

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-101

Property Owner: David Boland, Pavco Industries, Inc., Dixon Powermaker Furniture Company, Robert Boland

Petitioner: The Boulevard Company

Location: Approximately 1.3 acres located on the south side of West Sixth Street between North Sycamore Street and North Irwin Avenue.

Request: UR-2, urban residential, to UR-3(CD), urban residential, conditional district

Summary

This petition proposes to rezone approximately 1.3 acres from UR-2 to UR-3(CD) to allow development of up to 50 multi-family residential condominium units. The site may also be used for any use permitted in the UR-2 district.

Consistency and Conclusion

The petition is partially consistent with the *Third Ward Plan*, which recommends that the subject properties be strengthened through the renovation of single family and multi-family housing and an increase in the amount of owner-occupancy. The plan further recommends retention of the existing housing on either side of North Irwin Avenue, north of West Fifth Street. In a survey conducted by the Charlotte-Mecklenburg Historic Landmarks Commission, the houses along West Sixth Street and Irwin Avenue have been identified as having historic significance.

The proposed development will increase the number of residential units in the area and will allow business or office uses, excluding drive-in service windows or automotive sales, service or repair. Such nonresidential uses would be limited to no more than 50 percent of the ground floor area of the building in which they are located, with a maximum of 3,000 square feet for any single tenant or use. The current zoning on the property permits the same uses, at a higher floor area ratio. Therefore, upon correction of the outstanding site plan issues, this petition is considered appropriate for approval from a land use perspective.

Existing Zoning and Land Use

The subject properties are zoned UR-2 and occupied by an office, an apartment building, a quadraplex unit, single family dwellings and a vacant lot. Properties north of West Fifth Street are zoned UR-2 and UR-3 and are developed with single family dwellings, apartments, several offices, a school, and vacant properties interspersed. A cemetery and vacant land exist south of the rail road line on property zoned UR-3. Properties zoned UMUD, UMUD-O , UR-3(CD), and UR-1 exist south of West Fifth Street and are occupied by surface parking lots, offices, multi-family and single family dwellings. West of Interstate 77 (I-77) lie R-22MF and B-2 zoning districts, developed with single family dwellings.

Rezoning History in Area

Petition 2001-42 rezoned approximately 5.3 acres from two lower intensive urban residential zoning categories to a higher intensive conditional urban residential zoning district to allow for 220 residential units. Approximately 0.28 acres located on the north side of Trade Street, south of west Fifth Street, on the east and west sides of Clarkson Street were rezoned via Petition 99-115 from UMUD to UMUD-O to allow for a drop-off and vehicle maneuvering within the Trade Street required setback and right-of-way.

Public Plans and Policies

Third Ward Plan (1997). The *Third Ward Plan* recommends retention of the existing homes located on the subject properties.

Proposed Request Details

The petition proposes to develop 50 multi-family residential condominiums. The site plan that accompanies the petition contains the following details:

- Maximum building height of 60 feet.
- Access to the site will be provided by driveway connections to North Sycamore Street and North Irwin Avenue.
- Storm water detention, if required, will be located underground.
- Buildings that front on public streets will have entrances on the public streets.
- One parking space per unit will be provided.
- On-street parking spaces will be provided on West Sixth Street.
- Bicycle parking will be provided on the site.
- An 8-foot planting strip and 6-foot sidewalk will be provided on North Irwin Avenue and North Sycamore Street.
- A 6-foot sidewalk and 6-foot planting strip are proposed along West Sixth Street.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 330 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 660 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to CDOT's support of the rezoning petition:

- This site needs to be converted to a conditional plan. The sight line for required stopping sight distance along the curve between Sixth and Sycamore Streets will likely have a significant impact on the layout of the site/building and needs to be shown on the plan.

CATS. The petitioned site is served by several bus lines and is in close proximity to an Uptown Loop route.

Connectivity. The site is bounded on three sides by public streets.

Storm Water. Storm Water Services notes that no significant downstream impacts are foreseen due to this rezoning request.

School Information. Adequacy of existing school capacity in this area is a significant problem. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at the three schools in the area (Irwin Avenue Elementary School, Spaugh Middle School and West Charlotte High School). The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce one student (1 elementary). Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0. See attachment.

Outstanding Issues

Land Use. The petition is partially consistent with the *Third Ward Plan*, which recommends that the subject properties be strengthened through the renovation of single family and multi-family housing and an increase in the amount of owner-occupancy. The proposed development will increase the number of residential units in the area and will allow business or office uses, excluding drive-in service windows or automotive sales, service or repair. Such nonresidential uses would be limited to no more than 50 percent of the ground floor area of the building in which they are located, with a maximum of 3,000 square feet for any single tenant or use. The current zoning on the property permits the same uses, except a higher floor area ratio is allowed for the residential uses.

Site plan. The following site plan issues are outstanding:

- Specify the amount of tree save on the site. Ten percent requested.
- Per Section 12.102(3), the five-foot side yard abutting the 10-foot alley may not be measured from the center line of the alley.
- Add a note disallowing parking between the buildings and the street.
- Provide building elevations.