

REQUEST

Area A - Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

Area B - Current Zoning: R-5 (single family residential)
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)

LOCATION

Area A - Approximately 0.18 acres located on the south side of North Davidson Street at the southeast corner of the intersection of 34th Street and North Davidson Street.

Area B - Approximately 0.22 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION

This petition proposes the following:

Area A - Reuse an existing building to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.

Area B - Reuse an existing building to allow all uses permitted in the TOD-MO (transit oriented development - mixed use, optional) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.

PROPERTY OWNER Wajahat Syed & Ferah Syed
PETITIONER Wajahat & Ferah Syed
AGENT/REPRESENTATIVE N/A

COMMUNITY MEETING

Area A and B – Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 30

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the *Blue Line Extension Transit Station Area Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Walker).

ZONING COMMITTEE ACTION

The Zoning Committee voted 5-0 to recommend **APPROVAL** this petition with the following modifications:

Area A:

1. Labeled the possible future expansion area on the plan.
2. Added the words "Area A" under the Petition # in the title block.
3. Removed the two labels stating "14-foot setback not feasible...."
4. Amended Note 6 under General Notes to read: "Possible expansion on the side and behind the existing building will meet setback and yard requirements."
5. Addressed the following CDOT issues:
 - a. Removed proposed parallel parking cutout on 34th street to allow the use of the existing curb line for on-street parking.
6. Revised site plan so that all elements are to scale.
7. Revised the plan so that all parking, including handicap, is to the rear of the building.
8. Specified that trash and recycling would be rollout only. Moved the location of the trash and recycling area which demonstrates how trash collection will be handled.

	<p>9. Amended Note 6 to specify the total maximum square footage as 2,200 square feet.</p> <p>10. Specified new 26-foot wide curb cuts.</p> <p>11. Added a label that the old driveway on Area A will be closed.</p> <p>Area B:</p> <p>1. Added the words "Area B" under the Petition # in the title block.</p> <p>2. Changed the label for the planting strip from three feet to four feet.</p> <p>3. Amended Note 6 under General Notes to read: "Possible expansion behind the existing building will meet setback and yard requirements."</p> <p>4. Amended the word "TOD" in Note 5 under General Notes to "TOD-M."</p> <p>5. Revised site plan so that all elements are to scale.</p> <p>6. Amended Note 6 to specify the total maximum square footage as 2,200 square feet.</p> <p>7. Specified the location of the dumpster and parking.</p> <p>8. Specified new 26-foot wide curb cuts.</p>
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VOTE

Motion/Second:	Allen/Sullivan
Yeas:	Dodson, Walker, Labovitz, Allen, Sullivan
Nays:	None
Absent:	Nelson, Ryan
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that all of the outstanding issues had been addressed. In addition, the petitioner made the following additional changes to the site plan:

- Amended Note 6 for both areas to specify the total maximum square footage.
- Specified dumpster and parking location for Area B.
- Specified new curb cuts for both areas.
- Noted that old driveway for Area A would be removed.

Staff noted that the petition is consistent with the *Blue Line Extension Transit Station Area Plan* recommendation for transit oriented mixed-use development.

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**

Petition 2003-066 rezoned Area A from R-5 (single family residential) to MUDD-O (mixed use development, optional) to allow for a pottery studio and residence.

• **Proposed Request Details**

This petition contains two areas.

Area A is a site plan amendment which contains the following changes:

- Expands the list of permitted uses from pottery studio and residence to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.
- Existing building to remain and retain residential character, including any expansions.
- Provides an area for future expansion to the sides of the existing building.
- Provides off-street parking to the rear of the building accessed from 34th Street.
- Optional requests include:
 - Reduce the required 14-foot setback along 34th Street to nine feet.
 - Allow the existing streetscape along 34th Street to remain. There are currently two trees along the street and no sidewalk.

- Optional requests carried over from Petition 2003-066
 - Reduce the required 14-foot setback along North Davidson Street to 12 feet.
 - Allow the existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.

Area B's site plan accompanying this petition contains the following provisions:

- Allows all uses in the TOD-M (transit oriented development - mixed-use) district, except automotive service stations, adult establishments, car washes, restaurants with drive-through windows, bars and nightclubs.
 - Provides an area for future expansion behind the existing building.
 - Existing building to remain and retain residential character, including any expansions.
 - Provides an area for off-street parking to the rear of the existing building.
 - Optional requests include:
 - Reduce the required 14-foot setback along North Davidson Street to 12 feet.
 - Allow existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.
 - **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit oriented mixed-use. The subject property is located within the ½ mile walk distance of the proposed 36th Street Station.
 - The petition is consistent with the *Blue Line Extension 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:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **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*.
 - Area A – Minimizes impacts to the natural environment by reusing the existing building.
 - Area B – Minimizes impacts to the natural environment by reusing the existing building.
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OUTSTANDING ISSUES

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

- Application
- Site Plan
- Rezoning Locator Map
- Community Meeting Report
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: John Kinley (704) 336-8311