

<b>REQUEST</b>	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 0.151 acres located on the west side of North Davidson Street between East 35 <sup>th</sup> Street and East 36 <sup>th</sup> Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to reuse an existing building in the NoDa neighborhood for any uses permitted in the MUDD (mixed use development) district. Uses allowed in the MUDD (mixed use development) district include office, residential, retail and civic uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Pamela B. Martin NODA 3215, LLC Russell W. Fergusson
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: No attendees
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Blue Line Extension Transit Station Area Plans</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends transit oriented development for this site.</li> </ul> </li> <li>• 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: <ul style="list-style-type: none"> <li>• The subject property is located on North Davidson Street, the main street for the NoDa business district; and</li> <li>• The rezoning proposes reuse of an existing structure that is compatible with surrounding uses and maintains the unique character of the NoDa business district as recommended by the Community Design Guidelines of the area plan; and</li> <li>• The proposed site plan limits the height of any future addition to the existing structure to 50 feet, which is consistent with the recommendation in the Structure Plan, the section of the area plan that governs building height; and</li> <li>• The site is within ¼ mile walk distance or less than a five-minute walk from the 36th Street Transit Station and supports the City's policies to encourage the location and retention of a healthy mix of transit supportive businesses in transit station areas; and</li> <li>• The option to reduce parking to zero spaces will allow the site to accommodate the desired streetscape and activate the pedestrian environment with a patio area, outdoor seating, and landscaping; and</li> <li>• In addition, the site is not located adjacent to existing residential dwellings (closest residential dwelling is a duplex that is approximately 140 feet from the subject property), which helps to mitigate any concern with spillover parking in established low density residential areas;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Eschert seconded by Majeed).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:  <u>Site and Building Design</u> 1. Clarified that artwork and design components referenced in
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Note 6C under "Architectural Standards" and labeled on Sheet AZ-1 will be provided in outdoor spaces as part of patio and planting areas.

2. Specified that additional covered patios and permanent fixed awnings may be added to existing buildings.
3. Labeled the existing/future back of curb along North Davidson Street on the site plan.
4. Clarified information regarding changes or modifications to the existing mural as follows: "Existing building mural shall remain and may be modified but existing lettering may be removed. Modifications to the mural shall not result in the mural becoming a sign as determined by the Zoning Administrator."

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition and noted that there are no outstanding issues. A committee member expressed concern about limiting the maximum building height to 50 feet due to the uncertainty of what may be built in the future.

Staff noted that this petition is consistent with the *Blue Line Extension Transit Station Area Plans*.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**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 2,000-square foot building, with the addition of a potential 500-square foot roof deck and a 3,500-square foot patio and exterior seating area.
- Existing building to remain the same height with the exception of a potential roof patio, additional covered patios, and permanent fixed awnings.
- Maximum building height of 50 feet.
- Petitioner can only add windows and/or glazing to the side of the building facing North Davidson Street, and the existing windows may not be covered under any circumstances. Other urban design elements include pedestrian oriented entrances, and covered and uncovered patios.
- Artwork and design components shall be incorporated, and the existing building mural on the front façade shall remain while the existing lettering may be removed.
- 16-foot front setback measured from the back of the existing/future curb, whichever is greater.
- Existing building mural shall remain and may be modified but existing lettering may be removed. Such modifications shall not result in the mural becoming a sign as determined by the Zoning Administrator.
- Optional Provisions:
  - Parking requirements shall be reduced to zero total spaces for any permitted uses and no parking shall be required for the proposed expansion.
  - Existing buildings, façade, entryways and doors may be preserved and additional doorways may be added, including roll-up doors.
  - The existing sidewalk footprint shall remain with improvement of the curb and implementation of a modified Type II commercial drive.
  - Planting areas, as shown, shall replace the requirement for planting strips and may encroach into the 16-foot setback.

• **Public Plans and Policies**

- The *Blue Line Extension Transit Station Area Plans* (2013) recommend transit oriented development on the subject site. The site is within the 36<sup>th</sup> Street Transit Station area.
- The Community Design Guidelines within the plan encourage the reuse of existing

structures, and suggest that infill buildings along North Davidson Street between 34<sup>th</sup> Street and 36<sup>th</sup> Street match the predominate condition of setback, streetscape cross section, and sidewalk width of adjacent sites as feasible.

- The structure map in the plan recommends a height limit of 50 feet to maintain a scale that is compatible with the surrounding area and avoid a canyon effect along North Davidson Street.
  
- **TRANSPORTATION CONSIDERATIONS**
  - This site is on a minor thoroughfare. The site plan substantially complies with the Main Street cross section envisioned in the *Blue Line Extension Transit Station Area Plan* for the 36<sup>th</sup> Street Station. CDOT has not identified any negative impacts to the transportation facilities in the area.
  - **Vehicle Trip Generation:**  
Current Zoning: 280 trips per day (based on an existing 1,500-square foot eating/drinking/entertainment establishment).  
Proposed Zoning: Too many uses allowed in the MUDD (mixed use development) district to determine the trips per day.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Charlotte Fire Department:** No issues.
  - **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 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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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Fire Department 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
  - Transportation Review

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