

**REQUEST** Current Zoning: B-1 (neighborhood business)  
Proposed Zoning: MUDD-O (mixed use development, optional)

**LOCATION** Approximately 0.155 acres located on the east side of North Davidson Street between East 34<sup>th</sup> Street and East 35<sup>th</sup> Street.  
(Council District 1 - Kinsey)

**SUMMARY OF PETITION** The petition proposes to renovate and expand the existing building to allow all non-residential uses permitted in the MUDD (mixed use development) district.

**PROPERTY OWNER** 3106 North Davidson, LLC  
**PETITIONER** 3106 North Davidson LLC  
**AGENT/REPRESENTATIVE** Russell W. Fergusson

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: No attendees.

**STATEMENT OF CONSISTENCY** The non-residential uses allowed in the MUDD district proposed by this petition are found to be consistent with the *Blue Line Extension Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of residential, office and retail uses.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the request:

- Allows reuse of the existing structure with a 500-square foot addition and 910 square feet for outdoor seating; and
- Allows all non-residential uses permitted in the MUDD district and provides active uses at the ground level and clear glass windows and doors with entrances that front and connect to the sidewalk; and
- Limits maximum building height to 40 feet; and
- Prohibits vinyl as a building material; and
- Provides a six-foot fence and landscape screen along a portion of the rear property line adjacent to single family zoning; and
- Requests an option to not require off-street parking spaces; and
- Provides 26 bicycle parking spaces;

By a 6-0 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Ryan).

**ZONING COMMITTEE ACTION** The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Redrew the site plan using an engineering scale.
2. Reflected a small and large maturing tree interior to the site.
3. Removed the note indicated that Loblolly Pines will be provided at the rear of the property abutting the R-5 (single family) property and indicated that evergreen trees will be provided.
4. Staff rescinded the request to reflect space for perimeter trees along North Davidson Street as required by the Tree Ordinance.

**VOTE** Motion/Second: Labovitz/Ryan  
Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan  
Nays: None  
Absent: Walker  
Recused: None

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**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that all outstanding issues have been addressed. It was noted that the petition is consistent with the *Blue Line Extension Station Area Plan*. There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Reuse of an existing 2,632-square foot building, with a 500-square foot addition for a maximum of 3,132 interior square feet, an additional 910 square feet of outdoor seating, and a permanent canopy addition to the front of the structure.
- Permitted uses include non-residential uses allowed in the MUDD (mixed use development) district.
- Maximum building height of 40 feet.
- Trash and recycling rollout containers are located inside an enclosure.
- Front and north side building elevations, which include proposed additions.
- Maximum of 26 bicycle spaces provided on site, with a five-foot deeded access to additional spaces for an existing eating/drinking/entertainment establishment located on an adjacent parcel.
- Vinyl is prohibited as a building material but may be used on windows, soffits, garage doors or handrails/railings.
- A six-foot wooden fence and evergreen trees will be provided at the rear of the property abutting R-5 (single family residential) zoned tax parcel 08308309.
- Detached lighting limited to a maximum of 20 feet in height.
- A small and large maturing tree will be provided interior to the site to meet Tree Ordinance requirements.
- Optional requests include:
  - Require no parking for this use.
  - Allow a minimum setback of 14 feet instead of 16 feet as specified in the adopted area plan.
  - Allow the existing six-foot sidewalk to remain and not require an eight-foot planting strip or 200-square foot pavement cutout.

**• Public Plans and Policies**

- The *Blue Line Extension Transit Station Area Plan* (2013), specifically the 36<sup>th</sup> Street Transit Station Area, recommends a mix of residential, office and retail uses in this area. The plan recommends a maximum building height of 50 feet, with active uses at the ground level, and clear glass windows and doors, with entrances that front and connect to the sidewalk.
  - The petition is consistent with the *Blue Line Extension Transit Station Area Plan* (2013).
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**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 comments received.
- **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 reusing and rehabilitating an existing structure.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://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

**Planner:** Sonja Sanders (704) 336-8327