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<b>REQUEST</b>	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to renovate the existing building for use as a restaurant with outdoor seating.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon the resolution of the outstanding issue. The petition is consistent with the <i>Blue Line Extension Station Area Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	G.W. McCullough, III John M. Meyer Robert Hess
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1 <sup>st</sup> meeting 51 2 <sup>nd</sup> meeting 46

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#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Permitted use as a restaurant/bar.
- Total 6,300 square feet consisting of renovation of the existing 3,200-square foot building and creation of 3,100 square feet of open space in the form of exterior seating and landscaped area in the front and rear.
- Maximum building height of 40 feet.
- Creation of a curb at the former drive along the street frontage in order to restrict parking on the sidewalk.
- Construction of a permanent overhang along the front to cover exterior seating. Overhead doors provided at the front and rear to open up the interior to the exterior as weather permits.
- Construction of a landscape island with a combination of evergreens, shrubs, annuals and possible local artwork between the sidewalk and front seating area.
- Garbage and recycling area located to the rear and limited to roll-out service.
- Limits exterior lighting to full cut-off, downwardly shielded fixtures and freestanding lighting that is a maximum of 25 feet in height.
- Optional requests include:
  - Waive the six required spaces and provide no parking.
  - Provide a 14-foot setback as opposed to the 16-foot setback as specified in the adopted area plan.
  - Existing sidewalk to remain with landscaped island added between the sidewalk and exterior seating.

- **Existing Zoning and Land Use**

- The property is currently used for automotive repair. Surrounding properties on either side of North Davidson Street are zoned NS (neighborhood services), B-1 (neighborhood business), I-2 (general industrial), and MUDD-O (mixed use development, optional) and developed with office, commercial/retail, restaurant, warehouse, residential uses and a fire station.

- **Rezoning History in Area**

- Petition 2009-055 rezoned 0.072 acres at 3213 North Davidson, located two properties south of the subject rezoning, from I-1(CD) (light industrial, conditional) to MUDD-O (mixed use development – optional) to allow for MUDD (mixed use development) uses including bars, nightclubs or lounges.
- Petition 2012-01 located at the southeast corner of 36<sup>th</sup> Avenue and North Davidson rezoned 3.87 acres from MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed use development, optional, site plan amendment) to allow for 250 residential units and 22,500 square feet of nonresidential in a transit supportive development.
- Petition 2012-07 rezoned 0.628 acres located at the northeast corner of 35<sup>th</sup> Avenue and Yakin from R-5 (single family residential) and O-2 (office) to MUDD-O (mixed use development, optional) to allow 15 townhomes with an option to modify the streetscape in order to preserve existing trees.
- Petition 2012-042 located at the northeast corner of 36<sup>th</sup> Avenue and North Davidson rezoned 10.30 acres from UR-3(CD) (urban residential, conditional) and I-2 (general industrial) to TOD-R (transit oriented development - residential) to allow for transit supportive development.

- **Public Plans and Policies**

- The *Blue Line Extension Station Area Plan* (2013) recommends transit supportive uses. The site is located within a ¼ mile walk of the proposed 36<sup>th</sup> Street Station.
  - The petition is consistent with the *Blue Line Extension Station Area Plan*.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 200 trips per day.  
Proposed Zoning: 800 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **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*.
  - Minimizes impacts to the natural environment by reusing the existing building.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Specify the width of the existing sidewalk to remain and clarify if a proposed sidewalk of eight feet is to be provided as shown on the site plan.
    2. Decrease the amount of exterior seating to reduce the area of expansion.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System 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