

REQUEST	Current Zoning: R-5, single family residential and O-2, office Proposed Zoning: MUDD-O, mixed use development district, optional
LOCATION	Approximately 0.628 acres located on the north side of Yadkin Avenue between East 35 th Street and East 36 th Street.
SUMMARY OF PETITION	The petition proposes allow the construction of 15 attached for sale townhomes with the option to modify the required streetscape in order to preserve existing trees.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Short Development Group Rainier Builders Kyle Short
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be inconsistent with the <i>North Charlotte Plan</i> but consistent with the residential densities recommended by the <i>Transit Station Area Principles</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Dodson, seconded by Commissioner Zoutewelle).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. "Rezoning Petition 2012-007" is now noted on the site plan. 2. The zoning of adjacent properties and those properties across Yadkin Avenue and East 35th Street are now labeled on the site plan. 3. The widths of the landscape strips along East 35th Street are now labeled as 1'-10" and 3'. 4. Petitioner has added language to the site plan identifying locations of existing Oak and Maple trees in proposed tree save areas as the reason for the proposed streetscape amendment. 5. Language has been added to the site plan stating the existing wood shed in alley will be removed or relocated. 6. The word "amenity" is now spelled correctly on site plan. 7. The <i>8' Landscape Area</i> along Yadkin Avenue is now labeled <i>8' foot Landscape Strip</i>. 8. Language has been added to the site plan stating plantings will consist of 25% Evergreen trees, 75% Evergreen shrubs, and 40% large maturing trees. 9. The petitioner has revised language on the site plan to clarify that the corner of an existing fence is located on adjacent Fire Station property. 10. The petitioner has responded to the CDOT comment by stating the optional request is intended to preserve the large existing trees and to retain the existing site wall. The petitioner will work with Urban Forestry and if it is found the trees are not worth preserving, the petitioner will provide the required streetscape improvements along 35th Street. However, the petitioner reserves the right to use the optional request if needed.
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- 11. The petitioner has responded to comments from Urban Design by incorporating larger windows (including two at the pedestrian level), and more painted fiber-cement lap siding to the side elevation facing 35th Street. Sheet A3 has been added to the site plan package. A note has been added stating that the sidewalk at 35th Street will be widened to the wall where possible to preserve existing trees if requested.
- 12. The Subdivision comment requesting for right-of-way dedication along Yadkin Avenue has been removed as it is no longer a requirement.

VOTE

Motion/Second: Dodson/Zoutewelle
 Yeas: Allen, Dodson, Firestone, Phipps, Rosenburgh and Zoutewelle
 Nays: None
 Absent: Griffith
 Recused: None

ZONING COMMITTEE DISCUSSION

Planning staff presented this item to the Committee, noting the optional request to modify the East 35th Street required streetscape in order to preserve existing trees, and that all outstanding issues had been addressed. Some of the Committee members asked about the rationale behind the height and density, the station area planning process, and the age of the *North Charlotte Plan*. Staff responded by stating that in meeting with the petitioner, an attempt was made to recommend a maximum height that was relatively in keeping with the surrounding area. Staff noted that the recommended densities were in keeping with the *Transit Station Area Principles*. Staff also indicated to the Committee that development of the BLE 36th Street station area plan was in its early stages and that it would involve a public participation process.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
 - Construction of 15 attached for sale townhomes at 23.8 units per acre with a maximum 50-foot building height.
 - Development of the site will occur in two phases, with one building to be constructed per phase (phase one construction of five-unit building and phase two construction of ten-unit building).
 - A 15-space surface parking area and one or two car residential garages on first floor of each unit.
 - An amenity area consisting of a grass/landscaped area will be located in the rear of the development behind a portion of the parking area.
 - A six-foot sidewalk and eight-foot landscape area along Yadkin Avenue and modified streetscape along E. 35th Street to preserve existing trees.

- A minimum 42 inch high landscape strip to screen from abutting properties, with plantings consisting of evergreen trees and evergreen shrubs.
 - Identification of proposed tree save areas.
 - Architectural materials to consist of brown/red brick veneer, cast stone or brick wall cap, header, lintels, aluminum/vinyl windows, aluminum railing, painted fiber-cement lap siding, trim and wall panel, pre-finished aluminum flashing, coping, wall cap etc., stained pressure treated wood, corrugated metal roofing, standing seam metal roofing, asphalt shingles and brush finished concrete.
 - Solid waste will be handled with the use of a single community dumpster to be serviced by a private hauler.
 - Note committing to removal or relocation of existing shed that is located in the rear alley and encroaches onto the rezoning site.
 - Optional provisions include:
 - Allow modification to the East 35th Streetscape to preserve existing mature trees and existing site wall configuration.
 - Request of a certificate from CDOT and right-of-way encroachment agreement allowing the reconstruction of existing site walls along East 35th Street within the established 50-foot right-of-way in an effort to preserve the existing mature trees.
 - **Public Plans and Policies**
 - The *Blue Line Extension 36th Street Station Area Concept* and *Transit Station Area Principles* (2001) provide land use guidance as the site is within ½ mile of the proposed Blue Line Extension light rail transit station at 36th Street and the North Carolina Rail Road (NCRR) rail line. These recommend a minimum residential density of 15 dwelling units per acre between ¼ and ½ mile walking distance of a transit station.
 - The petition is inconsistent with the *North Charlotte Plan* but consistent with the intent of the *Blue Line Extension 36th Street Station Area Concept* and *Transit Station Area Principles*.
 - **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 Solid Waste Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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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 request proposes redevelopment of an urban site.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

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

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