

<b>REQUEST</b>	Current Zoning: R-5 (single family residential) and R-22MF (multi-family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 1.5 acres located in the North Charlotte neighborhood, on the north side of East 36 <sup>th</sup> Street between Spencer Street and Charles Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop the site with up to 22 single family attached townhome units and two single family detached dwellings, at a density of 14.6 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Citi Properties, LLC, and Grady R. and Geraldine C. Nichols Saussy Burbank, LLC Collin Brown and Bailey Patrick, Jr., K & L Gates LLP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6.

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of the petition.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Blue Line Extension Transit Station Area Plans</i>, which recommends low density residential uses for these properties.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject property is located on East 36<sup>th</sup> Street, which is a thoroughfare that serves as a feeder to the proposed transit station located on East 36<sup>th</sup> Street.</li> <li>• The proposal has buildings fronting East 36<sup>th</sup> Street, and Spencer Street with parking behind.</li> <li>• Buildings are sensitive to and consistent with established adjacent single family detached dwellings as they have larger setbacks, usable porches and stoops, architectural elements that minimize garages, parking via internal driveways, and similar heights.</li> <li>• Proposed uses are compatible with surrounding residential and institutional uses.</li> </ul>
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**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 22 single family attached townhome units and two single family detached dwellings.
- Single family detached dwellings will front Spencer Street, and townhome buildings will be limited to six units or less.
- Maximum building height of 50 feet and three stories.
- Site access via an internal private driveway off Spencer Street that stubs to an abutting property to the south.
- Internal open space will be provided via a private courtyard located between Units 13-22.
- Potential on-street parking on East 36<sup>th</sup> Street.
- An additional two feet of right-of-way behind the sidewalk will be provided along Spencer Street and East 36<sup>th</sup> Street before issuance of the site's first building permit.
- Townhome units fronting East 36<sup>th</sup> Street will be oriented toward the street and units along the internal courtyard will orient toward the internal courtyard. Garages of townhome units will face the private drive, and garages of single family detached dwellings will not front Spencer Street.
- Building materials consisting of brick, natural stone or its synthetic equivalent, stucco, cementitious siding, and fiber cement. Vinyl siding only allowed on handrails, windows or door trim.

- All entrances within 15 feet of the sidewalk along East 36<sup>th</sup> Street will be raised from the average sidewalk grade a minimum of 12 inches.
- Pitched roofs will be sloped no less than 5:12 unless a flat roof architectural style is used.
- All corner and end townhome units facing a public or private street shall have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to 15 feet on all building levels.
- The visual impact of any garage of a townhome unit visible from public or private streets will be minimized by providing a 12 to 24-inch setback from the front wall plane and adding architectural treatments such as translucent windows or projecting elements over the garage door opening.
- A minimum setback of 20 feet from the back of existing curb will be provided along East 36<sup>th</sup> Street. Stoops and stairs may encroach four feet into the setback as a transition zone.
- A minimum setback of 25 feet from the back of existing curb will be provided along Spencer Street.
- An alternative streetscape consisting of a combination of a two-foot planting strip, a six-foot sidewalk, and eight-foot planting strip will be sought along Spencer Street. If the alternative streetscape plan is not approved during the design and permitting phase of development then the petitioner will provide a streetscape plan in accordance with the City's typical standards. **An alternative streetscape plan will be provided along East 36<sup>th</sup> Street.**
- **Existing Zoning and Land Use**
  - The subject property is zoned and developed with one single family detached dwelling and 15 multi-family dwelling units in six buildings.
  - Surrounding properties located between Clemson Avenue and the north side of Herrin Avenue include single family detached dwellings, single family attached dwellings, multi-family dwellings, child care center, and several churches in R-5 (single family residential), R-6(CD) (single family residential, conditional), R-8MF(CD) (multi-family conditional), UR-1(CD) and UR-2(CD) (urban residential, conditional), and MUDD-O (mixed use development, optional) districts.
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2014-60 rezoned 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street from R-5 (single family residential) to UR-1(CD) (urban residential, conditional) to allow the creation of three lots, with the existing three single family detached dwellings to remain.
- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plans* (2013) recommend low density residential uses for these properties.
  - The Historic Highland Mill Village and single family homes the North Davidson community describe as, "distinct character houses," are located in the Wedge south of North Davidson and McDowell Streets. This portion of the neighborhood includes low density residential, as well as civic and institutional uses. The following recommendations are designed to protect and enhance the residential character of the neighborhood:
    - Maintain the low density residential portion of the neighborhood at up to six dwelling units per acre.
    - Protect and preserve the Highland Mill Village and Mecklenburg Mill Village as low density residential uses, up to five dwelling units per acre.
    - Support opportunities for infill residential development with similar densities and design character as the existing mill village housing. Moderate density may be appropriate in some locations if the proposal meets the design criteria provided in the Community Design section of this plan.
  - Community Design policies include recommendations for single family attached and multi-family development to:
    - Orient buildings to the street
    - Avoid blank walls along pedestrian circulation areas
    - Design buildings with transparent openings, ornamentation, and architectural character
    - Establish entrances with pedestrian interest
    - Design buildings with human scale and visual interest in mind
    - Locate parking to the rear of buildings whenever feasible, with alley access if available
    - Place utilities underground wherever possible. Screen above ground utilities with landscaping or architectural features or walls
    - Encourage architectural design that complements the style, character, and materials of surrounding structures that contribute to the neighborhood character

- Ensure the scale and setback of buildings is compatible with adjacent structures
- Encourage shared residential driveways to reduce pavement area and curb cuts and maximize green space.
- The Structure Map includes single family houses, duplexes, triplexes, and quadraplexes as typical building types. A maximum height of 40 feet is also recommended.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the unsignalized intersection of a minor thoroughfare and a local street. The proposed development is anticipated to generate fewer trips than the current use. CDOT continues to request that the site plan reflect the cross section for 36<sup>th</sup> Street as shown in the area plan.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 210 trips per day (based on 14 multi-family dwelling units.
      - Entitlement: 290 trips per day (based on 23 multi-family dwelling units and two single family detached dwellings).
    - Proposed Zoning: 200 trips per day (based on 22 single family attached dwelling units and two single family detached dwellings).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing & Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 10 students, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
  - The proposed development is not projected to increase the school utilization (without mobile classroom units) as follows:
    - Highland Renaissance Elementary remains at 101%
    - Martin Luther King, Jr. Middle remains at 93%
    - Garinger High remains at 121%
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along East 36<sup>th</sup> Street. Sewer system is available via existing eight-inch gravity sewer mains located along East 36<sup>th</sup> Street and the northeast boundary for parcel 091-091-02.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed from or planted in the right-of-way of East 36<sup>th</sup> Street without permission of the City Arborist. A survey must be submitted for all trees two-inches located in the rights-of-way, and all trees eight-inches or larger in the setback.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

#### OUTSTANDING ISSUES

##### Transportation

1. ~~The petitioner should revise the site plan to depict and label an eight-foot planting strip and eight-foot sidewalk behind the existing back-of-curb along the site's East 36<sup>th</sup> Street frontage as envisioned by the area plan. Back of curb sidewalk is not acceptable. Amend Note V.1. to state the sidewalk width along the site's East 36<sup>th</sup> Street frontage needs to be 8 feet, as depicted on Sheet RZ-2.~~ Addressed
2. ~~The petitioner should revise the site plan and conditional notes to provide an eight-foot planting strip and six-foot sidewalk along the Spencer Street frontage. We recognize there are some large trees along the site frontage and would allow the sidewalk to meander behind these trees as needed if they are preserved. Back-of-curb sidewalk widened to seven feet minimum may be adequate if the petitioner can demonstrate no other viable alternative and Urban Forestry has confirmed preference for existing trees to remain.~~ Addressed by noting that an alternative

streetscape is proposed.

Site and Building Design

3. Provide building elevations for townhomes along E. 36<sup>th</sup> Street and from internal streets. Label the location of the two single family detached residential units. Addressed
4. Move the note under "Open Space" stating that "the Petitioner shall comply with the Post Construction Controls Ordinance and tree save requirements" to a new heading titled "Environment". Addressed
5. The petitioner should revise the site plan and conditional notes to better differentiate driveways and walkways. It is unclear from the notes and site plan that no driveways will be allowed on East 36<sup>th</sup> street and that lots on Spencer will access from private drive. Addressed
6. Label Development Areas "A" and "B." Addressed
7. Eliminate the request for five-year vested rights. Addressed

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing & Neighborhood Services
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist Review
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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