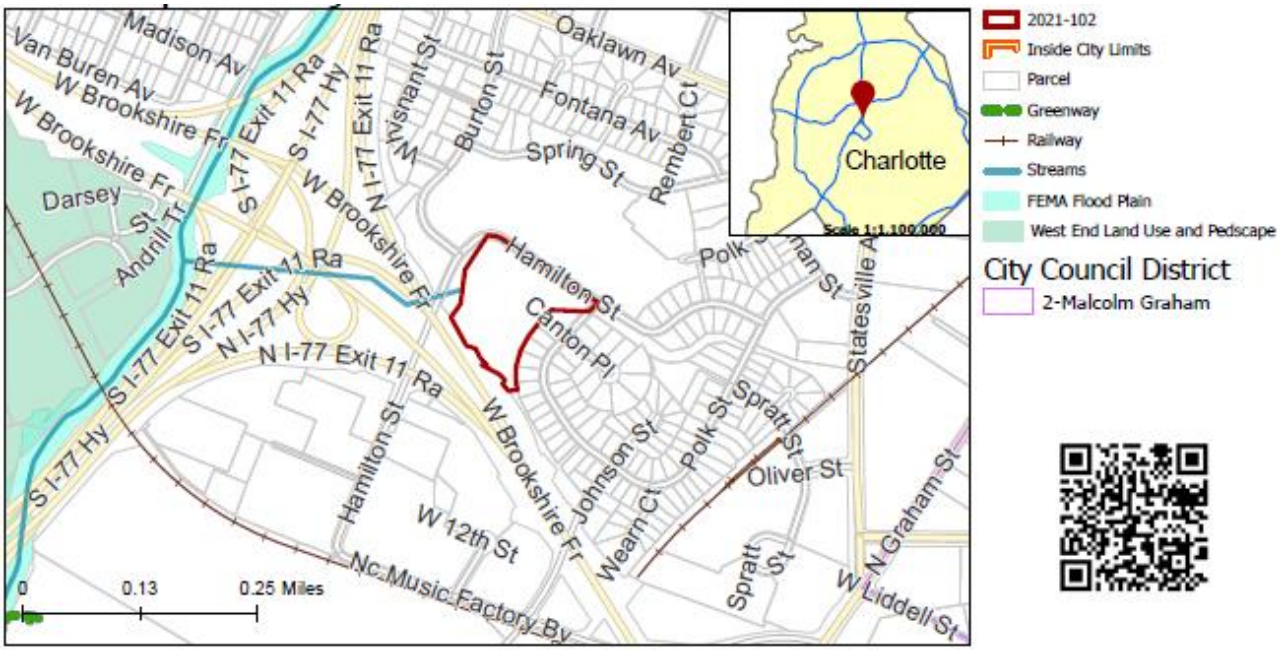
CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-102
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional) ~~with 5-year vested rights.~~
LOCATION	Approximately 6.96 acres located along the south side of Hamilton Street, northeast of Brookshire Freeway, and west of Statesville Avenue.



SUMMARY OF PETITION	The petition proposes a residential community with a maximum of 83 single family attached townhome units with a density of 11.93 dwelling units per acre on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Short Development Group, LLC Ardent Acquisitions, LLC John Carmichael, Robinson Bradshaw & Hinson, PA
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 20

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **inconsistent** with the *Central District Plan* (1993) recommendation of single family residential up to 4 dwelling units per acre (DUA), but consistent with the *General Development Policies* (GDP), which supports the requested residential density up to 12 dwelling units per acre. Rationale for Recommendation • The *General Development Policies* (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per

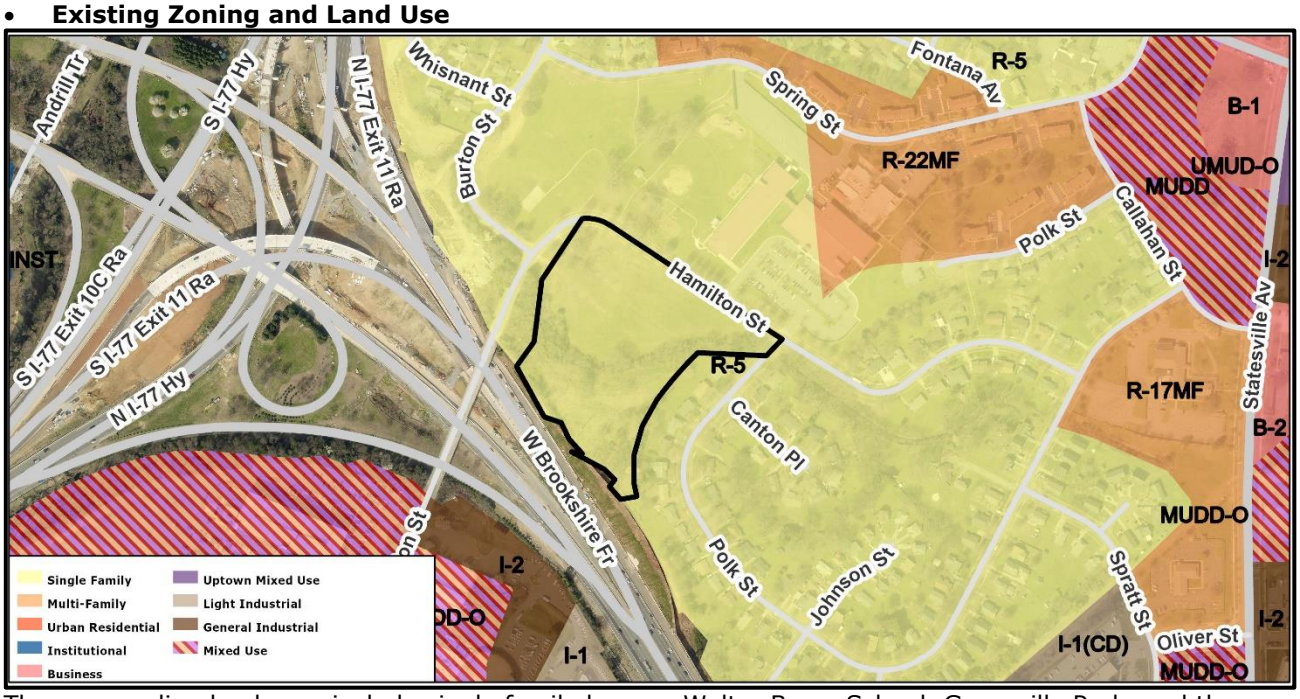
acre. The GDP supports the petition's proposal of 83 units at 11.93 DUA.
- This petition helps to fulfill the *Central District Plan's* (1993) goal of increasing the diversity of housing options in this area.
- The site plan proposes to increase the pedestrian experience within the development by including an open space area with features such as seating, pedestrian walkways, and landscaping.
- The petition commits to establishing an 8-foot planting strip and 6-foot sidewalk along the site's frontage on Hamilton Street, increasing neighborhood connectivity in this area.
- The petition proposes to front the dwelling units adjacent to Hamilton Street right on Hamilton street.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan (1993)*, from Single Family Residential up to 4 DUA to Residential up to 12 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 83 townhome units.
  - Limits building height to 50-feet. Limits the maximum height of the southernmost building to 40-feet.
  - Provides an 8-foot planting strip and 6-foot sidewalk on the Hamilton Street frontage. The sidewalk may be incorporated into the Urban Arboretum Trail at the option of the City.
  - Provides walkways to connect all residential entrances to sidewalks along public streets.
  - Provides a Class C buffer to abutting single family homes.
  - Commits to 6,000 square-feet urban open space areas with seating, pedestrian walkways, and landscaping.
  - Provides visitor parking spaces and each unit will have a 2-car garage.
  - Provides a provision prohibiting short term rentals.
  - Commits 100,000 to a foundation for the Place of Peace Garden.
  - Donates 25,000 to the City of Charlotte's Place Making Program to pay for signs, historical markers and/or educational markers along the Urban Arboretum Trail.
  - Architectural details:
    - Primary building materials include a combination of brick veneer, stone, manufactured stone, stucco, and cementitious siding. Vinyl may be used on windows, door, garage doors, soffits, trim and railing only.
    - Usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches should be covered and be at least 6-feet deep. Stoops and entry-level porches may be covered but should not be enclosed.
    - To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 24 inches.
    - All corner/end units that face a public or private street should 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 10 feet on all building levels.
    - Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
    - All freestanding lighting fixtures installed on the Site (excluding streetlights and lower, decorative lighting that may be installed along the driveways and sidewalks and landscaping lighting) will be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

- **Existing Zoning and Land Use**



The surrounding land uses include single family homes, Walter Byers School, Greenville Park, and the AvidXchange Music Factory.



The subject property is denoted with a red star.



The property to the north along Hamilton Street is developed with a park.



The property to the east along Hamilton Street is Walter Byers School.

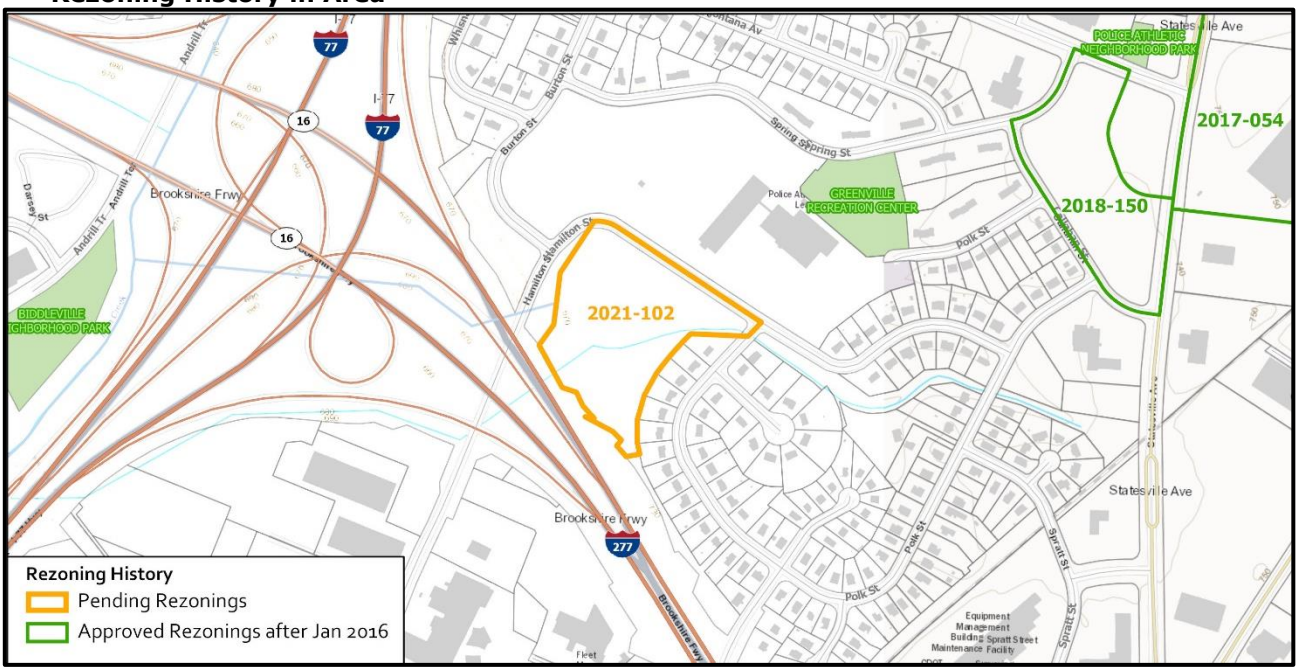


The property to the south along Polk Street is developed with single family homes.



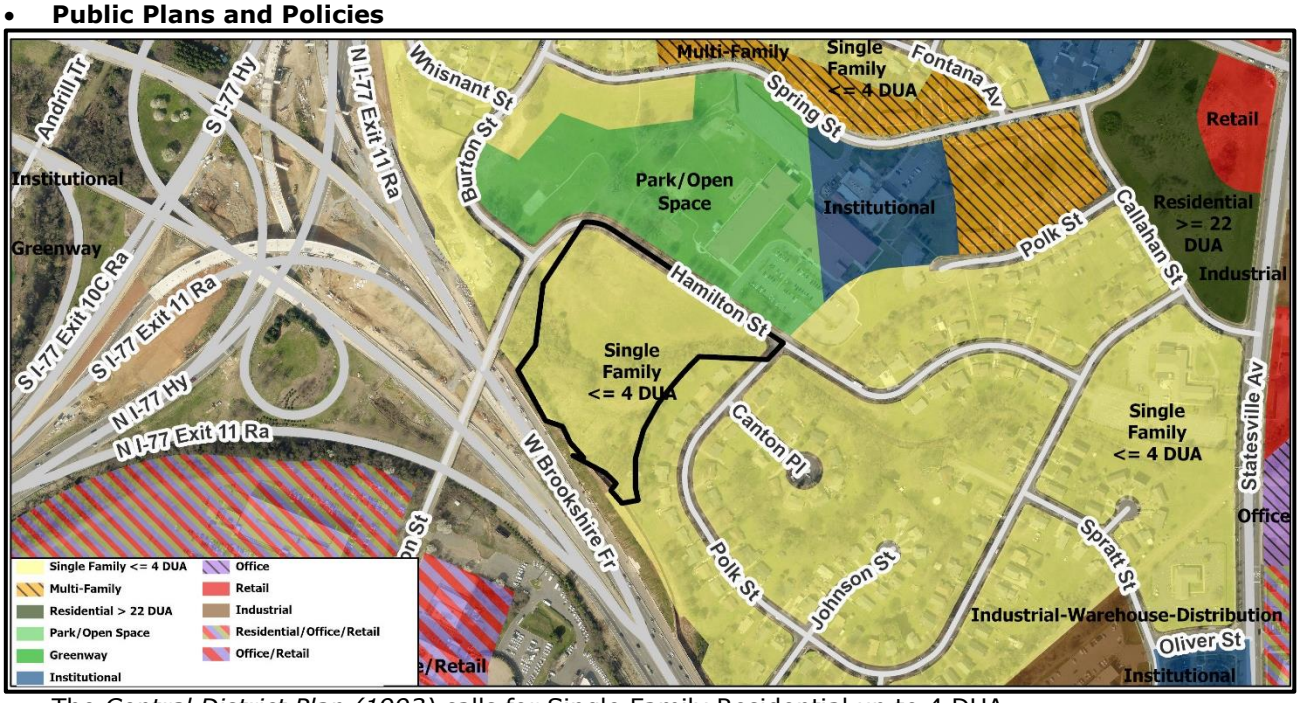
The property to the west across Interstate 277 is the Music Factory development.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-054	Rezoned 72 acres to allow adaptive reuse and redevelopment of a large light industrial site. It allows a mix of uses allowed in the UMUD (uptown mixed use) district, including office, retail, eating/drinking entertainment uses, hotels, multi-family residential, and light industrial.	Approved
2018-150	Rezoned 5.27 acres to allow up to 250 multi-family residential dwelling units.	Approved

- **Public Plans and Policies**



The *Central District Plan (1993)* calls for Single Family Residential up to 4 DUA.

- 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 up to 12 dwellings per acre as illustrated in the table below.

Assessment Criteria	**Density Category – up to 12 dua**
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	5
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	**Total Points: 16**

- **TRANSPORTATION SUMMARY**
  - The site is located on Hamilton Street, a local City-maintained street, and bound by Hamilton Street, Polk Street, and the Brookshire Freeway. A Traffic Impact Study (TIS) is not needed for this site. The petitioner will be providing and 8-foot planting strip and 6-foot sidewalk on the Hamilton and Polk Street frontages. All outstanding issues have been addressed.
- **Active Projects:**
  - None
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 390 trips per day (based on 34 single family dwellings).

  Proposed Zoning: 590 trips per day (based on 83 townhomes).

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 outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 17 students, while the development allowed under the proposed zoning may produce 5 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Walter G. Byers Pre K-8 remains at 89%.
    - West Charlotte High remains at 96%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Polk Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Polk Street. See advisory comments at www.rezoning.org
- **City Arborist:** See advisory comments at www.rezoning.org
- **Erosion Control:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Land Use

1. ~~Remove 5 years vested rights~~. Addressed

REQUESTED TECHNICAL REVISIONS

Site and Building Design

~~1. Provide minimum square footage of urban open spaces.~~ Addressed

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

Planner: Michael Russell (704) 353-0225

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-102

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
	**Goal 1: 10- Minute Neighborhoods** 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.	✓
	**Goal 2: Neighborhood Diversity & Inclusion** 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.	✓
	**Goal 3: Housing Access for All** 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.	X
	**Goal 4: Trail & Transit Oriented Development (2-TOD)** 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.	X

	**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.	✓
	**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.	✓
	**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.	N/A
	**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.	N/A
	**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.	✓
	**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	N/A