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<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)
<b>LOCATION</b>	Approximately 6.98 acres located on the west side of East 36 <sup>th</sup> Street between Cullman Avenue and North Davidson Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses in the TOD-M (transit-oriented development – mixed-use district) with associated optional provisions.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed transit supportive use is consistent with the <i>Blue Line Extension Station Area Plan – 36<sup>th</sup> Street Station</i> recommendation for this site. Although the proposed use is consistent with the plan, staff believes there are several significant site plan issues that need to be addressed prior to approval of this petition. These include access to the site especially from 36 <sup>th</sup> Street, access from the site to the proposed transit station, and the proposed development and streetscape treatment along 36 <sup>th</sup> Street, the rail line and the new internal street as well as protection for the proposed Cross Charlotte Trail
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	RM 36 <sup>th</sup> Street Investors, LLC Crescent Communities, LLC Jeff Brown & 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: 71

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## **PLANNING STAFF REVIEW**

### **• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Development of any transit supportive use permitted within the TOD-M (transit oriented development - mixed-use) zoning district.
- Nonresidential development must comply with the TOD-M (transit oriented development - mixed-use) standards.
- Proposed public pedestrian access to the 36<sup>th</sup> Street station.
- Proposed vehicular connections to 36<sup>th</sup> Street and the adjacent property to the west of the site.
- Maximum building height of 80 feet.
- Exterior finishes of buildings will be composed of a combination of brick, stone or similar masonry products and/or hardi-plank/fiber cement board, metal panels, decorative block or wood.
- Vinyl may not be used as a building material, but vinyl may be used for soffits and trim, including window and door trim.
- The following optional provisions are being requested:
  - Allow one retail use with an accessory drive-through service window. The service window must be located to the rear or side of the principal structure, so as to minimize the visibility of the accessory drive-through window and associated drive-through lane from 36<sup>th</sup> Street and the light rail station.
  - Allow the required 20-foot rear yard along the western edge of the site to be reduced to 10 feet.

### **• Existing Zoning and Land Use**

- The site is generally surrounded by residential, commercial, and industrial development on properties zoned I-1 (light industrial), I-2 (general industrial), TOD-R (transit oriented development – residential), B-1 (neighborhood business), MUDD (mixed use development) and MUDD (CD) (mixed use development, conditional).

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- **Rezoning History in Area**

- There have been numerous rezonings in the area to support the Blue Line Extension. The property located immediately to the west of the subject site was rezoned in 2007 to allow up to 340 multi-family residential units at a density of 33.1 dwelling units per acre. This project is currently under construction. The project to the east of the subject site was rezoned in 2012 to allow residential development under TOD-R (transit oriented development – residential). The majority of recent rezonings in the area have occurred to the south along North Davidson Street to allow a mix of office, retail, and residential development.

- **Public Plans and Policies**

- The *Blue Line Extension Station Area Plan – 36th Street Station* (2013) recommends transit supportive land uses for the subject parcel. The site is located adjacent to the 36th Street Station on the LYNX Blue Line Extension.
  - This petition is consistent with *the Blue Line Extension Station Area Plans – 36th Street Station*.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** Petitioner should modify the site plan and address the following:

- The property lines shown on the site plan appear to encroach upon recent land acquisitions by CATS. Any improvements contemplated by the developer needs to acknowledge the property interests, both temporary and permanent, acquired by the City (CATS) for the LYNX Blue Line Extension. Such acquisitions were acquired by Federal funds, and thereby, require the City (CATS) to maintain continuing control of the acquisitions. These acquisitions changed the rezoning site's property lines along both the railroad corridor and 36th Street. Any proposed improvements, in, on, over, or under the temporary and permanent property interests acquired by the City with Federal funds must be reviewed on a case-by-case basis before such improvement is allowed.
- The site plan proposes public access to the 36th Street LYNX Station, where currently, the Blue Line Extension design does not include such access. No access of any kind shall be permitted without the review and approval of such work by North Carolina Railroad (NCR), Norfolk Southern Railway (NSR), Federal Transit Administration (FTA), and the City (specifically CATS). If approved, such access shall be governed by a multi-party agreement with NCR, NSR, and the City.
- From the site plan, it is unclear how close any development will be to the railroad corridor. No work of any kind shall be permitted in the NCR Corridor and/or CATS Blue Line Extension Right-of-Way without prior review and approval of such work by NCR, NSR, and the City (specifically CATS). All such work shall be governed by a multi-party agreement with NCR, NSR, and the City.

- **Charlotte Department of Neighborhood & Business Services:** No issues.

- **Transportation:** Petitioner should modify the site plan and address the following:

- Remove the proposed full-access driveway connection located approximately 200 feet north of the Aberdeen Carolina Spur line. This proposed site driveway connection is too close to the planned street connection located approximately 80 feet north of the Aberdeen Carolina Spur line. The planned east/west street connection paralleling the site's southern property line needs to be designed to provide site access from 36th Street.
- The planned east/west local street connection paralleling the site's southern property line should be designed to provide two (2) travel lanes, 8-foot planting strip, and 6 or 8-foot sidewalks on both sides. This east/west street connection is important to CDOT because it connects 36th Street to Rollerton Road (tax parcel number 08303142).
- CDOT would like to work with the petitioner and AC&W to provide an at-grade pedestrian and/or vehicle crossing at East 35<sup>th</sup> Street to better access the site and connection to NoDa's activity center. We understand if the AC&W line is relocated in the future, this existing railroad ROW is envisioned to be a rails-to-trails project (i.e. Cross-Charlotte Trail).
- We request the petitioner provide "public" vehicle/pedestrian connections (via the existing 35th Street alignment) from the site to better serve NoDa's Activity Center.
- The *Blue Line Extension Station Area Plan – 36th Street Station* (2013) recommends locating a Multi-Use Trail (Cross Charlotte Trail) within/along the AC&W Rail Corridor/Right-of-Way. While the final alignment of the Cross Charlotte Trail is being determined through the Master Planning Process (by the end of 2015), one potential alignment includes this proposed Multi-Use Trail within the AC&W Rail Corridor. Should the AC&W Rail Corridor be abandoned, the developer and/or current or subsequent owners are requested to commit to not making any claims on the adjacent land currently owned by the AC&W Rail Corridor so that the Cross Charlotte Trail can

be located on the AC&W Rail Corridor property. In addition, the developer is requested to commit to not eliminating potential access to the trail from the development should the trail be built.

- **Vehicle Trip Generation:**  
Current Zoning: 14,400 trips per day.  
Proposed Zoning: 8,700 trips per day.
- **Connectivity:** See comments above.
- **Charlotte-Mecklenburg Schools:** This district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **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.

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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*.
  - Facilitates the use of alternative modes of transportation by providing pedestrian connections to the 36<sup>th</sup> Street Transit Station.

#### **OUTSTANDING ISSUES**

- The petitioner should:
  1. Provide an eight-foot planting strip and six-foot sidewalk along both sides of the internal street.
  2. Eliminate the optional request for a drive-through window as this use is only allowed when a site is located between ¼ and ½ mile walking distance from a station and is not appropriate in a highly pedestrian environment directly abutting the station.
  3. Remove all text after the first paragraph under Note 1.c as the limited level of detail on this plan does not warrant these notes.
  4. Remove the language under Note 4.c that says "subject to the Petitioner and the owner of the Adjoining Parcel executing an access agreement on reasonable and customary terms." Commit to making the connection a public street or a private street with a public access easement.
  5. Delete Note 4.d. as specific vehicular circulation and driveways have not been shown on the site plan.
  6. Commit to making the ordinance required open space publicly accessible from East 36<sup>th</sup> Street and/or the 36<sup>th</sup> Street transit station.
  7. Commit to providing a sidewalk and streetscape at the natural grade along 36<sup>th</sup> Street, and providing a connection to the 36<sup>th</sup> Street station. Provide active ground floor uses along the length of the 36<sup>th</sup> Street frontage, excluding the new street, along the new sidewalk. Also commit to windows and doors that open to the public sidewalk and remain open during business hours. These commitments can be provided through elevations, notes, or a combination thereof.
  8. Clarify where parking will be located on the site.
  9. Further define the public access to the 36<sup>th</sup> Street station that is shown on the current site plan.
  10. Define the building and/or landscaping treatment along the LYNX Blue Line and along the new public/private street.
  11. Add a note that attached and detached lighting will be downwardly directed, full-shielded and full-cut off fixture.
  12. Address Transportations comments.
  13. Address CATS comments.

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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 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

**Planner:** Solomon Fortune (704) 336-8326