

<b>REQUEST</b>	Current Zoning: R-8 (single family residential) Proposed Zoning: R-22MF(CD) (multi-family residential, conditional)
<b>LOCATION</b>	Approximately 0.562 acres located on the west side of Luther Street between Baldwin Avenue and Eli Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to construct up to eight multi-family residential units at a density of 14.24 units per acre.
<b>STAFF RECOMMENDATION</b>	Staff does not support this petition in its current form.  The petition is inconsistent with the density recommendation of the <i>Midtown Morehead Cherry Area Plan</i> , which recommends residential uses up to eight dwelling units per acre.  The petition is consistent with the goals of the plan to enhance the neighborhood's historic residential character and form, and encourage well-conceived infill development. The proposed residential buildings are consistent with the heights, setbacks, building orientation and character of the existing homes on Luther Street.  However, the attached townhome massing (six units attached together) is out of character with the existing pattern and form of residential buildings.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	City of Charlotte Housing Authority Charlotte Housing Authority Neighboring Concepts, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 35

**PLANNING STAFF REVIEW**

- **Background**
  - The subject property was rezoned from R-22MF (multi-family residential) to R-8 (single family residential) via petition 1993-080, as part of the *Central District Plan* corrective rezonings.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Allows the construction of a duplex unit and a multi-family residential building containing six units at an overall density of 14.24 units per acre.
  - Maximum building height of 40 feet.
  - Specifies building materials to include a combination of brick, stone, precast concrete, synthetic stone, cementitious board, stucco, EIFS, decorative block, and/or wood.
  - Prohibits vinyl and aluminum as a building material except on windows, soffits, handrails, and railings.
  - Building elevations reflecting two-story buildings.
  - Specifies that no expanse of solid wall will exceed 20 feet in length.
  - Limits detached lighting to a height of 20 feet.
  - Six-foot sidewalk and eight-foot planting strip along all abutting rights-of-way to meander to preserve existing trees.
  - A 12-foot Class "C" buffer abutting residential zoning and/or use.
  - Access to site via a one-way driveway into the site on Luther Street and a one-way driveway out of the site onto a proposed new street, Morgan Park Drive.
- **Existing Zoning and Land Use**
  - The rezoning site is currently developed with six duplex units and is surrounded primarily by single family housing. Other nearby uses include multi-family residential, park, civic and religious institutional uses, and retail and office uses on properties zoned R-6 (single family residential), R-8 (single family residential), R-22MF (multi-family residential), R-43MF (multi-

family residential), UR-2(CD) (urban residential, conditional), O-2 (office), O-6(CD) (office, conditional), B-1 (neighborhood business), and MUDD-O (mixed use development, optional).

- **Rezoning History in Area**

- Rezoning petitions 2015-027 through 2015-030 and 2015-032 are generally located between Cherry Street, East 3rd Street and Baxter Street and propose multi-family residential developments of different housing types at varying densities. These petitions are also scheduled to be heard at the February 23, 2015 City Council rezoning meeting.
- Rezoning petition 2015-018 consists of approximately 1.87 acres on the south side of Baxter Street, west of Queens Road, and east of Welker Street. The proposed rezoning from R-6 (single family residential) to UR-2(CD) (urban residential, conditional) is to allow up to 30 multi-family residential dwelling units along with accessory uses at a density of 16.04 units per acre. This petition was heard at the February 18, 2015 City Council rezoning meeting.
- Rezoning petition 2014-109 consists of approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. The proposed rezoning from UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay), and R-8 (single family residential) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional, pedestrian overlay), with five-year vested rights, will allow a mixed use development with office, retail, hotel, residential uses, and a structured parking facility within three (3) development areas (A, B, and C). The public hearing for this rezoning was deferred to March 16, 2015, at the February 18, 2015 City Council rezoning meeting.
- Approval of rezoning petition 2014-024 rezoned approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment) in order to allow the development of 39 single family detached dwellings and two duplexes, at an overall density of 7.53 units per acre.

- **Public Plans and Policies**

- The *Midtown Morehead Cherry Area Plan* (2012) recommends residential uses up to eight dwelling units per acre. The proposed density of 14.24 units per acre is inconsistent with the *Midtown Morehead Cherry Area Plan*. While the petition is consistent with the plan goals to enhance the neighborhood's historic residential character and form, the attached townhome massing is out of character with the existing pattern and form of residential buildings along Luther Street.
- The petition is inconsistent with the *Midtown Morehead Cherry Area Plan*.

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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.
- **Transportation:** CDOT requests the following:
  1. Add a conditional note to the site plan that states the petitioner will have a certified arborist evaluate the health of the existing trees along Luther Street. If the arborist determines that the trees are in poor health, CDOT requests the petitioner remove the subject trees and not meander the proposed sidewalk.
- **Vehicle Trip Generation:**
  - Current Zoning: 150 trips per day.
  - Proposed Zoning: 190 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate three (3) students, while the development allowed under the proposed zoning will produce eight (8) students. Therefore, the net change in the number of students generated from existing zoning to proposed is five (5) students.
- **Charlotte-Mecklenburg Storm Water Services:** Petitioner should remove the portion of the note under Environmental Features reading, "Each development parcel shall be evaluated for PCCO requirements individually."

- **Charlotte Water:** 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**

- Land use:
    1. The proposed density is inconsistent with the *Midtown Morehead Cherry Area Plan*, which recommends residential uses up to eight dwelling units per acre. The proposal calls for 14.24 units per acre.
  - If the petition is considered for approval, the petitioner should:
    1. Under heading Development Data Table, specify the density of the proposal.
    2. Label on the site plan, edge of rights-of-way for Luther Street and Morgan Park Drive.
    3. Ensure right-of-way width for Morgan Park Drive is correct as per rezoning petition 2014-024.
    4. Under heading Development Data Table, limit maximum number of stories to two and limit maximum height to 35 feet.
    5. Show and label tree save areas on the site plan.
    6. Petitioner should ensure that the elevations match the building footprints on the site plan.
    7. Break up the massing of the six-unit building by creating multiple buildings to be more consistent with the single family residential on Luther Street.
    8. Remove language under heading Signage and replace with: "Signage will be provided per the Ordinance.
    9. Renumber notes under each heading on the site plan.
    10. Address Transportation and Storm Water Services comments.
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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water 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:** Claire Lyte-Graham (704) 336-3782