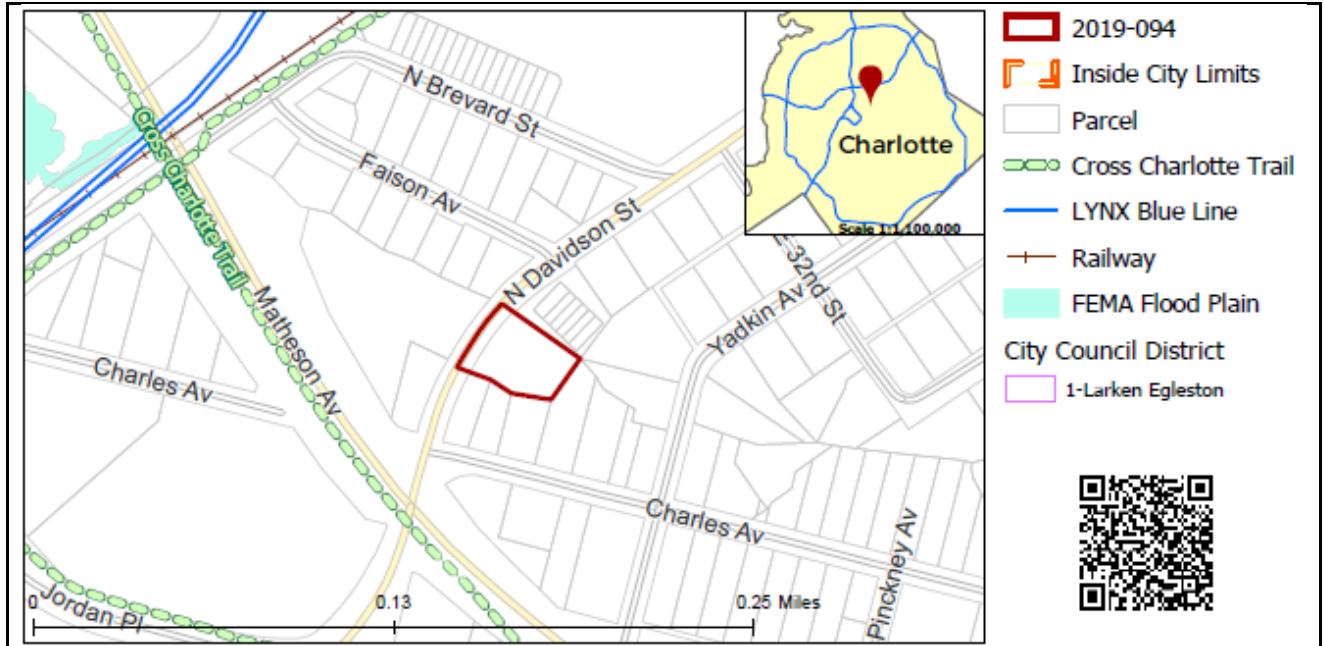


**REQUEST**

Current Zoning: R-5 (Residential)  
Proposed Zoning: UR-2 CD (Urban Residential, Conditional)

**LOCATION**

North Davidson Street between Charles Avenue and E. 32<sup>nd</sup> Street.



**SUMMARY OF PETITION**

The petition proposes development of a vacant site into 6 townhomes at a density of 14.63 DUA in the North Davidson area and to permit all uses allowed within the UR-2 (urban residential) zoning district.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Patrick Hymes, JMPH Properties  
Andrew Parker  
Andrew Parker

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 60

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design.

Plan Consistency

The petition is **inconsistent** with the land use recommendations located in the *Blue Line Extension Transit Station Area Plan 36<sup>th</sup> Street Station Plan* that designates the subject property for residential uses up to 5 dwelling units per acre.

Rationale for Recommendation

- The adopted plan for this property states that “moderate density” may be appropriate in some locations if the proposal meets Community Design Policies guidance found in the *BLE Extension Transit Station Area Plan*.”
- This proposal commits to multiple design elements including impervious surfaces, preserved natural areas around stream buffers, and architectural elements, and pedestrian improvements.

- The petition supports the plan's land use goals that seek to "accommodate higher intensity uses that support the various transportation systems throughout the Corridor, while protecting the fabric of residential neighborhoods and providing the opportunity for housing.
- This petition is protecting the fabric of the surrounding neighborhood and saving existing housing from demolition by proposing development on a currently vacant site along the N. Davidson Street corridor.
- Land uses surrounding the subject property are similar in context and density, in particular with the site directly north of the subject property.

The approval of this petition will revise the adopted future land use as specified by the *Blue Line Extension Transit Station Area Plan 36<sup>th</sup> Street Station Plan*, from residential up to five units per acre to residential up to 17 dwelling units per acre.

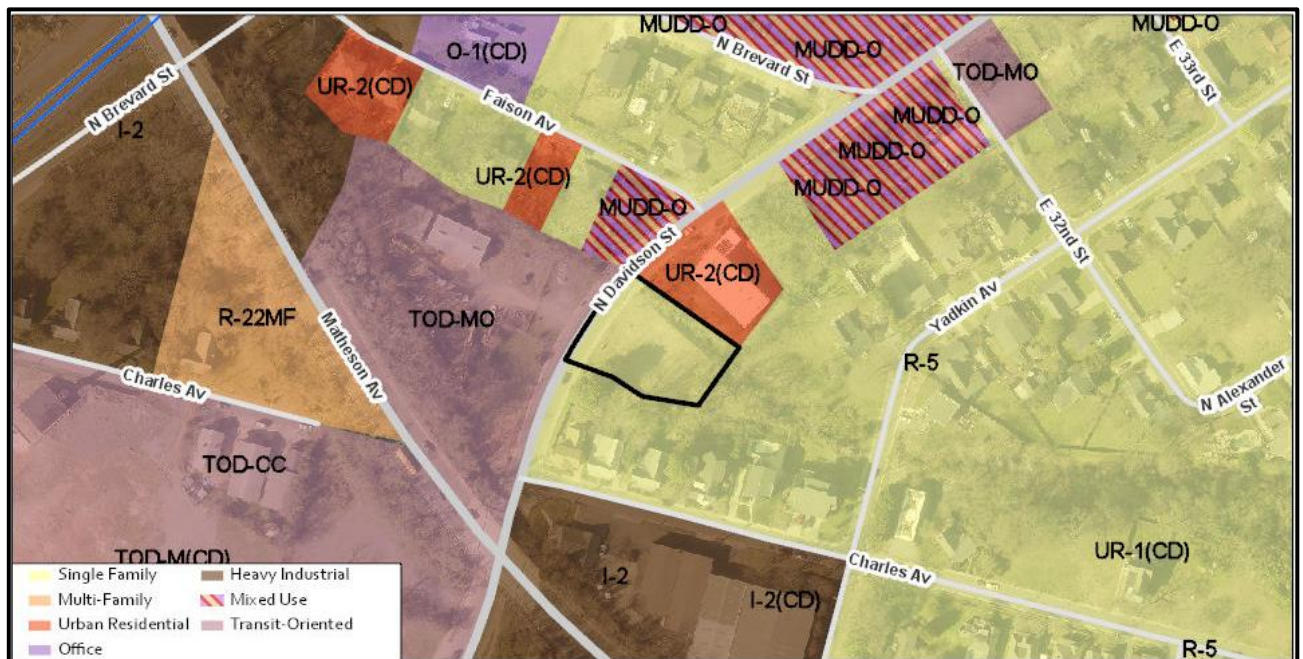
### PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

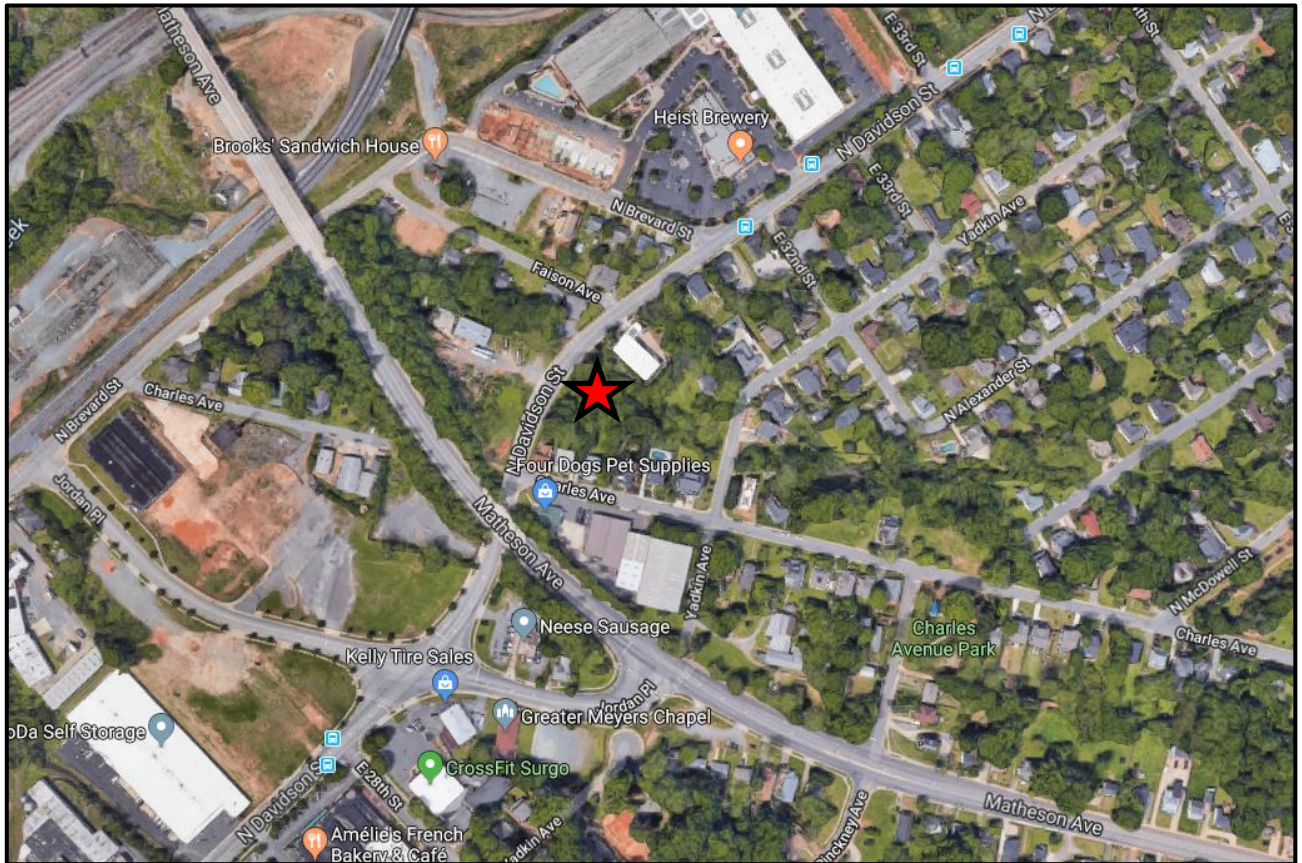
- Allows up to 6 townhomes for a total overall density of 14.29 DUA.
- Maximum building height limited to three stories and 40 feet.
- Proposes vegetated buffer within the required rear and side yards.
- Increases width of existing sidewalk from 5 feet to seven feet and installs 8 foot planting strip.
- Provides elevation rendering for proposed development concept.
- Commits to 5 guest parking spaces. In addition, each unit will have dedicated parking spaces: 2 garage-enclosed spaced for 4 units and one garage-enclosed space for two units.

- **Existing Zoning and Land Use**



The area is located within the N. Davidson Street corridor and is located just south of the intersection of N. Davidson Street and E. 36<sup>th</sup> Street. To the north of the site there are townhomes similar in density and zoning as the submitted petition. There are nearby light industrial/distribution type uses. Detached, single family homes also surround the site (marked with star below).





General location of subject property.



Subject property looking southeast.





Light industrial use directly across subject property looking northeast.



Adjacent land use to the north of subject property: Townhomes/flats at approximately 17 dwellings per acre.



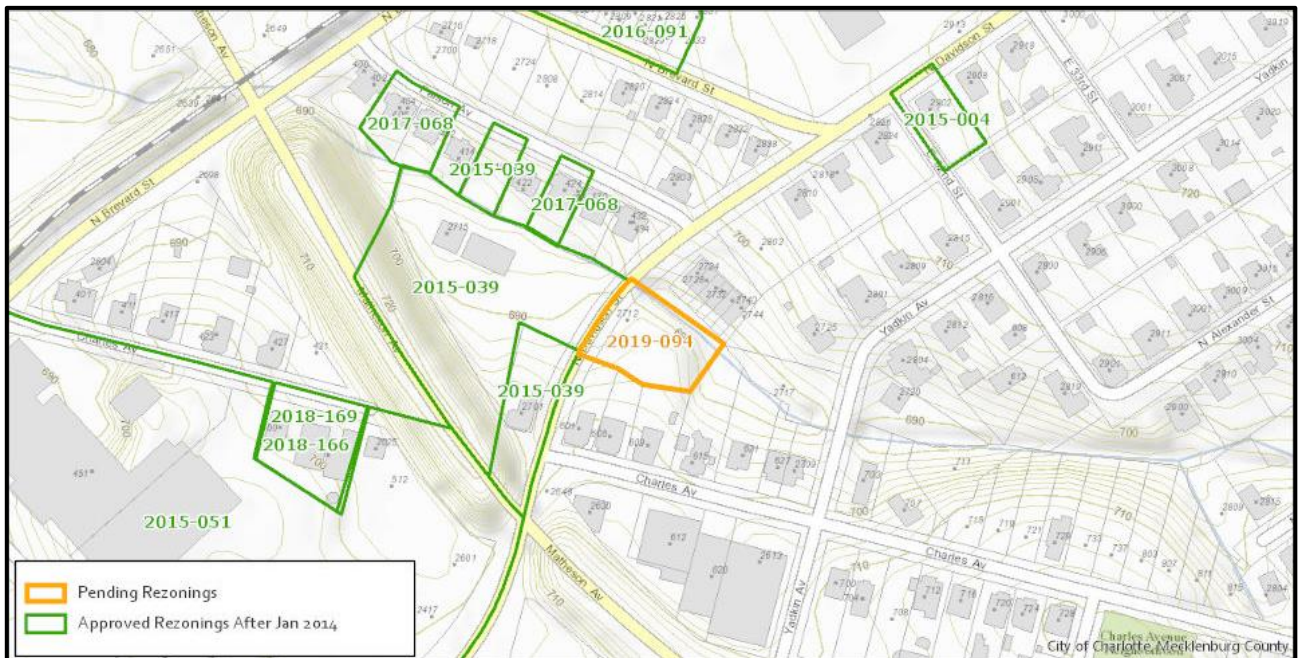


Single family homes along Charles Avenue directly south of subject property.

- **Rezoning History in Area**

There have been multiple rezonings in the area.. The property immediately north of the subject property was petitioned and approved for rezoning to UR-2 (CD) in 2010 and resulted in a similar development to what is proposed with this petition.

The subject property was correctively rezoned to R-5 in 1993. There have been no other rezonings for this property.



Petition Number	Summary of Petition	Status
2019-102	Petition to rezone over 1,900 acres of various parcels along the Blue Line to multiple transit-oriented zoning districts.	Pending
2015-039	Rezoned approximately 1.644 acres from multiple zoning districts to TOD-MO to accommodate the development of a building that could contain a	Approved



	maximum of 147 dwelling area and up to 8,900 square feet dedicated to non-residential/commercial uses.	
2018-169, 2018-166, 2015-051, 2017-068, 2015-004	Multiple properties rezoned to MUDD, TOD, and/or urban residential zoning districts to allow mixed-use and transit-supportive development.	Approved

• **Public Plans and Policies**



- The *Blue Line Extension Station Area Plan 36<sup>th</sup> Street Station* (2013) recommends residential up to 5 dwelling units per acre.

• **TRANSPORTATION CONSIDERATIONS**

- The site is on N. Davidson Street (minor thoroughfare, city maintained) and is in a wedge inside Route 4. The site is within the limits of the *36<sup>th</sup> Street Station Transit Station Area Plan*.
- See Outstanding Issues, Notes 1-4.
- **Vehicle Trip Generation:**  
 Current Zoning:  
 Existing Use: 0 trips per day (based on vacant land use).  
 Entitlement: 20 trips per day (based on 2 single family dwellings).  
 Proposed Zoning: 30 trips per day (based on 6 attached dwellings).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** There is no significant impact on the schools from this petition.
- **Charlotte Water:** Water and sewer service is available for subject property. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along N. Davidson Street. Charlotte Water has sanitary sewer infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along N. Davidson Street. See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Land Development:** See Requested Technical Revisions, Note 4.

- **Storm Water Services:** See Requested Technical Revisions, Notes 5-8.
- **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

## OUTSTANDING ISSUES

### Transportation

1. Provide sight distance triangle exhibit to ensure adequate safety with placement of driveway.
2. Per Chapter 9 Zoning Ordinance, the proposed Urban Zoning requires the petitioner to update the streetscape according to the *Blue Line Extension Transit Station Area Plan*. Revise the site plan and conditional note(s) to commit to constructing an 8-foot planting strip, and 8-foot sidewalk along North Davidson Street frontage.
3. Revise the site plan to add a note specifying dedication and fee-simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at 2' behind back of sidewalk where feasible.
4. Revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.

### Site and Building Design

5. Adjust fence buffer location along the southern property line to have landscaping outside of the opaque fence.

### Environment

6. Please add SWIM/PCSO Buffer notes as written in Charlotte Stormwater's Rezoning Review dated September 20, 2019.
7. Please note the City of Charlotte has Permanent Drainage Easements (PDE) and Storm Drainage Easements (SDE) on the parcel being rezoned. Please show the PDE and SDE limits on the rezoning site plan and adjust the site plan as necessary to meet the easement language agreements and requirements. See complete notes in Charlotte Stormwater's Rezoning Review dated September 20, 2019

## REQUESTED TECHNICAL REVISIONS

### Infrastructure

8. Delete reference to permeable pavement design standards on the rezoning plan.

### Environment

9. Remove Notes 1 and 5 on sheet Z1 in their entirety.
10. Please revise "*Public Drainage Easement per channel improvements...*" to read "*Storm Drainage Easement per DB 18473 PG 754 and the Historic North Charlotte Neighborhood Improvement Project channel improvements...*"

### Site and Building Design

11. Revise 1.B. to read "Tax" instead of "Taw".
12. Provide maximum dwelling units per acre (DUA) for item 1.F.
13. Remove 1.I unless open space is provided on site.
14. Remove Section 3, Optional Provisions, in its entirety as UR districts do not have optional provisions.
15. Section 4, Permitted Uses, should read "Single family attached (townhome and/or condominiums) and any incidental and accessory uses related thereto that are allowed in the UR-2 district".
16. Revise Section 5.B. to read "8 ft planting strip" instead of "8ft planter".
17. Move "Architectural Guidelines" to Section 6, Architectural Standards.
18. Section 9.A should read "Reserved" instead of N/A. Remove subsection B, C, and D.
19. Section 6, Architectural Standards, should remove subsection C and D.
20. Remove Section 13.
21. Remove CDOT notes section as noted on the site plan.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** William Linville (704) 336-4090