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**Note: There is a sufficient protest petition filed for this rezoning petition.**

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**REQUEST** Current Zoning: I-2, general industrial  
Proposed Zoning: UR-2(CD), urban residential, conditional

**LOCATION** Approximately 3.629 acres located on the west side of Bingham Drive near North Tryon Street.

**SUMMARY OF PETITION** The petition proposes to allow the construction of 24 townhomes for sale at a density of 6.61 units per acre.

**PROPERTY OWNER** Habitat for Humanity of Charlotte, Inc.  
**PETITIONER** Habitat for Humanity of Charlotte, Inc./Attn: Merritt Card  
**AGENT/REPRESENTATIVE** Jeff Brown and Keith MacVean/King & Spalding, LLP

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.

**STATEMENT OF CONSISTENCY** This petition is found to be inconsistent with the *Northeast District Plan* but to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee (motion by Commissioner Phipps seconded by Commissioner Firestone).

**ZONING COMMITTEE ACTION**

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. Building setbacks are now shown on the site plan.
2. The petitioner has provided front and rear building elevations identifying proposed building materials.
3. Language has been added to the site plan stating that the petitioner will not begin construction, including grading, on the site or obtain a building permit for the site until three (3) years after the date of the approval of the rezoning petition.
4. A note has been added limiting non-residential uses to customary home occupations.
5. The tax parcel numbers for subject properties have been corrected on the site plan to reflect those listed on the application.
6. Note E1 states that in locations where the planting strip along Bingham Drive has been reduced to preserve existing trees, the requirement for new street trees may be waived by the Urban Forestry staff.
7. The Fire Department comment has been addressed by extending the length of the hammerhead proposed at the southwest side of the property from 91 feet to 121 feet.

The following items have been added to the site plan:

1. The heading of Development Note J has been revised to read "Buffers, Tree Save, Open Space and Traffic Calming".
2. New Development Note J5 states that the petitioner agrees to sign a petition requesting that CDOT install traffic calming devices along Bingham and Curtiswood Drives if the neighborhood makes such a request per adopted City policies.
3. A row of evergreen trees and shrubs has been added along the western property line.

<b>VOTE</b>	Motion/Second:	Dodson /Fallon
	Yeas:	Dodson, Fallon, Firestone, Phipps, Rosenburgh and Walker
	Nays:	None
	Absent:	Lipton
	Recused:	None

**ZONING COMMITTEE DISCUSSION**

Staff presented the petitioner's request, noting that all outstanding issues had been addressed and describing new notes added to the site plan pertaining to traffic calming and additional landscaping. Staff explained that CDOT had reviewed, and did not object to, the new traffic calming note. A Committee member asked about firewall rating for the proposed townhomes, and staff responded that such an evaluation was typically conducted at the plan review stage. The Committee requested that staff look into this inquiry and provide a response. There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 24 townhouse units for sale at 6.61 units per acre, with a provision to allow the site to be developed in phases.
- Public streets with on-street parallel parking spaces, and with access to Bingham drive and future connections to adjacent properties.
- Alleys accessing some townhouse units and connecting to the proposed public street, with optional turnarounds in lieu of second alley connections to public street.
- Ten foot Class "C" buffer proposed along portions of the northern and southern property lines.
- Row of evergreen trees and shrubs proposed along the western property line.
- Common open space areas and playground/tot lot.
- Approximate locations of proposed detention/water quality areas.
- Identification of on-site wetlands.
- Identification of 30-foot S.W.I.M. buffer along a portion of the southern property line.
- Six-foot sidewalks and eight-foot planting strips along both sides of internal public streets.
- Six-foot sidewalk and eight-foot planting strip along frontage on Bingham Drive.
- Pedestrian scale decorative lighting along internal public streets.
- Note stating the petitioner agrees to sign a petition requesting that CDOT install traffic calming devices along Bingham and Curtiswood Drives if the neighborhood makes such a request per adopted City policies.

- **Public Plans and Policies**

- The *Northeast District Plan (1996)* recommends industrial uses at this location. Although inconsistent with this plan, the site is located just over ½ mile from a planned rapid transit station and abuts existing housing.
- The *General Development Policies (2003)* supports a density of up to 8 dwelling units per acre.

- **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** No issues.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - This site meets minimum ordinance standards.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Pre-Hearing Staff Analysis

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