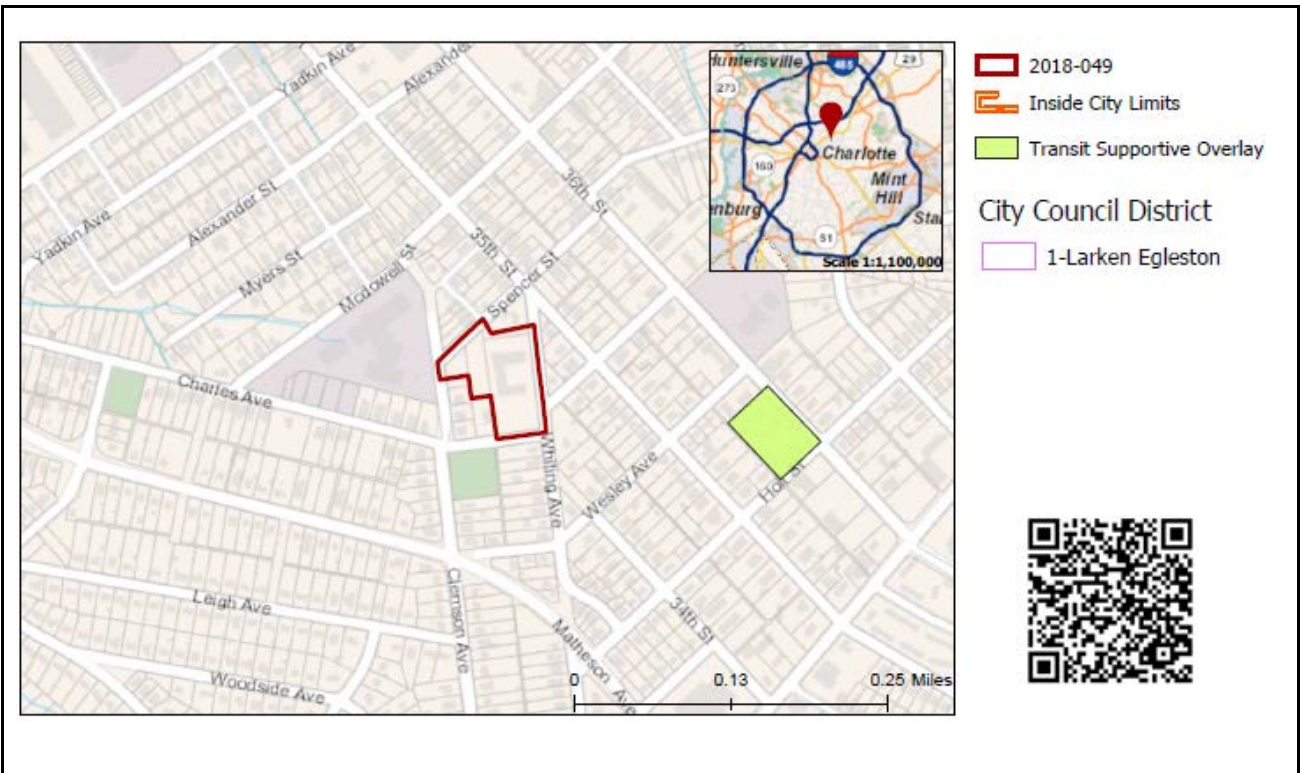


**REQUEST**

Current Zoning: R-5 (single family residential)  
 Proposed Zoning: MUDD-O (mixed use development - optional)

**LOCATION**

Approximately 2.57 acres bounded by Charles Avenue, Whiting Avenue, Spencer Street, and Clemson Avenue, north of Matheson Avenue.  
 (Council District 1 - Egleston)



**SUMMARY OF PETITION**

The petition proposes to reuse an existing structure to allow up to 16,000 square feet of uses **limited to community recreation centers, athletic facilities, libraries, museums, cultural, recreation, galleries, artist studios, event/gathering/activity, and co-working/shared office**, in addition to up to ~~20~~ **18** residential dwelling units, at a density of ~~42.5~~ **11.25** units per acre.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

New Life Theological Seminary  
 Revolve Residential  
 Bridget Grant, Moore & Van Allen, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 122.

**STAFF**  
**RECOMMENDATION**

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

Plan Consistency

The petition is consistent with the following policies of the *Blue Line Extension Transit Station Area Plan*, which:

- Encourages a mixture of housing types, including workforce and affordable housing.
- Encourages the reuse of historic or architecturally significant structures.

However, the petition is inconsistent with the land use and community design policies of the *Blue Line Extension Transit Station Area Plan*, which:

- Recommend maintaining the low density residential portion of the neighborhood at up to six dwelling units per acre.
- Support opportunities for infill residential development with similar densities and design character as the existing mill village housing.
- Support moderate density as appropriate in some locations if the proposal meets the design guidance provided in the Community Design Section of the Plan.

#### Rationale for Recommendation

- The proposed density of residential portions of the site (12.5 units per acre) exceeds the Plan's recommendation of six dwelling units per acre and is not of similar density or design character as the existing mill village housing.
- The proposed residential infill does not fulfill the Community Design Section guidance of the Plan regarding building orientation and compatible scale with the surrounding single family neighborhood.
- The proposed reuse of the existing church building allows an amount and intensity of nonresidential uses (including office, event/gathering/activity, and other uses as allowed in the MUDD zoning), that are not appropriate to the site's context within the existing single family neighborhood.

### PLANNING STAFF REVIEW

#### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Development area consisting of Development Areas A, B, and C.
- Development Area A
  - Allows up to ~~46~~ 14 detached dwelling units, with a minimum lot size of 1,900 square feet and a minimum lot width of 35 feet.
  - Building height limited to three stories and 40 feet.
- Development Area B
  - Proposes reuse of an existing building to allow up to ~~16,000~~ 17,000 square feet of uses limited to churches, synagogues, parish houses, Sunday school buildings, convents, public and private elementary, junior and senior high schools, child care centers, adult care homes, government buildings, universities, colleges and junior colleges, community recreation centers, athletic facilities, libraries, museums, permitted in the MUDD (mixed use development) district including but not limited to institutional, educational, cultural, recreation, galleries, artist studios, event/gathering/activity, and/or co-working/shared office and/or similar uses. Event/gathering/activity will mean and refer to uses that are permitted in the MUDD district and stated for clarity as: meetings, retreats, conferences, exhibits, civic activities, weddings, reunions, and or similar, instructional classes such as yoga, art, wellness, fitness, and/or similar.
  - Event/gathering/activity as a principal use may not exceed 5,000 square feet and is subject to the ability to provide event parking at a rate of one space per four seats.
  - Co-working /Shared Office defined as office use with common reception, meeting, conference, break room, and other accessory areas accessory to the office uses. Private and/or individual offices are permitted so long as they are no larger than 2,500 square feet and utilize the common areas listed above.
  - Commercial kitchens, eating/drinking/entertainment establishments including breweries and/or taprooms, and retail uses are prohibited in Development Area B.
  - Preservation of the building is a condition of the rezoning. Demolition of the building that does not result from damage will require a rezoning.
  - If the existing building is substantially damaged by fire or other casualty whereby rebuilding the building is impractical or not financially feasible, a new building can be built in its place within the same footprint and otherwise in compliance with this rezoning plan.
- Development Area C
  - Allows up to four attached dwelling units not to exceed two stories in height.

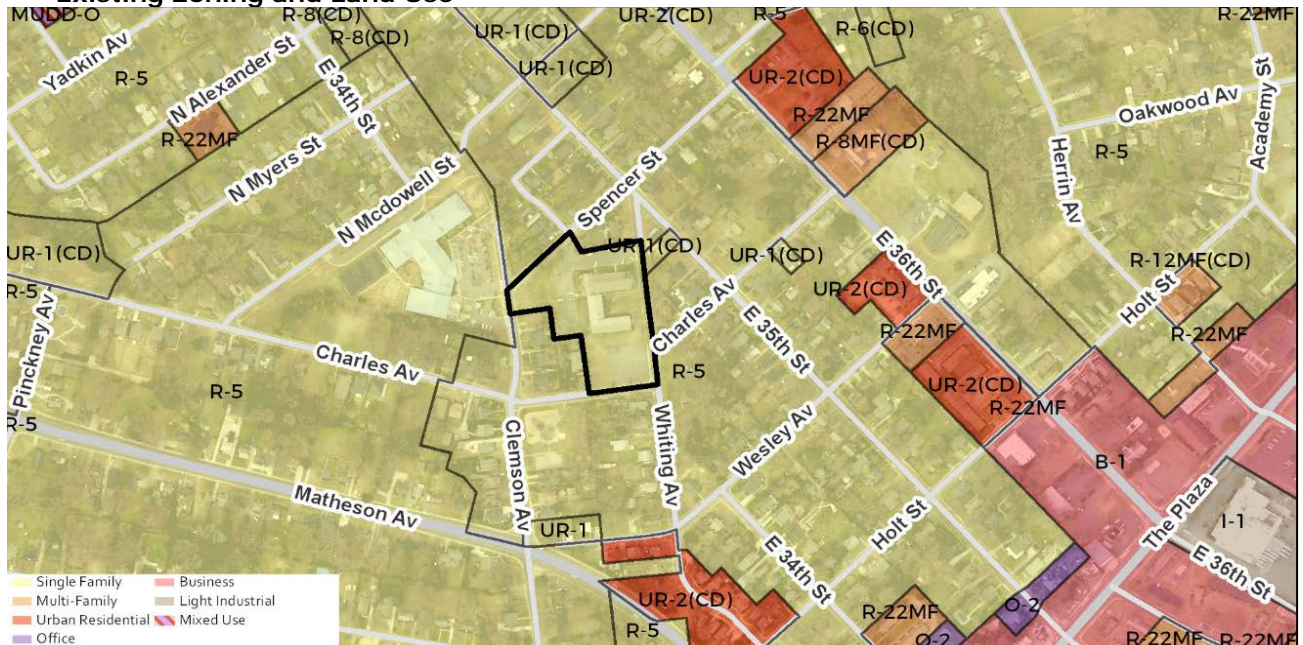
- Two of the units will be constructed to serve HouseCharlotte eligible residents. A 15-year deed restriction will be provided limiting the initial sale and resale of the units to HouseCharlotte eligible residents, which will remain effective so long as the HouseCharlotte program exists or until the deed restriction expires. HouseCharlotte units must be completed or substantially complete prior to the issuance of the certificate of occupancy for the ~~thirteenth~~ eleventh unit in Development Area A.
- Vehicular site access via Whiting Avenue, Clemson Avenue, and Spencer Street.
- Streetscape improvements will be completed or substantially complete within each respective Development Area as development occurs prior to the issuance of the first certificate of occupancy within the respective development area.
- Existing access to abutting tax parcel 08312618 from the site shall be closed and a new curb cut and access to parcel 08312618 shall be provided from Whiting Avenue prior to the first new certificate of occupancy in Development Area B.
- ~~Funds in the amount of \$20,000 will be contributed from Charlotte Christian College and Theological Seminary for the installation of off-site sidewalk, marked crossings, and/or ADA ramps. Improvements will be determined in collaboration with CDOT during the permitting process. All improvements will be within one block of the site and located within the existing right-of-way, and will be completed prior to the issuance of the first certificate of occupancy in the adjacent respective development area.~~
- Building materials consisting of a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, EIFS, stucco, decorative block and/or wood. Vinyl or aluminum as a building material limited to windows, soffits and handrails/railings. Proposed roofing materials will be architectural shingles, wood shake, slate, tile and/or metal.
- Residential units will be developed with up to ~~20~~ 18 principal detached and/or attached residential units, in Development Areas A and C.
- Units with frontage on a public or private street shall have a stoop or porch on the public street and provide architectural treatments that limit the maximum blank wall expanse to 10 feet on all building levels in Development Area A.
- Usable porches and stoops, a minimum of ~~seven~~ five feet deep, shall form a predominant feature of the building design along Clemson Avenue, Whiting Avenue and Charles Avenue. Stoops and entry level porches may be covered and enclosed with railings or other pedestrian level architectural features. All residences fronting Whiting Avenue and Charles Avenue will have a direct connection to the public street sidewalk. ~~Entrances (doors) provided on residential units along Whiting Avenue shall be a prominent architectural feature and shall be substantially similar to the entrances fronting the open space, and be located on the front of buildings oriented toward Charles Avenue, and located on the front and/or side of the building~~
- Providing a 20-foot setback along Spencer Street, Charles Avenue, Clemson Avenue and Whiting Avenue.
- Existing seven-foot planting strip along Whiting Avenue to remain.
- A 20-foot wide landscape buffer adjacent to existing single family residential zoning in Development Areas A and B.
- The petitioner will provide a six-foot ~~site built~~ wooden privacy fence, and a five-foot ~~landscape area~~ along Development Area B and parcel 08312618 as generally depicted
- Publicly accessible open space will be provided in Development Area A.
- ~~Hours of operation for event/gathering/activity uses nonresidential uses shall be 6:00 a.m. to 9:00 p.m. on weekdays and 6:00 a.m. to 10:00 p.m. on weekends, with office hours from 6:00 a.m. to 10:00 p.m. daily. Staging, loading or unloading of tables, chairs, and tents and/or similar associated with the event/gathering/activity uses shall only occur within the hours of operation. Trash collection shall not occur outside of the normal operating hours and shall be in compliance with the noise ordinance. The hours of operation for all other non residential-uses on the site shall be limited from 6:00 a.m. to 10:00 p.m. every day.~~
- ~~Outdoor music performances and amplified outdoor music is prohibited for private events.~~
- Petitioner to provide \$10,000 of public artwork on the site or in connection with pedestrian crosswalks on Clemson Avenue, Whiting Avenue, Spencer Street, and/or Charles Avenue. The public artwork installation will be complete or substantially complete prior to the issuance of the last certificate of occupancy for the residential units in Development Area A.
- Signage provided per the ordinance. Marquee signs are prohibited.
- ~~Sidewalk will be extended on Charles Avenue beyond the site to Clemson Avenue. The proposed sidewalk shall be a minimum of five feet and the exact location of the sidewalk shall be determined in coordination with CDOT. The Petitioner shall not be responsible for replacement and/or relocation of any utility poles or boxes, fences, and/or landscaping located within the right-of-way.~~
- ~~Provision of ADA curb ramps at the intersection of Spencer Street and Clemson Avenue and the intersection of East 34<sup>th</sup> Street and Spencer Street. This improvement shall be limited to curb~~



~~ramps and shall not include improvements to the existing sidewalk. The Petitioner shall not be responsible for providing ADA compliant transitions to the existing non-ADA compliant sidewalks. In lieu of this provision, CDOT may permit alternative pedestrian improvements along Spencer Avenue between Whiting Avenue and the site's frontage on Spencer Avenue.~~

- An internal pedestrian connection shall be provided between Development Area C and Development Area B and/or Development Area A.
- Existing access to tax parcel 08312618 from the site will be closed and a new curb cut and access to tax parcel 08312618 shall be provided from Whiting Avenue prior to the new certificate of occupancy in Development Area B.
- There will be no front-loaded garages on units fronting public streets.
- Optional Provisions:
  - Allow porches and/or stoops to encroach up to four feet into the setback on Charles Avenue and in Development Area C.
  - Retain and expand the existing parking area and allow encroachment in the setback on Whiting Avenue.
  - Allow parking and maneuvering between the building and street along Spencer Street and Clemson Avenue.
  - Allow lots to front alleys and/or open space in Development Area A.
  - Allow porches and/or stoops to encroach up to two feet into the setback on Whiting Avenue.

• **Existing Zoning and Land Use**



- The subject property is zoned R-5 (single family residential) and is developed with a former religious institution. It is surrounded by single family residential homes and a school.



The subject property is developed with a former religious institution.





Highland Mill Montessori School is to the west.



Properties to the north are developed with single family homes.



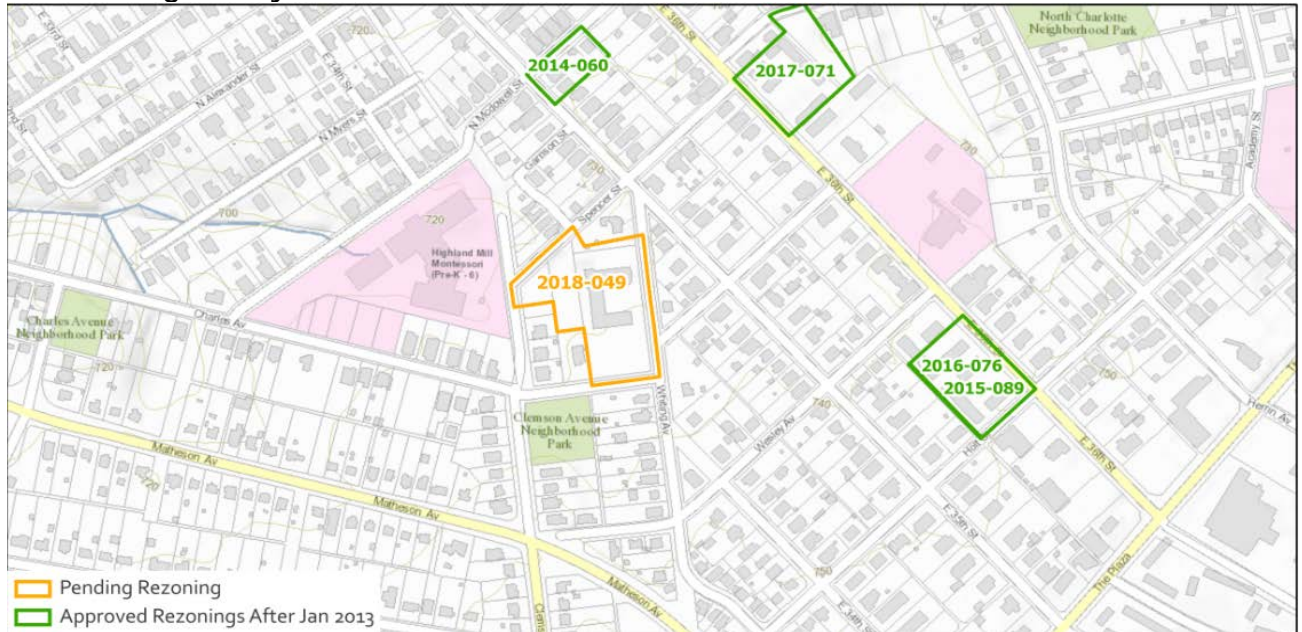
Properties to the south and east are developed with single family homes.





Clemson Avenue Park is located to the south.

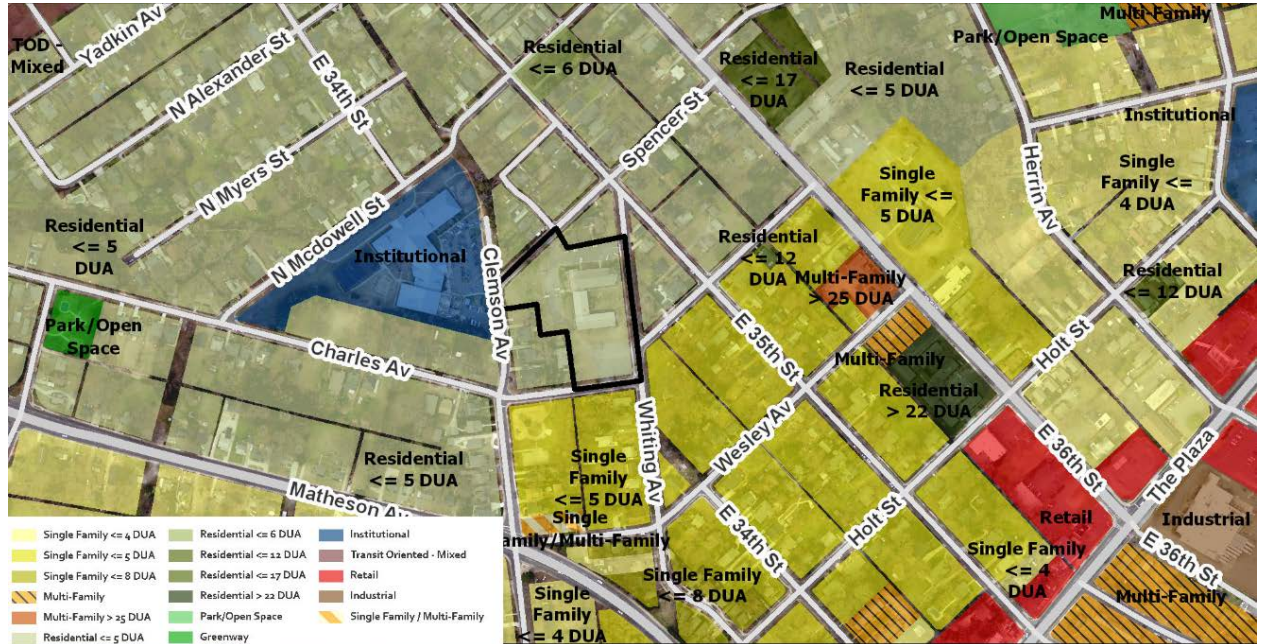
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-071	Rezoned 1.5 acres from to UR-2(CD) (urban residential, conditional) to allow up to 20,000 square feet of non-residential uses and up to seven residential dwelling units.	Approved
2016-076	Rezoned 1.35 acres to UR-2(CD) TS (urban residential, conditional, transit supportive overlay) to redevelop an existing 27-unit multi-family apartment site located in the North Charlotte neighborhood with 32 single family attached dwelling units, at a density of 23.7 units per acre.	Approved
2015-089	Rezoned 1.35 acres to allow UR-2(CD)(urban residential, conditional) to allow 51 multi-family dwelling units, at a density of 37.7 units per acre.	Approved
2014-060	Rezoned 0.46 acres to UR-1(CD) (urban residential, conditional) to allow subdivision of two single family parcels into three lots.	Approved



- **Public Plans and Policies**



- The *Blue Line Extension Transit Station Area Plan* (2013) recommends low density residential uses for the subject site.
- The plan describes Historic Highland Mill Village and single family homes in the NoDa community as “district character houses,” located in the Wedge south of North Davidson Street and McDowell Street. 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 land uses, up to five dwelling units per acre.
  - Support opportunities for infill residential development with similar densities and character as the existing mill village housing. Moderate density may be appropriate in some locations if the proposal meets the design guidance provided in the Community Design section of this plan.
- The Community Design policies include recommendations for single and multi-family residential development:
  - Discourage tearing down historic or architecturally significant structures. Instead, encourage the reuse of historic structures.
  - Orient buildings to the street or common open space. Provide pedestrian access to the street.
  - Avoid blank walls along pedestrian circulation areas.
  - Design buildings with transparent openings, ornamentation, and architectural character.
  - Design buildings with human scale and visual interest in mind.
  - Locate parking to the rear of buildings whenever feasible, with alley access if available.
  - 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 areas and curb cuts and maximize green space.
  - Provide a meaningful amount of usable and accessible open space. In single family development, this should be common open space.
  - Provide direct pedestrian and bicycle connections between abutting or adjacent developments and transit stops.
  - Provide adequate pedestrian scale lighting along neighborhood streets leading from residential areas to station.
- The Community Design policies include additional recommendations for non-residential development:
  - Locate dumpsters and service areas away from residential areas.
  - Consider pervious pavement for overflow parking.

- Encourage “green” site design and building practices, especially to reduce storm water runoff and provide other environmental benefits.
- Provide pedestrian amenities, such as street furniture and pedestrian scale lighting.
- Provide ample sidewalk width to accommodate pedestrian circulation, congregations, outdoor dining, and amenities such as street furnishings, trash receptacles, art work, and trees.
- Provide bicycle parking and storage areas.
- Provide on-street parking to reduce the size of surface parking lots.
- Establish a central vehicular entrance into the site from the more auto-oriented street and provide secondary access options from the minor streets.
- The Future Transportation Network map in the plan shows an upgraded or new sidewalk along Spencer Street.
- The Structure Map in the plan indicates single family homes, duplexes, triplexes, and quadraplexes at a height no greater than 40 feet.

#### TRANSPORTATION CONSIDERATIONS

- The site is located on local streets. The proposed development will intensify pedestrian traffic. CDOT requests the petitioner improve the pedestrian infrastructure by extending sidewalks and curb ramps to provide access between the development and both Clemson Avenue Park and Highland Mill Montessori School.
- ~~See Outstanding Issues, Notes 1-2.~~
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 290 trips per day (based on 32,250-square foot church).
    - Entitlement: 290 trips per day (based on 32,250-square foot church).
  - Proposed Zoning: 490 trips per day (based on 20 townhome units and 16,000 square feet of office uses).

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

- **Charlotte Area Transit System:** Construction cannot obstruct use of the existing bus shelter 500 feet north of the development site.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate seven students, while the development allowed under the proposed zoning will produce 15 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is eight students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units):
    - Highland Renaissance Academy 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 existing six-inch and eight-inch water distribution mains located along Spencer Street, Whiting Avenue, Charles Avenue, Clemson Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing 8-inch gravity sewer mains located along Spencer Street, Whiting Avenue, Charles Avenue and Clemson Avenue.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee. The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do NOT confirm or imply authorization by the City to remove any City trees located in street right-of-way; City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way. No trees can be removed from or planted in the right-of-way of Whiting Avenue, Charles Avenue, Clemson Avenue, and Spencer Street without permission of the City Arborist's office. Trees in the right-of-way on Whiting Avenue are required to be preserved and protected throughout the life of the project. Proposed alleys shall not be located within the dripline of the existing right-of-way trees. Additionally, the area required for the construction of the ally shall not fall within the dripline of existing right-of-way trees. Maintain the standard distance of one foot per each inch of tree diameter as the area cannot be disturbed for the alley installation. If the existing sidewalk along Whiting Avenue is removed the demolition of sidewalk should be done carefully and shall not disturb roots underneath the sidewalk; sawcut and hand remove all sidewalk panes within dripline of all right-of-way trees.



Additionally, the required sidewalk that will be installed within the dripline of existing trees shall be required to meander to preserve existing trees; if the new sidewalk is required to be installed within the dripline of the existing trees, it will be required to be installed to bridge tree roots in accordance with CLDS 40.11.

- **Erosion Control:** No outstanding issues.
- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

1. ~~Revise the site plan and conditional notes to show the proposed sidewalks on Charles Avenue extending to the intersection with Clemson Avenue. This would provide pedestrian access from the proposed development to the Clemson Avenue Park.~~ **Addressed.**
2. ~~Revise the site plan and conditional notes to show curb ramps at the intersection of Spencer Street and Clemson Avenue and the intersection of East 34<sup>th</sup> Street and Spencer Street.~~ **Addressed**
3. ~~Add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **Addressed**

### Environment

4. ~~Submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right of way. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ **Addressed**

### Site and Building Design

5. ~~Clarify Note 5d to specify which buildings are being referenced.~~ **Addressed**
6. ~~Limit height of buildings in Development Area A to 2.5 stories and 40 feet in order to support a compatible residential scale with the surrounding neighborhood.~~ **Partially addressed as the building heights have been limited to 40 feet. However, the number of stories has not been limited as requested.**
7. ~~Orient the residential units in Development A along Whiting Avenue to front along the public street in order to reinforce the established residential orientation of the surrounding neighborhood.~~ **Addressed**
8. ~~Clarify the commitment to public art by indicating what will be provided, its location, and the timing of installation.~~ **Addressed.**

### Land Use

9. ~~Define the reuse of the church building (Development Area B) limited to institutional uses as permitted in the MUDD district and residential.~~ **Partially addressed by further limiting the uses.**
10. ~~Reduce the residential density to be of similar density and character of the existing neighborhood.~~ **Partially addressed by orienting homes toward Whiting Street. However, the height and density issues remain.**

### New Outstanding Issue Based on Revised Site Plan:

11. ~~Amend Note 2(b)(iii) to clarify what is meant by damage or remove the following "demolition of the building that does not result from damage will require a rezoning."~~ **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 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)