

REQUEST	Current Zoning: I-2, general industrial Proposed Zoning: MUDD-O, mixed use development district, optional
LOCATION	Approximately 3.89 acres located on the north side of Spencer Street between Academy Street and Anderson Street. (Council District 1 – Kinsey)
SUMMARY OF PETITION	The petition proposes a 54-unit multi-family development.
PROPERTY OWNER	Starnes Commercial Properties, LLC and Herrin Brothers Coal & Ice Company Inc.
PETITIONER	Bonterra Builders
AGENT/REPRESENTATIVE	Babak Emadi, Urbana
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>North Charlotte Plan</i> but to be consistent with the draft <i>36th Street Station Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Eschert).

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. Modified the "total acreage" under "Development Data Table" to read: "3.89 acres (4.33 acres including Mooney Avenue right-of-way)". 2. Eliminated the list of "Prohibited Uses" and replace them with the following note: "All other MUDD uses not listed as permitted". 3. Modified Note 3a as follows: "To preserve existing trees along Anderson Street, the <u>6-foot sidewalk may meander and portions of the planting strip may be less than 8 feet in width as measured from</u> is being omitted and the new sidewalk will be built at the back of curb. 4. Modified Note 6a to indicate an eight-foot planting strip and six-foot sidewalk will be provided along public streets except Anderson Street where the sidewalk may meander and an eight-foot planting strip and a five-foot sidewalk along the internal private streets. 5. Added a sentence to Note 8a indicating the right-of-way for the multi-use trail will be dedicated and conveyed to the City prior to the final certificate of occupancy being issued for either of the last two buildings of the development abutting the current Mooney Avenue right-of-way. 6. Added the following sentence to the end of the "Lighting" note: "Freestanding lighting will be limited to 20 feet in height and will utilize full cut-off type lighting fixtures". 7. Provided an "Architectural Standards" note on Sheet 1 of 1 that indicates all units fronting Academy Street and Spencer Street will have direct sidewalk connections from each unit to the public sidewalks. 8. Removed the area between Academy Street and the proposed building envelope from the "tree save" area.
--------------------------------	---

9. Clearly identified the building and parking envelope and modified the building envelope located at the corner of Spencer Street and Anderson Street so it does not encroach into the 14-foot setback along Anderson Street.
10. Removed all references to building types A, B, and C referenced on Sheet 2 of 2.
11. Provided an "Architectural Standards" note on Sheet 1 of 1 to indicate a minimum 20-foot separation between the face of a garage door to the internal drive aisle. However, less than 20 feet is allowed if no more than a seven-foot separation is provided.
12. Provided an "Architectural Standards" note on Sheet 1 of 1 to indicate if walls/fences are provided between the buildings along Anderson Street and the right-of-way for Anderson Street, the walls/fences will be limited to three feet in height.
13. Provided a note indicating all modification must comply with Section 6.207 of the Zoning Ordinance.
14. Eliminated Sheet 3 of 3.
15. Addressed CDOT issue by indicating the right-of-way abandonment will occur prior to approval of construction plans.

VOTE

Motion/Second:	Eschert/Walker
Yeas:	Allen, Eschert, Johnson, Labovitz, Lathrop, and Walker
Nays:	None
Absent:	Nealon
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee and indicated all outstanding site plan issues have been resolved.

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:

- A 54-unit multi-family development.
- Building heights not to exceed 50 feet.
- Buildings oriented to the abutting public streets except for Anderson Street due to the industrial use across Anderson Street.
- Conceptual building elevations.
- Mooney Avenue to be abandoned and a portion of the right-of-way to be dedicated for a multi-use trail.
- Optional provision includes:
 - Modification of the streetscape along Anderson Street to allow the six-foot sidewalk to meander and portions of the planting strip may be less than eight feet from the back of curb to help preserve existing trees.

• **Public Plans and Policies**

- The draft *36th Street Station Area Plan*, currently under development with an anticipated completion date of late spring/early summer 2013, recommends transit supportive land uses for this parcel. The parcel is within the ½ mile walk distance of a proposed transit station at 36th Street and the Norfolk Southern rail line for the Blue Line Extension.

- The *North Charlotte Plan* (1995) recommends industrial land uses for this site.
 - The petition is inconsistent with the *North Charlotte Plan*; however, it is consistent with the draft *36th Street Station Area Plan* land use recommendation.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

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*.
 - Minimizes impacts to the natural environment by building on an infill lot.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Shad Spencer (704) 353-1132