

**ZONING COMMITTEE
RECOMMENDATION
April 25, 2007**

Rezoning Petition No. 2007-046

Property Owner:	Roger H. Carpenter
Petitioner:	Gateway Homes, LLC
Location:	Approximately 10.09 acres located on the west side of North Brevard Street between the Mattheson Avenue bridge and East 36 th Street.
Center, Corridor or Wedge:	Corridor
Request:	I-2, General Industrial, to MUDD(CD), Mixed Use Development District(CD), Conditional
Action:	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.
Vote:	Yeas: Carter, Chiu, Randolph, Ratcliffe, Sheild, and Simmons
	Nays: None
	Absent: Loflin

Summary of Petition

This petition proposes to rezone approximately 10.09 acres located on the west side of North Brevard Street between the Mattheson Avenue bridge and East 36th Street, from I-2 to MUDD(CD) to allow the construction of up to 340 multi-family residential units at an overall density of 33.1 dwelling units per acre. This petition is located within one-quarter mile of a proposed rapid transit station and is consistent with the Transit Station Area Principles, which recommend that new residential development within ¼ mile from a transit station be 20 dwelling units per acre (net) or greater.

This property is located adjacent to existing Southern Railway and Norfolk Southern Railroad, and future CATS easement for the Northeast Corridor Light Rail project. The North Carolina Railroad Company has reviewed the request and provided comments on the development proposal and its proximity to a freight corridor, project design and location of buildings, and the use of the NCRR corridor for the future Northeast Corridor Light Rail project.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition, noting the petition has been amended to reflect a reduction in the area being rezoned from 21.94 acres to 10.09 acres, and a reduction in the maximum number of units proposed from 520 to 340. Mr. MacVean noted the proximity of the project to the future Northeast Corridor Light Rail station and its location between two active rail lines. He discussed the proposed means of ingress and egress from East 33rd Street, stating expressed concern that the primary means of access requires crossing a rail line. Mr. MacVean identified an additional means of access through provision of a stub connection to the adjacent parcel to the east. Mr. MacVean stated that all site plan issues have been addressed.

One Commissioner questioned the proximity of the project to the rail lines. Mr. MacVean responded by stating that the North Carolina Railroad Company has communicated its concerns with development adjacent to the railroad right-of-way line and retention of adequate right-of-way in the event of future rail facility needs.

Statement of Consistency

Upon a motion made by Commissioner Simmons and seconded by Commissioner Carter the Zoning Committee unanimously found this petition to inconsistent with both the North Charlotte Plan (1995) and the Central District Plan (1993), which recommend industrial uses, but is consistent with the Transit Station Area Principles and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Carter and seconded by Commissioner Ratcliffe, the Zoning Committee voted 6-0 to recommend approval of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.