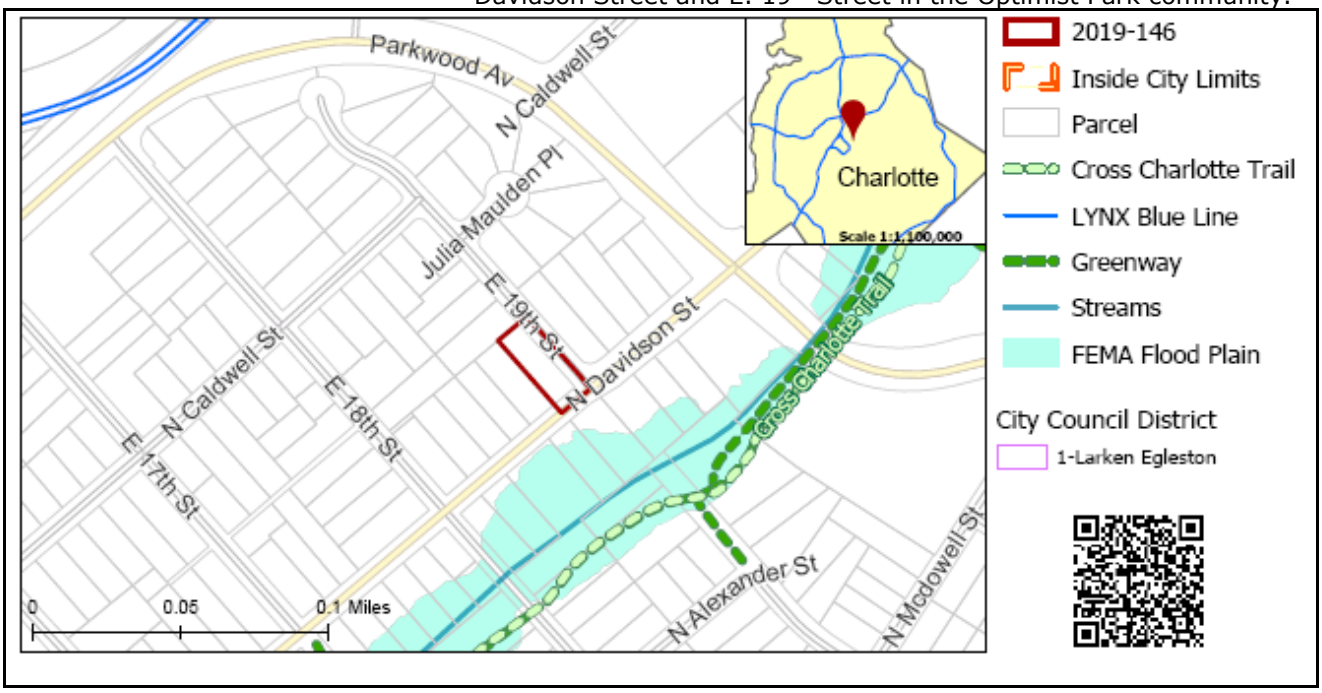
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-146
Final Staff Analysis
June 30, 2020

REQUEST	Current Zoning: R-8 (single family residential) Proposed Zoning: UR-1(CD) (urban residential, conditional) & UR-C (CD) (urban residential commercial, conditional)
LOCATION	Approximately .17 acres located at the eastern corner of N. Davidson Street and E. 19th Street in the Optimist Park community.



SUMMARY OF PETITION	The petition proposes to rezone to two urban residential districts in order to allow for the construction of two attached dwelling units on the back side of the property at an approximate density of 22.2 DUA while preserving the historic storefront for specific uses allowed in the UR-C zoning district as noted in the conditional plan.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Ali Bahmanyar ALB Architecture, PA Angie Lauer, United of Carolinas, Inc.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition's request for both districts at the site is **inconsistent** with the *Parkwood Transit Station Area Plan* (2013) recommendation for residential uses up to 12 dwelling units per acre (DUA) for the site.

Rationale for Recommendation

- The requested height and residential type are similar to what has been constructed by-right at a neighboring parcel to the west (1517 N. Davidson Street).
- The area plan states that low density residential uses should be maintained, enhanced and protected. However, transition from more intense development that may adversely impact the

character of the neighborhood is desired. While at a higher proposed density than the area plan recommendation of up to 12 dwelling units per acre, this petition provides an appropriate transition between single family and transit-oriented uses.

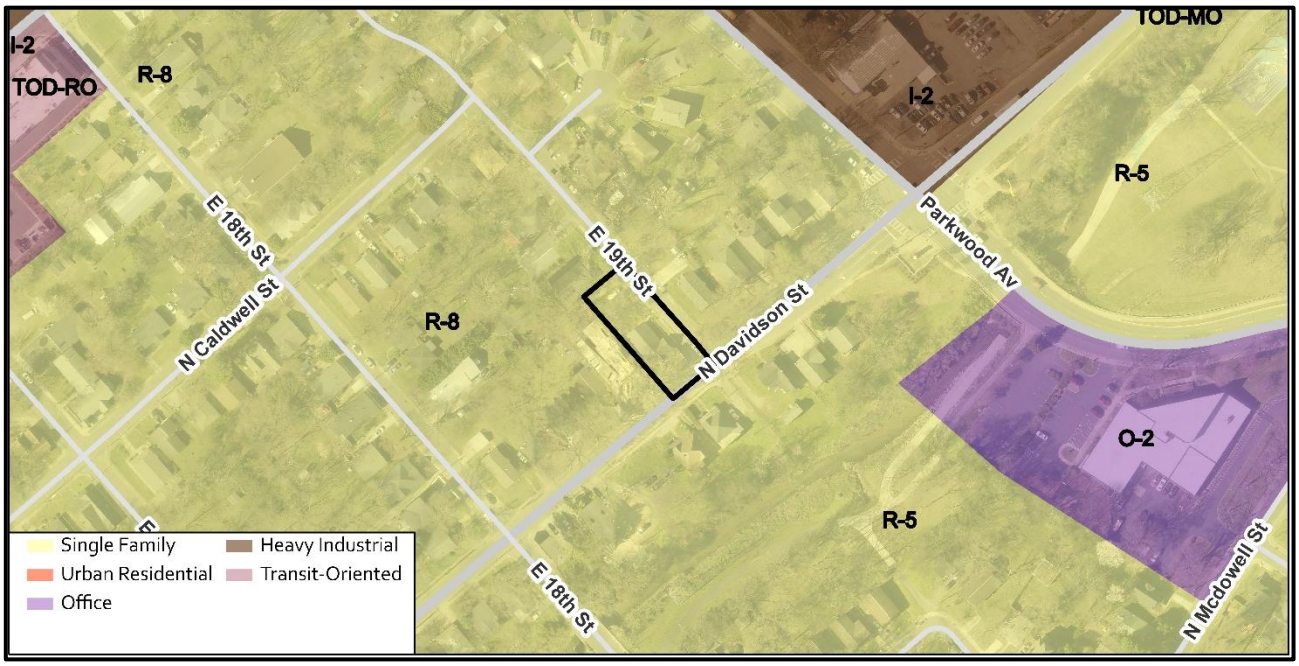
- The petition's commitment to future sidewalks and planting strips along N. Davidson and E. 19th Street compliments the area plan's recommendation for pedestrian and cyclist accessibility and safety.
- Proposed pedestrian enhancements and preservation of a historic storefront contribute to the plan's recommendation of signature intersections along N. Davidson Street.
- Adopted policy states that residential uses, including duplexes, are appropriate with a desired maximum building of height 40-feet. The petition commits to a maximum building height of 40-feet.

The approval of this petition will revise the adopted future land use as specified by the *Parkwood Transit Station Area Plan* (2013), from residential uses up to 12 dwelling units per acre to residential uses greater than 22 dwelling units per acre for the northern half of the subject property and residential/office/retail for the southern half of the property.

PLANNING STAFF REVIEW

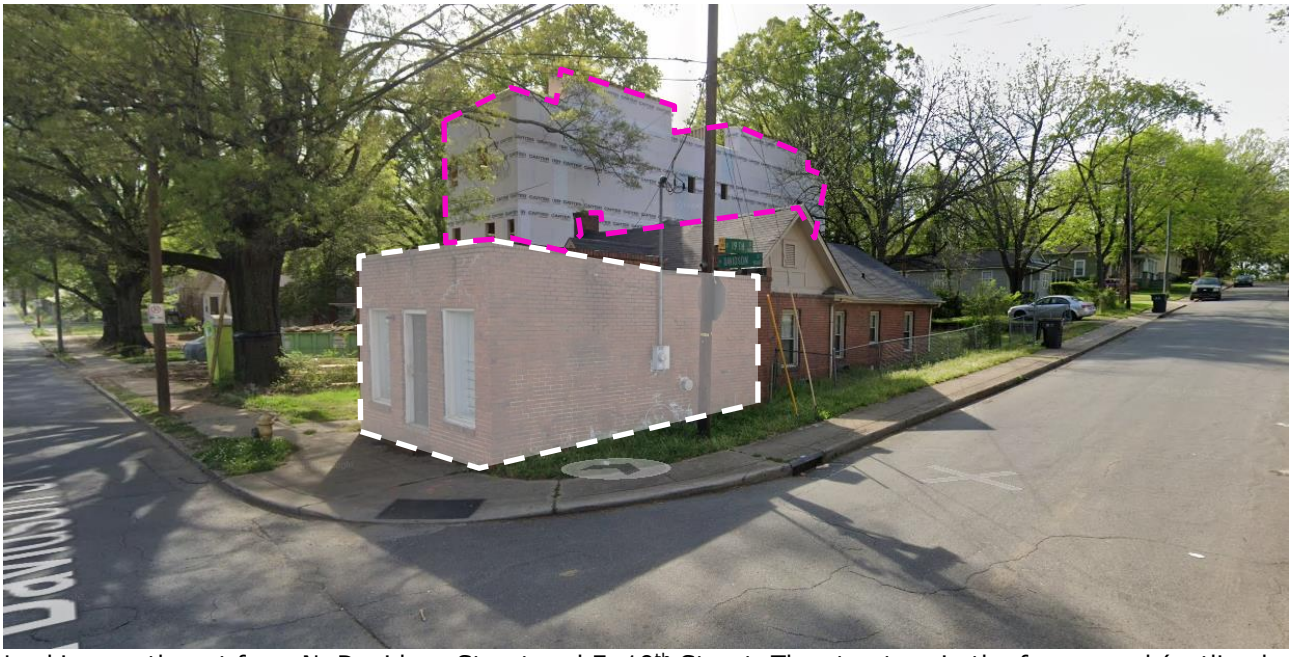
- **Background**
  - The request for a split-zoned parcel is to accommodate the preservation of an existing storefront oriented toward N. Davidson Street while constructing a duplex at the northern extent of the property.
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - The petition allows for the development of up to two attached residential dwelling units and the rehabilitation and preservation of a historic storefront along N. Davidson Street within two development areas.
  - Development Area A:
    - Permits residential units allowed in the UR-1 district.
    - Commits to a maximum structure height of 40 feet.
    - Commits to the construction of an 8-foot privacy fence along its western and northern property lines.
    - Commits to providing a 5-foot sidewalk and 6-foot planting strip along a portion on E. 19th Street.
  - Development Area B:
    - Permits the reuse of an existing, non-conforming structure into any use permitted within the UR-C zoning district while prohibiting auto-oriented uses (accessory drive through windows, auto sales, service or repair, equipment rental/leasing and other uses not appropriate in a residential neighborhood context.
    - Commits to providing an 8-foot privacy fence along its western and proposed northern property line as well as a vegetated buffer along the proposed northern property line.
    - In the event that the historic structure is demolished, petition limits the maximum height of any new structure to 40 feet.
    - Commits to construction of required streetscape along N. Davidson Street in the event that the existing retail structure is demolished.

- **Existing Zoning and Land Use**



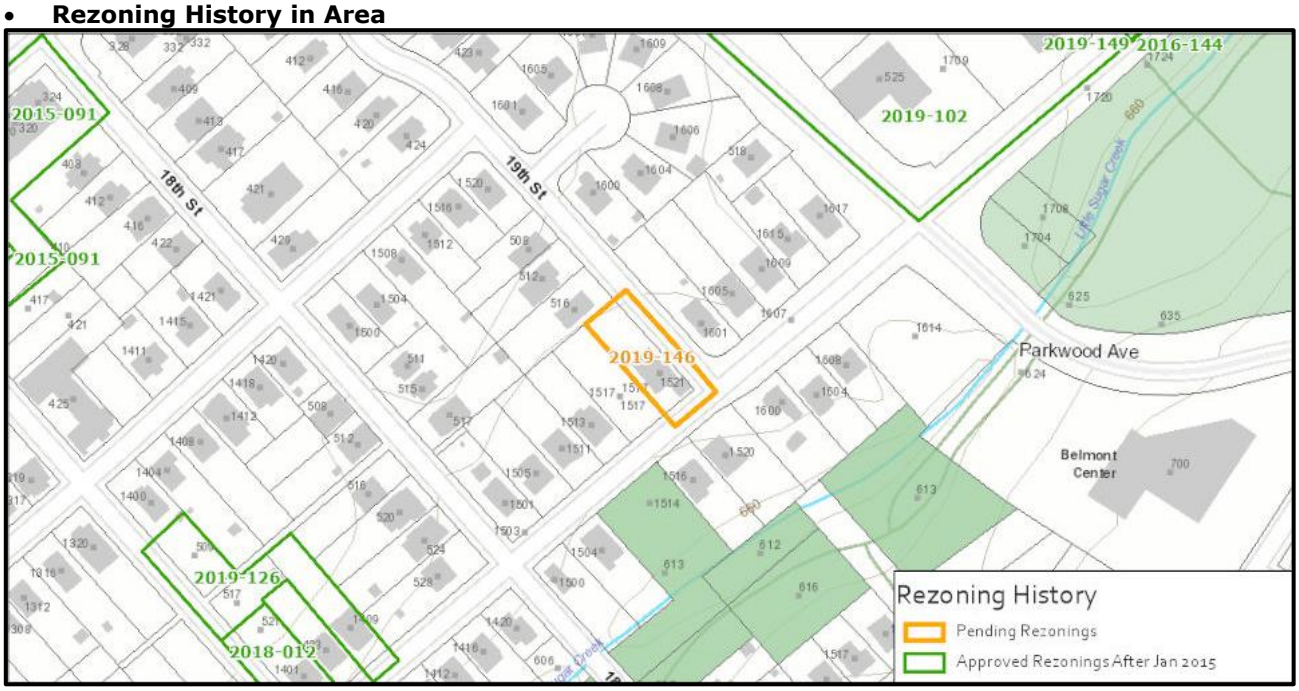
The subject property, as well as the majority of the parcels surrounding it, were all rezoned from R-22MF to R-8 in 2003 to more closely align with the proposed land use in the adopted *Optimist Park Neighborhood Plan*. The neighborhood is predominantly single family in nature, with some industrial, office, and transit-oriented uses nearby.

General location of subject property denoted by red star.



Looking southwest from N. Davidson Street and E. 19th Street. The structure in the foreground (outlined in a white dotted line) is the approximate area of the structure that will be left after the remaining part of the structure (in foreground) is demolished. Height of proposed duplex at rear of property shall closely match new structure in background being constructed on adjacent parcel (outlined in pink dotted line).

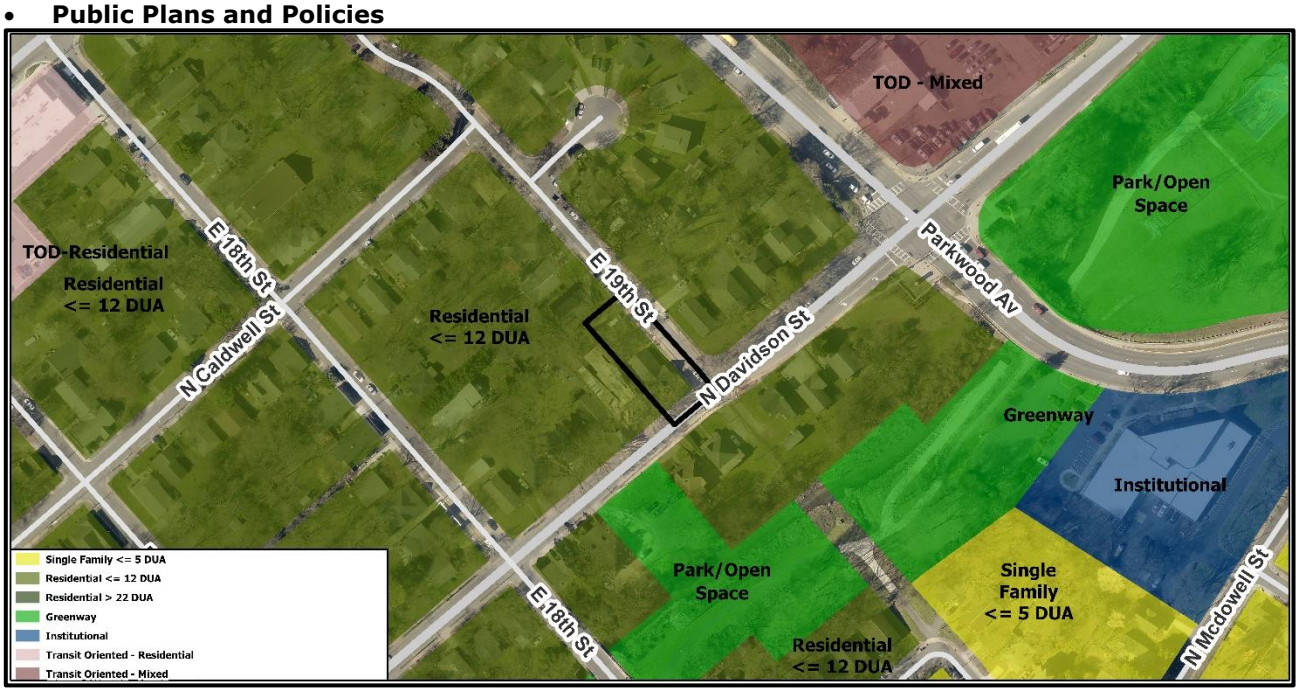
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-149	Proposed rezoning of a six-parcel assemblage to TOD-UC zoning district to permit the development of a potential mix of permitted uses.	Approved
2019-126	Proposed rezoning of parcels to permit the development of up to 16 residential dwelling units at a density of 41 DUA.	Approved
2017-101	Rezoning in Optimist park neighborhood to permit the construction of up to 59 for sale units at a density of 29.49 DUA.	Approved
2016-144	Petition to rezone to TOD-MO (transit-oriented development, mixed-use, optional) in the Optimist Hall Neighborhood.	Approved

2015-126	Petition to rezone nearly 4 acres to a TOD district that would entitle the site to up to 351 multi-family units.	Approved
2015-091	Petition to rezone 0.99 acres to a TOD district that would entitle the site to up to 50 multi-family units.	Approved

- **Public Plans and Policies**



  - The adopted policies for this petition are in the *Parkwood Transit Station Area Plan* (2013).
  - The plan recommends residential uses at up to twelve dwelling units per acre for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a minor thoroughfare road.
  - **Active Projects**
    - Parkwood (N. Davidson-The Plaza) Improvements
      - This project will install pavement markings to create a buffered bike lane on Parkwood Avenue from Belmont Avenue to The Plaza. Several new signals will be added with the project limits as well.
    - XCLT Bike Boulevard
      - This project will improve bike accessibility and safety along a route approximately seven miles in length extending from the Davidson Street / Sugar Creek Road intersection to the Rocky River Road / Rockland Drive intersection.
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 20 trips per day (one dwelling and 410 sf of retail uses).
    Entitlement: 20 trips per day (one dwelling and 410 sf of retail uses).
    Proposed Zoning: 45 trips per day (based on 7400 SF townhome uses; 419 SF retail uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **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. Therefore, there is no net increase in the number of students related to this petition.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:

- Villa Heights Elementary remains at 50%.
- Eastway Middle remains at 108%.
- Garinger High remains at 117%.

Charlotte Water Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along North Davidson Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along East 19th Street. See advisory comments at www.rezoning.org

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **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:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

~~1. Revise the northern portion of the rezoning boundary (the portion requesting UR-1 designation) into a bubble diagram illustrating buildable footprint only.~~ ADDRESSED

Transportation

~~2. CDOT is requesting the petitioner update the site plan and conditional notes to show and dimension an 8-foot planting strip and 5-foot sidewalk along 19th Street.~~ ADDRESSED

3. ~~The petitioner should 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-foot behind the back of sidewalk where feasible.~~ ADDRESSED
4. ~~The future location of curb and gutter is 24' from centerline to back of curb. The site plan should show the curb and gutter labeled and dimensioned from the centerline of each road.~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

Transportation

5. ~~In the notes table for Development Area B, revise note 3.D to reflect the commitment only and remove any wording that is reflective of the request to add the note. There is no phasing requested in the plan.~~ ADDRESSED

~~6. Move note 1.F to the Transportation section of the notes; remove bolding and underline formatting.~~ ADDRESSED

7. ~~Remove note 3.C.~~ ADDRESSED

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

Planner: William Linville (704) 336-4090