

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.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of the outstanding issues. The petition is consistent with the <i>Blue Line Extension Station Area Plan</i> .
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

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.
- Total of 4,500 square feet consisting of renovation of the existing 1,580-square foot house and creation of additional building area to accommodate a shade garden, a 500-square foot courtyard and dining area, and area for a walk-in cooler, mechanical units, and roll-out dumpsters.
- 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.
- 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 three and one-half feet (six feet required) along North Davidson Street to match existing conditions.

• **Existing Zoning and Land Use**

- The rezoning site, located in the NODA community, is developed with a one-story single family home constructed in 1900 and surrounded by a mix of single family and multi-family, retail, office, personal services, and industrial activities zoned various zoning districts.

• **Rezoning History in Area**

- 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.

• **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 ¼ mile walk of the 36th Street Transit Station.

- The petition is consistent with the *Blue Line Extension 36th Street Station Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 10 trips per day.
Proposed Zoning: 350 trips per day.
 - **Connectivity:** No issues.
- **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.

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 and infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Add a note under Permitted Uses clarifying that the outdoor eating/activity area will not be in use after 11:00 p.m. Otherwise, show and label the required 100-foot separation of the outdoor seating/activity area from the nearest abutting residential use located in a single family zoning district or the required Class "A" buffer along the corresponding side and rear property lines.
 2. Given the request is to reuse and expand the existing building to accommodate a restaurant, the optional request should be revised to provide a minimum five-foot wide sidewalk where possible, and a minimum three-foot wide planting strip to allow this treatment.
 3. Add information under Development Site Data specifying the existing building square footage and proposed additional building square footage and label existing and proposed buildings on site plan.
 4. Label the width of the planting strip on the site plan.
 5. Revise the portion of note "I" that indicates there are eight spaces on-street for parking and show only the number directly located in front of the subject property.
 6. Amend the site plan to acknowledge that abutting Parcel No. 08307113 is now zoned TOD-MO (transit oriented development - mixed-use, optional).
 7. Provide a copy of the draft parking lease agreement. The lease agreement must be recorded with the Register of Deeds upon submittal of plans through the plan review process. The developer must be able to clearly demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. Note that staff is concerned that the ordinance requirements may not be met with the proposed on-street parking and proposed lease agreement. In addition, staff is concerned that the abutting property that is part of this agreement will be unable to meet its own parking requirement and demand due to this arrangement.
 8. Amend notes to replace "restaurant" with "eating, drinking, and entertainment establishment."

9. Removed Note A under "General Provisions" as it is covered by Note B.
 10. Add a note that any additions to the existing structure will be similar in character to the existing residential structure.
 11. Clarify if Note C under Architectural Standards is referring to the "shade garden" shown on the site plan and if the shade garden is covered or enclosed.
 12. Note on site plan the material of the trash area enclosure and its height.
 13. Note on site plan the surface material of the path for roll-outs.
 14. Provide at least two bike parking spaces that are long-term, which means either under a roof or in bike lockers.
 15. Provide a note 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 because of the close proximity of residential properties.
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Attachments Online at www.rezoning.org

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

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