

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.122 acres located on the east side of North Davidson Street between Mercury Street and East 37 th Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to expand and reuse an existing residential structure as either a residence or an office.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The potential use as a residence is consistent with the adopted plan while the potential general office use is inconsistent with the adopted plan. However, reuse of the existing structure ensures physical and visual compatibility with the scale and character of the established neighborhood.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	3410 NODA, LLC 3410 NODA, LLC Seth J. Wheeler
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 54

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Reuse of an existing 1,175-square foot one story residential structure as either a residence or for general office uses.
- Maximum building not to exceed 1,800 square feet, with a possible 625 square-foot expansion.
- The proposed addition will be residential in character and scale, and match the existing structure in terms of building materials, roof pitch and foundation. Vinyl as a building material may only be used on windows.
- Parking will be located at the rear of the site and will be screened by a six-foot privacy fence.
- No expanse of blank wall will exceed 20 feet in length.
- A seven-foot wide sidewalk will be provided along the site's frontage on North Davidson Street.
- The existing six-foot wooden privacy fence along a portion of the site's boundary is to remain and portions may be repositioned.
- Detached lighting limited to 20 feet in height and all new lighting shall be full cut-off type lighting fixtures excluding lower decorative lighting.
- Optional requests:
 - Eliminate the additional third onsite parking space required due to the proposed future expansion area not to exceed 625 square feet.
 - Retain the current sidewalk location and widen to seven feet, with no planting strip.

- **Existing Zoning and Land Use**

- The subject property is developed with a single family detached dwelling. The site is surrounded primarily by a mix of single family and multi-family residential, with a few commercial uses on properties zoned R-5 (single family residential), UR-2(CD) (urban residential, conditional), UR-3(CD) (urban residential, conditional), MUDD-O (mixed use development, optional), and TOD-R (transit oriented development - residential).

- **Rezoning History in Area**

- Petition 2012-042 rezoned 10.3 acres located on the north side of North Davidson Street between East 36th Street and Patterson Road to TOD-R (transit oriented development - residential) to allow transit supportive development within ¼ mile of the 36th Street transit station along the proposed Blue Line Extension (BLE) Light Rail Transit (LRT) project.
- Petition 2012-001 approved a MUDD-O (mixed use development, optional) site plan amendment for 3.87 acres located on the northeast corner of North Davidson Street and East 36th Street to allow an increase in the number of residential units from 160 to 250 units, and to reduce the

amount of non-residential square footage within the Neighborhood Theater building from 42,000 to 22,500 square feet.

- **Public Plans and Policies**

- *The 36th Street BLE Transit Station Area Plan* (2013) recommends low density residential uses (up to eight units per acre) in this area and limits height to 40 feet for compatibility with the surrounding character. This site is between ¼ and ½ mile walk distance from the 36th Street Transit Station.
- The potential residential use is consistent but the potential general office use is inconsistent with the adopted policies in the *36th Street BLE Transit Station Area Plan*.

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: 10 trips per day.
Proposed Zoning: 60 trips per day.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **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 comments received.

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 an existing building.

OUTSTANDING ISSUES

- The petitioner should:
 1. Amend Note 6a to remove “the petitioner will utilize good faith diligent efforts,” and specify the materials proposed for landscape treatment or provide a cross-section of the landscaped area.
 2. Amend Note 5D as follows: “Any proposed addition will not have expanses of blank wall that exceed 20 continuous feet in length.”

Attachments Online at 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
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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