

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to renovate and expand the existing building for use as an eating, drinking and entertainment establishment with outdoor seating.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Andrew Klenk Andrew Klenk James P. (Chip) Cannon
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Blue Line Extension 36th Street Station Area Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The proposed use is suitable for the area; and • It provides for the reuse of an existing building. <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The property is located within a ¼ mile walk of the 36th Street transit station; and • There have been several rezonings in the area to MUDD (mixed use development) and TOD-M (transit oriented development - mixed-use) in order to accommodate retail, office, and mixed use developments; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. The petitioner has modified Permitted Uses Note C to state that outdoor eating/activity areas will not be in use after 11:00 p.m. 2. The petitioner has amended the Optional Provision pertaining to streetscape by requesting a minimum four-foot wide planting strip to match the existing planting strip, and a minimum five-foot wide sidewalk along North Davidson Street frontage, with any sidewalk outside the right-of-way placed within a sidewalk easement. 3. Information under Development Site Data has been modified to specify the existing building square footage (approximately 1,580 square feet) and proposed building square footage (4,400 square feet, including the courtyard area). 4. The width of the planting strip (four feet) is now labeled on the site plan. 5. Development Data Table Note I has been modified to identify three spaces for on-street parking. 6. The site plan has been corrected to acknowledge that abutting Parcel Number 08307113 is now zoned TOD-MO (transit oriented development - mixed-use, optional). 7. The petitioner will provide a copy of the draft parking lease agreement prior to City Council decision on the rezoning request. The lease agreement must be recorded with the Register of Deeds
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- upon submittal of plans through the plan review process.
8. Notes on the site plan have been amended to replace “restaurant” with “eating, drinking, and entertainment establishment.”
 9. Removed Note A under General Provisions as it is covered by Note B.
 10. Added language stating that any additions to the existing structure will be similar in character to the existing residential structure.
 11. Renamed “shade garden” to “entry garden” to provide clarity that Note D (formerly Note C) under Architectural Standards is referring to the “shade garden” shown on the site plan and noting that it is not enclosed or covered.
 12. Noted on site plan that the material of the trash area enclosure will be a minimum six-foot high wood fence that will complement the character of the building.
 13. Noted on site plan that the surface material of the path for roll-out dumpsters will be concrete or pavers.
 14. The petitioner has added language to state that at least two long-term bike parking spaces will be provided either under a roof or in bike lockers.
 15. A note has been added on the site plan stipulating that trash/recycling will be removed on a daily basis or be stored in a refrigerated enclosure to reduce odors. The note also states that waste pickup service will be limited to normal business hours (8 a.m. through 6 p.m.).

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting the new language on the site plan committing to no use of outdoor eating/activity areas after 11:00 p.m.; modifications to the optional request pertaining to streetscape through commitment to widen sidewalk to five feet with retention of existing four-foot planting strip; clarification regarding parking lease agreement; and removal of trash/recycling items on a daily basis or storage in a refrigerated enclosure, with pickup service limited to 8 a.m. to 6 p.m.

A Committee member asked staff about the parking situation in NoDa, and staff responded that parking issue and that it is a larger policy matter. The Committee briefly discussed parking in NoDa. There was no further discussion of the petition.

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

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Permitted use as an eating, drinking and entertainment establishment with allowable accessory uses with no use of the outdoor eating/activity areas after 11:00 p.m.
- Total of 4,400 square feet consisting of renovation of the existing 1,580-square foot house and creation of additional building area to accommodate a 500-square foot courtyard and dining area, area for a walk-in cooler, mechanical units, and roll-out dumpsters.
- Entry garden.
- No expanses of blank wall in excess of 20 continuous feet in length.
- Addition of ramps to accommodate and improve accessibility into the building.

- Maximum building height of 40 feet.
 - Removal of existing driveway in order to create an entry garden/feature.
 - Required eight parking spaces to be accommodated via three on-street parking spaces, and a lease agreement with the property owner at 3024 N. Davidson Street to allow use of a minimum of five off-site parking spaces (including one on-street space).
 - Architectural commitments pertaining to building articulation and materials, roof pitch, retention of residential character and existing front porch, and blank walls.
 - Freestanding and attached lighting to have full cut-off fixtures, and freestanding lighting to be limited to 15 feet in height.
 - Optional requests include:
 - Allow a minimum setback of 12 feet from back of curb.
 - Minimum planting strip of four feet (eight feet required) and a minimum sidewalk width of five feet (six feet required) along North Davidson Street to match existing conditions.
 - **Public Plans and Policies**
 - The *Blue Line Extension 36th Street Station Area Plan* (2013) recommends transit supportive uses for this and adjacent parcels, with a height limit of 50 feet. The Plan also identifies this section of North Davidson Street as a “retail street,” with active uses at the ground level. The property is located within a 1/2 mile walk of the 36th Street Transit Station.
 - The petition is consistent with the *Blue Line Extension 36th Street 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 issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **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 building on an infill lot.
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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste 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

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