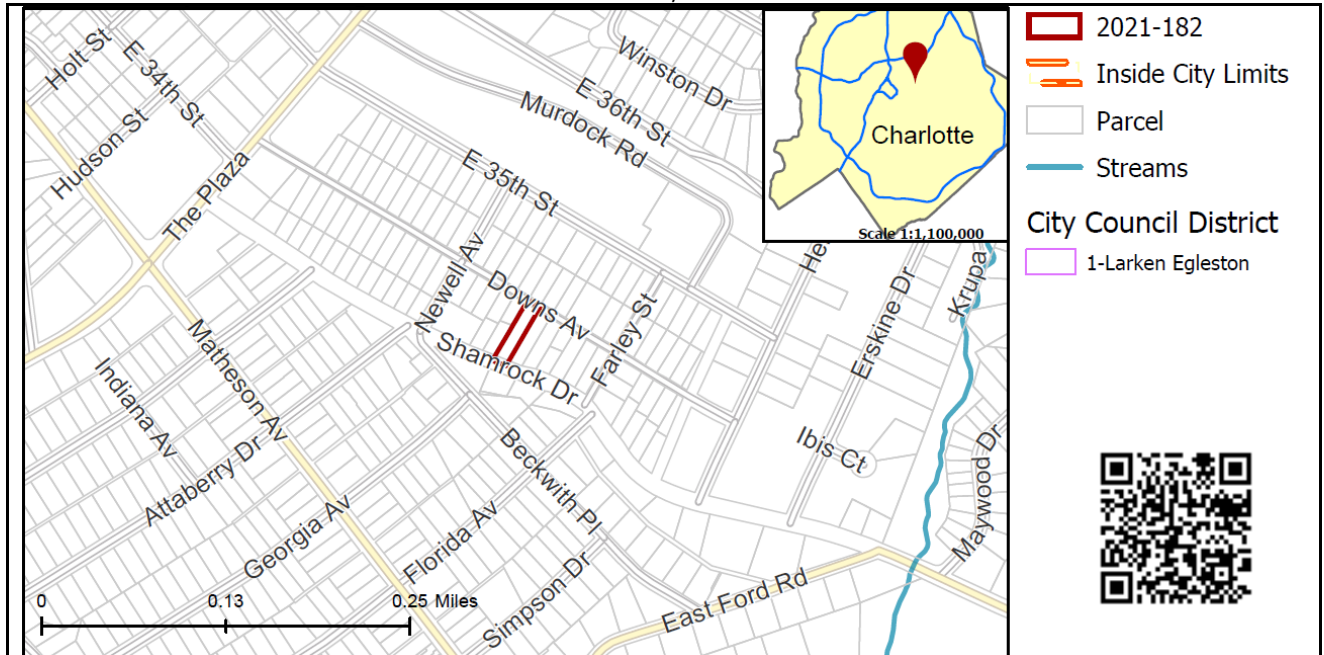


**REQUEST**

Current Zoning: R-8 (residential)  
Proposed Zoning: UR-1 CD (urban residential, conditional)

**LOCATION**

Approximately .23 acres with frontages along Downs Avenue and Shamrock Drive, east of Newell Avenue.



**SUMMARY OF PETITION**

The petition proposes to rezone a single family residential parcel to a conditional urban residential district to allow for the potential subdivision and construction of up to one additional single family detached dwelling along the site's frontage with Downs Avenue.

**PROPERTY OWNER**

Paul Joseph Hurst and Olivia Hurst

**PETITIONER**

Birdco, Inc.

**AGENT/REPRESENTATIVE**

Coley Scagliarini

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 3

**STAFF  
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the Central District Plan's recommendation for residential uses up to eight dwelling units per acre (DUA) (as amended by petition 2021-001) but **consistent** with General Development Policy's (GDP) recommendation for consideration of eight to 12 DUA.

Rationale for Recommendation

- While over the *Central District Plan's* recommended density, the petition meets GDP's locational criteria for consideration of eight to 12 DUA.
- The request aligns with the *Central District Plan's* policy recommendation of promoting "more urban scale infill"

development...". The R-8 district's intent is address "urban single family living."

- This petition's request meets the intent of the UR-1 district which is "to protect and enhance designated single-family areas and to encourage appropriate infill development within these areas."

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from residential uses up to 8 DUA to residential uses up to 12 DUA for the site.

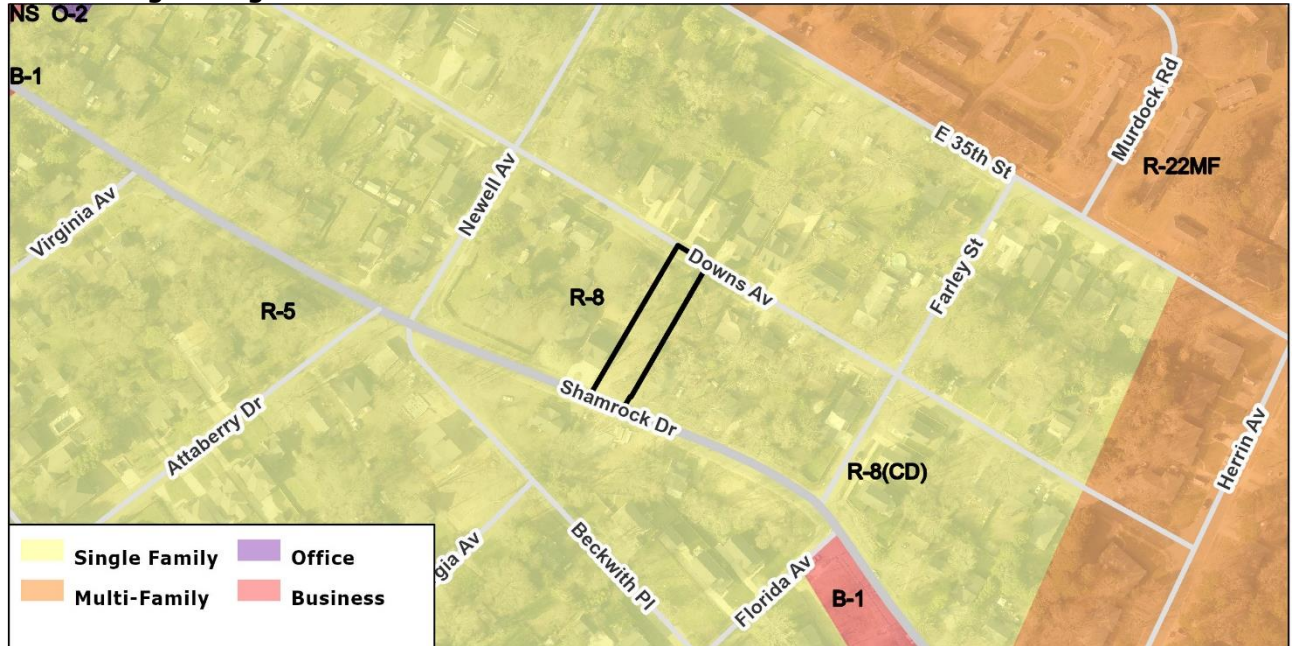
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

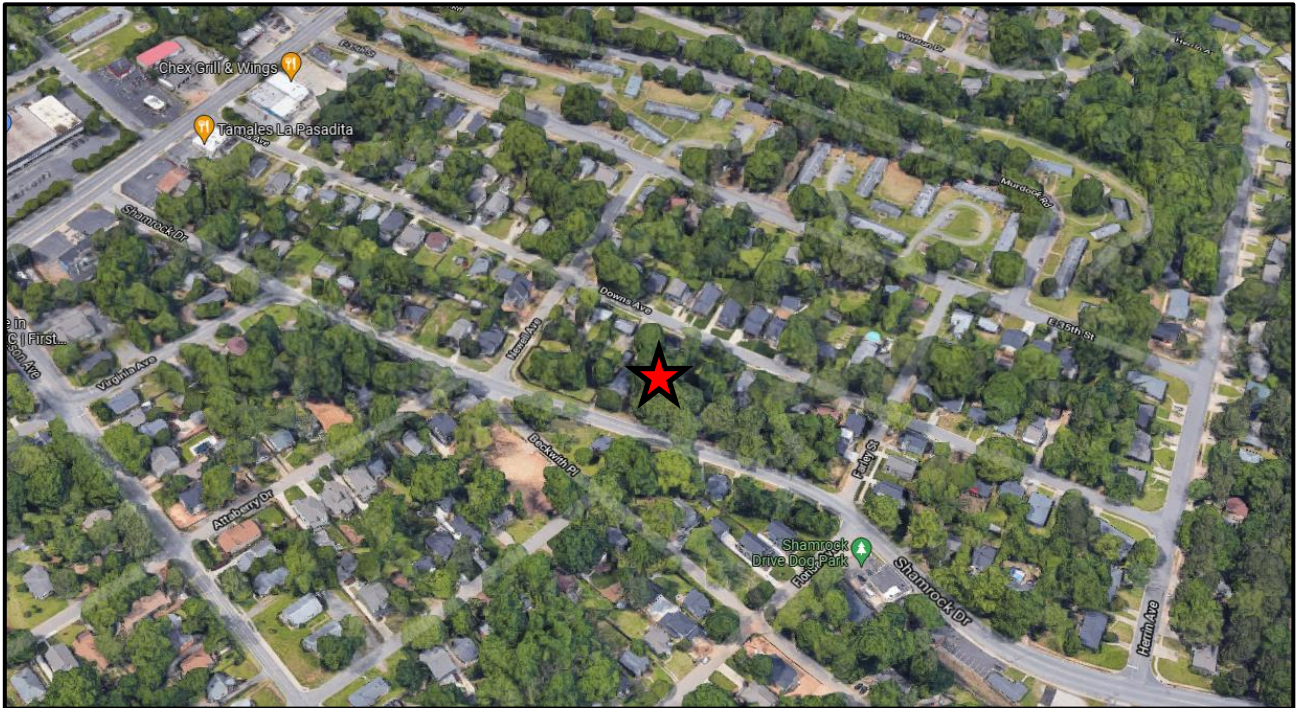
- Permits up to two single-family detached dwelling units along with any accessory uses permitted by-right or under prescribed conditions in the UR-1 district.
- Commits to keeping the existing setbacks and yards of the existing R-8 district.

### • Existing Zoning and Land Use



The site was most recently rezoned earlier this year from R-5 to R-8 (2021-001). The subject property is located in a detached single family residential neighborhood. Multi-family uses are located north and east along Herrin Avenue and E. 35<sup>th</sup> Street, respectively. Commercial uses are found to the west along The Plaza.





General location of subject property denoted by red star.



Streetview along Shamrock Drive looking north toward the subject property (unbuilt between two existing houses).



### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2021-001	Request to rezone to a conventional residential district.	Approved
2020-170	Request to rezone to a conventional residential district.	Approved
2019-170	Petition to rezone former auto service station to NS to accommodate EDEE/non-residential uses.	Approved
2018-021	Request to rezone from conditional business to conventional business district.	Approved

### • Public Plans and Policies



- The *Central District Plan* (1993) recommends residential uses up to 8 DUA.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of eight to 12 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – 8 up to 12 du/a
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	5
Road Network Evaluation	1
Design Guidelines	0
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 12</b>	<b>Total Points: 12</b>

- **TRANSPORTATION SUMMARY**

- The site is located on Shamrock Avenue, City-maintained minor thoroughfare, and Downs Avenue, a City-maintained local road. Given the scope of this rezoning petition, no transportation improvements are required at this time. CDOT will coordinate with the developer and transmit transportation improvements upon development of the site. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to labeling and dimensioning the curb line and right-of-way along both public street frontages and including relative conditional notes.

- **Active Projects:**

- CNIP PM51216029 – Shamrock Drive Complete Street
    - This project will upgrade Shamrock Drive from approximately Newell Avenue to Flamingo Avenue to create a “complete street” to better serve bicyclists, pedestrians, motorists and adjacent neighborhoods and businesses. The project will include turn lanes, sidewalks, bike lanes and crossings to help create a better bike/pedestrian connection between Eastway Drive and The Plaza and, eventually, to NoDa (North Davidson area) and the CATS Blue Line Extension.
    - This project is currently in the design phase with an anticipated project completion date in early 2026.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on one single family home).

Entitlement: 10 trips per day (based on one single family home).

Proposed Zoning: 20 trips per day (based on one single family home).

**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:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, 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
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Shamrock Gardens Elementary remains at 83%
    - Eastway Middle remains at 117%
    - Garinger High remains at 117%.
- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Shamrock Dr. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Shamrock Dr. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

1. ~~Revise site plan and conditional notes to commit to dedicate 28 feet of ROW from the road centerline along Downs Ave.~~ **RESCINDED**
2. ~~Revise site plan and conditional notes to commit to dedicate 45 feet of right of way from the road centerline along Shamrock Ave.~~ **RESCINDED**
3. ~~A site plan note specifying dedication and fee simple conveyance of all rights of way to the city and/or NCDOT before the site's first building certificate of occupancy is issued is needed. CDOT requests rights of way set at 2 feet behind back of sidewalk where feasible.~~ **ADDRESSED**
4. ~~Add a conditional note that states "All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad south Mecklenburg area, by way of private/public partnership efforts or other public sector project support."~~ **ADDRESSED**

### Site and Building Design

5. ~~50' is higher than ordinance maximum. Please match to allowable height in R-8 district (40 feet).~~ **ADDRESSED**
6. This zoning district requires sidewalks. Please illustrate 8-foot planting strip and 6-foot sidewalk along both frontages. **OUTSTANDING**

## REQUESTED TECHNICAL REVISIONS

### Site and Building Design

7. ~~Label "two story house" as "Existing Single Family House" and remove reference to the number of stories.~~ **ADDRESSED**
8. ~~For note 2.a., add "accessory structures" if the intent is to allow or accessory structures in the future.~~ **ADDRESSED**
9. ~~Remove gravel drive and its delineation from the site plan. The gravel drive is no longer in place. Do not show drive locations unless they are intended to be a condition.~~ **ADDRESSED**
10. ~~Add rezoning number 2021 182 to the site plan.~~ **ADDRESSED**
11. ~~Remove notes from top right corner — development data table is sufficient.~~ **ADDRESSED**

### Environment

12. ~~Please include the note: "The site will comply with the Charlotte Tree Ordinance."~~ **ADDRESSED**
13. ~~Illustrate setbacks along site's frontage with Downs and Shamrock Dr.~~

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





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

## Goals Relevant to Rezoning Determinations







### Rezoning petition 2021-182

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	<b>Goal 3: Housing Access for All</b> Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	✗
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	N/A



	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	<p>N/A</p>
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	<p>N/A</p>
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>✓</p>
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>✓</p>
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>