

<b>REQUEST</b>	Proposed Zoning: MUDD-O SPA, mixed use development district, optional, site plan amendment with five-year vested rights
<b>LOCATION</b>	Approximately 3.87 acres located on the northeast corner of North Davidson Street and East 36 <sup>th</sup> Street.
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to: <ul style="list-style-type: none"><li>• Increase the number of residential units from 160 to 250 (65 dwelling units per acre).</li><li>• 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 36<sup>th</sup> Street.</li></ul>
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>North Charlotte Plan</i> and the <i>Transit Station Area Principles</i> .
<b>PROPERTY OWNER</b>	North Davidson Acquisitions, LLC / Mercury NoDa, LLC / Paul McBroom & Sharon Pate
<b>PETITIONER</b>	Tyler Foster, Mercury NoDa, LLC
<b>AGENT/REPRESENTATIVE</b>	Tyler Foster, Mercury NoDa, LLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### PLANNING STAFF REVIEW

- **Background**
  - This subject property is within a ¼ mile of the proposed Blue Line Extension light rail transit station at 36<sup>th</sup> 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 36<sup>th</sup> 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 36<sup>th</sup> 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 36<sup>th</sup> 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 36<sup>th</sup> Street where the existing building encroaches into the setback.
- The East 36<sup>th</sup> Street streetscape may be modified to include pavers with trees within tree grates.
- CATS passenger waiting pad will be provided along East 36<sup>th</sup> 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 36<sup>th</sup> 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 36<sup>th</sup> 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 36<sup>th</sup> 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 36<sup>th</sup> Street and Alexander Street, and the third sign will be on the corner of East 36<sup>th</sup> Street and the "Mixed Pedestrian/Vehicular Court".
- **Existing Zoning and Land Use**

The subject properties are currently developed with an existing one-story brick commercial building with associated parking and single family homes. Properties east of the site are zoned R-5 and contain single family homes. South of the site are two religious institutional uses zoned R-5 and B-1. Nonresidential uses are located north and west of the petitioned property and are zoned MUDD-O and NS.
- **Rezoning History in Area**

There have been numerous rezonings in this area to accommodate various mixed use projects and residential developments.

- **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 36<sup>th</sup> 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 36<sup>th</sup> 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 36<sup>th</sup> Street
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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.
    - **Vehicle Trip Generation:**  
Current Zoning: 3,950 trips per day.  
Proposed Zoning: 3,700 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Historic Landmarks:** The former millhand's house abutting the subject site at 3315 North Alexander Street has deed covenants 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. The Commission received and denied a request to move the house to a proposed location on East 37<sup>th</sup> Street. The Commission judges that such move is not necessary to save the house from destruction and because the house at its existing location best illustrates the original residential character of that particular section of the North Charlotte Mill Village, which is an historic district in the National Register of Historic Places.
  - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 86 students. Development allowed under the proposed zoning will produce 140 students. Therefore, the net change in the number of students generated from existing zoning to the proposed zoning is 54 students.
  - **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 36<sup>th</sup> Street and for providing a concrete bus shelter pad per CATS standards along East 36<sup>th</sup> Street.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Provide a more detailed Mercury Street building elevation and identify building materials in order to determine how the massing of the building is reduced to better relate to the single family residential homes across the street.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- 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