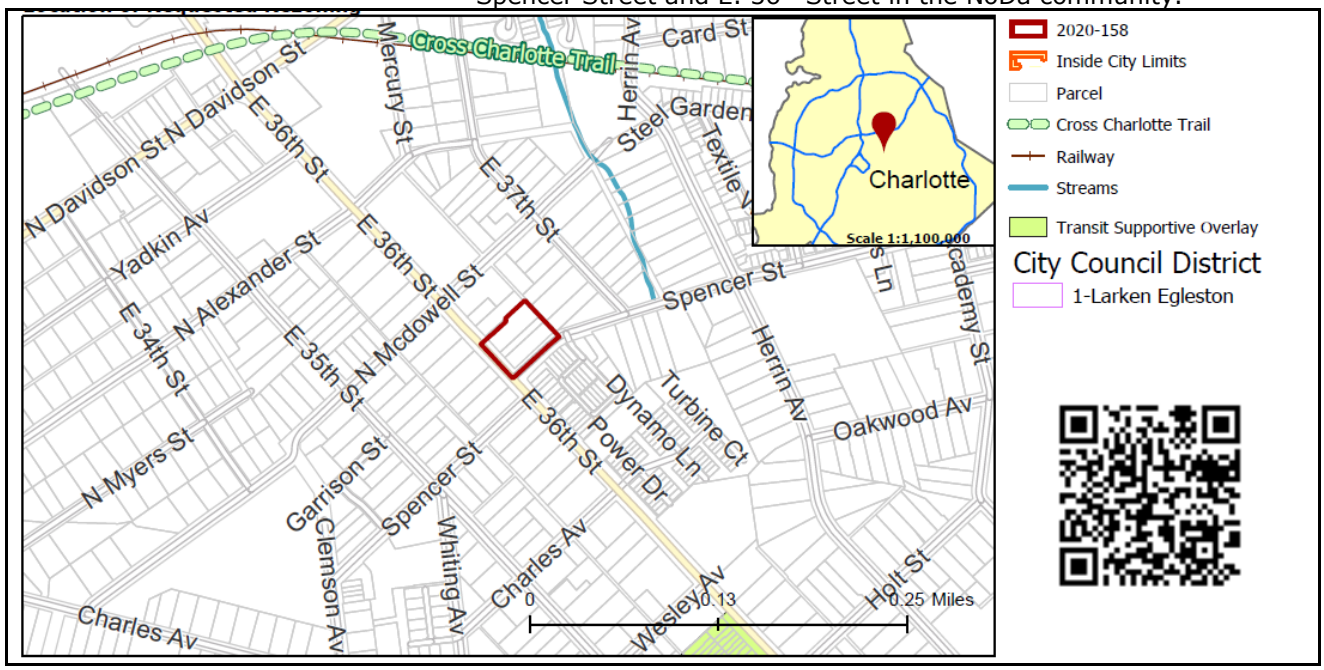
CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-158
Pre-Hearing Staff Analysis
January 19, 2021

REQUEST	Current Zoning: R-5 (residential) Proposed Zoning: MUDD(CD) (mixed-use development, conditional)
LOCATION	Approximately .618 acres located at the northern intersection of Spencer Street and E. 36th Street in the NoDa community.



SUMMARY OF PETITION	The petition proposes to rezone a three-parcel assemblage to conditional mixed-use development district to permit the construction of a townhome community consisting of up to 16 dwelling units at a density of 25.8 DUA (dwelling units per acre).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Robert J. Christian and Jo Ella Mullins Kelley Revolve Residential Bridget Grant, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 26

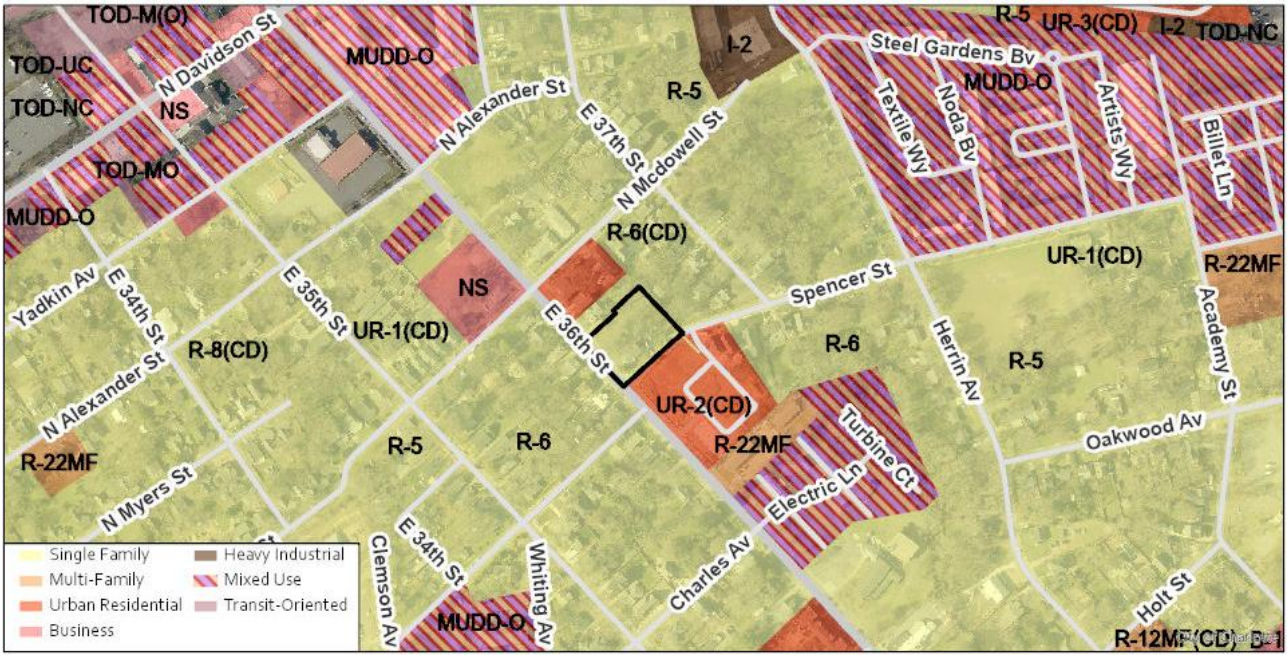
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues and technical revisions related to transportation. Plan Consistency The petition is **inconsistent** with the 36th Street Transit Station Area Plan's recommendation for residential uses up to five DUA. Rationale for Recommendation • The request is similar to previously approved projects within the vicinity of the proposed rezoning, particularly projects that have significant frontage along this portion of E. 36th Street. Petition 2018-041, directly across Spencer Street, requested the same building type (attached single family), a similar density (21.2 DUA), and maximum height (50 feet).

- The petition's commitment to improvements such as widened sidewalks, planting strips, and public art aid in achieving the transit station area plan's recommendation for a development pattern supported by infrastructure improvements to enhance accessibility and safety for all users.
- The request for an increase in residential density is appropriate at this location due to the subject property's proximity to the 36th Street Blue Line Station (approximately 2,200 feet/.4 mi.).

The approval of this petition will revise the adopted future land use as specified by the *36th Street Transit Station Area Plan* from residential uses up to five DUA to residential uses over 22 DUA for the site.

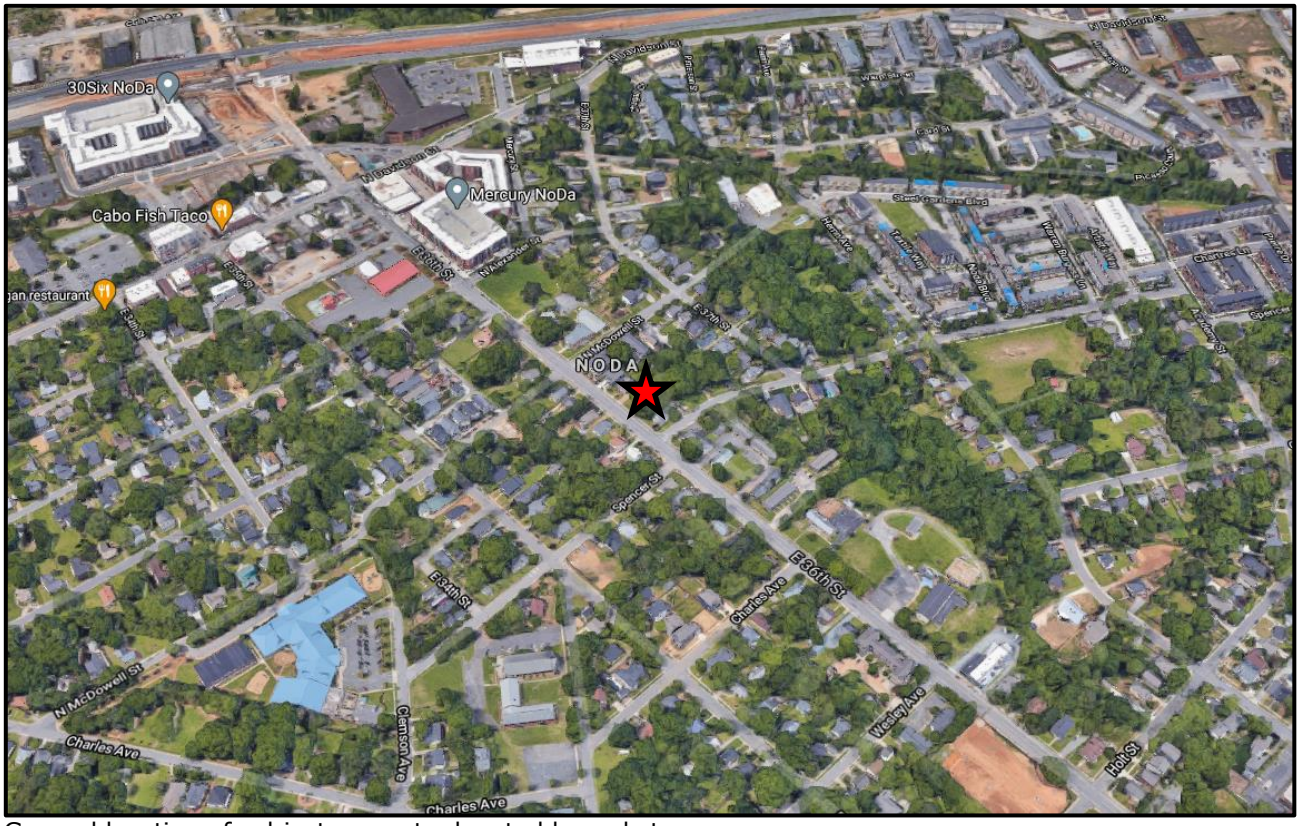
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 16 single family attached dwelling units with a maximum height of 50 feet constructed within no more than three primary buildings.
  - Architectural design standards including:
    - A commitment to raise entryways a minimum of 16 inches in the event that the residential entrance is within 15 feet of a sidewalk.
    - Details regarding the usefulness and design of stoops and porches in the event that a stoop or porch is constructed.
    - Walkways provided from entryways to sidewalks along public or private streets.
    - Blank wall provisions for only the ground floor.
  - Transportation improvements including:
    - A 9-foot sidewalk and 8-foot planting strip along the site's frontage with E. 36th Street and an 8-foot planting strip and 8-foot sidewalk along the site's frontage along Spencer Street. Additionally, two on-street parking spots are shown along the site's frontage with Spencer street, north of the property's driveway. This may be alternatively constructed as an 8-foot planting strip and 8-foot sidewalk.
  - Commitment to invest $7,500 in public art on site or in connection with pedestrian crosswalks/amenities.
  - Fully capped detached lighting.
  - Provision of ADA-compliant bus waiting pad along E. 36th Street.
- **Existing Zoning and Land Use**



There have been no recent or historic rezonings at the subject property. The area is located a few blocks SE of the intersection of N. Davidson Street and E. 36th Street where many properties are zoned for

transit-supportive uses and a mixture of residential/non-residential uses. Immediately surrounding the site is detached single family homes, attached single family townhomes, and a recently entitled multi-family project at the intersection of N. McDowell and E. 36th.



General location of subject property denoted by red star.


Streetview looking east toward the subject property along E. 36th Street. The house in the background is the only existing structure.

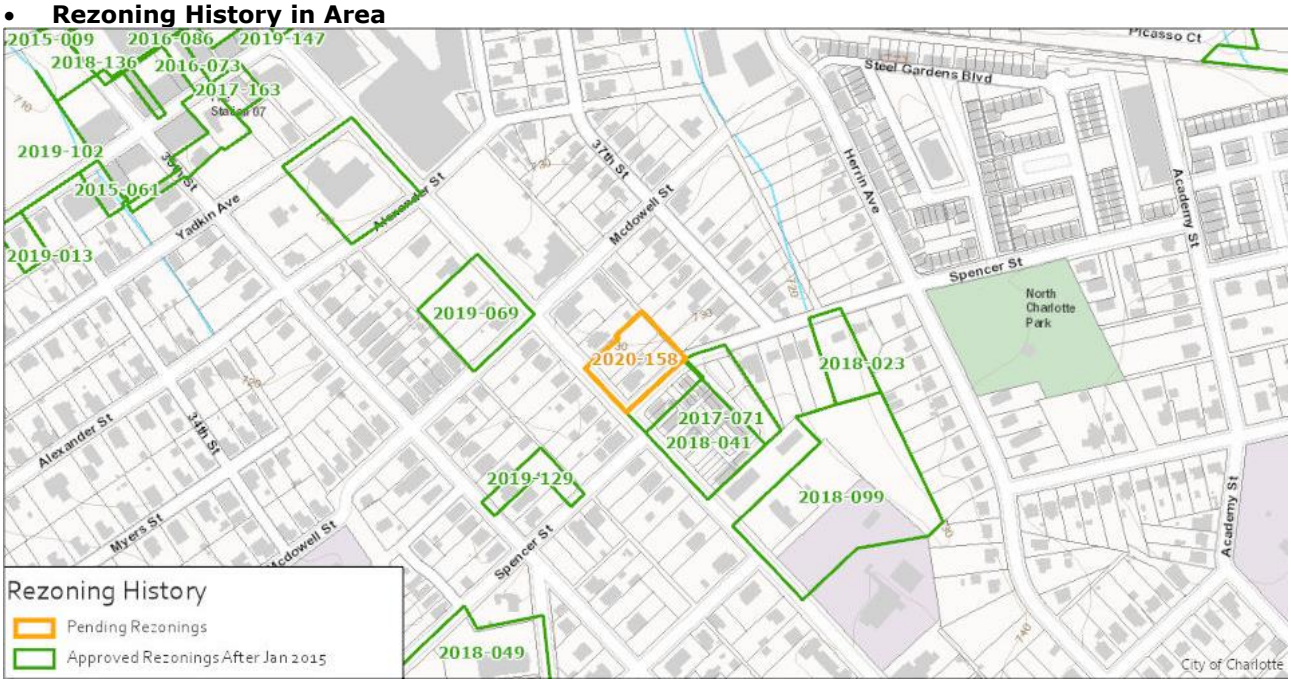


Additional streetview looking east along E. 36th Street, south of Spencer Street and immediately adjacent to the subject property.



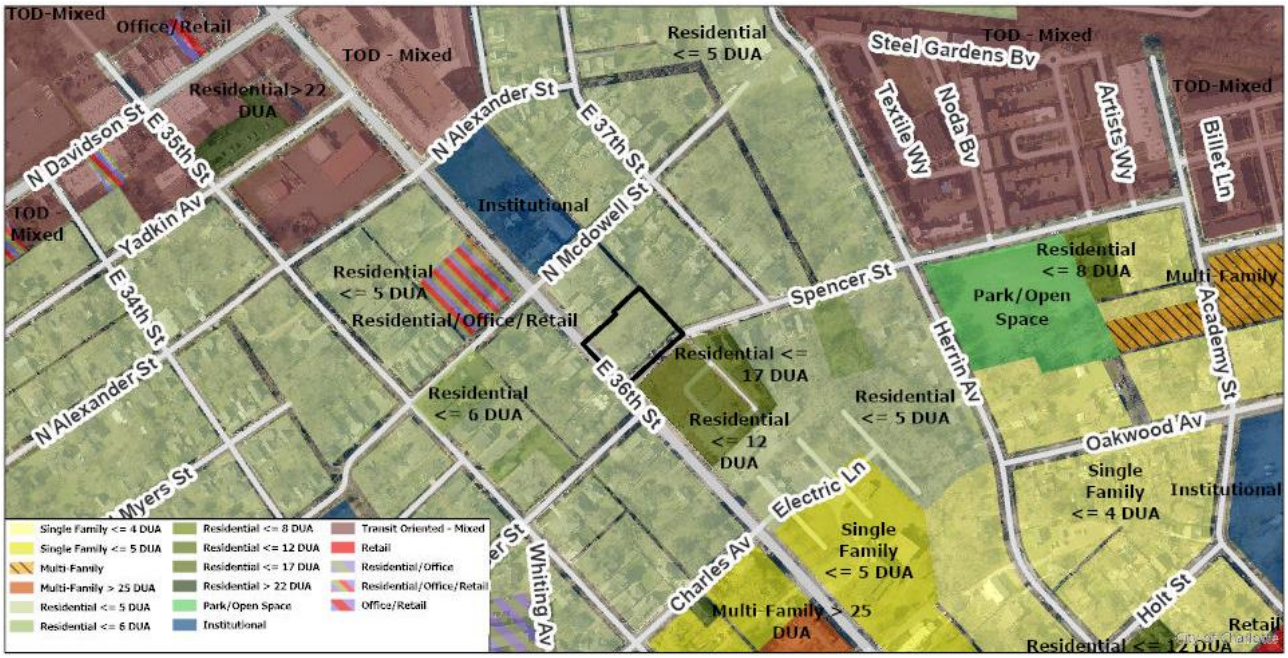
Looking west along E. 37th Street to provide existing residential context.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102; 2019-147; 2018-136; 2017-163; 2015-009;	Multiple TOD rezonings to accommodate transit-supportive development proximal to the 36th Street Station.	Approved
2019-013; 2018-049; 2018-099; 2016-073	Multiple MUDD rezoning requests to accommodate residential uses of varying densities or to accommodate non-residential uses.	Approved
2019-069	Request for NS to accommodate multi-family dwelling units and retail in a single building.	Approved
2018-023; 2019-129	Conditional request for R-6.	Approved
2018-071; 2017-071	Request for UR district to accommodate residential development of varying densities.	Approved

- **Public Plans and Policies**



- The *36th Street Station Area Plan* (2013) recommends residential uses up to 5 DUA for the site.

- **TRANSPORTATION SUMMARY**
    - The site is located on 36th Street (City-maintained, minor thoroughfare) and Spencer Street (local street). A TIS is not required; however this site falls within the limits of the previously approved Herrin TIS, completed in June 2020 by Grubb Properties. The site plan commits to constructing an 8-foot minimum sidewalk along the site's frontage as the proposed dwelling unit density exceeds 12 per acre (per Chapter 20 of City Code). The wider sidewalk also meets Charlotte WALKS policy. CDOT has coordinated with the petitioner, but still requests the constriction of one directional curb ramp at the Spencer Street intersection per ADA and PROWAG. Further details listed below.
- **Active Projects:**
    - N/A
- **Transportation Considerations**
    - See Outstanding Issues, Note 1.
- **Vehicle Trip Generation:**

  Current Zoning:
  Existing Use: 10 trips per day (based on one dwelling).
  Entitlement: 30 trips per day (based on three dwellings).
  Proposed Zoning: 85 trips per day (based on 16 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **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 1 student. Therefore, there is no net increase in the number of students generated from existing zoning to proposed zoning.
    - 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 67%
        - Eastway Middle remains at 118%
        - Garinger High remains at 122%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Spencer Street. Charlotte Water has sanitary system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E. 36th Street. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
    - **Arborist:** See advisory comments at www.rezoning.org
    - **Erosion Control:** No outstanding issues.
    - **Land Development:** No outstanding issues.
    - **Storm Water Services:** See advisory comments at www.rezoning.org
    - **Urban Forestry:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. Revise site plan to label and commit to constructing one directional ADA curb ramp to cross Spencer Street per ADA and PROWAG.

REQUESTED TECHNICAL REVISIONS

Transportation

2. Correct conditional note that mentions width of sidewalk along E. 36th Street.

Planner: William Linville (704) 336-4090