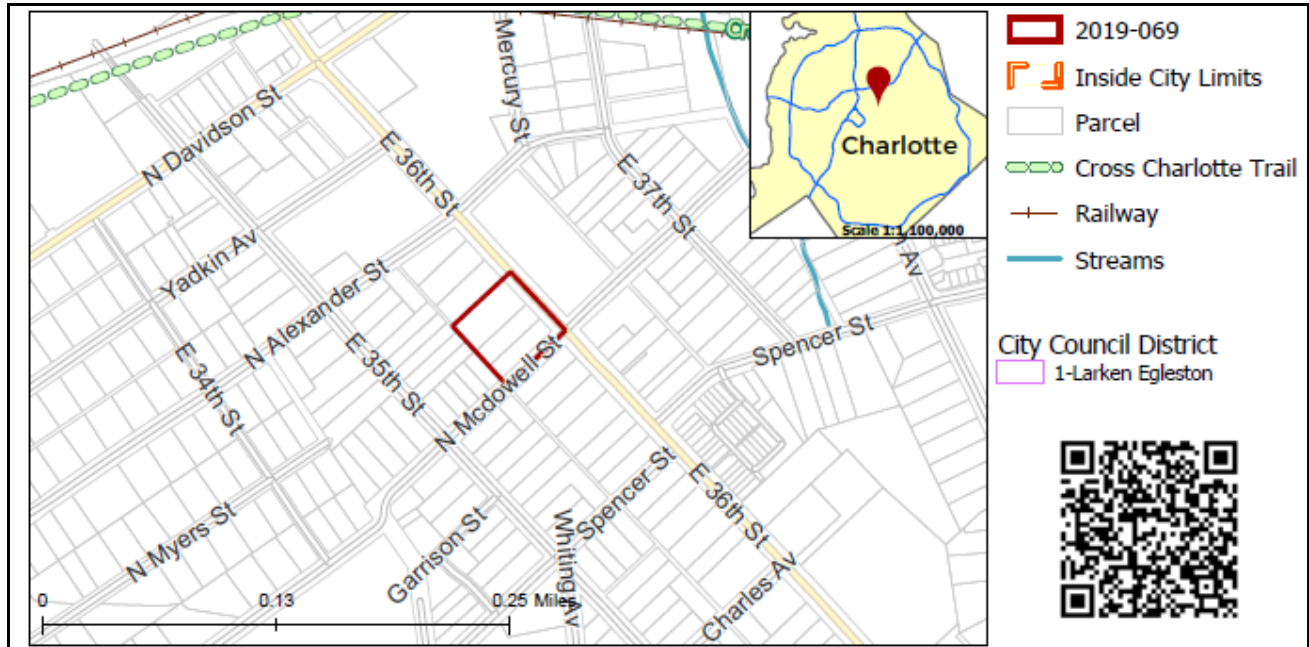


**REQUEST**

Current Zoning: R-5 (single family residential)  
Proposed Zoning: NS (neighborhood services)

**LOCATION**

Approximately 0.9 acres located on the west side of E. 36th Street, north of N. McDowell Street and south of N. Alexander Street.



**SUMMARY OF PETITION**

The petition proposes to rezone an assemblage of three contiguous properties in order to redevelop the site and to allow up to 60 multifamily dwelling units at a density of 67 dwelling units per acre as well as up to 5,000 SF of ground-floor retail and/or commercial uses.

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

Roma Homes LLC & Lien Thi Bragg  
Harrison Tucker, CoHab LLC  
Paul Pennell, Urban Design Partners

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 16

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *36<sup>th</sup> Street Transit Station Area Plan* (2013) which recommends residential uses up to five dwelling units per acre for the site.

Rationale for Recommendation

- Although the petition is not requesting a transit-oriented district, the site is under a half mile from a high-volume transit station. The density proposed with this petition is complimentary to the density expected around light rail stations.
- The petition is providing enhanced buffering and roof massing along the shared property boundary with single family residential uses, creating an overall form that attempts to match the massing of existing development while transitioning to its maximum height along E. 36<sup>th</sup> Street.

- The retail element of this project will provide an enhanced neighborhood experience while committing to noise restrictions to stay in harmony with an area that is still largely residential in nature.
- The requested density (67 dwelling units per acre) closely matches that of the Mercury apartments (petition 2012-001; 65 dwelling units per acre), an apartment community one block to the north.
- This petition is complimentary to the overall vision of the Blue Line Extension Station Areas found within the *Transit Station Area Plan* (2013) by providing a "mixture of uses that create safe, dynamic urban places...". This project proposes a mixture of residential, retail, and commercial uses in an inventive floorplate and overall design.
- The petition is complimentary to the *Transit Station Area Plan's* overall goal of community design by creating a "high quality urban environment by enhancing the identity of the Transit Station Area through the creation attractive streetscapes." This petition accomplishes that through a proposed 16-foot wide sidewalk and street trees along with an activated ground floor with retail uses along the property's E. 36<sup>th</sup> Street frontage. The increase in sidewalk width along E. 36<sup>th</sup> street makes an easily traversable area along a sidewalk that provides direct access to a transit station.
- Although recommended for neighborhood preservation within the *36<sup>th</sup> Street Transit Station Area Plan*, there have been example rezonings approved in the past that have allowed a higher density residential product within the same block as the subject property.
- The petitioner is committing to providing three affordable housing units through the Federal Housing Voucher program. Furthermore, it provides a potential storefront for a neighborhood retailer through the reservation of 1,600 SF of retail space at 60 percent of the market rate.

The approval of this petition will revise the adopted future land use as specified by the *36<sup>th</sup> Street Transit Station Area Plan*, from residential uses at up to five dwelling units per acre to Residential/Office/Retail uses for the site.

## PLANNING STAFF REVIEW

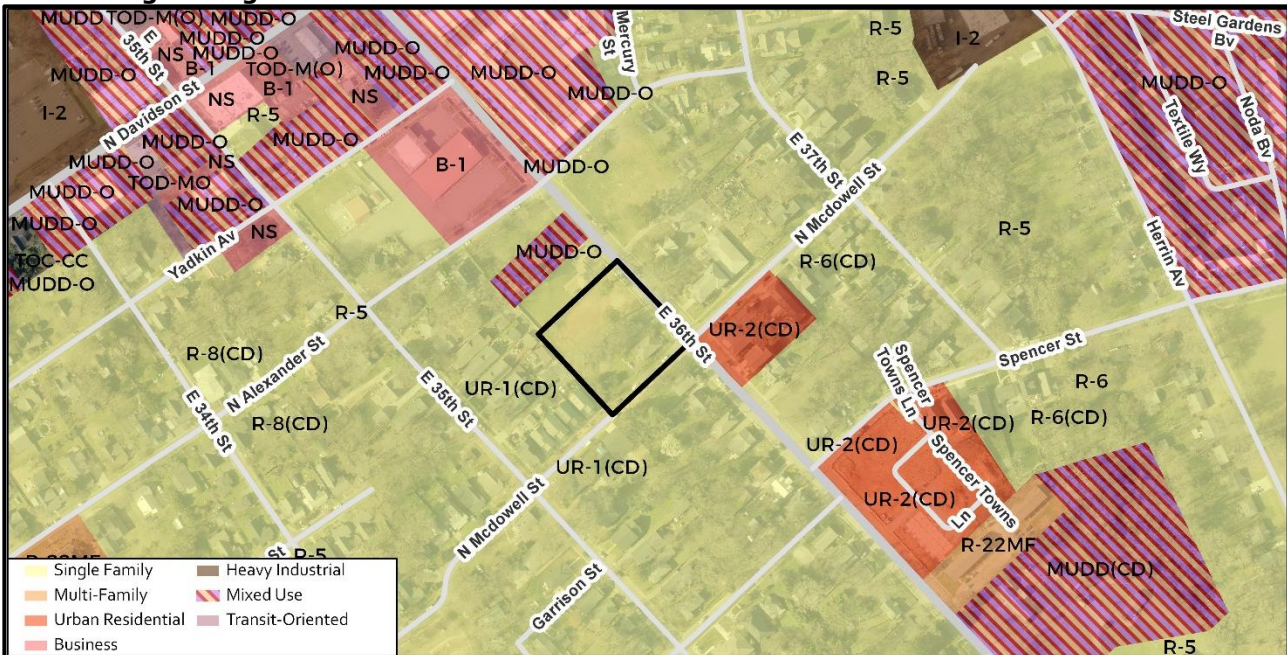
### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Permits up to 5,000 SF of ground floor commercial and retail uses, including a commitment to a minimum of 1,600 SF reserved as "affordable" retail space and leased at a maximum rate of 60% of the current commercial space market rate rent at the time of leasing. Also commits to the construction of no more than 60 multi-family dwelling units.
- Commits to three affordable housing units through the Federal Housing Voucher program.
- Commits to quiet hours for EDEE (Type 1 and 2) that restricts music, either amplified or broadcast, at specific times.
- Provides vehicular access via driveway connection along N. McDowell Street.
- Commits to providing 8-foot sidewalk and 8-foot planting strip along N. McDowell Street and full-width sidewalk (16-foot) within the E. 36<sup>th</sup> Street with street tree wells.
- Provides curb ramps at the two western corners of the intersection of North McDowell Street and East 36<sup>th</sup> Street.
- Prohibits vehicular use of adjacent improved alley.
- Commits to below-grade off-street parking as well as the continuance of on-street parking along E. 36<sup>th</sup> Street.
- Commits to enhanced architectural standards including the following:
  - A combination of multiple building materials including masonry, brick, stucco, pre-cast concrete, glass, ceramic tile, fiber board, and other similar building materials.
  - The structure shall present a massing along E. 36<sup>th</sup> Street and maintain the established residential line along that street. Canopies, awnings, and the like shall be permitted to exceed the building line.

- Articulation and modulation within the façade plane.
- Public street facades containing a combination of transparent glass, operable doors, and primary building materials from ground plane to 14 feet of the first floor. Up to 10 percent of that area may be dedicated to signage.
- Windows will remain transparent and may not be screened in any way.
- Roof form designed in a way that will avoid the appearance of a large, monolithic roof structure.
- Provided open space/courtyards improved with paving materials, site furnishings, and landscape plantings.
- Screened HVAC equipment.
- Below-grade dumpster areas.
- Commits to unifying streetscape elements through the use of paving materials, lighting, and landscaping throughout the development area.
- Provides a 15' Class C landscape buffer along property lines adjacent to single family uses and the adjacent existing alley. A wooden screen fence shall be provided along the existing alley in combination with landscaping.
- Full cut-off lighting fixtures.

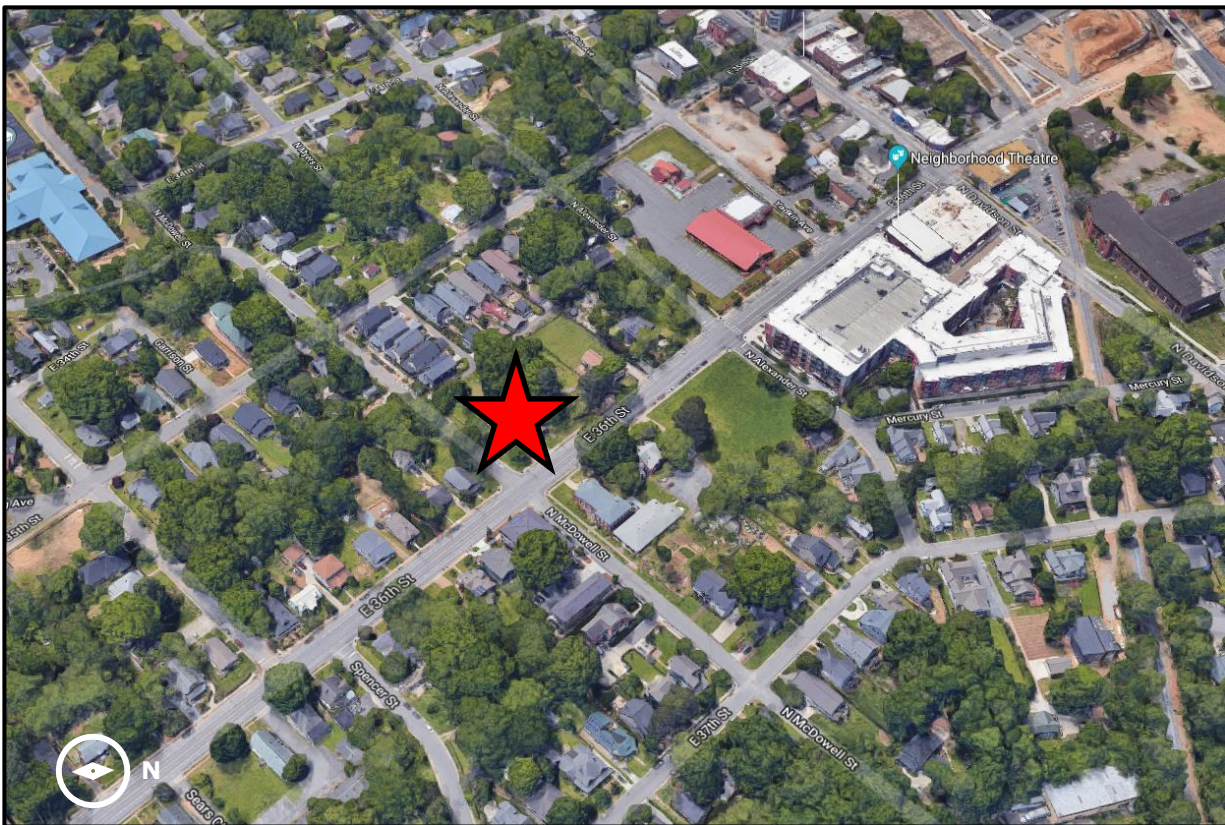
• **Existing Zoning and Land Use**



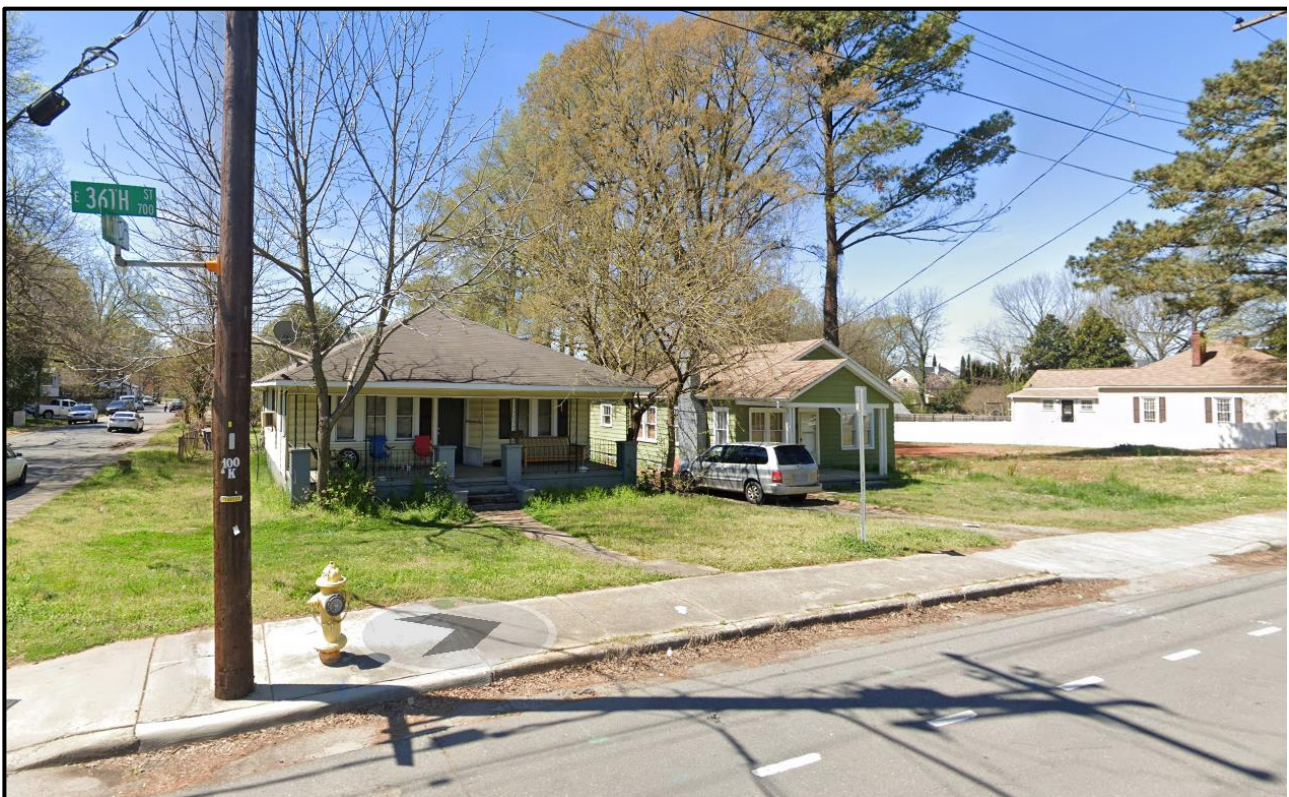
As illustrated on the above map, mixed residential is the predominant type of zoning immediately adjacent to the subject property. MUDD and TOD zoning districts are located a couple blocks north along the N. Davidson Street corridor. Within the last 5 years (as shown on the rezoning history map), there have been several rezonings that were approved that proposed a higher density attached residential dwelling unit housing type. These areas are located within the UR-2(CD) zoning districts and are discussed in more detail in the rezoning history table.

The properties within this petition were all correctively rezoned in 1993 to R-5. Surrounding land uses around this site include residential (single and multi-family) of varying intensities and is two blocks away from the North Davidson community's commercial center. Recent rezonings in the immediate area have consisted of redevelopment of existing single family homes into residential and mixed-use zones that allow higher density.





General location of petition illustrated with red star. North Davidson Street's intersection with 36<sup>th</sup> Street is two blocks west.



Street view of the subject property looking south from East 36<sup>th</sup> Street. There are two single family homes located within the subject property.





Single family neighborhood along East 35<sup>th</sup> Street immediately south of the petition. Detached single family homes are a predominant land use type surrounding the subject property.

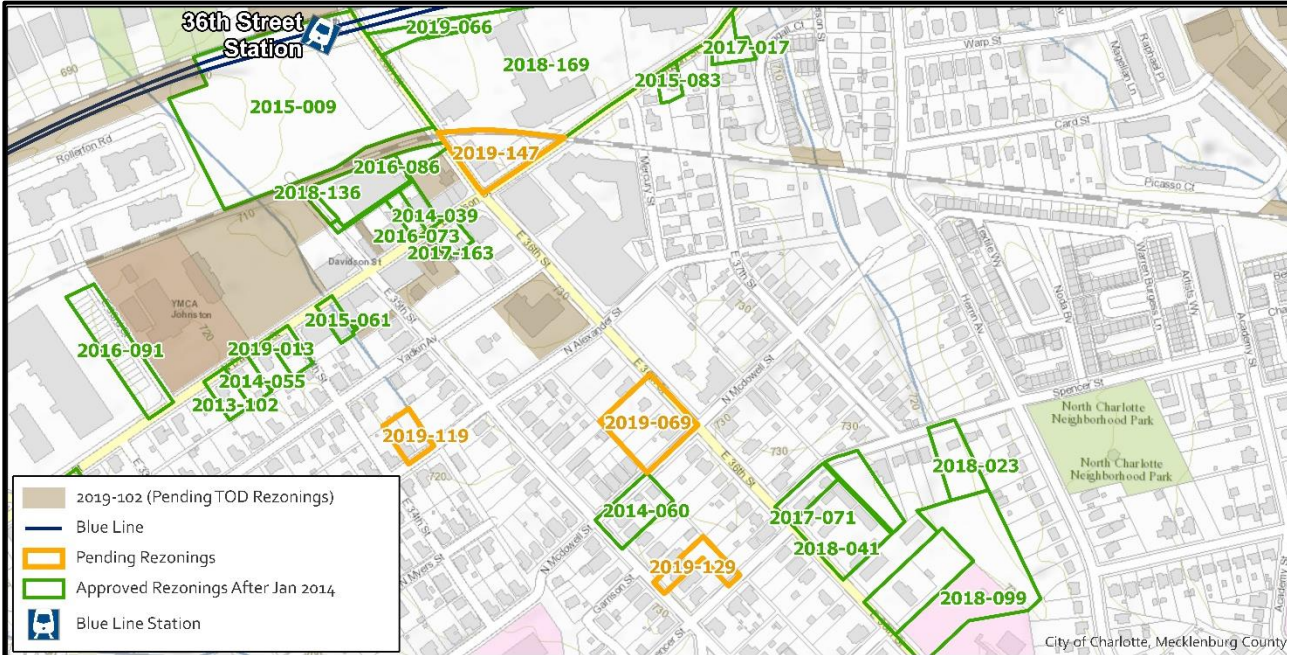


Looking across 36<sup>th</sup> Street from subject property.





3-story apartments located on opposite corner to subject property.

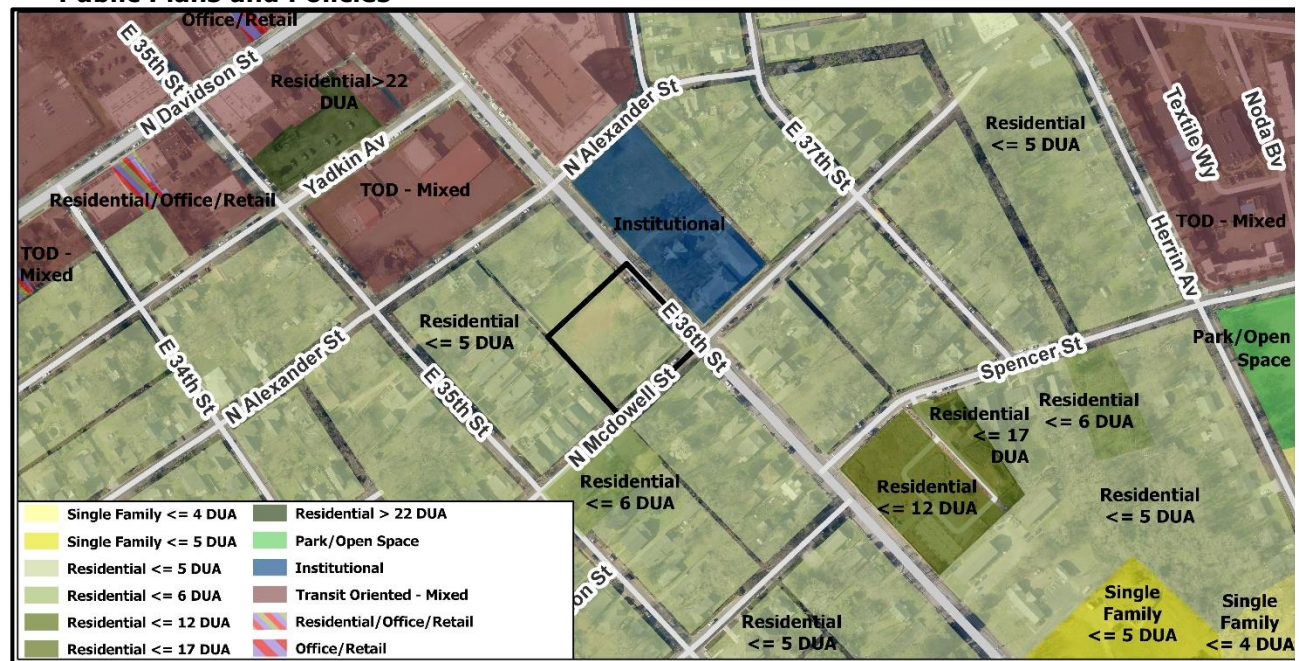


Petition Number	Summary of Petition	Status
2019-147	Petition to rezone parcel to remove conditions on internal expansion for existing EDEE establishment.	Pending
2019-129	Petition to rezone to higher density residential to allow for subdivision and future construction of additional dwelling unit.	Pending
2019-119	Petition to rezone in order to remove conditions that existing structure must be preserved. Result will be new single family detached dwelling unit.	Pending



2019-102	Multiple parcels recommended for transit-complimentary TOD zoning districts (not illustrated on map) located more closely to the 36th Street Blue Line Station (off the map).	Approved
2019-099	Redevelopment of site to allow for up to 65 single family attached dwelling units.	Approved
2018-041	Redevelopment of 1.27 acres with up to 27 single family attached dwelling units	Approved
2018-023	The petition proposed to redevelop the site to allow all uses permitted in the R-6 district.	Approved
2017-071	Redevelopment with up to 22 single family attached townhome units and two single family detached dwelling units at a density of 14.6 units per acre.	Approved
2014-060	The petition proposed to rezone the subject property in order to subdivide the property into three parcels, each with a single family home.	Approved
2015-061, 2013-102, 2014-055	Multiple rezonings along N. Davidson Street to legacy TOD districts and Mixed-Use zoning districts.	Approved

### • Public Plans and Policies



- The 36<sup>th</sup> Street Transit Station Area Plan (2013) recommends this area for residential uses at up to five dwelling units per acre.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is in a corridor inside Route 4 and is within the limits of the 36<sup>th</sup> Street Transit Station. The site currently has curb and gutter and back-of-curb sidewalk along both street frontages. There are bike lanes and on-street parking along 36<sup>th</sup> Street. The site plan commits to improving the streetscape on both N. McDowell Street and E. 36<sup>th</sup> Street.
  - No outstanding issues.
  - **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 30 trips per day (based on three single family dwellings).  
Entitlement: 40 trips per day (based on four single family dwellings).  
Proposed Zoning: 1,100 trips per day (based on 60 dwelling units and 4,900 SF retail).

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

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.

- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 2 students, while the development allowed under the proposed zoning may produce 7 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 5 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Villa Heights Elementary from 50% to 51%
    - Eastway Middle remains at 108%
    - Garinger High remains at 117%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along E. 36<sup>th</sup> Street and an existing 6-inch water distribution main located along N. McDowell Street. The proposed rezoning is within an area where the local sewer collection system is approaching full capacity. It is recommended that the applicant submit a Willingness to Serve (WTS) application to Charlotte Water's Capacity Assurance Program (CAP) in order to assess current available sewer capacity. See additional advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

#### REQUESTED TECHNICAL REVISIONS

##### Site and Building Design

1. ~~Within the notes reserved for permitted uses, prohibit auto-oriented uses allowed within the Neighborhood Services district (accessory drive thru windows, automotive service stations including adjustments, repair, and lubrication, gas/service stations, and additional uses similar in type or intent.)~~ **ADDRESSED**
  2. ~~Revise and refine height maximums to reflect the proposed step back in height and illustrate that maximum height is limited to only a portion of the structure.~~ **ADDRESSED**
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Will Linville (704)336-4090