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<b>REQUEST</b>	Current Zoning: R-5, single family residential Proposed Zoning: UR-2(CD), urban residential, conditional
<b>LOCATION</b>	Approximately 0.50 acres located on the east corner of East 36 <sup>th</sup> Street and North McDowell Street.
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	This petition proposes to allow 16 multi-family units and one single family dwelling on a separate lot, at a density of 34 dwelling units per acre.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of the outstanding issues. This petition is inconsistent with the <i>North Charlotte Plan</i> . However, the site is within ½ mile of a proposed transit station and is located on East 36 <sup>th</sup> Street, which is a thoroughfare that serves as a feeder to the proposed station. In addition, the proposed single family home abuts an existing single family residence, which helps the transition to lower density.
<b>Property Owner</b>	Timothy R. Stewart
<b>Petitioner</b>	Lat Purser & Associates, Inc.
<b>Agent/Representative</b>	Jack Levinson
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

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#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 16 multi-family units in two buildings, one a maximum of three stories and the other a maximum of two stories.
- One single family dwelling of up to two stories, and accompanying lot.
- Parking provided on the site and along public street frontages.
- Commitment to work with the City Arborist to preserve an existing 64-inch Oak tree.
- Entrance to multi-family uses provided off North McDowell Street.
- Single family dwelling with separate entrance off East 36<sup>th</sup> Street.
- Building elevations that reflect proposed architectural character.
- Gravel/stone parking spaces.

- **Existing Zoning and Land Use**

The subject property is currently developed with one single family dwelling. The site is surrounded by single family dwellings, a church and vacant lots in R-5 zoning along East 36<sup>th</sup> Street and North McDowell Street. Existing R-6(CD) zoning along East 37<sup>th</sup> Street and Spencer Street contains single family dwellings and vacant lots. Single family dwellings and a few vacant lots exist in the UR-1(CD) zoning along East 35<sup>th</sup> Street, and a century old single family house occupies the MUDD-O zoning along East 36<sup>th</sup> Street.

- **Rezoning History in Area**

Recent rezonings in the area include: Petition 2005-034 rezoned 0.33 acres from R-5 to MUDD-O to allow office uses in an existing building. Petition 2006-071 rezoned 1.3 acres from R-5 to UR-1(CD) to allow development of up to ten single family dwellings. Petitions 2007-87 and 2007-120 rezoned properties from R-5 to R-6(CD) to allow increased single family densities.

- **Public Plans and Policies**

- The *North Charlotte Plan* (1995) recommends residential land use at this location.
  - The *Transit Station Area Principles* (2001) recommend a minimum residential density of 15 dwelling units per acre between ¼ and ½ mile walking distance of a transit station. The parcel is within the ½ mile walk distance of the proposed 36<sup>th</sup> Street station on the Lynx Blue Line extension.
  - This petition is inconsistent with the *North Charlotte Plan*. However, the site is located within ½ mile walk of a future rapid transit station. In addition, East 36<sup>th</sup> Street is a thoroughfare that serves as a feeder to the transit station. The proposed single family home abuts an existing single family dwelling, which helps with the transition to a lower density.
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**PUBLIC INFRASTRUCTURE** (see full department reports online)

- **Vehicle Trip Generation:**

Current Zoning: 25 trips per day.

Proposed Zoning: 200 trips per day.

- **CDOT:** Relocate solid waste and recycling facility on the site so that trash collection will not interfere with the required parking. Remove the note referencing on-street parking and align the handicapped accessible parking spaces with the internal walkway.

- **Charlotte Fire Department:** No issues.

- **CATS:** Provide a concrete waiting pad for transit riders, due to proximity to a future transit line and residential uses.

- **Connectivity:** No issues.

**Neighborhood and Business Services:** The Housing Locational Policies indicate this site is located in a prohibited area for assisted multi-family housing with greater than 24 units, but no more than 100 units per site. Assisted multi-family housing includes rental housing development consisting of five or more residential units receiving assistance from local, state, or federal government, and the housing units are restricted to serve households earning sixty percent or less that area median income. The City Council may exempt any assisted housing development from the locational policies, but a waiver will be required.

- **Schools:** The proposed development would generate 18 students. The net change in the number of students generated from the existing zoning to the proposed zoning is 18 students.

- **Park and Recreation:** No comments received.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Storm Water:** No issues.

- **LUESA:** No issues.

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.

- Facilitates the use of alternative modes of transportation due to location within ½ mile of a proposed transit station.
- Reduces ground level temperatures through the use of gravel and stone for the parking spaces.
- Minimizes impacts to the City's tree canopy by working with the City's Arborist to preserve a 64-inch tree located on the site.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Amend proposed zoning to UR-2(CD).
    2. Show the rear yard measurement from the center line of the abutting alley.
    3. Clearly delineate building footprints.
    4. Provide pedestrian access from the front of Building Two that connects to the public sidewalk along North McDowell Street.
    5. Relocate solid waste and recycling enclosure to allow vehicle maneuvering.
    6. Remove references to on-street parking.
    7. Provide CATS waiting pad.
    8. Amend Note 6 to state multi-family residential units.
    9. Amend Note 8 to state that either one parking space will be provided at a minimum of 22 feet in length or two parking spaces at a minimum of 40 feet in length.
    10. Delete Notes 5, 12, 18, 20 and 21.
    11. Amend Note 13 to state that a tree preservation plan by a certified arborist will be submitted prior to a building permit for the single family dwelling.
    12. Provide definitive proposed building setbacks in Notes 15 and 16 and where referenced on the site plan.
    13. Transfer building height information from Note 19 to Note 3.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- CMS Review
- Community Meeting Report
- LUESA Review
- Neighborhood and Business Services Review
- Site Plan
- Solid Waste Review
- Storm Water Review

**Planner:** Sonja Sanders (704) 336-8327