transportation

~~1. Show the curb and gutter labeled and dimensioned from the centerline for each road.~~ Addressed

~~2. Correct spelling error for proposed back of curb; petitioner should update to show proposed and not "roposed" on both US 29 Access and Sir Anthony Drive.~~ Addressed

~~3. Update the site plan to update the note to remove condition of "cost of the extension" as reason to not extend. CDOT is understanding of the necessity to fit sidewalk within the existing R/W.~~ Addressed

Site and Building Design

~~4. Revise or delete note 5g as it is not a clear commitment.~~ Addressed

5. ~~Remove the row of parking facing Sir Anthony Drive in front of the leasing office~~. Rescinded

~~6. Insure entrance gate shall be a minimum of 40-feet away from access road.~~ Addressed

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

Planner: Michael Russell (704) 353-0225