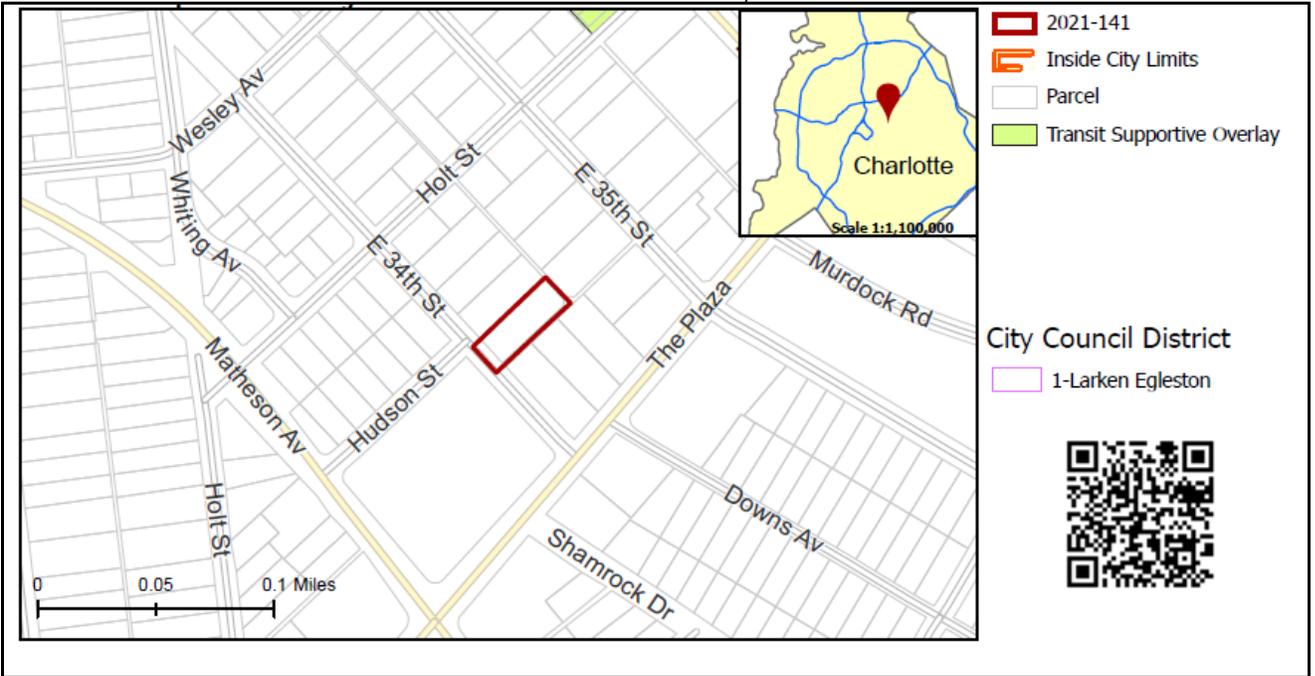


REQUEST

Current Zoning: O-2 (office)
Proposed Zoning: NS (neighborhood services) with 3-year vested rights

LOCATION

Approximately 0.33 acres located on east side of E. 34th Street, northwest of The Plaza, and east of Matheson Avenue.



SUMMARY OF PETITION

The petition proposes to allow a 9-unit single family attached residential development (townhomes) on a vacant lot, at a density of ~~27.27~~ 30.30 units per acre.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Gus and Zoe Mihelakis
The Drakeford Company
Russell Fergusson

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION

Staff does not recommend approval of this petition in its current form.

Plan Consistency
The petition is **inconsistent** with the *Central District Plan's* recommendation for single family uses up to four dwelling units per acre (DUA) for the site. The General Development Policies (2007) provide policy guidance and locational criteria for evaluating applicable parcels previously recommended for residential uses for density. While recommended for a lower density, the General Development Policies' locational criteria would score this site for over 17 dwelling units per acre with design guidelines. At over 17 dwelling units per acre, this petition includes adequate additional commitments to design.

Rationale for Recommendation

- The proposed building form, one building with 10 units, is not an outcome staff supports. Policy for attached dwellings is no more than 6 per unit. Staff would support a 10 unit project if it was broken into 2 separate buildings as originally proposed.
- Building setback along 35th St. is further out of context than originally proposed. Staff does not support the building being this close to the street in this location given the location of other structures along this block.
- Staff does not support 3 years vested rights for this project.
- The petition aligns with the Central District Plan's policy of "providing opportunities for higher density infill housing in appropriate locations throughout the district."
- A proposal for attached single family residential is consistent with the adjacent development pattern.
- The rezoning site is located between retail and multifamily residential land uses.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from single family uses up to four DUA to residential uses greater than 22 DUA acre for the site.

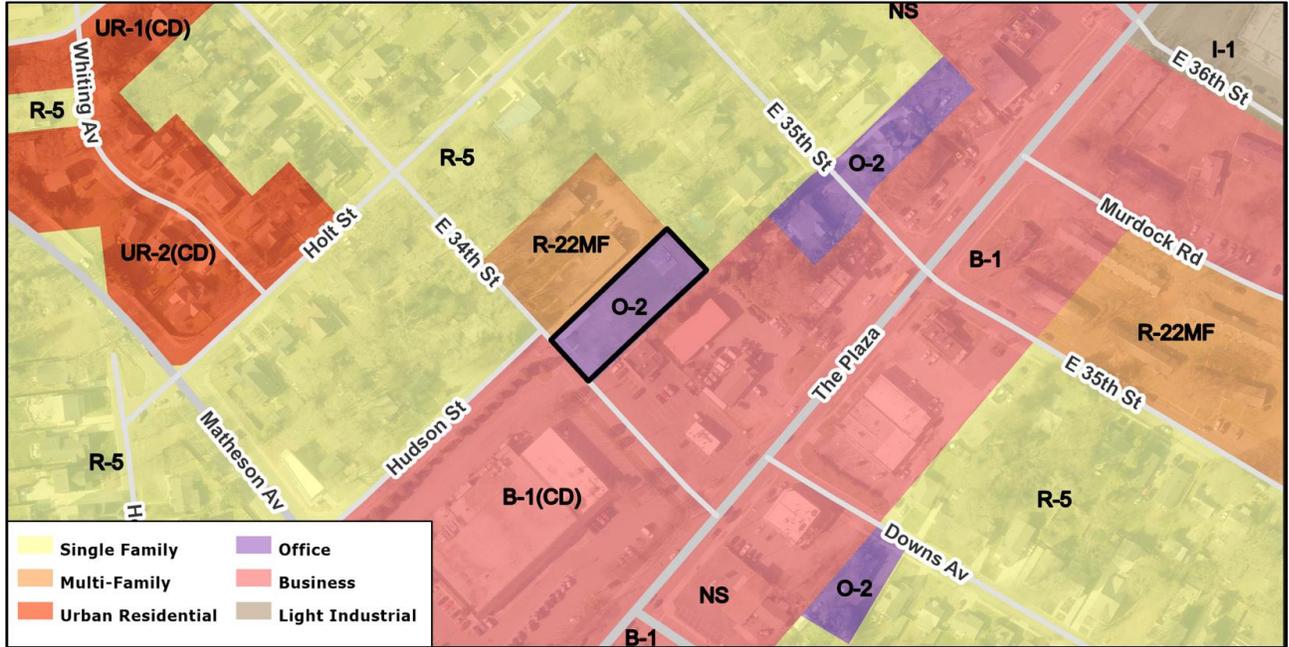
PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to ~~9~~ **10** attached single family residential dwelling units with individual garages within a ~~maximum of 3~~ **one** structures, at a density of ~~27-27-30.30~~ units per acre.
- Maximum building height of 48 feet.
- **Prohibits accessory drive-thru windows, automotive service stations including repair and lubrication, automotive maintenance services, auto sales and rental, fueling stations, and commercial car washes.**
- **Notes the rear unit, closest to adjacent parcel 08316613 will not exceed 3 stories or 40 feet tall.**
- **Proposes an 8-foot planting strip and 8-foot sidewalk along E. 34th Street.**
- Proposed private 20-foot wide access onto E. 34th Street. Petitioner may improve the abutting existing alleyway for vehicular access to the east side of the parcel.
- Proposes a variety of principal building materials to be a combination of the following: masonry, brick, concrete, pre-cast concrete, stone, precast stone, pre-finished metal, aluminum, steel, stucco, wood, ceramic tile, cementitious fiber board and glass fiber reinforced concrete.
- Prohibits vinyl as a building material except for soffits, windows and other minor components.
- Proposes architectural standards addressing blank walls; building façade and orientation; pedestrian connection; and corner or end units facing a public street.

• Existing Zoning and Land Use



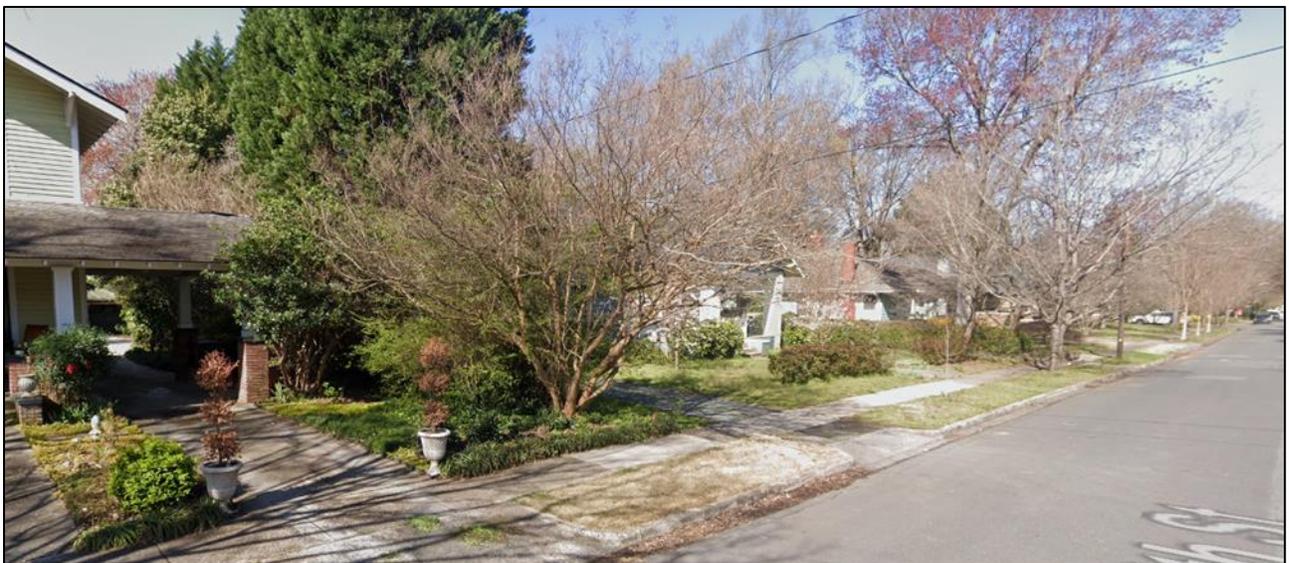
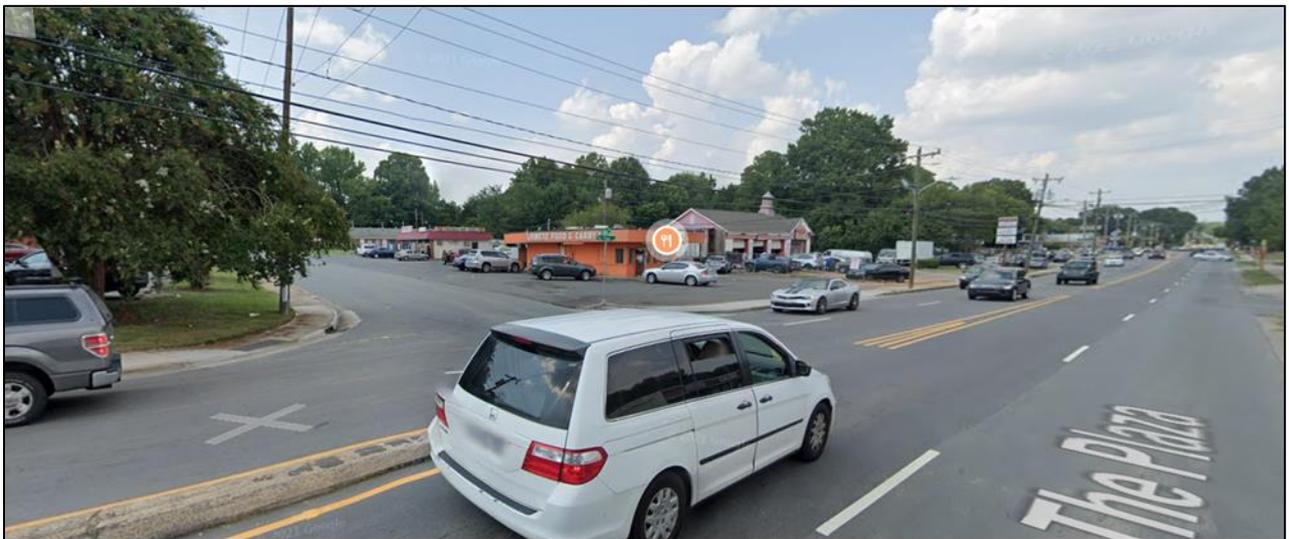
- The parcel is currently vacant and immediately surrounded by a mix of single family, multifamily, and retail uses on properties in various zoning districts.



The site is currently vacant.



South, southeast, and southwest are commercial uses located near and at the intersection of E. 34th Street and The Plaza (above and below pics).



West and northwest are single family and multifamily residences (above and below pics).



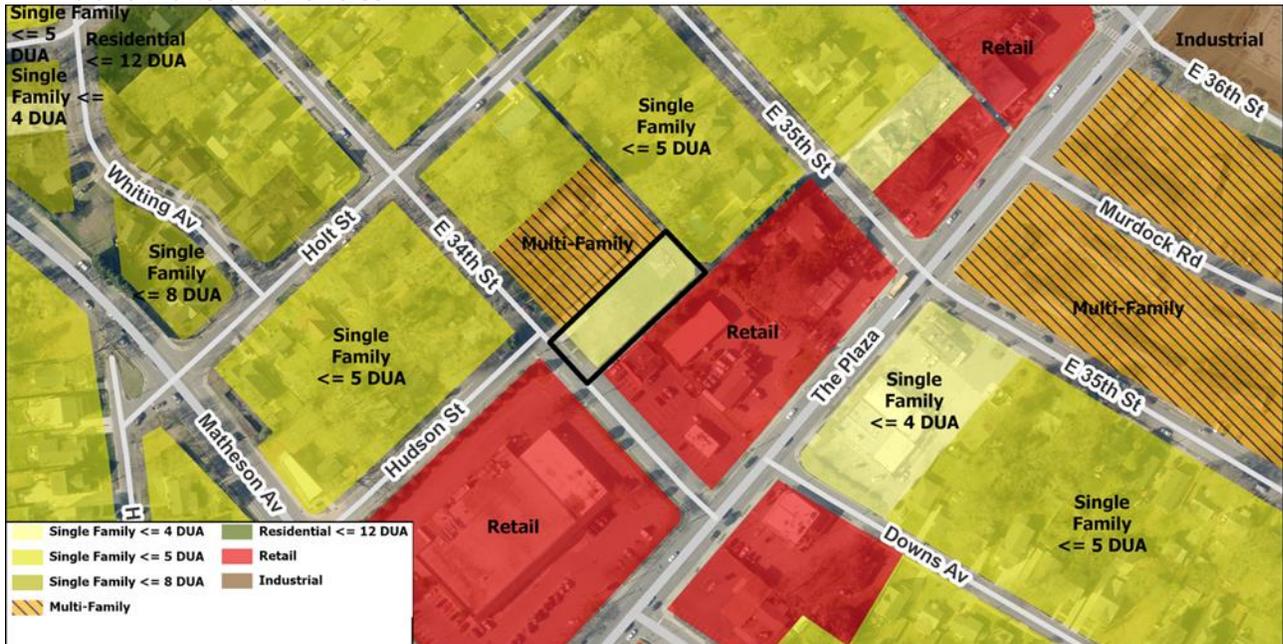
Northeast are single family homes.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2020-172	Rezoned 0.312 acres to UR-1(CD) to allow 3 single family detached lots.	Approved
2019-170	Rezoned 0.37 acres to NS to allow change of use.	Approved
2018-105	Rezoned 0.90 acres to NS to allow change of use.	Approved
2018-021	Rezoned 0.37 acres to B-1 to allow all uses.	Approved

• Public Plans and Policies



- *The Central District Plan* recommends single family uses up to four DUA for the site.
- The *General Development Policies (GDP)* provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of over 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – over 17 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	5
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	Total Points: 14

• **TRANSPORTATION SUMMARY**

The site is located on East 34th Street, a City-maintained local street southeast of Hudson Street, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site.

The petitioner has committed to constructing an 8-foot planting strip and 8-foot sidewalk along E 34th Street per Chapter 20 Subdivision ordinance and Charlotte WALKS policy and providing a sidewalk utility easement located 2 feet behind the sidewalk along E 34th. The petitioner will also provide a public access easement dimensioned 2 feet from the edge of proposed widening of existing alley. CDOT has no outstanding issues.

• **Active Projects:**

- N/A

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 60 trips per day (based on 4,890 square foot office).

Proposed Zoning: ~~30~~ 35 trips per day (based on 9 10 townhouse units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 1 student, while the development allowed under the proposed zoning may produce 0 student. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Villa Heights Elementary remains at 75%
 - Eastway Middle remains at 117%%
 - Garinger High remains at 117%%.
 - See advisory memo at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along E 34th St.

Capacity Limited: The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water’s Little Sugar Creek Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project.

- **City Arborist:** No comments submitted.
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

OUTSTANDING ISSUES

Transportation

1. ~~Curblin~~: The proposed zoning district has a setback measured from back of the existing curblin. ~~34th Street: the existing curb and gutter is in its future location. Label and dimension the back of curb and gutter from the centerline for 34th Street on the site plan.~~ **Addressed**
2. ~~Revise site plan and conditional note(s) to commit to constructing an 8-foot planting strip and 8-foot sidewalk per Chapter 19 and 20.~~ **Addressed**
3. ~~Revise site plan and conditional note(s) to commit to providing a public access easement dimensioned at 2' from the edge of the proposed widened alley.~~ **Addressed**
4. ~~Revise site plan and conditional note to providing a sidewalk utility easement (SUE) located 2' behind the sidewalk located along E 34th Street.~~

Site and Building Design

5. Break up the building into 2 separate buildings with 4 and 5 units. One large building with 9 units is not a desired outcome supported by staff. **Not addressed**
6. Remove 3-year vested rights from request as this is a 9 10-unit project. **Not addressed**
7. Remove note 2a from the conditional notes to avoid confusion that other uses outside the proposed 9 units would be permitted. **Not addressed**
8. Add note stating alterations and modifications will be per Section 6.207 of the City of Charlotte Zoning Ordinance. **Addressed**
9. Please make sure the unit along 34th street meets Note 4.f.ii. by providing a SW connection.
10. Add a clear note that "this development will not be associated or share any services or amenities with the abutting existing units or parcels not included in this rezoning." **Addressed**
11. **New Outstanding Issue:** Remove "stories" from Note 2c.

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

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

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-141

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<p>Goal 1: 10- Minute Neighborhoods</p> <p>All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.</p>	
	<p>Goal 2: Neighborhood Diversity & Inclusion</p> <p>Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.</p>	
	<p>Goal 3: Housing Access for All</p> <p>Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.</p>	
	<p>Goal 4: Trail & Transit Oriented Development (2-TOD)</p> <p>Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.</p>	

	<p>Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	
	<p>Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>