

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-087

Property Owner: Tessie Ruff and Amy Carver

Petitioner: Amy Carver

Location: Approximately .49 acres located on the southeast corner of Spencer Street and E. 37th Street.

Center, Corridor or Wedge: Wedge

Request: R-5, single family residential to R-6(CD), single-family residential, conditional district

Summary

This petition would rezone a 0.49 acre parcel from R-5 to R-6(CD) for the creation of two single-family lots. The developer proposes to build a second single family home behind the existing residence. There is sufficient acreage to subdivide this lot under the existing zoning, but the zoning ordinance requires 100 feet of street frontage for two lots in the R-5 district, and the petitioner's lot is 95 feet wide. The R-6 zoning district requires less street frontage for single family homes.

Consistency and Conclusion

The proposal is consistent with the single family residential land use recommendation of the *North Charlotte, Central District* land use plans and the *Northeast Transit Corridor Station Area Concept* for the proposed 36th Street transit station, and is appropriate for approval upon resolution of outstanding site plan issues.

Existing Zoning and Land Use

There is a single-family residence on the subject property, which is zoned R-5. Parcels to the west, north and east are occupied by single-family homes and are zoned R-5. The City of Charlotte owns a 1.36 acre vacant parcel to the south of the subject property, which is zoned R-5. A church, child care center and apartment complexes are on the southern side of the City of Charlotte parcel. The church has a zoning designation of R-5. The apartments are zoned R-22MF. The child care center is zoned R-8MF(CD).

Rezoning History in Area

The Steel Gardens development at the northeast corner of Herrin Avenue and Spencer Street was rezoned from MUDD-O to MUDD-O SPA in June of this year to allow more residential units. A lot on the south side of Charles Avenue, near the intersection of East 35th Street was rezoned from R-5 to UR-1(CD) in March of 2006.

Public Plans and Policies

North Charlotte Plan (1995). The *North Charlotte Plan* recommends single family residential uses on this parcel. The *North Charlotte Plan* updated the *Central District Plan* for this area.

Northeast Transit Corridor Station Area Concept. The *Transit Station Area Principles* that are part of the *General Development Policies* apply to the site, as it is within a ½ mile radius of a proposed Northeast Corridor Light Rail Transit Station at 36th Street and the NCRRL rail line. The *Transit Station Area Principles* encourage a mixture of complementary transit-supportive uses and increased land use intensity. For residential development, the principles recommend a minimum of 20 dwelling units per acre within the ¼ mile walk area, and 15 dwelling units per acre within the ½ mile walk area. In some cases, station area plans will recommend lesser intensities for development. These lesser intensities might be necessary to preserve existing structures, to ensure that new development is consistent with the character of existing transit supportive development or to mitigate traffic impacts.

The station area concept for the proposed Northeast Transit Corridor 36th Street station recommends single-family residential land uses at this location.

Proposed Request Details

The petitioner proposes to create an additional parcel to the rear of the subject property for the construction of a single family residence. The proposed site plan includes the follow elements:

- A buffer of diverse evergreen vegetation will be planted between the two parcels.
- The homes will have a minimum square footage of 1,800 square feet.
- Building materials will include wood, brick, cedar shake, stone, manufactured stone product, hardi plank and fiber cement board. No vinyl siding will be used. Homes will be set on foundations and not slabs.
- Architectural designs will be comparable to the elevations submitted on the conditional site plan.
- The site plan has been modified so that now the proposed homes and lots will be side by side. A previous plan depicted a home placed at the rear of the property.

Public Infrastructure

Traffic Impact / CDOT Comments. Consistency with Transportation Action Plan (TAP):
The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

- Goal 1 of the TAP relies on the Centers, Corridors and Wedges land use strategy to be implemented. This project site is located in a Wedge and appears to support the Centers, Corridors and Wedges land use strategy.
- Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians and bicyclists. Specific comments are identified below that need to be

addressed for CDOT's support of the petition and to bring the site plan into compliance with the TAP and best practices for multimodal transportation.

Trip Generation

This site could generate approximately 15 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 30 trips per day. This will have a minor impact on the surrounding thoroughfare system.

CDOT staff had the following comments that were critical to their support of this petition:

- Residential driveways need to be offset a minimum of 10 feet from a side property line and be located at least 20 feet from any adjacent driveway. These dimensions need to be shown on the plan.
- Curb and gutter is required along Spencer Street, located 13 feet from the face-of-curb to the centerline of the road.

CATS. CATS did not have comments on this petition.

Storm Water. Storm Water Services reports that no additional requirements are needed at this time.

School Information. The school planners report that no additional school attendees will result from this rezoning. See attached memo for additional information.

Outstanding Issues

Land Use. The proposal is consistent with the single family residential land use recommendation of the *North Charlotte* land use plan and the *Northeast Transit Corridor Station Area Concept* for the proposed 36th Street transit station.

Site plan. CDOT staff is requesting modifications to the residential driveways.