

---

---

<b>REQUEST</b>	Current Zoning: R-5 (single family residential), I-2 (general industrial) and MUDD-O (mixed use development, optional) Proposed Zoning: TOD-M(O) (transit oriented development - mixed-use, optional)
<b>LOCATION</b>	Approximately 1.644 acres located on the east side of Matheson Avenue between North Brevard Street and North Davidson Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 147 multi-family dwelling units and a maximum 1,500 square feet of non-residential uses.
<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 36<sup>th</sup> Street Station Area Plan</i> . However, the proposed building height is inconsistent with the plan recommendation. Staff has concerns about the mass and scale of the proposed project, as currently designed, and how it relates to the surrounding neighborhood.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Various DAMBCA Enterprises, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 16

---

## **PLANNING STAFF REVIEW**

- **Background**
  - Approval of rezoning petition 2008-130 rezoned a .21-acre portion of the subject site from R-5 (single family residential) to MUDD-O (mixed use development, optional) in order to allow an existing 1,416-square foot home to be converted to a restaurant and catering business. The rezoning has not been implemented.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Up to 147 multi-family residential dwelling units and a maximum 1,500 square feet gross floor area of non-residential uses.
  - Installation of a 10-foot landscaped buffer along property lines abutting properties zoned or used for residential purposes.
  - Proposed vehicular access point onto North Davison Street.
  - Proposed eight-foot sidewalk and eight-foot planting strip along North Davidson Street.
  - Maximum height of freestanding lighting to be 20 feet.
  - Minimum 163 parking spaces to be provided on site.
  - Building elevations for the north, south and North Davidson Street elevations that reflect a structured garage.
  - Optional provision:
    - To allow maximum building heights as shown on the site plan, not to exceed 60 feet.
- **Existing Zoning and Land Use**
  - The site is currently developed with commercial and industrial uses, and a single family residence. The subject property is surrounded by a mix of single family residential, office, industrial, and warehouse uses on parcels located in a variety of zoning districts.
- **Rezoning History in Area**
  - There have been numerous rezonings over the years to allow a mix of residential and non-residential uses.
  - Rezoning petition 2015-051 is a pending request to rezone approximately 9.07 acres located on the west side of North Davidson Street and bounded by North Brevard Street, Charles Avenue,

and Matheson Avenue from I-2 (general industrial) to TOD-M(CD) (transit oriented development – mixed use, conditional), in order to allow all uses permitted in TOD-M (transit oriented development – mixed-use) district. This petition is scheduled for public hearing at the July 20, 2015 City Council rezoning meeting.

- **Public Plans and Policies**

- The *Blue Line Extension 36<sup>th</sup> Street Transit Station Area Plan* (2013) recommends transit supportive land uses, with a height limit of 50 feet.
- The request proposes to allow a maximum height of 60 feet, which is inconsistent with the plan recommendation. In addition, the TOD (transit oriented development) zoning district has a base height of 40 feet, with an increase in height allowed at the rate of one foot of height for every ten (10) feet of additional distance the portion of the building is from the edges of nearby single-family zoning districts. The petition should adhere to the base height requirement along the site's rear property line where it abuts existing single family residential homes along Faison Avenue. The request should maintain a maximum 50-foot building height along North Davidson Street, and no more than 60 feet along Matheson Avenue.
- The proposed uses are consistent with the *Blue Line Extension 36<sup>th</sup> Street Transit Station Area Plan*, but the proposed maximum 60-foot building height is inconsistent with the plan's recommendation of a maximum 50-foot building height. Staff has concerns about how the mass and scale of the portion of the project located at the rear of the site will relate to the adjacent neighborhood.

---

**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: 2,800 trips per day.  
Proposed Zoning: 1,100 trips per day.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 105 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 105 students.
- **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.

---

**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 redeveloping on an infill site.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend labeling and building footprint on Sheet RZ-2.0 of site plan to reflect adherence to the TOD zoning district height plane requirement as it relates to the existing single family residences along Faison Avenue.
  2. Amend labeling and building footprint on Sheet RZ-2.0 to reflect a maximum 50-foot building height along North Davidson Street.

3. Amend labeling and building footprint on Sheet RZ-2.0 to reflect a maximum 60-foot height along Matheson Avenue.
  4. Provide development notes on Sheet RZ-2.0 of the site plan for maximum building heights and locations that correspond to what is shown on the site plan and per comments above.
  5. Modify Optional Provision language on Sheet RZ-2.0 pertaining to height so that it corresponds to the noted locations along the north property line (abutting single family residential), along North Davidson Street, and along Matheson Avenue.
  6. Specify building materials.
- 

**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
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Claire Lyte-Graham (704) 336-3782