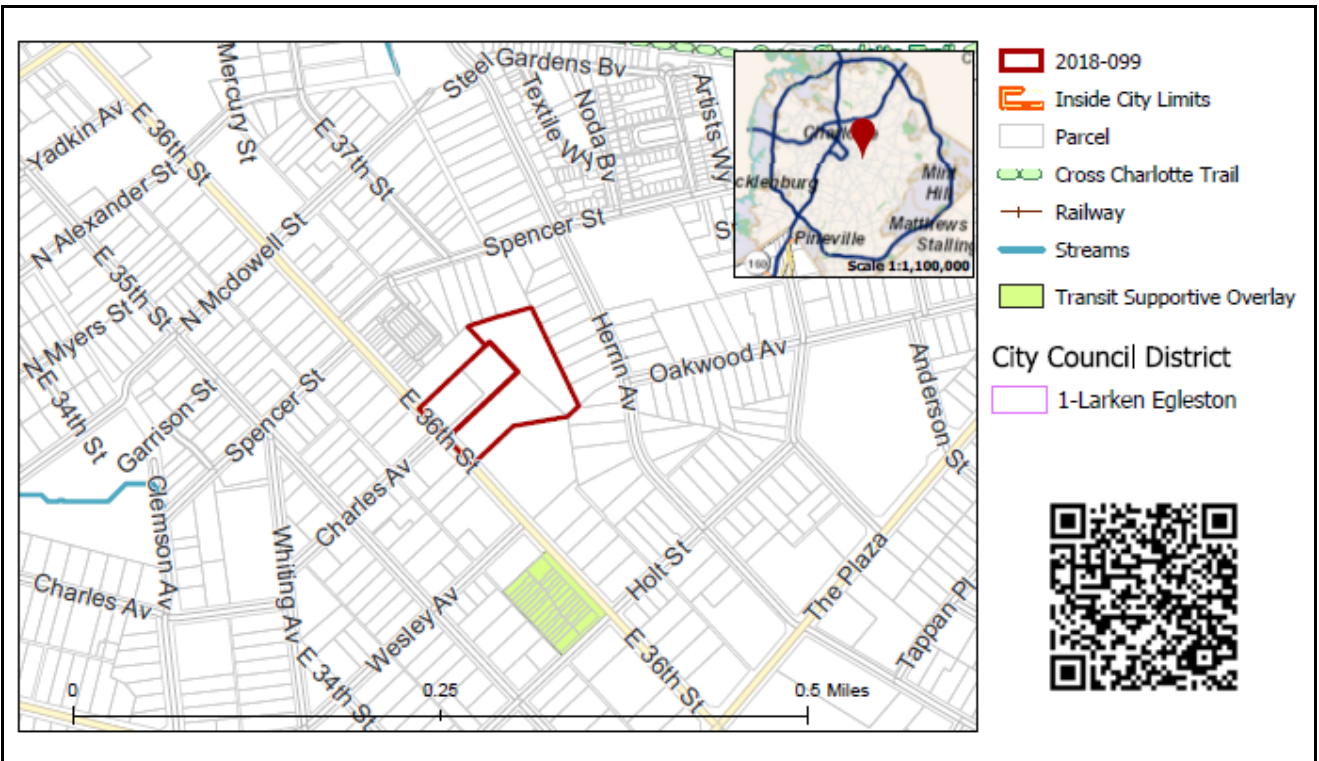


REQUEST

Current Zoning: R-5 (single family residential) and R-8MF(CD)
(multi-family residential, conditional)
Proposed Zoning: MUDD(CD) (mixed use development, conditional)

LOCATION

Approximately ~~3.5~~ 3.59 acres located on the north side of E. 36th Street between Holt Street and Spencer Street.
(Council District 1 - Egleston)



SUMMARY OF PETITION

The petition proposes to redevelop the site to allow 65 single family attached townhomes, at a density of ~~18.5~~ 18.1 dwelling units per acre.

PROPERTY OWNER

Methodist Church Spencer Memorial, Victor and Lilian Ibekwere, and City of Charlotte

PETITIONER

Shea Homes

AGENT/REPRESENTATIVE

Collin Brown and Bailey Patrick, Jr.

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 5.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design.

Plan Consistency

The proposed single family attached dwelling units are consistent with the recommended residential uses. However, the density of 18 dwelling units per acre exceeds the density recommendation of up to six dwelling units per acre in the *Blue Line Extension Transit Station Area Plan* and five dwelling units per acre in the *Central District Plan*.

Rationale for Recommendation

- The subject property is located on East 36th Street, which is a thoroughfare that serves as prominent connection to the Blue Line Transit Station at 36th Street and includes existing and planned moderate density residential development.
- The proposed single family attached dwelling units are consistent with the recommendation for residential uses, compatible with the surrounding residential and institutional uses, and supports a mixture of housing types within the station area.
- The proposed plan meets the Community Design guidance of the *Blue Line Extension Transit Station Area Plan* which supports moderate density development as appropriate in some locations.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

Permitted Uses

- Maximum 65 single family attached townhome units, and a maximum of 130 bedrooms, at a density of ~~18.5~~ 18.1 dwelling units per acre.
- Units front private driveways throughout the development, with up to seven units per building.
- Maximum building height of 55 feet, and maximum building length of 120 feet.
- Up to seven or 10%, whichever is greater, of the units shall be restricted for sale to buyers earning at or below 80% of the Charlotte Median Income for a period of 15 years. Affordable units will be contained within the first 90% of the units constructed, and the maximum purchase price for the initial sale of each affordable unit shall not exceed the HUD maximum home sales price for federally funded down payment assistance for the year in which the sale takes place.

Transportation

- Site access via E. 36th Street. An access easement for future cross access is provided to align with the abutting Saussy Burbank property to the west.
- All transportation improvements will be approved and constructed before the site's first building certificate of occupancy.
- Tree save areas provided abutting single family zoning and land use located at the rear of the site.
- Petitioner shall install a four-way stop with four-way crosswalk striping at the site's entrance of East 36th Street if approved by CDOT.

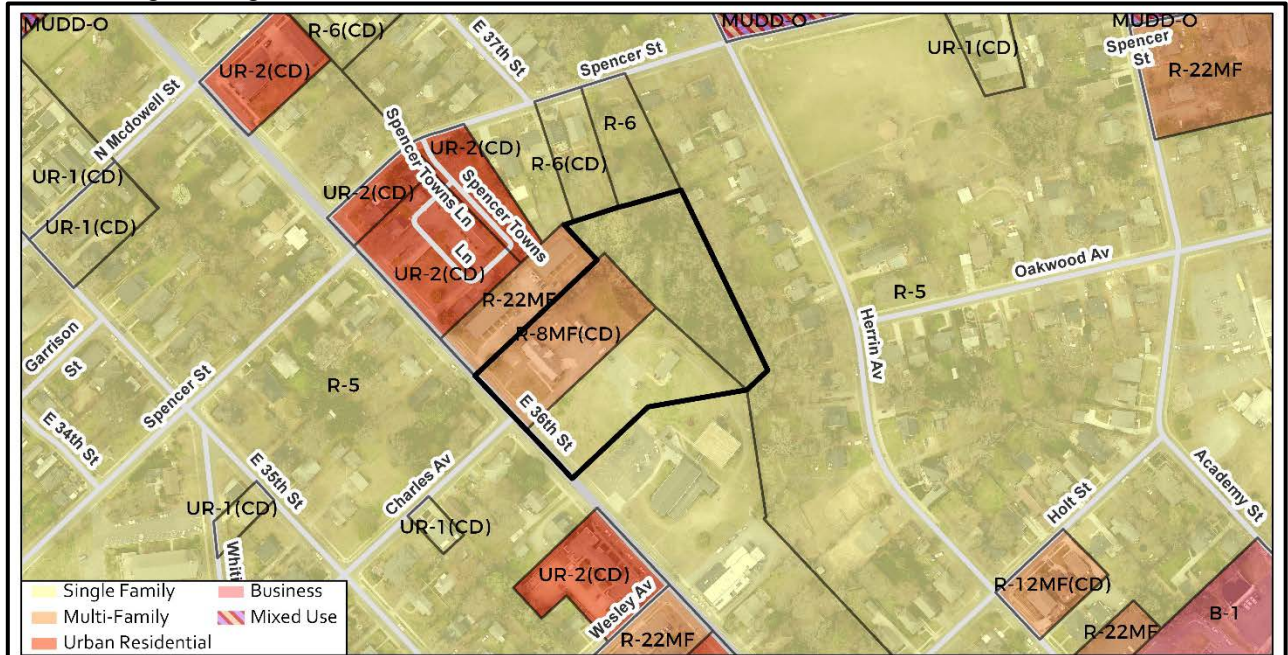
Architectural Standards and Site Layout

- Building materials consist of a combination of glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding, vinyl, EIFS or wood. Vinyl limited to handrails windows, door trim or soffits.
- Buildings fronting East 36th Street shall be oriented to face the street. Each unit will have a minimum one-car garage, and 50% of the units will have a two-car garage. No garage doors shall front on East 36th Street.
- Building Design will include entrances along East 36th Street raised 24 inches; pitched roofs; porch or stoop wrapping corner on end units; limits on blank wall expanses; and treatment of garage doors to minimize visual impact.
- A 900-square-foot interior urban open space area will be provided in an accessible area along the internal driveway.
- Private driveways provided throughout the development, with pedestrian crossings. Up to 27 parking spaces will be provided along the rear of the site.
- Blank walls shall not exceed 20 feet on all building levels.
- Townhouse buildings limited to seven or fewer individual units, and no building length shall exceed 120 feet. Buildings fronting East 36th Street will be limited to five or fewer individual units. Individual units per building shall be varied in adjacent buildings or otherwise meaningfully differentiated via methods specified in the development notes.

Streetscape

- An eight-foot planting strip and eight-foot sidewalk will be provided at the back-of-curb along East 36th Street.
- Petitioner will donate an allowance of \$10,000 to the NODA Neighborhood Business Association for the purchase of public art to be placed on the site.

• **Existing Zoning and Land Use**



- Petition 1999-105 rezoned a portion of the subject property to R-8MF(CD) to allow a child care center four up to 50 children.
- The subject property is developed with a garage, an abutting child care center/office, and an accessory building as accessory uses to an abutting religious institution.
- Surrounding properties are developed primarily with single family residential dwellings, and a few adjacent multi-family residential dwellings, a child care center, and religious institutions.



The subject property is developed with a childcare center and office.



The property to the east along East 36th Street is developed with a religious institution.



Properties to the south along East 36th Street are developed with multi-family apartments and single family homes.

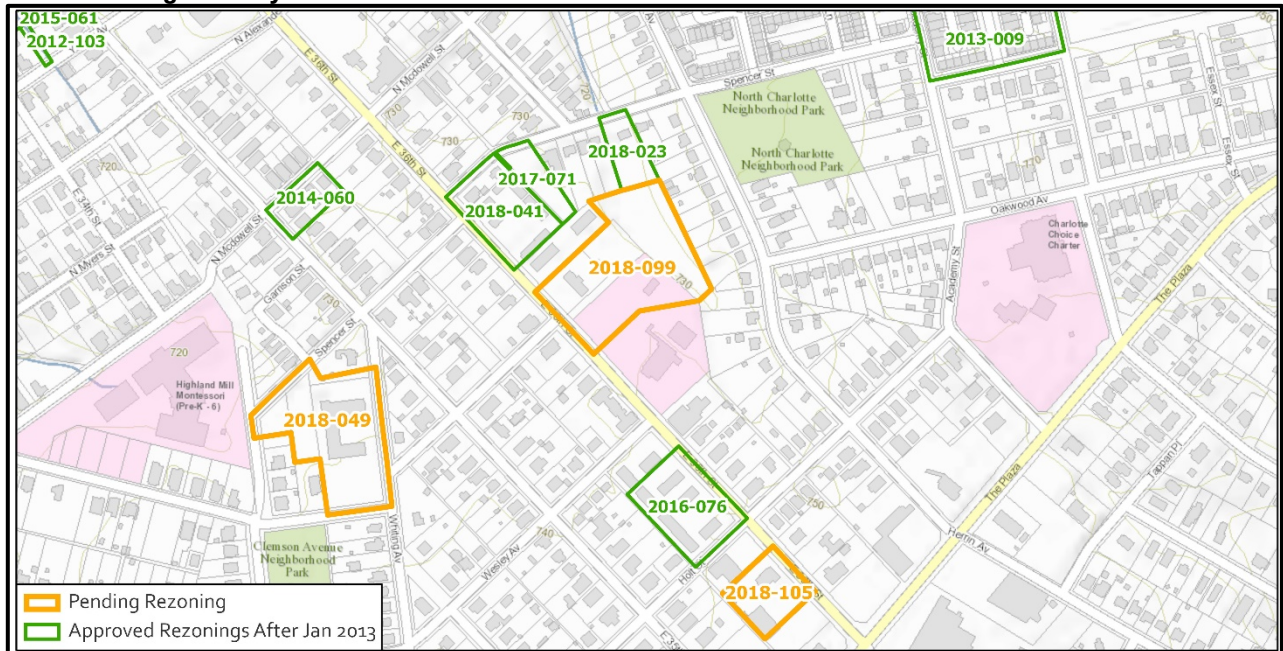


The property to the east along East 36th Street is developed with apartments.



Properties to the north along Herrin Avenue are developed with single family homes.

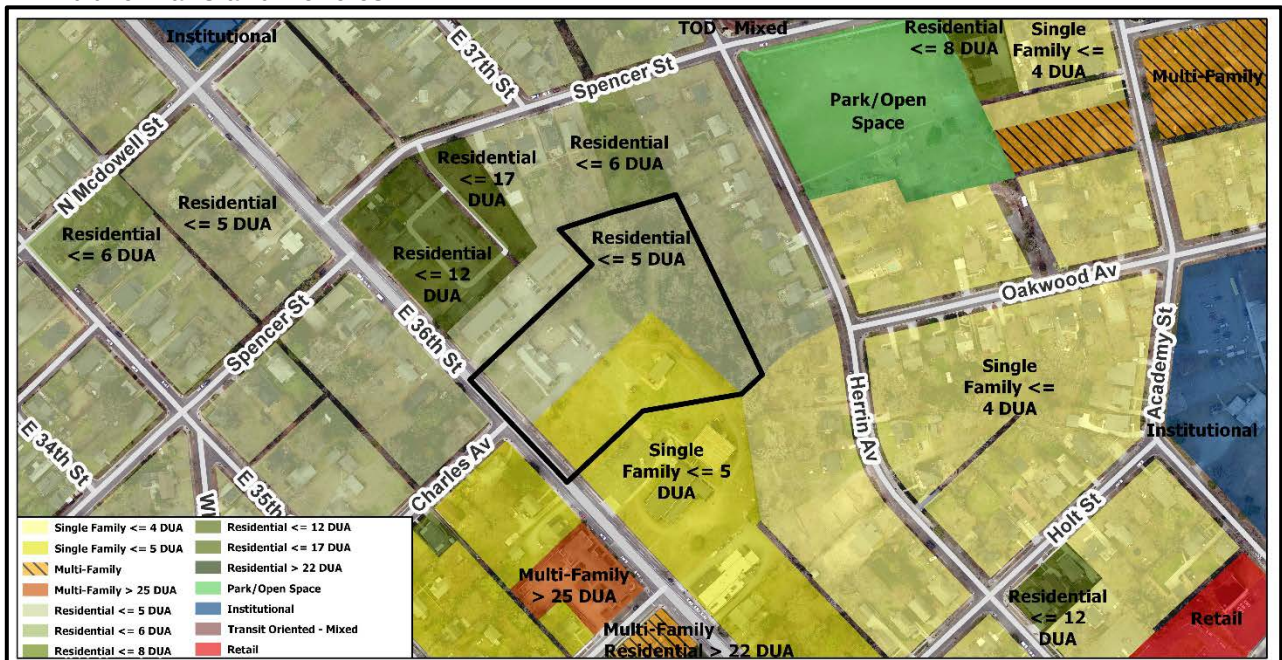
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-105	Proposes 0.905 acres to NS (neighborhood services) to allow 11,000 square feet of building area for nonresidential uses permitted in the NS district excluding residential dwellings.	Pending
2018-049	Proposes 2.57 acres to MUDD-O (mixed use development - optional) to allow up to 16,000 square feet of uses permitted in the MUDD (mixed use development) district including institutional, educational, cultural, recreation, galleries, artist studios, event/gathering/activity, office and/or similar uses, in addition to up to 20 residential dwelling units, at a density of 12.5 units per acre.	Pending
2018-041	Rezoned 1.27 acres to UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment) to allow up to 27 single family attached townhome units, at a density of 21.2 dwelling units per acre.	Approved
2018-023	Rezoned 0.56 acres to R-6 (single family residential) to allow all uses permitted in the R-6 district.	Approved

2017-071	Rezoned 1.5 acres including most of the subject property to UR-2(CD) (urban residential, conditional) to allow up to 22 single family attached townhome units and two single family detached dwellings, at a density of 14.6 units per acre.	Approved
2016-076	Rezoned 1.35 acres to UR-2(CD) TS (urban residential, conditional, transit supportive overlay) to allow 32 single family attached dwelling units.	Approved
2015-061	Rezoned 0.155 acres to MUDD-O (mixed use development, optional) to allow all nonresidential uses permitted in the MUDD (mixed use development) district.	Approved
2014-060	Rezoned 0.46 acres to UR-1(CD) (urban residential, conditional) to allow the creation of three lots, with the existing three single family detached dwellings to remain.	Approved
2013-009	Rezoned approximately 3.89 acres to MUDD-O (mixed use development) district, optional to allow a 54-unit multi-family development.	Approved

• **Public Plans and Policies**



- The *Central District Plan* (1993) recommends single family up to five dwelling units per acre for the portion of the site currently zoned R-5. The plan recommends an additional urban design and land use plan for the area along 36th Street.
- The *Blue Line Extension Transit Station Area Plans* (2013) recommends low density residential uses up to six dwelling units per acre for a portion of the subject property.
- The plan describes Historic Highland Mill Village and single family homes in the NoDa community as “district character houses,” located in the Wedge south of North Davidson Street and McDowell Street. This portion of the neighborhood includes low density residential, as well as civic and institutional uses. The following recommendations are designed to protect and enhance the residential character of the neighborhood:
 - Maintain the low density residential portion of the neighborhood at up to six dwelling units per acre.
 - Protect and preserve the Highland Mill Village and Mecklenburg Mill Village as low density residential land uses, up to five dwelling units per acre.
 - Support opportunities for infill residential development with similar densities and character as the existing mill village housing. Moderate density may be appropriate in some locations if the proposal meets the design guidance provided in the Community Design section of this plan.
- The Community Design policies include recommendations for single and multi-family residential development:
 - Discourage tearing down historic or architecturally significant structures. Instead, encourage the reuse of historic structures.

- Orient buildings to the street or common open space. Provide pedestrian access to the street.
- Avoid blank walls along pedestrian circulation areas.
- Design buildings with transparent openings, ornamentation, and architectural character.
- Design buildings with human scale and visual interest in mind.
- Locate parking to the rear of buildings whenever feasible, with alley access if available.
- Encourage architectural design that complements the style, character, and materials of surrounding structures that contribute to the neighborhood character.
- Ensure the scale and setback of buildings is compatible with adjacent structures.
- Encourage shared residential driveways to reduce pavement areas and curb cuts and maximize green space.
- Provide a meaningful amount of usable and accessible open space. In single family development, this should be common open space.
- Provide direct pedestrian and bicycle connections between abutting or adjacent developments and transit stops.
- Provide adequate pedestrian scale lighting along neighborhood streets leading from residential areas to station.
- The Structure Map in the plan indicates single family homes, duplexes, triplexes, and quadraplexes at a height no greater than 40 feet.
- The adopted streetscape along East 36th Street is an avenue, with an eight-foot planting strip, eight-foot sidewalk, seven feet for on-street parking, and a five-foot bike lane.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located along a minor thoroughfare. The site commits to an eight-foot planting strip and an eight-foot sidewalk. CDOT is requesting the petitioner update the site plan to commit to constructing pedestrian ramps across E. 36th Street.
 - ~~See Outstanding Issues, Notes 1-2. Addressed~~
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 190 trips per day (based on a 2,610-square foot child care center).
 - Entitlement: 300 trips per day (based on a 2,610-square foot child care center, and 12 single family detached dwellings).
 - Proposed Zoning: 440 trips per day (based on 65 single family attached dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** If approved, the proposed new development supports Housing Charlotte framework objective of expanding homeownership opportunities and support mixed-income development from the private, public and nonprofit sectors.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate seven students, while the development allowed under the proposed zoning will produce six students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Villa Heights Elementary from 50% to 52%
 - Eastway Middle remains at 108%
 - Garinger High from 117% to 118%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along 36th Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along E. 36th Street, and via an existing 10-inch sanitary sewer main located northeast running through the rezoning boundary.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** Site must comply with the Tree Ordinance.

- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUESTransportation

1. ~~Update the conditional note and site plan to show pedestrian ramps to cross E. 36th Street.~~ **Addressed**
2. ~~Remove the driveway type from the site plan as the access type will be determined during permitting.~~ **Addressed**

Site and Building Design

3. ~~Limit vinyl as a building material to use on handrails, windows or door trim.~~ **Addressed**
4. Limit townhome buildings to five individual units or fewer. **Outstanding**

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