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| REQUEST | Current Zoning: B-1, neighborhood business and R-5, single family residential, up to 5 dwelling units per acre Proposed Zoning: TOD-MO, transit oriented development, mixed use, optional |
| LOCATION | Approximately 0.19 acres fronting on North Davidson Street and Yadkin Avenue between East 34 th Street and East 35 th Street. (Council District 1 - Kinsey) |
| SUMMARY OF PETITION | The petition involves two parcels (one fronting North Davidson Street and the second fronting Yadkin Avenue) and proposes to reuse and expand a vacant one-story building on one lot to allow the establishment of a restaurant. The other lot will be used for the purpose of the storage and collection of solid waste and recycling receptacles. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition upon resolution of several outstanding issues, primarily resolution of the ability to site the solid waste and recycling area on the second lot. This petition is consistent with the <i>Draft Blue Line Extension 36th Street Transit Station Area Plan</i> and the <i>North Charlotte Plan</i> . |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Veto A. Vespoint and Clara E. Vespoint Kenneth Lin and Jon Branham Tracy Honeycutt |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. |

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Reuse, reface, and expand an existing one-story, 2,445 square foot building on the lot fronting N. Davidson Street for the purpose of establishing a restaurant.
- Expand the existing building on North Davidson Street to the rear; add one story on the front portion of the building with a deck and add two stories in the rear portion of the structure. Building will be two stories in front and stepped back to three stories in the rear. Proposed improvements will result in an increase in building height from the original 15 feet to a maximum 39 feet.
- Use of lot on Yadkin Avenue as access for loading private recycling and garbage collection. Lot will be regraded and bit paved to accommodate service loading and refuse collection.
- Access between the two lots will be provided via a five foot access easement serving as a walkway (to be lighted).
- Landscape screening along the rear of the lot facing N. Davidson Street.
- A 10-foot wide landscape buffer along the exterior property line abutting R-5 zoning. The buffer width may be reduced to eight feet with the installation of a masonry wall that is six to eight feet in height.
- Building elevations utilizing tile artwork to be coordinated with a local artist to fit in with NODA community.
- Wall mounted lighting on both elevations (for aesthetic purposes and to light walkway linking both lots in this rezoning petition to the sidewalk along North Davidson Street).
- Optional Provisions:
 - Not require a 16-foot setback along N. Davidson Street as the existing building is not being demolished as per Section 9.1208(1).
 - Not require a minimum one (1) parking space / 150 square feet of restaurant/nightclub use as per Section 9.1208(6).
 - Not require an eight-foot planting strip and eight-foot sidewalk along N. Davidson Street and Yadkin Avenue as per Section 9.1209(8).

- Allow maneuvering within the right-of-way along Yadkin Avenue; permit loading/service area between use and setback; and allow loading/service area to abut residential, all as per Section 9.1208(7).
 - **Existing Zoning and Land Use**
 - The rezoning site consists of two lots; one parcel is developed with a one-story brick building constructed in 1935 and the other parcel is vacant. The site is surrounded by a mix of single family mixed use, retail, office, commercial and industrial uses on properties zoned R-5, NS, MUDD, MUDD-O, B-1, and I-2.
 - **Rezoning History in Area**
 - There have been several rezonings in the immediate area to accommodate multi-family, retail, commercial, office and mixed-use projects.
 - **Public Plans and Policies**
 - The *North Charlotte Plan* (1995) recommends neighborhood commercial land uses for this parcel. The *Draft Blue Line Extension 36th Street Transit Station Area Plan* recommends transit supportive uses for this parcel, including vertical and horizontal mixed use and retail uses, with a height limit of 50 feet. The station area planning effort for the Parkwood through Tom Hunter stations is currently in development and is expected to begin the review and adoption process in 2013.
 - This petition is consistent with the *North Charlotte Plan* and the *Draft Blue Line Extension 36th Street Transit Station Area Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** CDOT recommends that the petitioner provide additional parking to serve the proposed restaurant and/or clearly demonstrate and depict how shared parking can be achieved with the neighboring businesses.
 - **Vehicle Trip Generation:**
Current Zoning: 460 trips per day.
Proposed Zoning: 450 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No comments received.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
 - **Urban Forestry:** No issues.
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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*.
 - Minimizes impacts to the natural environment by reusing existing buildings and redeveloping on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. The two lots do not adequately overlap or touch, and as a result the solid waste and recycling receptacles cannot be placed on the lot on Yadkin Avenue as it would be considered an accessory use without a principal use. The proposed access easement is not sufficient to legally connect these two parcels. The two lots need to be combined in order for the refuse/recycling area to be sited on the smaller lot. The solid waste issue should be addressed in one of the following ways:
 - a. Show proof via survey that the two lots adequately touch property lines so that the lots may be combined through the subdivision process. Combination of the lots must be accomplished prior to building permit. A note reflecting this requirement must be provided on the site plan. Provide adequate area on the same lot as the principal use to accommodate the refuse/recycling area.
 - b. Coordinate with Solid Waste to arrange for an alternative means for refuse/recycling collection.
 - c. Arrange to share refuse/recycling facilities with an abutting property.
 - d. Swap land with the abutting property owner in order for the two parcels of the subject rezoning to adequately touch and be combined.
 2. Add the appropriate standardized notes on the site plan (in addition to the Optional Provisions listed).
 3. Clarify the existing square footage, new (additional) square footage, and total square footage. Clearly list this information on the site plan.
 4. Clarify whether two or three stories are proposed as there is conflicting information provided on the site plan and elevations. Note the existing and proposed building height, and existing number of stories and proposed number of stories.
 5. Add language to the *Optional Provision* for the required 16-foot setback to allow new construction incorporating an existing structure be built to the established setback and identify the established setback.
 6. Remove "night club" from the Optional provision regarding parking as a night club is not proposed with this request and state amount of parking proposed. Also provide this information as part of "Development Data".
 7. Modify the *Optional Provision* for streetscape to specify the street name and request that the existing sidewalk be allowed to remain. Note the width of the existing sidewalk in the additional language.
 8. The building elevations provided appear to propose a brick planter or brick wall to connect to the building façade on N. Davidson Street. Indicate the height of this feature and identify its location on the site plan.
 9. Show and label established setback on the site plan.
 10. Show the boundaries of the area proposed to be rezoned with a weighted line.
 11. Petitioner provided written response regarding intent to coordinate with a local artist on the elevations. Add this language to the actual elevation sheets.
 12. Address CDOT comments.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Fire Department Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Urban Forestry Review

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