

REQUEST Current Zoning: UR-3(CD), urban residential, conditional
Proposed Zoning: UR-3(CD) SPA, urban residential, conditional, site plan amendment

LOCATION Approximately 0.45 acres located on the south side of North Davidson Street between Herrin Avenue and Donatello Avenue.

SUMMARY OF PETITION The petition proposes to allow a maximum of 20 residential units and associated accessory structures and parking.

PROPERTY OWNER D&D Holding Company, LLC
PETITIONER Dave Ransenberg/Doug Levin
AGENT/REPRESENTATIVE Gavel and Dorn Engineering

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

STATEMENT OF CONSISTENCY This petition is found to be inconsistent with the *North Charlotte Plan* but to be consistent with the *36th Street Station Area Concept* and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Phipps seconded by Commissioner Johnson).

ZONING COMMITTEE ACTION The Zoning Committee voted 4-0 to recommend **APPROVAL** of this petition with the following modifications: with the following modifications:

1. The zoning district of the property located across N. Davidson Street and located within the railroad right-of-way is now labeled and identified as I-2 on site plan.
2. The site plan now notes that the minimum setback from Warp Street will be 20'.
3. The *Signage* note has been removed from the site plan.
4. A note has been added to the site plan stating all freestanding light fixtures will be uniform in design and shall not exceed 20' in height.
5. CDOT issues have been addressed with the following actions:
 - a. The proposed fence along North Davidson Street has been reduced in height from 42" to 30".
 - b. The site plan shows dedicated right-of-way 30' from centerline of the existing North Davidson Street right-of-way.

VOTE

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

ZONING COMMITTEE DISCUSSION Staff presented this request to the Committee, also noting the differences from the current site plan approved as part of rezoning petition 2002-091. Staff noted that a protest petition had been filed but that its sufficiency had yet to be determined. A Commissioner expressed concerns with the lack of streetscape and screening features provided along North Davidson Street as the approved site plan calls for a building to front along this right-of-way, and the new site plan proposes a parking lot. Staff responded that the proposed decorative fence along this property line had to be reduced in height due to concerns expressed by CDOT about sight visibility.

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**• Background**

- The parcel was rezoned in 2002 (rezoning petition 2002-91), in order to allow the construction of six residential units, four live/work units and 4,000 square feet of commercial. The approved site plan depicts two buildings on the site: one consisting of the live/work units and commercial square footage and oriented towards North Davidson Street, and the other building containing the residential units and facing Warp Street. The parking and loading area are located between these two buildings.

• Proposed Request Details

- The site plan amendment contains the following changes:
 - Eliminates the live/work units and commercial square footage, while increasing the number of residential units from six to 20 (44.4 dwelling units per acre).
 - Removal of existing driveway onto Warp Street and construction of new driveway entrance accessing North Davidson Street.
 - Residential units will be in a 3/2 split building having a base maximum average height at setback and side yard of 40 feet. The three-story section will face North Davidson Street. The two-story portion will face Warp Street so as to better relate to the neighborhood.
 - Building materials to consist of asphalt shingles, hard siding, hardi panel, wood railings, ESFI, and masonry walls. No vinyl siding will be allowed, but vinyl windows and soffit may be used.
 - Provision of screened parking area consisting of twenty spaces with access on to North Davidson Street, and three additional parallel spaces along Warp Street.
 - Provision of a fence (materials consisting of tubular steel with masonry columns) with plantings at the North Davidson Street entrance in order to provide pedestrian interest and value to the streetscape.
 - Installation of new 8-foot sidewalk and 8-foot planting strip along North Davidson Street.
 - Installation of 6-foot sidewalk and 8-foot planting strip along Warp Street.
 - Proposed 7-foot sidewalk connecting the building to the sidewalk along North Davidson Street.

• Public Plans and Policies

- The petition is inconsistent with the *North Charlotte Plan*, as updated by rezoning petition #2002-091, but consistent with the *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 (CMS):** CMS states that the development allowed under the existing zoning would generate 3 students, while the development allowed under the proposed zoning will produce 10 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 7 students.
 - **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 site meets minimum ordinance standards.
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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
- 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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