

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.
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 draft <i>36th Street Station Area Plan</i> which recommends transit supportive land uses for the site.
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.

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 6-foot sidewalk to be located at the back of curb to help preserve existing trees.

- **Existing Zoning and Land Use**

The subject site is currently vacant. Properties west of the site are zoned MUDD-O and contain multi-family and office uses. South of the subject rezoning are single family uses that are zoned R-22MF and R-5. Industrial land uses zoned I-2 are located to the east and northeast. Northwest of the subject site is property zoned UR-3(CD) and contains multi-family uses.

- **Rezoning History in Area**

There have been numerous rezonings in this area to allow for higher density residential. The majority of these rezonings have occurred northwest of the subject site between it and the proposed transit station at 36th Street.

- **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.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:**
 - Modify Note 5a to indicate the right-of-way abandonment will occur prior to approval of construction plans.
 - Provide a note and label/dimension on the site plan for an eight-foot planting strip and six-foot sidewalk along all public street frontages.
 - **Vehicle Trip Generation:**
Current Zoning: 240 trips per day.
Proposed Zoning: 376 trips per day.
 - **Connectivity:** 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.
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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*.
 - Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Modify the "total acreage" under "Development Data Table" to read: "3.89 acres (4.33 acres including Mooney Avenue right-of-way)".
 2. Eliminate the list of "Prohibited Uses" and replace them with the following note: "All other MUDD uses not listed as permitted".
 3. Modify Note 3a as follows: "To preserve existing trees along Anderson Street, the 6-foot sidewalk may meander and portions of the planting strip may be less than 8 feet in width as measured from ~~is being omitted and the new sidewalk will be built at the back of curb.~~
 4. Modify Note 6a as follows: "An 8' planting strip and 6' sidewalk will be provided along ~~on~~ all public ~~internal private~~ streets and along Spencer Ave. However, the ~~A~~ 6' sidewalk will be provided along Anderson Street may meander ~~at back of existing curb~~ to help preserve existing trees. Minimum 5' sidewalks will be provided along both sides of the internal private streets.

5. Add the following sentence to the end of Note 8a: "Right-of-way for the trail will be dedicated and conveyed to the City prior to the final certificate of occupancy being issued for the first building of the development".
6. Renumber the "Lighting" note as Note 9 rather than Note 8.
7. Add 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".
8. Provide an "Architectural Standards" note that indicates all units fronting Academy Street and Spencer Street will have direct sidewalk connections from each unit to the public sidewalks. Illustrate the connections on Sheet 2 of 3.
9. Remove the area between Academy Street and the proposed building envelope from the "tree save" area. Based on the development scenario, no trees will be saved in that area.
10. Clearly identify the building and parking envelope and modify 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.
11. Define the various building types A, B, and C identified on the site plan or remove all references to those building types.
12. Provide an "Architectural Standards" note 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.
13. Provide an "Architectural Standards" note 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.
14. Remove all notes that indicate that the site plan is illustrative and conceptual and may be modified during design development and construction as it may conflict with the note that all alterations will comply with Section 6.207.
15. Eliminate Sheet 3 of 3.
16. Address CDOT issues.

Attachments Online at www.rezoning.org

- Application
- 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

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