

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M(CD) (transit oriented development - mixed-use, conditional)
LOCATION	Approximately 9.08 acres located on the west side of North Davidson Street and generally bounded by North Brevard Street, Charles Avenue, Matheson Avenue, Jordan Place, and North Davidson Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-M (transit oriented development – mixed-use) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Wellmon Family Limited Partnership / UCI, LLC Wellmon Family Limited Partnership Collin Brown / Bailey Patrick, Jr., K&L Gates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11
STATEMENT OF CONSISTENCY	<p>The proposed use is found to be consistent with the <i>Blue Line Extension Station Area Plan</i>; however, the proposed building height exceeds the maximum recommended in the plan for the portion of the site south of Jordan Place, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends transit supportive uses for the subject property; and • The plan recommends a maximum building height of 50 feet for the parcel on the south side of Jordan Place. <p>However, 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"> • Portions of the property are within ¼ mile walk of the 25th Street Station; and • The site plan commits to commercial uses at the street level, facing North Davidson Street; and • The proposal prohibits off-street surface level parking and street levels of parking structures from fronting North Davidson Street and Brevard Street; and • The maximum building height is limited to 60 feet for a 100-foot wide portion of the site extending from Jordan Place to the southern property line; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Dodson).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications and petitioner’s commitment to address five additional outstanding issues:</p> <ol style="list-style-type: none"> 1. Reduced the height of the area specified for 65 feet to 60 feet. Staff accepted the reduction based on the additional restrictions on the frontage of North Davidson Street, the commitment to commercial uses and the increase of the width of the area with specified height. 2. Increased the width of the area specified for reduced height from 75 feet to 100 feet. 3. Staff rescinded the request to commit to active uses, which may include leasing and amenity space, along 100% of the frontage along North Davidson Street because the petitioner is providing commercial uses along 50% of the first floor façade
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- of any buildings facing North Davidson Street and have prohibited parking to front North Davidson and restricted driveway access from North Davidson.
4. Provided a note prohibiting surface parking and street level parking structures from fronting on North Davidson Street and Brevard Street. Surface level parking and street levels of parking structures will be allowed to front Charles Avenue and Jordan Place, however such uses shall not occupy more than 50% of the street frontage along those streets.
 5. Provided a note prohibiting vehicular access into parking structures from North Davidson Street. However, if Jordan Place is realigned a new street connection from North Davidson Street into the site would be allowed.
 6. Increased the investment in public art from \$10,000 to \$50,000 and added a provision to allow the petitioner the option to direct the funds for public art towards restoring or relocating the existing smokestack.
 7. Committed to remove the first sentence under Note 4 Maximum Development, regarding height, as it is a minimum Ordinance requirement.
 8. Committed to amend the language of note 6.c. regarding surface and street level parking fronting on Jordan Place and Charles Avenue to make the intent more clear.
 9. Committed to replace the word "fifty" with "sixty" in Note 4 to match the numeral provided.
 10. Committed to replace "choses" with "chooses" in Note 7.

VOTE

Motion/Second:	Wiggins/Dodson
Yeas:	Dodson, Eschert, Labovitz, Lathrop, Nelson, Wiggins
Nays:	None
Absent:	None
Recused:	Sullivan

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the rezoning request and the changes since the public hearing. Staff stated that the petitioner has committed to address the final outstanding issues. A commissioner asked for more details regarding the adopted plan's recommendation for a maximum building height of 50 feet. Staff responded that generally the *Blue Line Extension Station Area Plan* had a goal to avoid a canyon like effect along the North Davidson Street corridor and protect single family neighborhoods. At this particular location the recommendation for the area of limited height is larger because it follows the parcel lines.

Another commissioner asked about the commitment to ground floor retail. Staff stated that the petitioner was able to keep the commitment for ground floor retail with a 60-foot maximum building height. This is consistent with other recently approved projects with ground floor commercial uses. There was no further discussion.

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:
 - Allows all uses in the TOD-M (transit oriented development – mixed-use) district.
 - Specifies that building heights will meet the requirements for TOD-M (transit oriented development – mixed use) development in the Ordinance except for an area, south of Jordan

Place along North Davidson Street, which is 100 feet deep, and limited to a maximum of 60 feet in height.

- Commits to a public street connection that extends from Jordan Place to the southern property line through the portion of the site south of Jordan Place.
- Commits to a minimum of 50% of the first floor (street level) façade of any buildings facing North Davidson Street accommodating commercial uses, exclusive of uses accessory to multi-family uses.
- Prohibits surface parking and street level parking structures from fronting on North Davidson Street and Brevard Street. Surface level parking and street levels of parking structures will be allowed to front Charles Avenue and Jordan Place, however such uses shall not occupy more than 50% of the street frontage along those streets.
- Prohibits vehicular access into parking structures from North Davidson Street. However, if Jordan Place is realigned a new street connection from North Davidson Street into the site would be allowed.
- Specifies that the commercial uses fronting North Davidson Street will incorporate doors accessible from the sidewalk along North Davidson Street and clear vision glass windows so that interior space may be visible from the street.
- Provides at least \$50,000 in public art to be located in areas visible from the public streets and may be freestanding or integrated into structures. Allows the petitioner the option to direct the funds for public art towards restoring or relocating the existing smokestack.
- **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plan – 25th Street Station Area* recommends transit supportive land uses for this and surrounding properties.
 - The plan recommends a maximum building height of 50 feet for the parcel on the south side of Jordan Place.
 - The proposed use is consistent with the *Blue Line Extension Transit Station Area Plan – 25th Street Station Area*; however, the proposed height exceeds the plan's recommended maximum for the portion of the site south of Jordan Place.

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 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 an infill site.

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
- 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
- Urban Forestry Review

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