

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-69

Property Owner: L. Toons, LLC

Petitioner: L. Toons, LLC

Location: Approximately 0.09 acre on the south side of E. 35th Street between Charles Avenue and Whiting Avenue

Center, Corridor, or Wedge: Wedge

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

Summary

This petition seeks a zoning district that would allow a single family residence on an undersized nonconforming lot. This rezoning would make the lot conforming.

Consistency and Conclusion

Since the lot already exists, it could be developed. Therefore, the density of the area is unchanged by this petition. This petition is consistent with adopted plans and policies and would be appropriate for approval upon correction of the site plan deficiencies noted below.

Existing Zoning and Land Use

Properties to the northeast and southeast are single family residential. Across Whiting Avenue is an institutional use and to the northwest is a small office building. All surrounding zoning is R-5, single family residential.

Rezoning History in Area

Another UR-1(CD) request was approved one block away in 1995. That rezoning actually created a new lot and increased density in the area.

Public Plans and Policies

North Charlotte Plan (1995). The site is within the boundaries of the *North Charlotte Plan* and is identified as being appropriate for multi-family residential land use. The *North Charlotte Plan* updated the 1993 *Central District Plan*, which also recommended residential land uses at this location

Northeast Corridor Draft Environmental Impact Statement (DEIS). The site is within a ½ mile radius of a proposed Northeast Corridor Light Rail Transit station as identified in the DEIS. The Transit Station Area Principles would apply.

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Six feet of the existing lot is being sold to the abutting lot. The lot shrinks from 4,347 to 3,992 square feet.
- A “build to” line that is 26 feet from the back of curb on 35th Street is being proposed.
- A 10-foot setback is proposed along Whiting Avenue.
- Petitioner seeks to retain the existing sidewalk at back of curb but the UR districts require a six-foot sidewalk behind an eight-foot planting strip.

Public Infrastructure

Traffic Impact / CDOT Comments. As of the preparation of this report CDOT had not commented on this petition.

CATS. CATS had no comments on this petition.

Connectivity. There are no opportunities for additional connectivity in this petition.

Storm Water. Storm Water Services is not seeking any additional improvements on this site.

School Information. There will be no impacts on the school system from this petition.

Outstanding Issues

Land Use. This petition is consistent with adopted plans and policies.

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

- A note needs to be added that a front porch, if one is provided, should be at least six feet deep and at least half the width of the façade.
- In order to retain the existing sidewalk the petitioner needs to obtain an exemption per section 9.407(4) of the Zoning Ordinance. Unless the exemption is obtained prior to rezoning approval, the site plan needs to show compliance with Zoning Ordinance, which consists of a six-foot sidewalk behind an eight-foot planting strip.
- A note needs to be added to the site plan that the existing trees shown on the site plan within the rezoning will be preserved.
- Staff site plan comments need to be removed from the site plan.