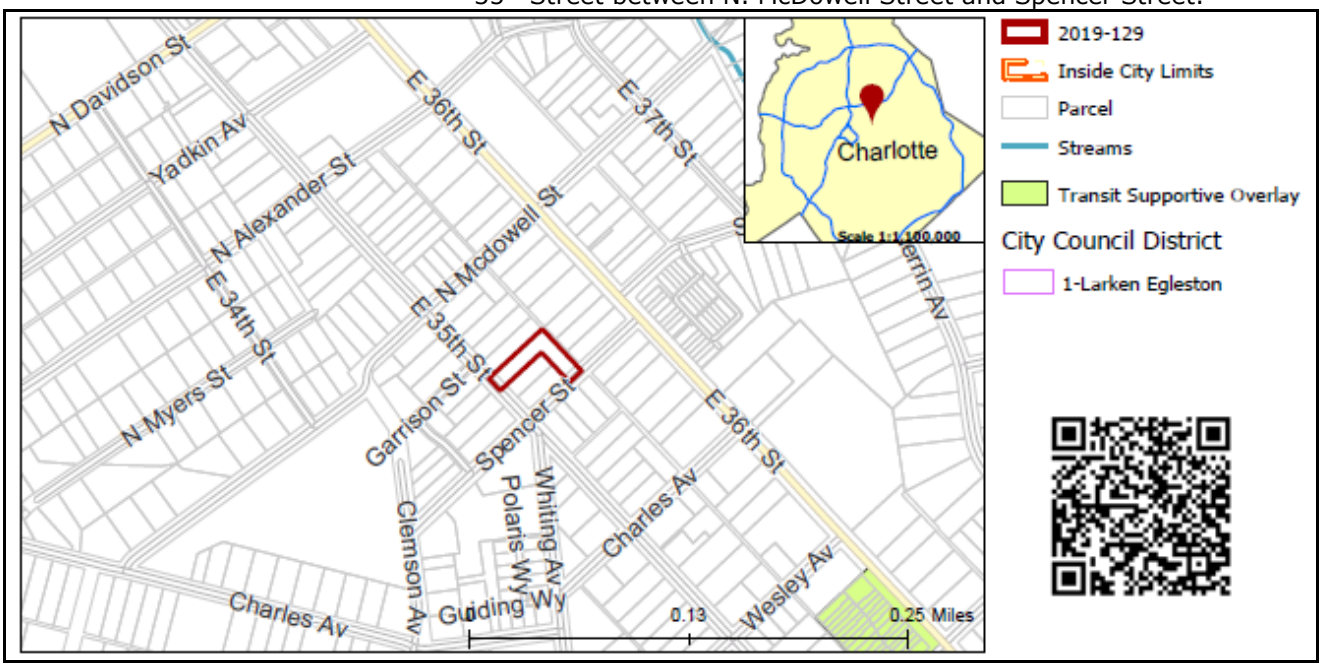
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-129
Pre-Hearing Staff Analysis
December 16, 2019

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: R-6 (single family residential)
LOCATION	Approximately 0.34 acres located along the eastern portion of E. 35th Street between N. McDowell Street and Spencer Street.



SUMMARY OF PETITION	The petition proposes to rezone an existing residential parcel in order to address site constraints from existing zoning and to allow for a potential subdivision from one to two lots, and to allow all uses permitted in the R-6 (single family residential) district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Chad and Cheryl Beaver Lee Mynhardt, Mynhardt Investments, LLC Matthew Villmer, RE/MAX
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *36th Street Transit Station Area Plan's* (2013) recommendation for residential uses at up to five dwelling units per acre for the site.

Rationale for Recommendation

- While slightly more dense than what is recommended in the *36th Street Transit Station Area Plan*, the plan also "supports opportunities for infill residential development with similar densities and design character as the existing mill village character" and notes that "moderate density may be appropriate in some areas."
- The request, which is ultimately to address the unique dimension and layout of the subject property and to create an infill residential unit on currently unused land, is supported by the land use plan

policies that support the opportunities for residential infill. The request is in line with other approved rezonings (2012-080; 2007-087) in the area that have been submitted in order to subdivide a single parcel into two lots.

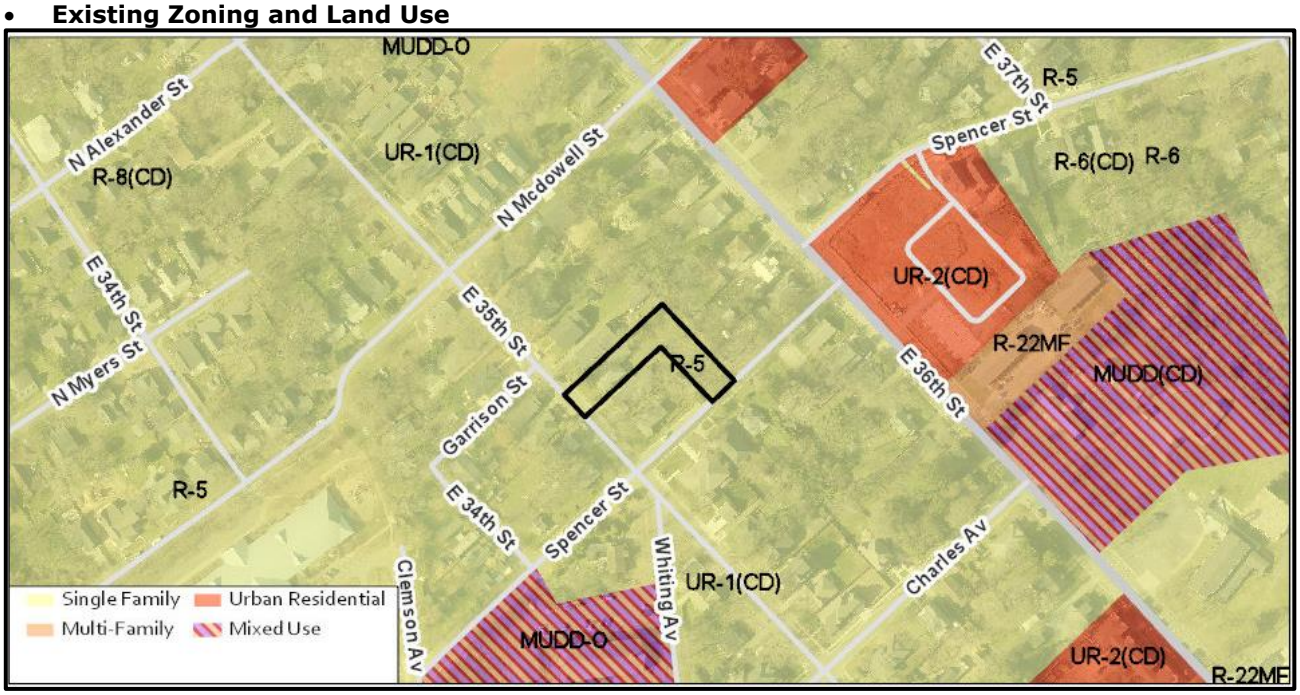
- The request will allow for the construction of a single detached dwelling unit fronting on a public street on a lot size that will closely match the character of the surrounding neighborhood.

The approval of this petition will revise the adopted future land use as specified by the *36th Street Transit Station Area Plan*, from residential up to five dwelling units per acre to residential up to six dwelling units per acre for the site.

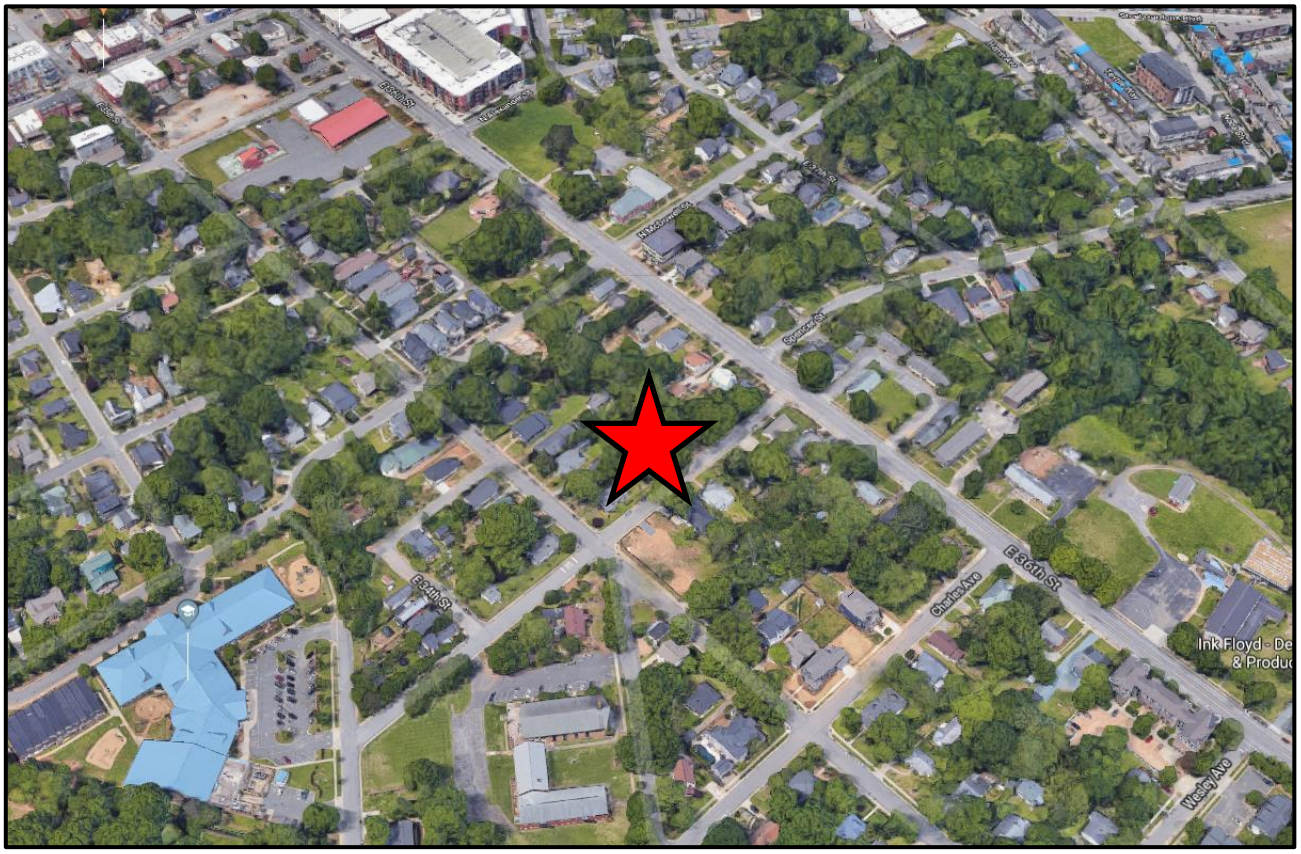
PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



This parcel is located within a largely residential enclave of the larger North Davidson neighborhood. Higher density attached and detached residential development has been approved along the E. 36th Street corridor, while other rezonings have been approved to allow higher density detached single family development. The predominant zoning around the subject property is R-5 Single Family Residential.



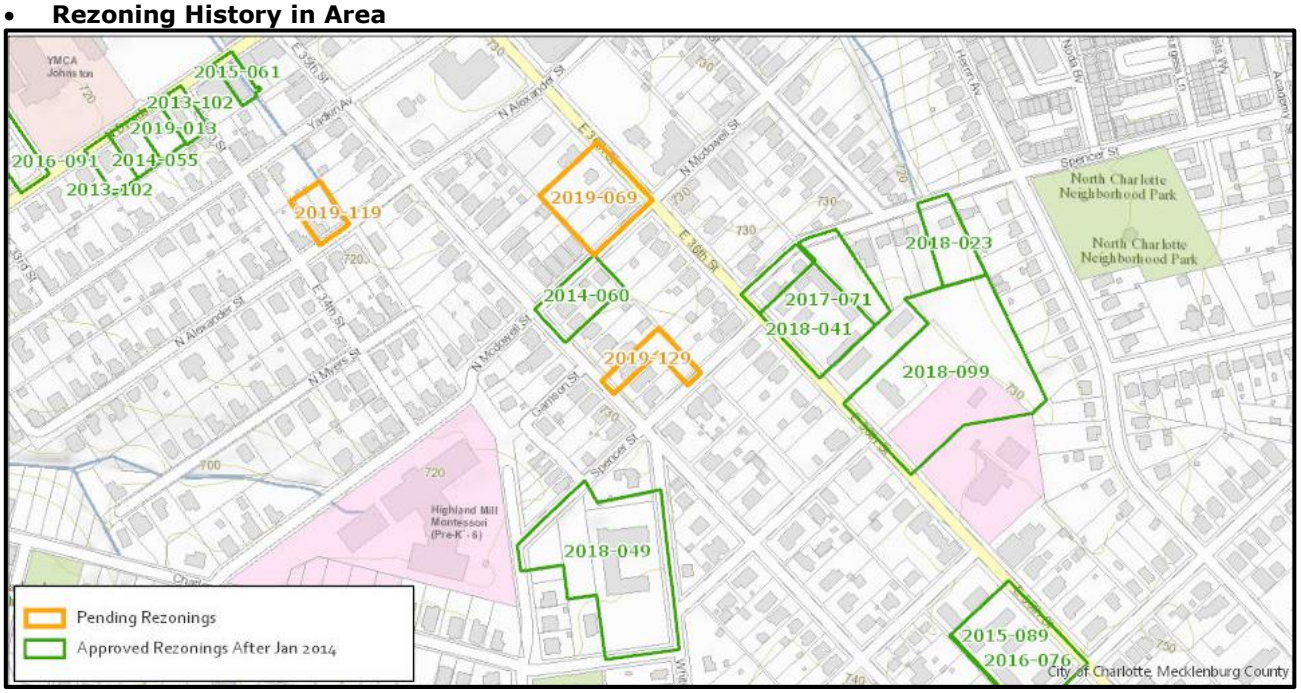
General location of subject property.

Street view along E. 35th Street looking northwest at the subject property (house at center).

Street view looking at subject property's frontage along Spencer Street.

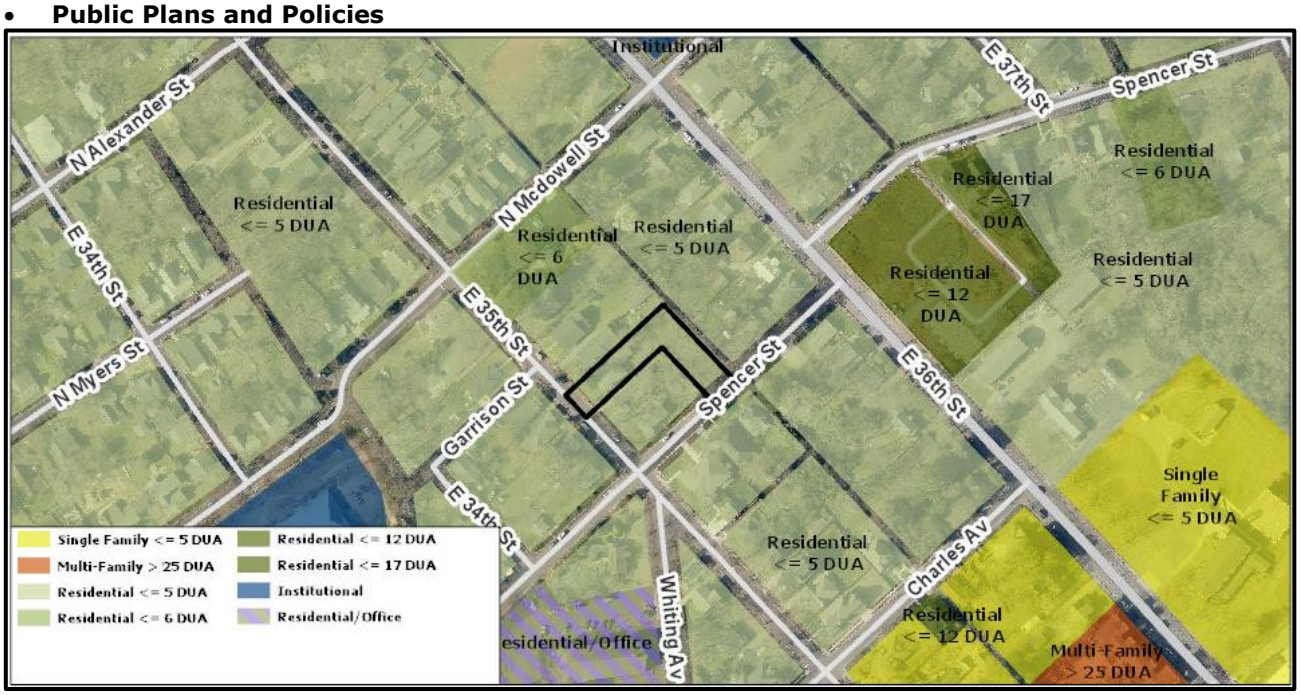
Contextual image of recent rezonings in the neighborhood along with homes constructed. Looking west from N. McDowell St., one half block from subject property.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-119	Proposal to rezone to remove condition that existing house must not be demolished.	Approved
2019-069	Proposal to rezone to three contiguous parcels to NS to allow for up to 5,000 SF of retail uses and up to 60 multi-family dwelling units.	Pending
2018-099	Petition to rezone 3.5 acres to MUDD(CD) to allow up to 6 single family attached townhomes.	Approved
2018-049	Petition to rezone 2.57 acres to MUDD-O to develop 17,000 SF of mixed uses and up to 18 residential dwelling units.	Approved
2018-041	Petition to rezone 1.27 acres to allow up to 27 attached townhome units.	Approved
2018-023	Petition to allow all uses permitted in the R-6 (single family residential) district.	Approved
2017-071	Petition to redevelop 1.5 acres to allow up to 22 single family attached townhome units.	Approved
2016-076	Proposal to redevelop existing 27-unit multi-family site with 32 single family attached units.	Approved
2015-089	Proposal to redevelop existing 27-unit multi-family site with 51 units at a density of 37.7 DUA.	Approved
2016-091; 2013-102; 2014-055; 2019-013; 2016-061	All similar rezonings along N. Davidson Street that requested TOD or MUDD zoning district designations.	Approved
2014-060	Request to rezone and subdivide two lots into three lots to construct three single family dwellings on individual parcels.	Approved

- **Public Plans and Policies**



- **TRANSPORTATION CONSIDERATIONS**
  - 35th Street has existing curb and gutter and back of curb sidewalk while Spencer Street has curb and gutter and no sidewalk. CATS bus routes 3 and 23 run along 36th Street with bus stops less than ¼ mile from the site. CATS LYNX Blue Line 36th Street Station is within ½ mile of the site. CDOT will work with the petitioner during permitting to determine driveway locations and to upgrade the streetscape in accordance with city ordinance.
  - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 10 trips per day (based on 1 single family dwelling).
    Entitlement: 10 trips per day (based on 1 single family dwelling).
    Proposed Zoning: 20 trips per day (based on 2 single family dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 0 students. There is no significant impact on schools from this petition. See advisory comments at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along E. 35th Street and via an existing 8-inch gravity sewer main located along Spencer Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E. 35th Street and via an existing 8-inch gravity sewer main located along Spencer Street. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** See advisory comments at www.rezoning.org
  - **Storm Water Services:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** See advisory comments at www.rezoning.org

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** See advisory comments at www.rezoning.org

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See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: William Linville (704) 336-4090