
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.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is inconsistent with the <i>North Charlotte Plan</i> ; however, it is consistent with the <i>36th Street Station Area Concept</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	D&D Holding Company, LLC Dave Ransenberg/Doug Levin Gavel and Dorn Engineering
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

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.

- **Existing Zoning and Land Use**

- The site is currently vacant and zoned UR-3(CD). The property is primarily surrounded by a variety of residential housing types (single family, condominium, townhomes) with some commercial to the east, west and south on properties zoned R-5, R-8, UR-2, and UR-3(CD). To the north is a strip of undeveloped land that lies within the railroad right-of-way and is zoned I-2. Also to the north is scattered residential, vacant land and industrial uses on properties zoned UR-2(CD), I-1, and I-2.

- **Rezoning History in Area**

There have been several rezonings of various properties in the area to urban residential districts, in order to accommodate a variety of housing types and commercial. The most recent rezonings include the following:

- Petition 2009-006 rezoned approximately 13.57 acres located on the southwest corner of East Craighead Road and Philemon Avenue from I-1 and I-2(CD) to UR-2(CD) in order to allow the construction of approximately 300 multi-family apartments at a density of 22.1 units per acre.
- Petition 2007-144 rezoned approximately 0.71 acres located on the southwest corner of North Davidson and Anderson Streets in from I-2 to MUDD(CD) order to allow the development of a mixed use structure consisting of up to 50 residential units, a maximum 12,000 square feet of retail space or work studios, an open parking structure below the building consisting of 38 parking spaces, and 32 off-site parking spaces to meet parking requirements.

- **Public Plans and Policies**

- The *North Charlotte Plan* (1995) is the adopted land use policy for this area and was updated when this parcel was rezoned as part of rezoning petition 2002-91 to allow for six residential units, four live/work units and 4,000 square feet of commercial uses.
 - The station area concept developed by staff for the 36th Street Transit Station Area recommends transit supportive land uses for this property and surrounding parcels. This parcel has direct access to the transit station.
 - The petition is inconsistent with the *North Charlotte Plan*, as updated by rezoning petition #2002-091, but consistent with the *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 has the following comments:
 - It appears that the proposed 42" high fence along North Davidson Street negatively impacts and potentially blocks the required departure sight distance triangle identified in the CDOT sight distance policy. CDOT requests that the petitioner lower the proposed height of the fence from 42" to 30" maximum to provide for adequate sight distance when exiting the proposed driveway.
 - North Davidson Street is classified as a minor thoroughfare according to the MUMPO thoroughfare plan, and requires a future right-of-dimension of 60 feet. CDOT requests that the petitioner dedicate right-of-way measuring 30 feet from the centerline of the existing right-of-way into the petitioner's site.
 - **Vehicle Trip Generation:** CDOT states this rezoning will have a minor impact on the surrounding thoroughfare system.
Current Zoning: 80 trips per day.
Proposed Zoning: 135 trips per day.
 - **Connectivity:** 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 (LUESA):** 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.

OUTSTANDING ISSUES

- The petitioner should:
 1. Identify the zoning district of the property located across N. Davidson Street and located within the railroad right-of-way.
 2. Remove labeling on site plan that notes proposed building setback will be based on adjacent parcels and provide a new note stating the minimum setback will be 20'.
 3. Remove *Signage* note as intent is to meet the minimum ordinance requirement.
 4. Add a note stating that all freestanding light fixtures will be uniform in design and shall not exceed 20' in height.
 5. Address CDOT comments.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meetingm9
- 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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