

REQUEST	Proposed Zoning: MUDD-O SPA, mixed use development district, optional, site plan amendment with five-year vested rights
LOCATION	Approximately 3.87 acres located on the northeast corner of North Davidson Street and East 36 th Street.
SUMMARY OF PETITION	The petition proposes a site plan amendment to: <ul style="list-style-type: none"> • Increase the number of residential units from 160 to 250 (65 dwelling units per acre). • Reduce the amount of nonresidential square footage from 42,000 square feet to the current 22,500 square feet located within the existing Neighborhood Theater building, with the option for live/work units on the ground level of the proposed building along East 36th Street.
PROPERTY OWNER	North Davidson Acquisitions, LLC / Mercury NoDa, LLC / Paul McBroom & Sharon Pate
PETITIONER	Tyler Foster, Mercury NoDa, LLC
AGENT/REPRESENTATIVE	Tyler Foster, Mercury NoDa, LLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the North Charlotte Plan and the Transit Station Area Principles and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Allen).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. Provided a more detailed Mercury Street building elevation and committed to masonry materials along the first two stories. 2. Reduced the height of the building along Mercury Street from four stories to three stories. 3. Added a note which indicates the possibility of a larger parking structure if the City of Charlotte elects to participate and fund construction of additional public parking. 4. Provided a note which indicates that roll out dumpsters will be contained inside the building at all times except on trash pickup days. 5. Added a note that states "the project will contain a minimum allowance of \$30,000 for the purposes of installation and purchase of public art".
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VOTE	Motion/Second: Dodson/Allen
	Yeas: Allen, Dodson, Firestone, Phipps, Rosenburgh and Zoutewelle
	Nays: None
	Absent: Griffith
	Recused: None
ZONING COMMITTEE DISCUSSION	Planning staff presented the petition to the Committee and indicated all outstanding issues had been addressed.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

- This subject property is within a ¼ mile of the proposed Blue Line Extension light rail transit station at 36th Street. The property was rezoned in 2008 (petition 2008-004) to accommodate 160 residential units and 42,000 square feet of nonresidential uses (including 22,500 square feet existing and 19,500 square feet proposed). No modifications to the site have been made in accordance with the previous rezoning.
- This site is located within the North Charlotte National Register Historic District. The existing commercial building at the corner of North Davidson and 36th Streets, which houses the Neighborhood Theater and Boudreaux's Restaurant, is listed as a contributing property within that district. While there is no direct regulatory effect on a private property owner from this designation, these properties are eligible for Historic Preservation Tax Credits within prescribed conditions. The abutting single family home at the intersection of North Alexander and Mercury Streets is also listed as a contributing property within the district. This single family home has deed restrictions administered by the Charlotte-Mecklenburg Historic Landmarks Commission which control any material alterations to the exterior of the house and the lot on which it sits.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum of 250 residential units.
- Nonresidential uses limited to the existing structure containing 22,500 square feet, with the option to include live/work units on the ground level along East 36th Street side of the proposed building.
- Parking to be provided at a rate of one space per residential unit, one space per 150 square feet for restaurant and nightclub uses, and one space per 600 square feet for all other uses.
- Sixteen-foot setbacks from the back of curb will be provided along all street frontages except a 20-foot setback from the back of curb will be provided along East 36th Street.
- Eight-foot planting strips and eight-foot sidewalks will be provided along all street frontages except along the portions of North Davidson Street and East 36th Street where the existing building encroaches into the setback.
- The East 36th Street streetscape may be modified to include pavers with trees within tree grates.
- CATS passenger waiting pad will be provided along East 36th Street.
- Recessed on-street parking and additional right-of-way to be dedicated along Mercury Street to accommodate a local residential wide street classification.
- Vehicular access to the site provided by a two-way access drive off North Davidson Street and Alexander Street and a right-out only access drive onto East 36th Street.
- Maximum building height of 55-feet with a 40-foot base maximum height along Mercury Street. The height of the parking structure shall not exceed the ultimate residential height.
- Building materials may include brick, stucco, hardie paneling, cast stone, and stone.
- Roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties. Solar panels are excluded from this requirement if utilized.
- Detached lighting will have full cut-off lighting fixtures and shall be limited to 20 feet in height.
- Pedestrian scale lighting will be provided along all public and private street frontages.
- No "wall-pak" type lighting will be allowed.
- Minimum eight-foot wide buffer with a six-foot high fence or wall will be provided abutting the single family lot at the corner of Mercury Street and Alexander Street. The buffer will also include six trees and 20 shrubs per 100 linear feet.
- Six-foot wide pedestrian connection within the railroad right-of-way between Mercury Street and North Davidson Street upon approval from Norfolk Southern Railroad or other appropriate authority.

- Open space areas equaling 13,000 square feet for private amenity areas and 1,685 square feet for public urban open space areas.
 - A “Mixed Pedestrian/Vehicular Court” will be established behind the existing building connecting North Davidson Street with East 36th Street and will include amenities such as bollards, planters, benches, and tree wells. Specialty pavers will be integrated within both the vehicular and pedestrian zones for a cohesive court design. A minimum 20-foot wide clear zone for fire access will be provided along with a minimum six-foot wide pedestrian zone on either side of the vehicular drive.
 - Optional provisions include:
 - Parallel parking between the buildings and North Davidson and East 36th Streets within the “Mixed Pedestrian/Vehicular Court”.
 - Three projecting wall signs in addition to the allowed wall signage within the MUDD district. Each sign will have a maximum sign face area of 100 square feet. One projecting wall sign will be on the building face along North Davidson Street, the second sign will be near the corner of East 36th Street and Alexander Street, and the third sign will be on the corner of East 36th Street and the “Mixed Pedestrian/Vehicular Court”.
 - **Public Plans and Policies**
 - The *North Charlotte Plan* (1995), as amended by rezoning petition 2008-004, recommends neighborhood commercial and multi-family residential land uses for these parcels.
 - The *Blue Line Extension 36th Street Station Area Concept and Transit Station Area Principles* (2001) provide land use guidance as the site is within ¼ mile of the proposed Blue Line Extension light rail transit station at 36th Street and the North Carolina Rail Road (NCRR) rail line. The *Transit Station Area Principles* encourage a mixture of complementary transit-supportive uses and increased land use intensities. For residential development, the principles recommend a minimum of 20 dwelling units per acre and for mixed uses they recommend a minimum of .75 floor area ratio.
 - The petition is consistent with the *North Charlotte Plan* and with the *Transit Station Area Principles* for the station area concept for 36th Street.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Historic Landmarks:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Facilitates the use of alternative modes of transportation by being located within a ¼ mile of the proposed Blue Line Extension light rail transit station at 36th Street and for providing a concrete bus shelter pad per CATS standards along East 36th Street.

OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Historic Landmarks Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Shad Spencer (704) 353-1132