

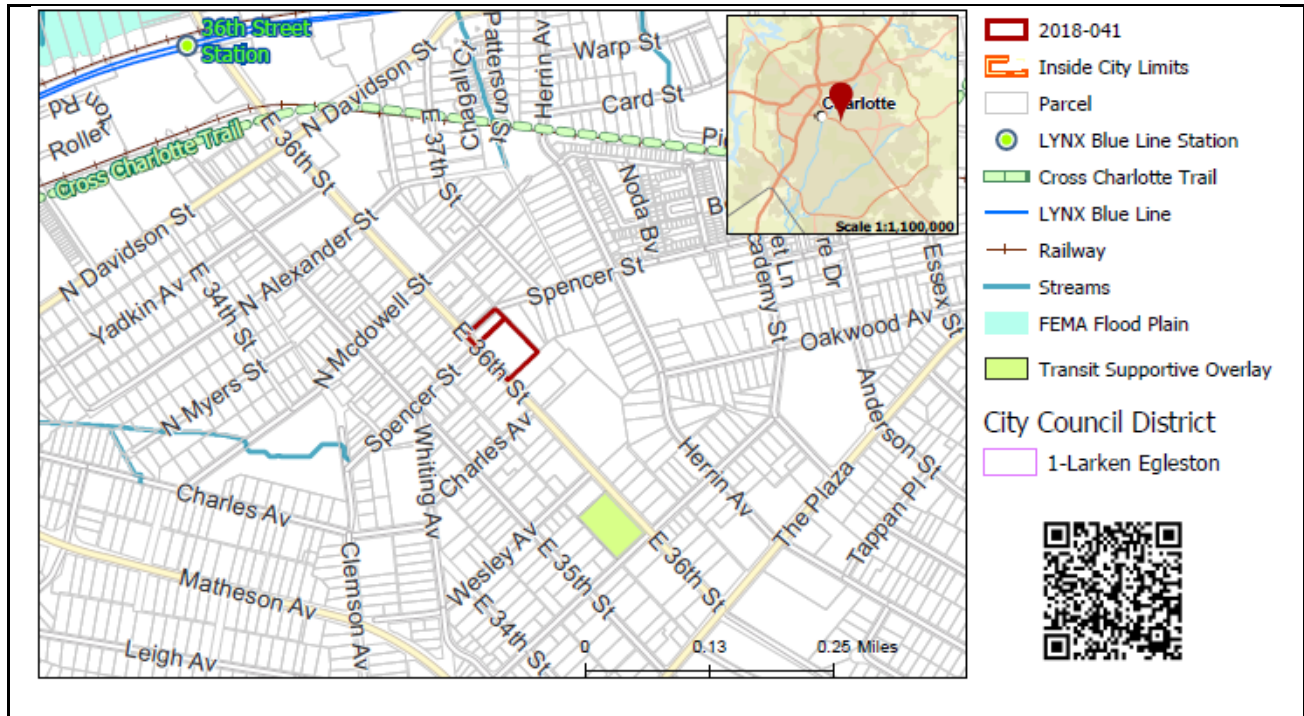
## REQUEST

Current Zoning: R-5 (single family residential, and UR-2(CD) (urban residential, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional site plan amendment)

## LOCATION

Approximately 1.27 acres located on the north side of East 36<sup>th</sup> Street, east of Spencer Street.  
(Council District 1 - Egleston)



## SUMMARY OF PETITION

The petition proposes to redevelop the site with up to 27 single family attached townhome units, at a density of 21.2 dwelling units per acre, consisting of six or fewer individual units per building.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Timothy R. Stevenson, and Citi Properties, LLC  
Saussy Burbank, LLC  
Colling Brown and Bailey Patrick, Jr., K&L Gates LLP

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 1.

## STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and the environment.

### Plan Consistency

The request for the portion of the site currently zoned R-5 (single family residential) is inconsistent with the *Blue Line Extension Transit Station Area Plans*, which recommends low density residential uses for the property.

The request for the remaining portion of the site, currently zoned UR-2(CD) (urban residential, conditional), is consistent with the *Blue Line Extension Transit Station Area Plan* as amended by Petition 2017-071.

Rationale for Recommendation

- 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.
- The proposal has buildings fronting East 36<sup>th</sup> Street, and Spencer Street with parking behind, and a tree save area at the corner of Spencer Street and East 36<sup>th</sup> Street.
- 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.
- Proposed uses are compatible with surrounding residential and institutional uses.
- Council recently approved rezoning petition 2017-071 that rezoned most of the subject site from R-17MF to UR-2(CD) to allow existing multi family structures to be redeveloped as townhomes. This current petition proposes to incorporate the corner parcel at 36<sup>th</sup> Street and Spencer Street into the development for a cohesive project in this quadrant of the block.

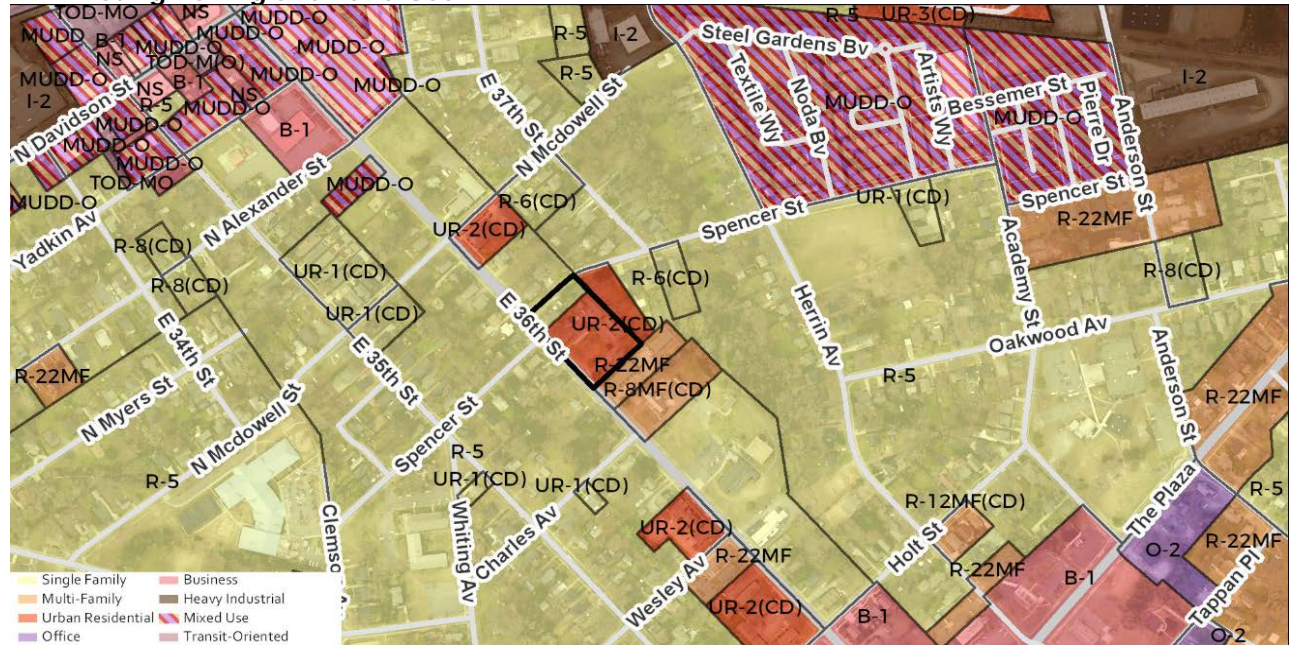
**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 27 single family attached townhome units, at a density of 21.2 dwelling units per acre, consisting of six or fewer individual units per building. Building elevations reflecting four-sided architecture.
- 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.
- Tree save areas provided at the corner of Spencer Street and East 36<sup>th</sup> Street, and the southern end of the site between the private drive and abutting property to the south.
- 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.
- A nine-foot sidewalk will be provided at the back-of-curb along East 36<sup>th</sup> Street, with an eight-foot planting strip behind the sidewalk. An eight foot planting strip and six foot sidewalk will be provided on Spencer Street.

### • Existing Zoning and Land Use

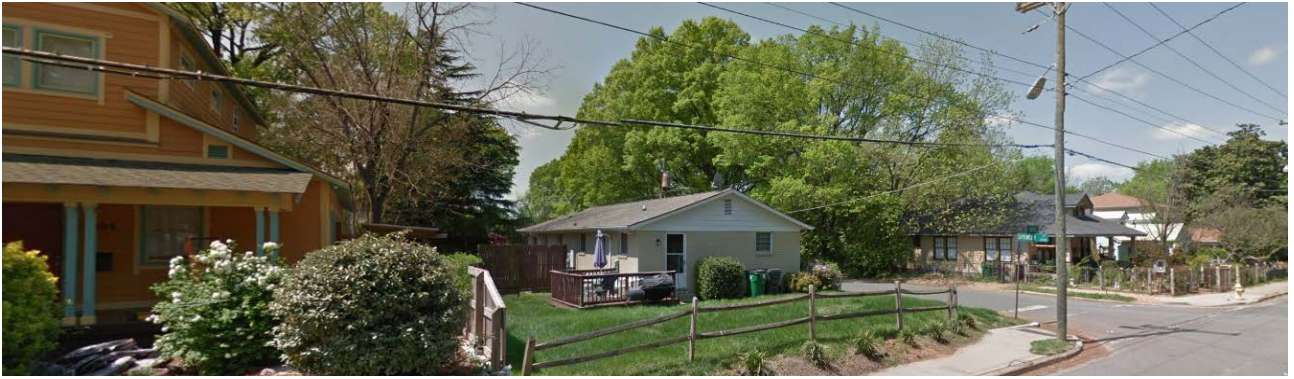


- The parcel at the corner of 36<sup>th</sup> Street and Spencer Street is zoned R-5 (single family residential). Petition 2017-71 rezoned the remaining portion of the subject property to UR-2(CD) (urban residential, conditional) to allow 22 townhome units.
- The subject properties are developed with 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.



The subject property is developed with one single family home and multi-family apartments.





Properties to the south are developed with single family homes.



Properties to the north are developed with single family homes.



Multi-family apartments abut the subject property to the southeast.

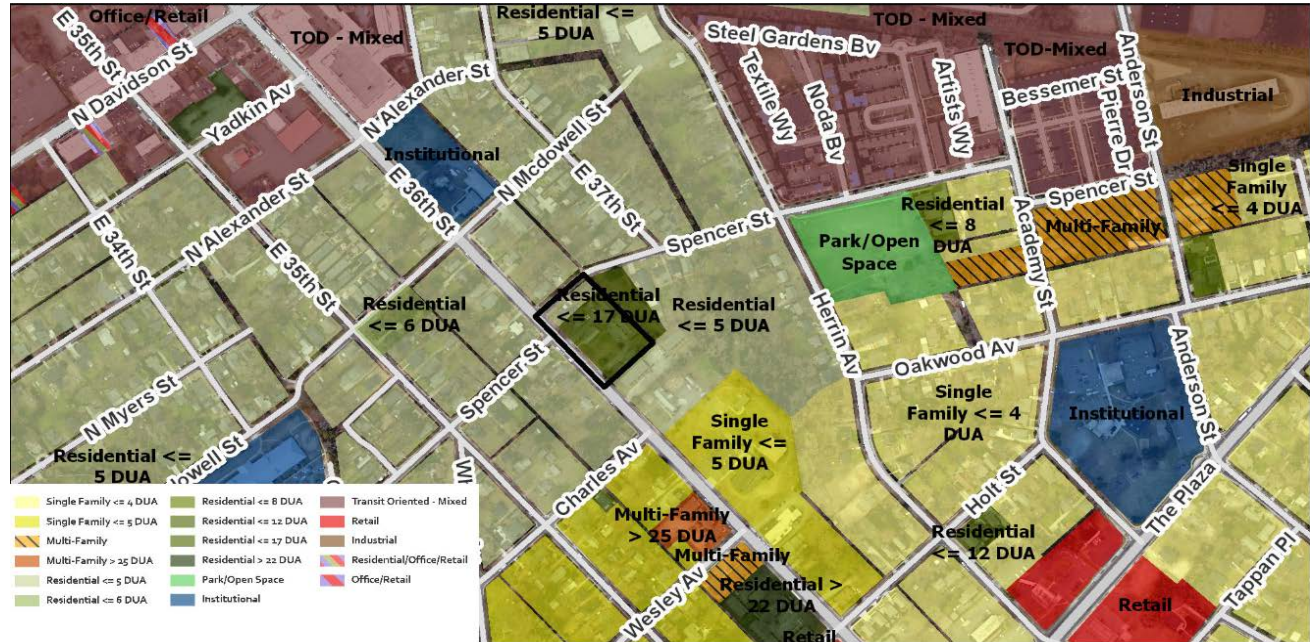
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-071	Rezoned 1.5 acres including most of the subject property to UR-2(CD) (urban residential, conditional) to allow up to 22 single family attached townhome units and two single family detached dwellings, at a density of 14.6 units per acre.	Approved
2016-076	Rezoned 1.35 acres to UR-2(CD) TS (urban residential, conditional, transit supportive overlay) to allow 32 single family attached dwelling units.	
2015-089	Rezoned 1.35 acres to UR-2(CD) (urban residential, conditional) to allow 27 multi-family apartment units.	
2014-060	Rezoned 0.46 acres to UR-1(CD) (urban residential, conditional) to allow the creation of three lots, with the existing three single family detached dwellings to remain.	Approved
2013-009	Rezoned approximately 3.89 acres to MUDD-O (mixed use development) district, optional to allow a 54-unit multi-family development.	Approved



## • Public Plans and Policies



- The *Blue Line Extension Transit Station Area Plans* (2013) recommends low density residential uses for the lot currently zoned R-5 (single family residential), and townhomes as amended by Petition 2017-71.
- 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 petitioner is requested to commit to building two curb ramps to meet city standards.
  - **Vehicle Trip Generation:**
    - Current Zoning:
    - Existing Use: 220 trips per day (based on one single family dwelling and 14 apartment units).

Entitlement: 190 trips per day (based on one single family detached dwelling, and 22 townhomes).

Proposed Zoning: 210 trips per day (based on 27 townhome units).

**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 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 zero students, while the development allowed under the proposed zoning will produce two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is two students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Highland Renaissance Elementary remains at 100%
    - Martin Luther King, Jr. Middle remains at 89%
    - Garinger High remains at 123%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along 36<sup>TH</sup> Street and via an existing six-inch water distribution main located along Spencer Street.

The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. A Capacity Assurance application has been received and is currently under review. Correspondence will be maintained with the applicant.

- **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. See Outstanding issue Note 1.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** Site is required to provide 15% tree save. Site will comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**

Environment

1. 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. To be submitted prior to a decision on the petition. **Outstanding**
2. Show required 15% tree save area and calculations on site map. Tree save must contain existing healthy tree canopy. Tree save must be 30-foot width minimum. **Outstanding**

Transportation

3. Revise the site plan to show two curb ramps at the corner of East 36<sup>th</sup> Street and Spencer Street. This will require the nine-foot back-of-curb sidewalk to be adjusted in order to install proper curb ramps. **Outstanding**

Site and Building Design

4. Show location of solid waste and recycling as required per Section 12.403 as amended March 2018. **Outstanding**

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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 and Neighborhood Services Review
  - Charlotte Fire Department Review

- Charlotte-Mecklenburg Schools Review
- Charlotte Water Review
- Engineering and Property Management Review
  - City Arborist
  - 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

**Planner:** Sonja Strayhorn Sanders (704) 336-8327