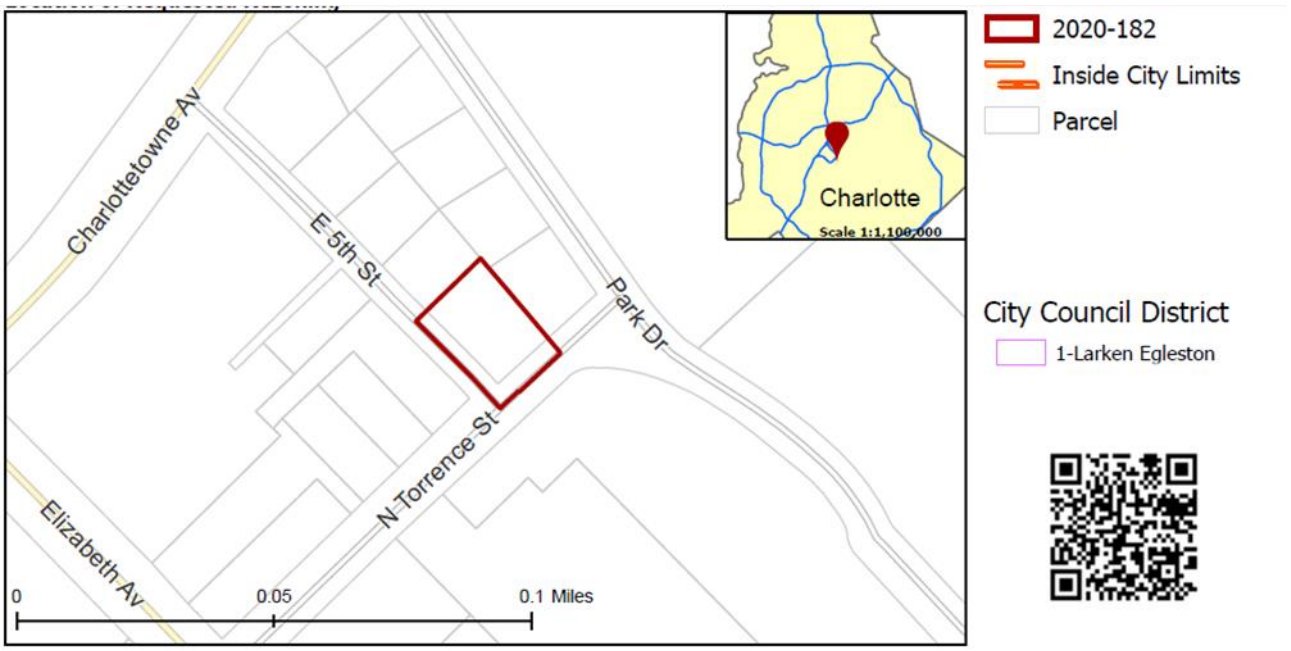
CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-182
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: O-2 (office) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.18 acres located along the northeast side of East 5th Street, southwest of Park Drive, and east of Charlottetowne Avenue.



SUMMARY OF PETITION	The petition proposes to allow a single building with 9 multifamily residential units and an office on a lot currently developed with a single family residential home located between Elizabeth Avenue and Park Drive, just west of Independence Park.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Circle G LLC Circle G LLC Kristina Held, Deepak Raj
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 18

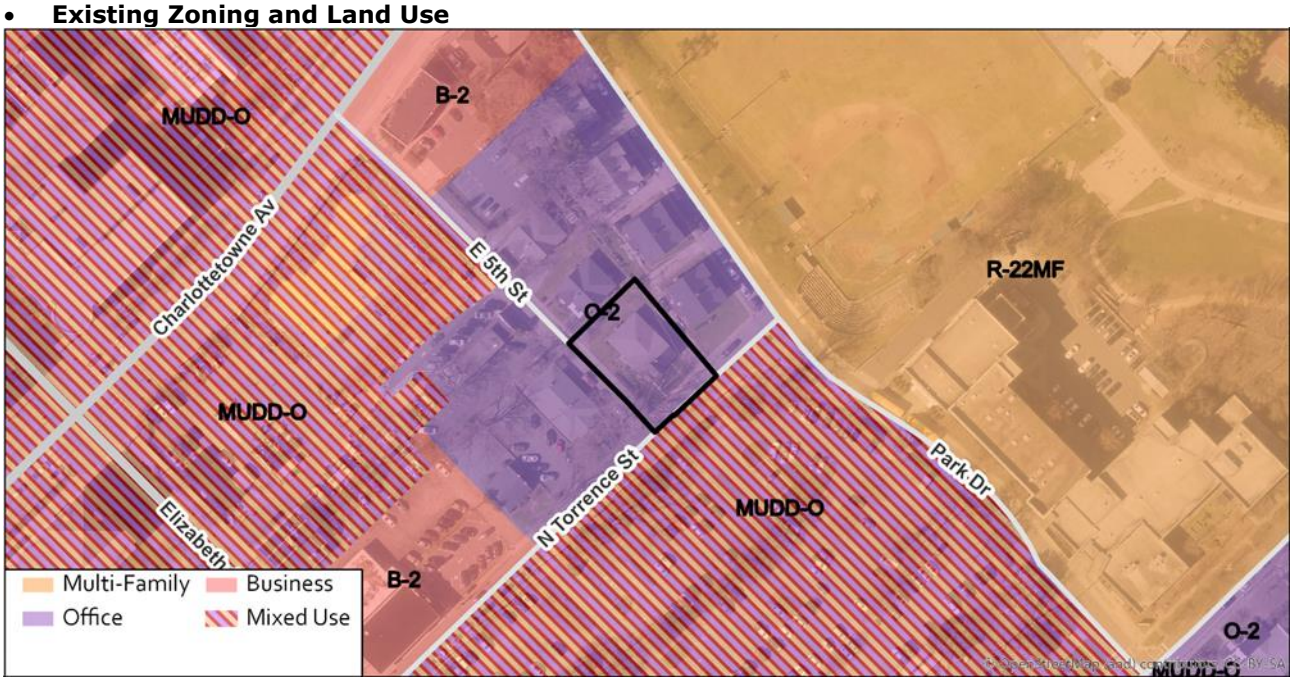
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and land use and site design. Plan Consistency The petition is consistent with the *Elizabeth Area Plan* (2011) recommendation for residential/office/retail uses on this site. Rationale for Recommendation • The adopted plan supports the proposed mix of uses. • The request is consistent with the mix of residential and non-residential uses in the area. • Several parcels in the immediate area are zoned MUDD.

- The project commits to streetscape improvements along E. 5th Street and N. Torrence Street.
- The site is within walking distance (100 feet) of Independence Park.
- The site is within 0.25 mile of the Elizabeth and Hawthorne Stop on the Gold LYNX Streetcar Line.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes 9 apartment units and 1 office on the first floor in a single building limited to 50 feet in height.
  - Illustrates parking area on the site plan (parking will be provided per ordinance).
  - Proposes a decorative perforated screening wall along the northeastern and northwestern property lines.
  - Proposes ingress/egress off East 5th Street.
  - Proposes an 8-foot sidewalk and 8-foot planting strip along East 5th Street and North Torrence Road.
  - Proposes the following optional provisions:
    - Allow a minimum 7-foot setback towards the back and side existing residential use properties. Both properties are zoned O-2 with current multi-family uses.
    - Provide planted screening in the side setbacks between the building and property line.
  - Proposes the following architectural standards:
    - Façade fronting N. Torrence Street to include a combination of windows and operable doors for a minimum of 80% of each frontage elevation transparent glass between 2 feet and 10 feet on the first floor. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4 feet above the adjacent street sidewalk. Façade fronting E. 5th Street will have a minimum 45%, in addition to decorative architectural screen (or art panels on parking lot screening).
    - Facades of first/ground floor of the buildings along streets shall incorporate a minimum of 20% masonry materials such as brick or stone.
    - Prohibits expanses of blank walls greater than 20 feet in all directions by using architectural and/or design features.
    - Notes building elevations will be designed with vertical bays or articulated architectural features which include a combination of at least 3 of the following: a combination of exterior wall offsets, columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.

- **Existing Zoning and Land Use**



The rezoning site is developed with a single family residential house and is surrounded by a mix of institutional, office, recreation, residential, and retail uses in various zoning districts.



The subject site is developed with a single family residential home.



Along E. 5th Street are a mix of residential and non-residential uses.

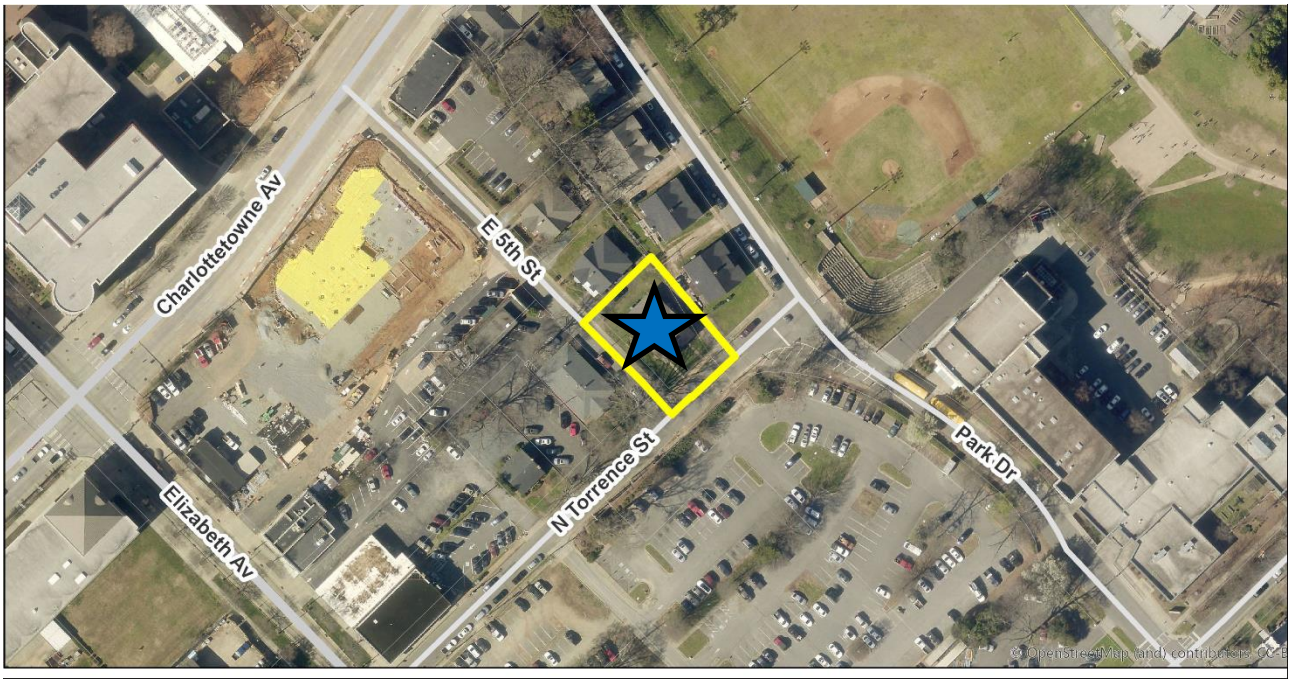


The rezoning site is located in close proximity to institutional uses (above and below).



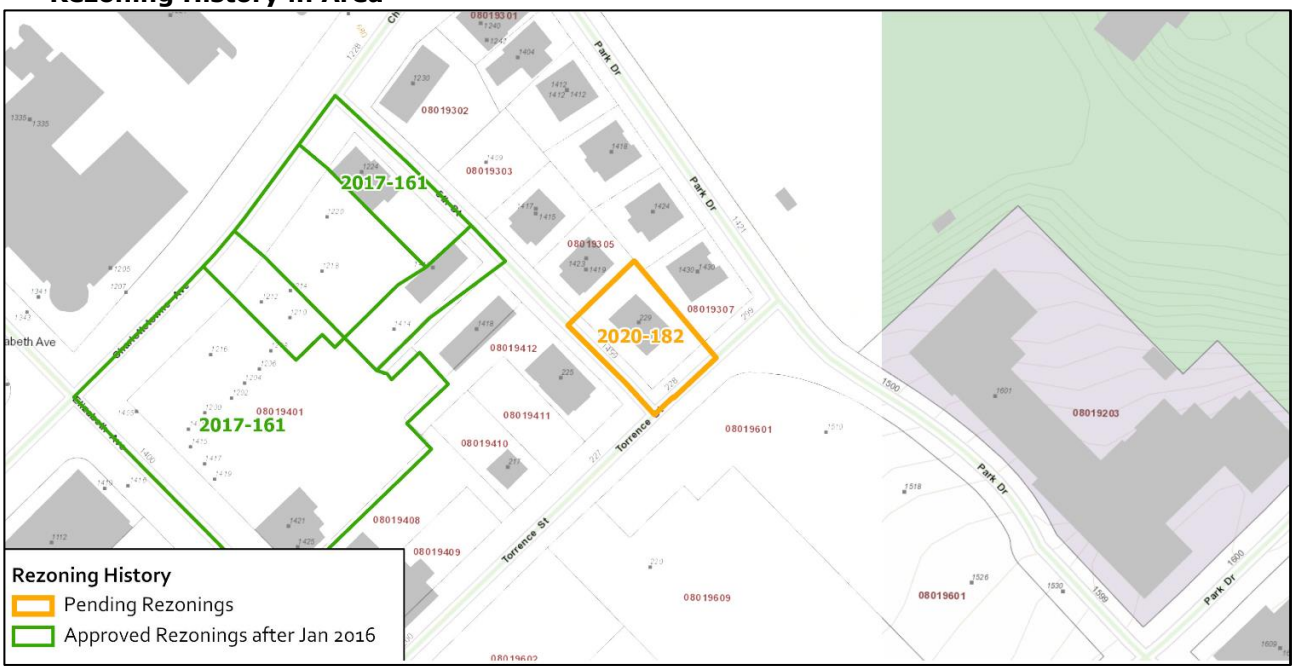


Across Park Drive is Independence Park.



The rezoning site (denoted by blue star) is surrounded by a mix of residential and non-residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-161	Rezoned 1.76 acres from B-2, O-2, and NS to MUDD-O	Approved

- **Public Plans and Policies**



  - The *Elizabeth Area Plan* recommends residential/office/retail uses on the subject site.

- **TRANSPORTATION SUMMARY**
  - The site is located at the intersection of City-maintained local roads (East 5th Street and Torrence Street). The petitioner commits to constructing an 8-foot sidewalk with an 8-foot planting strip along the frontages of both streets, as recommended in the Council-Adopted Elizabeth Area Plan. The site plan also commits to installing two accessible ramps on the north quadrant of the intersection of 5th street and Torrence Street per ADA and PROWAG standards. CDOT continues to request site plan revisions to include conditional notes specifying dedication and fee simple conveyance of all rights-of-way and specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. Further details are listed below.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-2.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 30 trips per day (based on 2,211 square foot office).

  Entitlement: 40 trips per day (based on 2,700 square foot office).

  Proposed Zoning: 55 trips per day (based on office and 9 apartment units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **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 current zoning could generate 1 student, while the development allowed under the proposed zoning may produce 1 student. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Eastover Elementary remains at 98%
    - Sedgefield Middle remains at 72%
    - Myers Park High remains at 121%.

- See advisory comments at www.rezoning.org

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along E 5th Street and via an existing 6-inch water distribution main along N Torrence Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 6-inch gravity sewer main located along E 5th Street.

- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See Outstanding Issues, Notes 5-6.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.

- **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. Add a site plan note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible.
2. Add a site plan note specifying that 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.

Site and Building Design

3. Remove optional provision pertaining to building separation as this is a fire/safety/health issue. Add a conditional note committing to the 7-foot side and rear yards along the east and north property lines.
4. Remove the optional provision pertaining to the planted screening and add a conditional note committing to a landscape strip planted to Class C buffer standards.
5. Add an optional provision to allow 45% transparency along public street (minimum 50% is required).
6. Label setback from the correct location along E. 5th Street and N. Torrence Street.
7. Modify building to show building envelope. Do not need to show use locations.
8. Add a note stating modifications may be permitted per Section 6.207.
9. Under Development Data Table remove FAR.
10. Under Development Data Table replace proposed 9 apartments and replace with 9 residential units. Specify square footage of the non-residential uses. Please remember project must meet parking requirements.

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

Planner: Claire Lyte-Graham (704) 336-3782