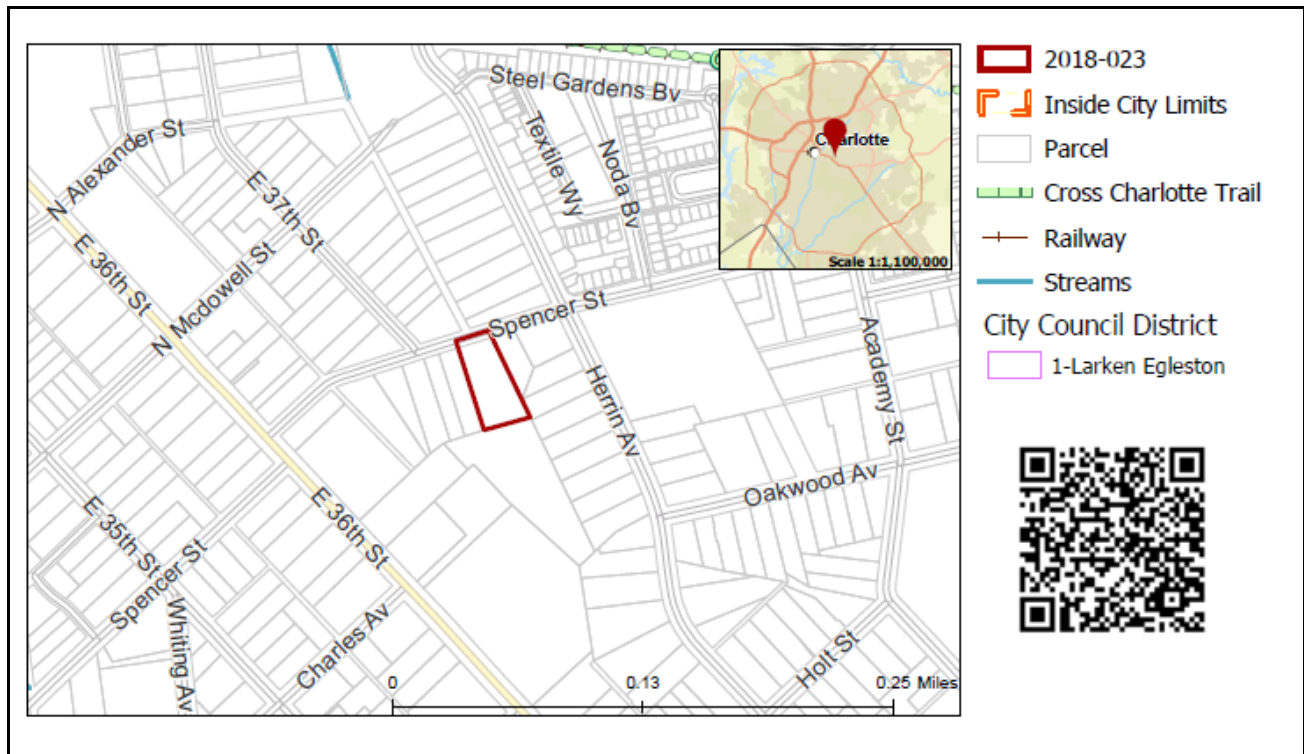


REQUEST

Current Zoning: R-5 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 0.56 acres located on the south side of Spencer Street, east of E. 36th Street, west of Herrin Avenue.
(Council District 1 - Egleston)



SUMMARY OF PETITION

The petition proposes to redevelop the site with up to three single family detached dwellings, at a density of 5.3 units per acre.

PROPERTY OWNER

Jason Idilbi

PETITIONER

Jason Idilbi

AGENT/REPRESENTATIVE

Urban Design Partners PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 4.

**STAFF
RECOMMENDATION**

Staff does not recommend approval of this petition in its current form.

Plan Consistency

The proposed single family land use is consistent with the *BLE Transit Station Area Plan*, which recommends single family dwellings. The proposed density slightly exceeds the density of five units per acre recommended by the *BLE Transit Station Area Plan*.

The site does not comply with community design guidelines in the *BLE Transit Station Area Plan* adopted plan. These guidelines state that buildings should orient to the street, resulting in an arrangement of buildings in an orderly block pattern.

Rationale for Recommendation

- The proposed single family development is located within the NoDa neighborhood that is primarily developed with single family detached homes.

- The surrounding single family area has an established lot pattern with one home per lot and each home is oriented to and fronts the public street.
- The proposed development has three lots stacked on the site, with only the first lot allowing a new home to front and orient to Spencer Street.
- As currently designed, the proposed development is not consistent with the existing residential context described above, as the homes on two of the three lots will not face Spencer Street, but instead will face the rear of another home.
- Staff recommends redesigning the site to have lots that will result in homes that front on and orient to the street, similar to the lots immediately to the west of the site.

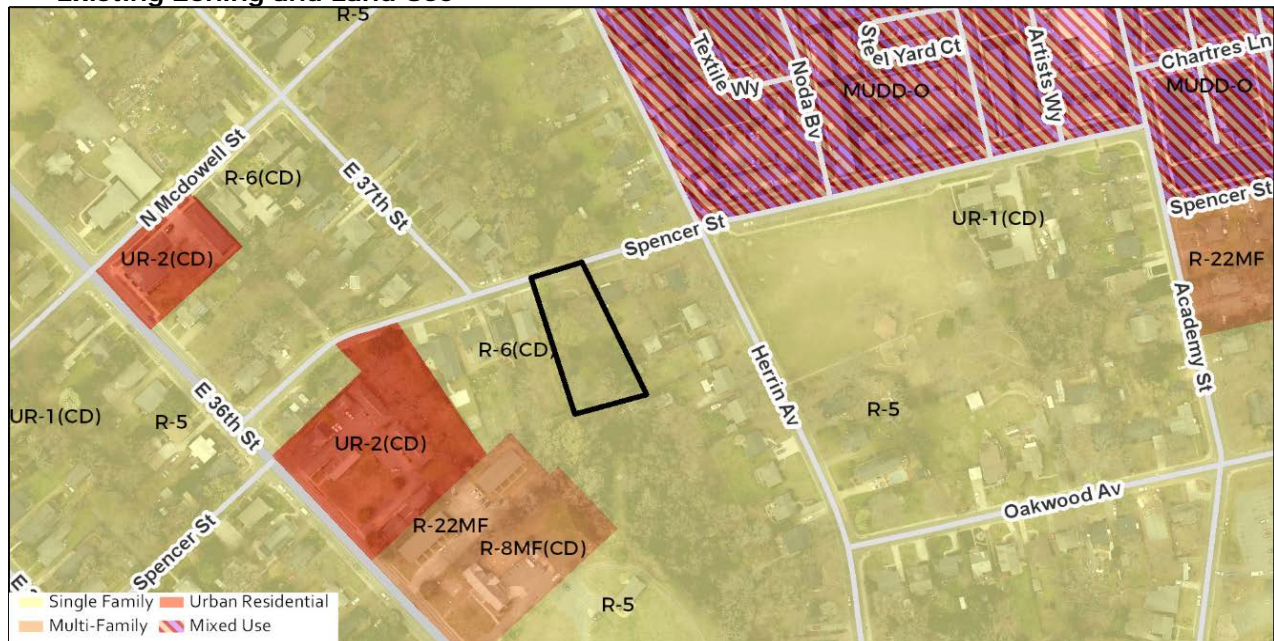
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of three single family detached dwelling units, on one standard and two flag lots, at a density of 5.3 units per acre. A “flag lot” is a property located behind another property, and accessed by a strip of land from a public street.
- Site access via a 15-foot wide driveway stemming from Spencer Street that fronts each lot.
- Building height limited to 40 feet and three stories.
- Building materials will be a combination of glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, wood, painted wood, cementitious siding, and EIFS.
- Tree save and semi-opaque landscape screening areas provided along the southern and western property lines. Screening materials will consist of a combination of evergreen and deciduous trees and shrubs, and wood fencing.

• **Existing Zoning and Land Use**



- The subject property is zoned R-5 (single family residential), and developed with a single family detached dwelling.
- Surrounding properties are developed primarily with single family residential dwellings, with multi-family residential dwellings located northwest of the site between McDowell Street and Spencer Street. Area also includes the North Charlotte Neighborhood Park.



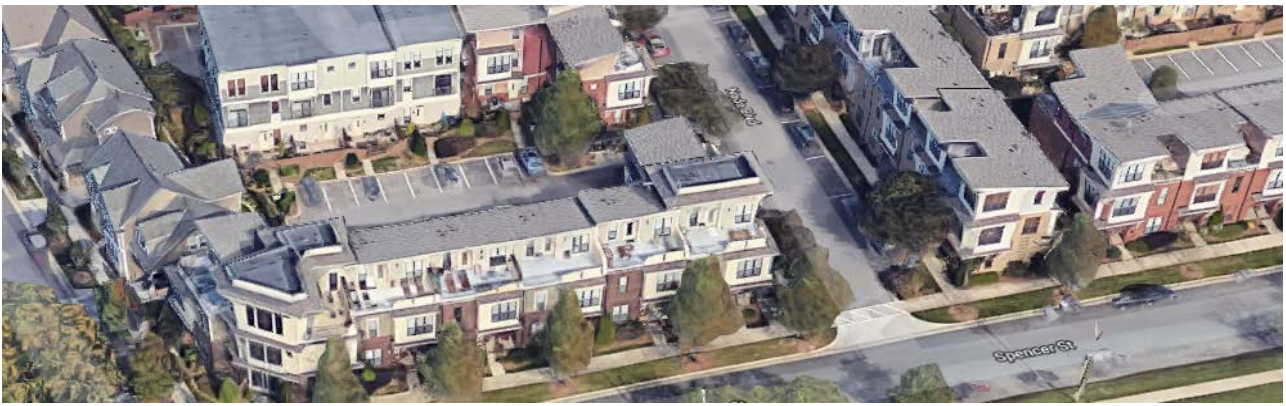
The subject property is developed with a single family home.



North Charlotte Park is located nearby on Spencer Street.

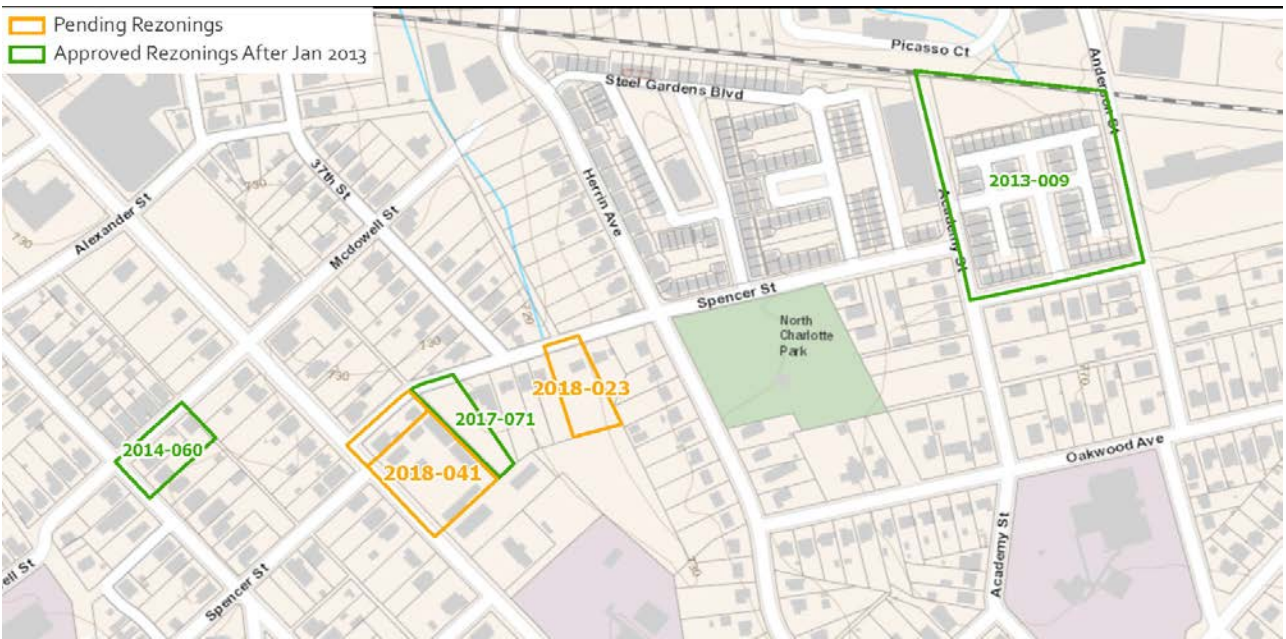


Surrounding single family homes.



Multi-family across Herrin Avenue in a part of the neighborhood developed with higher density housing.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2013-09	Rezoned approximately 3.89 acres to MUDD-O, mixed use development district, optional to allow a 54-unit multi-family development.	Approved
2014-60	Rezoned 0.46 acres to UR-1(CD) (urban residential, conditional) to subdivide two single family parcels into three lots.	Approved
2017-071	Rezoned approximately 1.5 acres from R-5 and R-22MF to UR-2(CD) to allow up to 22 single family attached townhome units and two single family detached dwellings.	Approved
2018-041	Rezoned approximately 1.27 acres to UR-2(CD) (urban residential conditional) and UR-2(CD) SPA (urban residential conditional site plan amendment) to allow 27 single family attached dwellings.	Pending

• **Public Plans and Policies**



- The *BLE Transit Station Area Plan* recommends single family residential uses up to a density of five units per acre.
- Community design guidelines recommend orienting buildings to the street, providing pedestrian access to the street, and arranging buildings in an orderly block pattern.

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on a local street. ~~CDOT continues to request the site plan commit to providing sidewalk improvements for pedestrian access and to meet City goals.~~
- ~~See Outstanding Issues, Note 1.~~
- **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 10 trips per day (based on one single family detached dwelling).
 Entitlement: 30 trips per day (based on two single family detached dwellings).
 Proposed Zoning: 40 trips per day (based on three single family detached dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No on-street parking if unable to maintain 20 feet unobstructed access at all times for Charlotte Fire Department.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units):
 - Highland Renaissance Academy remains at 100%
 - Martin Luther King, Jr. Middle remains at 89%
 - Garinger High remains at 123%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing six-inch water distribution main located along Spencer Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along Spencer Street and via an existing 10-inch gravity sewer main located through the rezoning boundary.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from the public right-of-way of Spencer Street or newly created city maintained street without explicit authorization from the City Arborist or his

designee. The location of structures, driveways, and other items illustrated on the site plan are conceptual in nature; City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way.

Trees cannot be planted in the right-of-way of all City of Charlotte maintained streets (Spencer Street) without explicit authorization from the City Arborist or his designee.

~~See Outstanding Issues, Note 4-~~

- **Erosion Control:** No outstanding issues.
- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. ~~Revise conditional Note 2 under Transportation by clarifying the petitioner is committing to building the eight-foot planting strip and six-foot sidewalk.~~ **Addressed**

Site and Building Design

2. ~~Lay out lots to provide lots that contain one principal structure per lot, with the principal structures oriented to and fronting the public street.~~ **Not Addressed**
3. ~~Provide building setbacks along public streets that are compatible with those of the existing surrounding structures.~~ **Addressed**

Environment

4. ~~The petitioner shall submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. In addition, the survey shall include all trees eight inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ **Trees in the right-of-way are denoted on the site plan.**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327