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<b>REQUEST</b>	Current Zoning: R-5, single family residential and O-2, office Proposed Zoning: MUDD-O, mixed use development district, optional
<b>LOCATION</b>	Approximately 0.628 acres located on the north side of Yadkin Avenue between East 35 <sup>th</sup> Street and East 36 <sup>th</sup> Street.
<b>SUMMARY OF PETITION</b>	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.
<b>STAFF RECOMMENDATION</b>	Staff supports this petition upon resolution of outstanding issues. The request is inconsistent with the <i>North Charlotte Plan</i> , but is consistent with the residential densities recommended by the <i>Transit Station Area Principles</i> .
<b>PROPERTY OWNER</b>	Short Development Group
<b>PETITIONER</b>	Rainier Builders
<b>AGENT/REPRESENTATIVE</b>	Kyle Short
<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:

- 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. 35<sup>th</sup> Street to preserve existing trees.
- A minimum 42 inch high landscape strip to screen from abutting properties.
- 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.
- Optional provisions include:
  - Allow modification to the East 35<sup>th</sup> 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 35<sup>th</sup> Street within the established 50-foot right-of-way in an effort to preserve the existing mature trees.

- **Existing Zoning and Land Use**
    - The majority of the rezoning site is vacant and on the remaining acreage sits a single family residence. The site is surrounded by a mix of residential, commercial, institutional, and warehouse uses on properties zoned R-5, NS, B-1, MUDD-O, and I-2.
  - **Rezoning History in Area**
    - There have been several rezonings in the immediate area involving rezoning properties to MUDD-O to allow high density multi-family residential developments and mixed use projects.
  - **Public Plans and Policies**
    - The *North Charlotte Plan* (1995) is the adopted land use policy for this area and recommends single family residential uses (no density specified). The *North Charlotte Plan* updated the *Central District Plan* (1993).
    - The *Blue Line Extension 36<sup>th</sup> 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 36<sup>th</sup> 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 36<sup>th</sup> Street Station Area Concept* and *Transit Station Area Principles*.
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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:** CDOT requests the following:
    1. The sidewalk and planting strip dimensions do not appear to satisfy the minimum streetscape requirements. The sidewalk and planting strip dimensions along East 35<sup>th</sup> Street do not appear to satisfy the minimum streetscape requirements; however, the petitioner claims he is trying to save existing mature trees. The petitioner should work with Urban Forestry to determine if the existing trees are healthy and worth saving. If not, please provide an eight-foot planting strip and six-foot sidewalk measured from East 35<sup>th</sup> Street from back of curb.
  - **Vehicle Trip Generation:** This proposal will have a minor impact on the surrounding thoroughfare system.  
Current Zoning: 283 trips per day.  
Proposed Zoning: 87 trips per day.
  - **Connectivity:** 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.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Label "Rezoning Petition 2012-007" on the site plan.
    2. Identify zoning of adjacent properties and those properties across Yadkin Avenue and East 35<sup>th</sup> Street.
    3. Identify the width of the landscape strip shown along East 35<sup>th</sup> Street.
    4. Better label and identify those existing street trees that are the reason for the optional requests.
    5. The wood shed is not permitted to encroach into the subject property. Either the wood shed must be removed (and a note provided on the site plan stating as such), a variance must be sought, or the alleyway must be abandoned.
    6. Should spell the word "amenity" correctly.
    7. Identify *8-foot Landscape Area* as *8-foot Planting Strip* along Yadkin Avenue.
    8. Identify what screening materials will consist of (i.e., shrubs).
    9. Clarify what is meant by the "Fence corner property corner areas" shown on site plan adjacent to the Fire Station. Note the height and materials of the proposed fence.
    10. Address CDOT comments.
    11. Urban design revised comments state the building's side elevation facing 35<sup>th</sup> Street should be articulated and addressed for pedestrian interest and that proposed elevation Sheet A3 is missing. They also request that the sidewalk at 35<sup>th</sup> Street to the wall be widened if the optional request is honored.
    12. Subdivision Comments called for r/w dedication along Yadkin Avenue to meet the residential wide street cross-section with on-street parking.
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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 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

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