

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-050

Property Owner: Liberate Financial, LLC
Perry and Laura Poole

Petitioner: Liberate Financial, LLC

Location: Approximately 1.91 acres located on the north side of Charles Avenue between Yadkin Avenue and N. McDowell Street

Center, Corridor, or Wedge: Wedge

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

Summary

The request is to allow development of up to 11 single-family detached homes at approximately 5.75 units per acre. A portion of the site is currently occupied by a single-family residential home and the remaining acreage is vacant.

Consistency and Conclusion

The *North Charlotte Plan* (1995) is the adopted land use policy document for this area and recommends single-family land use for these and surrounding parcels (no density specified). The proposal is consistent with the Northeast LRT proposed 28th Street station area concept land use recommendation for single-family land uses.

Staff supports this request subject to the petitioner addressing outstanding site plan items.

Existing Zoning and Land Use

The site is generally surrounded by single-family residential development on properties zoned R-5.

Rezoning History in Area

There have been no recent rezonings in the immediate area. However, there have been several rezonings to MUDD-O along N. Davidson Street to accommodate office and commercial uses.

Public Plans and Policies

The parcel is between ¼ and ½ mile of a proposed Northeast Light Rail Transit (LRT) station at 28th Street and the Norfolk Southern (NS) rail line. The station area concept for this proposed station recommends maintaining the surrounding single-family land uses (no density specified). The station area concepts are not adopted plans. The *North Charlotte Plan* (1995) is the adopted land use policy document for this area and recommends single-family land use for these and surrounding parcels (no density specified).

The proposal is consistent with the Northeast LRT proposed 28th Street station area concept land use recommendation for single-family land uses. An increase in density is appropriate (approximately 5.75 dwelling units per acre) as the parcels are between ¼ and ½ mile of a transit station area and the *Transit Station Area Principles* recommend densities over 15 du/a within this radius from a proposed station. These increases in density may not be appropriate for every area within a transit station, especially when adjacent to established single-family neighborhoods, but at this location a nominal increase in density is appropriate as it maintains the single-family character of the adjacent development.

Proposed Request Details

The request is to allow single-family residential development. The site plan accompanying the rezoning petition provides the following details:

- Construction of up to 11 single-family homes with minimum lot areas of 3,000 square feet and minimum lot widths of 20 feet (Lot 1) and 45 feet (Lots 2 thru 11), with a maximum building height of 40 feet
- Proposed abandonment of portions of N. Myers and N. Alexander Streets rights-of-way
- Prohibition of attached and location of detached garages behind principal structures
- Shared driveways between Lots 4 and 5 and Lots 9 and 10
- Provision of a 10-foot wide public easement to Charles Avenue
- Provision of a 6-foot wide concrete sidewalk and 8-foot wide planting strip along Charles Avenue, with petitioner reserving the right to request to modify these improvements
- Identification of a 35-foot S.W.I.M. buffer along the rear of the properties
- Proposed exterior building materials for dwelling units to be combination of brick, stone, shake siding, hardie-plank/hardie board, and stucco
- Prohibition of vinyl siding as an exterior building material

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT notes that the site could generate approximately 100 trips per day under both the existing and proposed zonings, which will have a minor impact on the surrounding thoroughfare system. CDOT has provided the following comments that must be addressed by the petitioner:

- The plan needs to show proposed building locations, driveways, and parking areas (garages, alleys, pads, etc.). There is insufficient information to determine how this site would be parked or if the commitment of providing two off-street parking spaces per unit can be met. Use of shared or paired driveways or a rear alley is strongly encouraged.
- To meet the requirements of the UR-1 District, the developer must remove the existing monolithic curb and sidewalk on Charles Avenue and construct an 8-foot planting strip and a 6-foot sidewalk.
- In conformance with the adopted Urban Street Design Guidelines, Charles Avenue needs to be designed as a Local Residential Street-Medium (27' back of-curb to back-of-curb, or 13.5' from the centerline of the street to the back-of-curb). The location of the new curblines is dependent on the parking that can be provided for each unit on-site (see comment 1). If sufficient parking cannot be provided on-site, then on-street parking will be necessary and require additional street width.
- CDOT can support the abandonment of the unopened or "paper" streets (Alexander and Myers Streets) conditioned on a 15-foot easement being provided between Myers Street and Charles Avenue for a pedestrian/bicycle connection. Depending on review/approval of a detailed cost estimate, CDOT may be able to assist in the funding of what CDOT estimates to be approximately half of its cost. At this time CDOT believes that this would include funding the bridge and the offsite work, if the developer funds the on-site work and does all of the construction. The connection would need to meet ADA requirements, be at least 10 feet in width, and be located within a 15-foot easement.

In addition, CDOT has provided comments pertaining to construction of any fence or wall along or adjacent to any sidewalk or street right-of-way, and a Right-of-Way Encroachment Agreement.

CATS. CATS has no comments on this petition.

Connectivity. The proposed single-family homes will have direct access from Charles Avenue.

Storm Water. In their memo, Storm Water Services (SWS) has requested that additional notes be placed on the site plan as they pertain to storm water quantity control, storm water quality treatment, volume and peak control, and stream buffers.

LUESA. Mecklenburg County Land Use and Environmental Services Agency (LUESA) has reviewed the petition and notes that the home on parcel 08307622 uses oil heat, which indicates a fuel oil storage tank on the site. LUESA has provided comments on removal of the fuel oil storage tank, proper abandonment of septic tanks, submittal of a Solid Waste Management Plan, stream buffers, storm water quality treatment, and storm water volume and peak controls.

School Information. Charlotte Mecklenburg Schools (CMS) notes that the existing zoning would generate no students, and 1 student would be produced under the proposed zoning. CMS has determined the proposal would not have a significant impact on school capacity.

Outstanding Issues

Land Use. The request is consistent with the *North Charlotte Plan* (1995), which is the adopted land use policy document for this area and recommends single-family land use for these and surrounding parcels (no density specified). The proposal is consistent with the Northeast LRT proposed 28th Street station area concept land use recommendation for single-family land uses.

Site plan. The following site plan items remain outstanding and must be addressed in order to gain staff support of this request:

- There is a small triangular piece of acreage adjacent to the unopened N. Myers Street right-of-way. Petitioner needs to confirm ownership of this acreage.
- The proposed development/layout is contingent upon abandonment of rights-of-way. Confirm with CDOT abandonment is acceptable.
- Petitioner should revise site plan to indicate street setback is 14 feet from back of curb.
- Petitioner should indicate on site plan how proposed 10-foot wide public easement to Charles Avenue will be improved.
- Petitioner should show tree save area and indicate percentage on site plan (minimum 10%).
- The site plan shows Charles Avenue has a 45-foot right-of-way width. Confirm with CDOT if this width is adequate, or if dedication of right-of-way will be required.
- The storm water notes should be added to site plan.