

<b>REQUEST</b>	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: TOD-M(O) (transit oriented development – mixed-use, optional)
<b>LOCATION</b>	Approximately 3.63 acres located on the east side of North Davidson Street and bounded by East 26 <sup>th</sup> Street, East 27 <sup>th</sup> Street, and Yadkin Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes residential and non-residential uses as permitted by-right and under prescribed conditions in the TOD-M (transit oriented development – mixed-use) district.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. Transit supportive development is consistent with the <i>Blue Line Extension 25<sup>th</sup> Street Station Area Plan</i> .  The proposed building height and setbacks are inconsistent with the plan. Optional provisions to increase the building height and reduce setbacks along all street frontages are being requested in order to allow an existing building and on-site parking to remain, and to accommodate redevelopment of the subject site.  Staff has concerns about the mass and scale of the portion of the proposed project at the corner of Yadkin Avenue and East 26 <sup>th</sup> Street and how it relates to the surrounding neighborhood.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	NODA at 27 <sup>th</sup> St LLC Southern Apartment Group Jeff Brown and Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2008-070 rezoned the subject site from I-2 (general industrial) to MUDD-O (mixed use development, optional) to allow up to 200 residential units, 31,000 square feet of retail (with the ability to convert all or a portion to office), and 9,000 square feet for a restaurant (with the ability to convert all or a portion to office or retail). The maximum building height was limited to 75 feet.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Site consists of two "Development Areas," identified as Area A and B.
  - General Commitments:
    - Access to site is provided from North Davidson Street, East 27<sup>th</sup> Street and Yadkin Avenue.
    - Proposed recessed on-street parking on East 26<sup>th</sup> Street (9 spaces) and on Yadkin Avenue (11 spaces).
    - Building materials will be a combination of brick, stone, precast stone, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, decorative block, and/or wood. Vinyl as a building material may only be used on windows, soffits, and handrails/railings.
    - Open space areas on the Site will be improved with landscaping, lighting, seating and hardscape elements.
    - All new detached and attached lighting will be full cut-off type lighting fixtures excluding low landscape, decorative, specialty, and accent lighting that may be installed along the driveways, sidewalks, open space/amenity areas, and parking areas. Detached lighting limited to 15 feet in height.

- Development Area A:
  - Allows up to 250 residential dwelling units and up to 7,500 square feet of gross floor area of non-residential uses as permitted by right and under prescribed conditions in the TOD-M (transit oriented development – mixed-use) zoning district.
  - Ground floor portion of the building constructed along North Davidson Street will be developed with non-residential uses (e.g. office; retail; institutional; civic; eating/drinking/entertainment establishments, etc.) as allowed by the TOD-M (transit oriented district - mixed-use) district.
  - Proposed non-residential uses located on ground floor of the building constructed along North Davidson Street, within Development Area A, will orient a primary entrance to the sidewalk along North Davidson Street. The entrances to the sidewalk along North Davidson Street will be open and operable during the business hours of the associated use. This standard will also apply to Development Area B when Development Area B undergoes redevelopment.
  - Building constructed along North Davidson Street, within Development Area A, will provide a “fenestration area” of at least 50% of the area of the building edge along North Davidson Street. The “fenestration area” is calculated as a percentage of the wall area zone from three (3) feet above finished floor to eight (8) feet above finished floor area for the length of the building. This “fenestration area” standard will also apply to Development Area B when Development Area B undergoes redevelopment.
  - Permits a maximum of three (3) principal buildings to be constructed.
  - The first floor level of the parking deck along Yadkin Avenue will be treated with a combination of decorative grill work, active ground floor uses and art work. Upper floors of the parking deck will have openings to allow air and light into the deck and may not be constructed as a solid wall.
  - Art work will be part of the Street Wall treatment of the proposed parking structure located along Yadkin Avenue. The proposed Art work will be installed either: (i) as part of a partnership between the Petitioner and the Arts and Science Council; or (ii) by the Petitioner.
  - Provides an eight-foot amenity zone with trees and an eight-foot wide sidewalk along the site’s frontage on North Davidson Street.
  - Recessed on-street parking on East 26<sup>th</sup> Street, and on-street parking on Yadkin Avenue.
  - Petitioner will restripe the existing bike lane located on the Site’s frontage on North Davidson Street to provide parallel on-street parking as recommend by the Blue Line Extension Transit Station Area Plan, if approved by the City during the Urban Approval/Building Permit process for Development Area A.
  - Residential buildings will have pedestrian entrances from the building to each of the adjoining public streets.
- Optional Provisions for Development Area A:
  - Allow 14-foot setbacks along East 27<sup>th</sup> Street and Yadkin Avenue from the existing back of curb (minimum 16-foot setback required).
  - Allow a 14-foot setback (minimum 16-foot setback required) from:
    - (i) The new back of curb along East 26<sup>th</sup> Street, where the curb is relocated to allow recessed on-street parking; and
    - (ii) The existing back of curb where recessed on-street parking is not provided.
  - Allow the sidewalk width along East 26<sup>th</sup> Street, East 27<sup>th</sup> Street, and Yadkin Avenue to be six (6) feet (minimum 8-foot sidewalk required).
  - Allow the setback along North Davidson Street to be 16 feet as measured from the existing back of curb (20 feet required).
  - Allow the buildings to have a maximum height of five (5) stories and 55 and 60 feet. A maximum building height of 55 feet will be established and measured from proposed grade at the base of the building at the intersection of Yadkin Avenue and East 26<sup>th</sup> Street and Yadkin Avenue and East 27<sup>th</sup> Street; and a maximum building height of 60 feet will be established and measured from proposed grade at the base of the building at the intersection of North Davidson Street.
  - Allow the parapet wall(s) (five (5) feet or less) part of the building(s) constructed, which screen or may partially screen roof top mechanical equipment, to not be counted toward the allowed building height.
  - Allow the parking structure located along Yadkin Avenue to be constructed with 50% of its linear street frontage containing street level active accessory uses associated with the allowed residential uses, such as but not limited to a dog wash, bicycle repair station etc. and not with retail, office or residential uses.
  - Allow the building along East 26<sup>th</sup> Street and Yadkin Avenue to not provide façade

- variations that visually separate each individual unit in the proposed building when located across from single-family zoning.
- Allow the portions of the building across from single family zoning to have more than four units share a common access to the abutting streets.
  - **Development Area B:**
    - Allows all residential and non-residential uses as permitted by right and under prescribed conditions in the TOD-M (transit oriented development – mixed-use) zoning district.
    - Allows existing uses to remain until redevelopment occurs.
    - Permits a maximum of three (3) principal buildings to be constructed.
    - Proposed maximum building height of 60 feet.
    - Proposed 29 angled parking spaces in Development Area B.
    - Provides an eight-foot planting street and eight-foot sidewalk along the site's frontage on North Davidson Street.
    - Provides an eight-foot planting strip and six-foot sidewalk along the site's frontage on East 27<sup>th</sup> Street.
    - Proposed non-residential uses located on ground floor of the building constructed along North Davidson Street, within Development Area B, will orient a primary entrance to the sidewalk along North Davidson Street. The entrances to the sidewalk along North Davidson Street will be open and operable during the business hours of the associated use. This is applicable when Development Area B undergoes redevelopment that is subject to the TOD-M (transit oriented development – mixed-use) district.
    - Building constructed along North Davidson Street, will provide a "fenestration area" of at least 50% of the area of the building edge along North Davidson Street. The "fenestration area" is calculated as a percentage of the wall area zone from three (3) feet above finished floor to eight (8) feet above finished floor area for the length of the building. This is applicable when Development Area B undergoes redevelopment that is subject to the TOD-M district.
    - Parking will comply with the minimum parking requirements of the MUDD district.
  - **Optional Provisions for Development Area B:**
    - Allow the existing parking located in Development Area B within the established setback on North Davidson Street and East 27<sup>th</sup> Street to remain until Development Area B is redeveloped.
    - Allow parking and vehicular maneuvering between the existing building and North Davidson Street and East 27<sup>th</sup> Street. Once the existing building is demolished and redevelopment occurs, Development Area B will comply with the TOD-M (transit oriented development – mixed-use) regulations and parking and vehicular maneuvering will not be allowed between the buildings and existing public streets.
    - Allow uses (existing or new) located within the existing building to meet the minimum parking requirements of the MUDD (mixed use development) district.
    - Allow the buildings constructed to have a maximum height of 60 feet.
    - Not require screening of the existing parking located within Development Area B until redevelopment occurs.
    - Not require the installation of sidewalk connections from the existing building to the abutting streets until redevelopment occurs.
  - **Existing Zoning and Land Use**
    - The site is currently developed with retail and warehouse uses and is surrounded by a mix of single family residential neighborhoods, multi-family residential, and office, retail, industrial and warehouse uses on properties zoned R-5 (single family residential), MUDD-O (mixed use development, optional), O-2 (office), I-1 (light industrial), and I-2 (general industrial).
  - **Rezoning History in Area**
    - There have been no recent rezonings in the immediate area.
  - **Public Plans and Policies**
    - The *Blue Line Extension 25<sup>th</sup> Street Transit Station Area Plan* (2013) recommends transit supportive land uses, with a height limit of 50 feet. The plan provides language to ensure that scale, massing, and height of new development/redevelopment is sensitive to existing neighborhood development.
    - The plan also requires active ground floor non-residential uses, such as small scale retail and/or office along North Davidson Street. Ground floor uses should include clear glass windows, doors, and entrances that front on and connect to the sidewalk.
    - The request proposes to allow a maximum height of 60 feet. Although this is inconsistent with the adopted policy, the maximum height at the corner of 26<sup>th</sup> Street and Yadkin Avenue, the

- corner of the building that is closest to existing single family, is only 55 feet in height.
- The petition is consistent with the *Blue Line Extension 25<sup>th</sup> Street Transit Station Area Plan* with respect to proposed uses, but the proposed maximum height is inconsistent with the plan. In addition, staff has concerns about how the mass and scale of the portion of the project located at the corner of Yadkin Avenue and East 26<sup>th</sup> Street will relate to adjacent neighborhood.

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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** The developer must comply with the City's Housing policies if seeking public funding.
- **Transportation:** Awaiting CDOT memo.
  - **Vehicle Trip Generation:**  
Proposed Zoning: This petition is requesting TOD-M (transit oriented development – mixed-use) zoning which does not specifically identify maximum building use and/or square footage; therefore, a wide array of uses and corresponding trip generations are allowed in the TOD-M (transit oriented development – mixed-use) zoning category.  
Current Zoning: 5,500 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 149 student(s), while the development allowed under the proposed zoning will produce 186 student(s). Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 37 student(s).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** 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.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. On Sheet Z-2.0 under Maximum Gross Square Feet of Development, amend the last sentence referencing Development Area B to state residential and non-residential uses as permitted by right and under prescribed conditions in the **MUDD TOD-M** zoning district.
  2. On Sheet Z-3.0 under General Provisions development note 1.c. (Graphics and Alterations), remove language beginning with "Since the project has not undergone the design development..." and the remainder of the note, as the necessary information pertaining to Section 6.207 is provided in the first paragraph.
  3. Specify the maximum height of the parapet will not exceed five feet in height from the top of the roof structure.
  4. Measure building height per the zoning ordinance and remove text with an alternative height measurement definition.
  5. Reduce the proposed building height and massing at the corner of Yadkin Avenue and E. 26<sup>th</sup> Street to four stories.
  6. Revise the requested optional provision within Development Area A (2.1.g) to require 75%, instead of only 50%, of the linear street frontage to contain street level active uses.
  7. Add language to the site plan that provides fenestration standards.
  8. Note that primary pedestrian entrances will be located along North Davidson Street, will be

connected to the public sidewalk, and will be open and operable during all open business hours.  
Note that these standards will also apply to Development Area B when redevelopment occurs.

9. Address Transportation comment.

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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
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water 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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