

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2006-071**

**Property Owner:** New Fellowship Worship Center

**Petitioner:** North Davidson Partners, LLC

**Location:** Approximately 1.3 acres located northwest of the intersection of N. McDowell and E. 35<sup>th</sup> Streets

**Request:** R-5, single family residential to UR-1 (CD), urban residential conditional district.

### **Summary**

This petition proposes to develop ten single-family residential lots with an overall density of 7.7 dwelling units per acre.

### **Consistency and Conclusion**

The Northeast Transit Corridor recommends densities of 15 units per acre while the North Charlotte Plan and Central District Plan recommend single family. The proposed request for single-family development at 7.7 units per acre is considered an appropriate compromise based on the character of the surrounding single-family neighborhood. Therefore, this petition is considered consistent with the adopted plans and appropriate for approval upon resolution of the outstanding site plan issues.

### **Existing Zoning and Land Use**

Zoning surrounding the subject property is predominately R-5 with a small area of MUDD-O on E 36<sup>th</sup> Street. Single-family homes occupy the majority of the properties. A church is currently located on the petitioned site.

### **Rezoning History in Area**

The most recent rezoning in the area was petition 2005-034 for the property to the north east of the subject property. The rezoning approved allowed 3,901 square feet office in the existing 100-year old dwelling. Optional requests allow use of existing five-foot sidewalk along East 36<sup>th</sup> Street in lieu of providing a six-foot sidewalk and eliminating the required eight-foot planting strip along East 36<sup>th</sup> Street while allowing existing trees in the first 30 feet of the front setback to satisfy the ordinance requirement.

### **Public Plans and Policies**

***Northeast Transit Corridor.*** The site is within a ½ mile of a Northeast Corridor light rail transit station tentatively identified at 36<sup>th</sup> Street near North Davidson Street. Recent analysis as part of the Northeast Transit Corridor Draft Environmental Impact Statement proposes an at grade station at this location. The *Transit Station Area Principles* (2001) recommend a minimum residential density of 15 dwelling units per acre within ½ mile of a transit station. In some cases, transit station area plans may recommend less density.

***North Charlotte Plan*** (1995). The North Charlotte Plan recommends single-family residential land uses in this and surrounding locations.

***Central District Plan*** (1993). The Central District Plan, Sub-area 1 recommends single-family land uses for this and surrounding locations.

### **Proposed Request Details**

The site plan accompanying this petition shows ten single family lots with a maximum building height of 40-feet. The six lots facing E. 35<sup>th</sup> Street have optional detached garages that are to be accessed through a 10-foot unopened public alley. A 12-foot private alley is shown between the lots facing 35<sup>th</sup> Street and those facing McDowell Street. This alley will provide access to the parking area for the lots facing McDowell Street.

### **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 60 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 110 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- The two alleys in this site need to be wide enough for vehicles to back out of garages and maneuver. This typically requires an alley at least 16 feet wide with 2-foot concrete strips or valley gutter (a total of 20 feet). Additionally, the distance from the innermost point of a parking pad/garage to the centerline of an alley needs to be at least 30 feet, half the distance of a 90-degree, two-way parking aisle per CMLDS detail #50.09.

**CATS.** CATS did not have comments on this petition.

**Storm Water.** The petitioner shall remove note 2 in its entirety and include the following notes on the petition:

**Storm Water Quantity Control:** The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.

**Storm Water Quality Treatment:** For projects with defined watersheds greater than 24% built-upon area, construct water quality best management practices (BMPs) to achieve 85% Total Suspended Solid (TSS) removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual, April 1999, Section 4.0 (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.

**Volume and Peak Control:** For projects with defined watersheds greater than 24% built-upon area, control the entire volume for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.

For residential projects with greater than 24% BUA, control the peak to match the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency.

For commercial projects with greater than 24% BUA, control the peak to match the predevelopment runoff rates for the 10-year, 6-hour storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10-year and 25-year, 6-hour storms.

For commercial projects with less than or equal to 24% BUA, but greater than one acre of disturbed area, control the peak to match the predevelopment runoff rates for the 2 and 10-year, 6-hour storm.

**School Information.** Adequacy of existing school capacity in this area is a significant problem. CMS planners are particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development will exacerbate this situation.

The development allowed under existing zoning would generate 1 student, while the development allowed under the proposed zoning will produce 2 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 1.

### **Outstanding Issues**

**Land Use.** The proposal is consistent with the Central District Plan, the North Charlotte Plan and the Northeast Transit Corridor, but falls short of the recommended 15 dwelling units per acre within a ½ mile of a proposed transit station. However, 7.71 dwelling units per acre may be appropriate with this housing product to main the character of the surrounding single-family neighborhood.

**Site plan.** The following site plan comments are outstanding:

- Please show the 10% minimum tree save area.
- Provide a note that addresses the treatment of front and side elevations of the corner home.
- All Storm Water and CDOT issues should be addressed.