

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2005-85

Property Owner: Patricia K. and James W. Sack

Petitioner: Patricia K. and James W. Sack

Location: Approximately 0.086 of an acre to the southeast of Charles Avenue and north of E. 35th Street

Request: Change from R-5 (single family residential) to UR-1(CD) (conditional urban residential)

Summary

This petition seeks to rezone a portion of an existing single family lot to allow subdivision and the creation of an additional lot. This petition originally sought a conventional UR-1 rezoning for the entire existing lot. When the petition received a negative recommendation from the Zoning Committee, the petitioners expressed a desire to convert the petition to a conditional district request. The revised petition only includes a 50' X 74.8' tract (3740 square feet) at the rear of the original lot.

Consistency & Conclusion

Staff cannot support this petition. The issue is the splitting of lots solely for increased density, which would set a poor precedent for a local neighborhood street.

By itself, the proposed 3740 square foot lot represents a density of 11.6 units per acre, which is inconsistent with adopted plans and very out of character with the vast majority of lots in the neighborhood.

Existing Zoning and Land Use

Surrounding properties are zoned R-5 and are occupied with single family residences. Several lots in the area have been split but the predominant character is lots larger than required by the R-5 zoning. There is a multi-family project in UR-2(CD) zoning on 36th Street.

Rezoning History in Area

In 1993, this area was rezoned from R-22MF to R-5 in implementation of the Central District Plan. The R-5 was seen as being most compatible with the existing development pattern and minimized the creation of nonconforming lots. In 1999, a rezoning was approved on the north side of 36th Street for day care center. In 2004, a rezoning to UR-2(CD) was approved in this same block, but on the 36th Street frontage, to allow 18 multi-family units in a three-story building.

Public Plans and Policies

The *North Charlotte Plan* (1995) recommends single family land uses at a maximum density of five dwelling units per acre for the subject property. The subject site is zoned R-5 and occupied by a single family dwelling consistent with the adopted land use plan recommendations.

The *Central District Plan* (1993) recommends an urban design and land use plan for the 36th Street and Davidson Street area that creates a vision for a revitalized commercial district and mill area around Davidson and 36th Street. The plan also recommended downzoning this area to the existing R-5 district.

The plan also recommends maintaining the existing land use pattern in the subject area. The plan goes further to recommend rezoning properties zoned for multi-family and office land uses but primarily developed for single family land uses to preserve the single family character and housing stock in the area

General Development Policies (2003)

The subject site is located within a ½ mile of a transit station area along the North Transit Corridor. Therefore, the Transit Station Area Principles apply to this site. The principles provide direction for developing and redeveloping property around rapid transit stations in a way that makes it convenient for many people to use transit. The *2025 Integrated Transit/Land Use Plan* land use vision focuses higher density residential and employment growth in transit station areas.

Proposed Request Details

This petition seeks to rezone a portion of an existing single family lot to allow subdivision and the creation of an additional lot. The site plan accompanying this petition contains these additional provisions:

- A 50'X 75' lot will be created at the rear of the existing single family lot.
- Allowed uses are limited to a single family residence not more than two stories in height.
- An elevation is included for a variation of a bungalow style building 1½ stories high.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has requested sidewalk and planting strip improvements.

CATS. CATS had no comments on this petition.

Connectivity. This site is in an urban grid street system. There is no connectivity issue.

Storm Water. Storm Water Services is not recommending any additional improvements.

School Information. The school system did not comment on this petition.

Outstanding Issues

Land Use. The North Charlotte plan emphasizes revitalization and urban design. It generally recognizes the existing residential fabric and supports increased homeownership versus rental units. While the proposed rezoning would not technically increase the density beyond the currently zoned five dwellings per acre, by itself the proposed 3740-square foot lot represents a lot size not in character with the majority of the neighborhood.

Site plan. The site plan accompanying this petition contains the following deficiencies:

- The UR districts require an eight-foot planting strip and six foot sidewalk, which is not shown on the site plan. Curb and gutter also needs to be installed.