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| REQUEST | Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional) |
| LOCATION | Approximately 0.151 acres located on the west side of North Davidson Street between East 35 th Street and East 36 th Street. (Council District 1 - Kinsey) |
| SUMMARY OF PETITION | The petition seeks 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. |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Pamela B. Martin NODA 3215, LLC Russell W. Fergusson |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: No attendees. |

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| STAFF RECOMMENDATION | <p>Staff recommends approval of the petition upon resolution of the outstanding issues related to site and building design.</p> <p><u>Plan Consistency</u> The petition is consistent with the adopted <i>Blue Line Extension Transit Station Area Plans</i> which recommends transit oriented development.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The subject property is located on North Davidson Street, the main street for the NoDa business district. • 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. • 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. • In addition, 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. • 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. • 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. |
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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 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 front façade shall remain while the existing lettering may be removed.
 - 16-foot front setback measured from the back of the existing or future curb, whichever is greater.
 - 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.
 - **Existing Zoning and Land Use**
 - The subject property is developed with a building formerly used as an eating/drinking/entertainment establishment.
 - Surrounding properties on either side of North Davidson Street are zoned NS (neighborhood services), MUDD (mixed use development), MUDD-O (mixed use development, optional), B-1 (neighborhood business), TOD-R (transit oriented development - residential) TOD-M (transit oriented development – mixed use), R-5 (single family residential) and I-2 (general industrial) and developed with office, commercial/retail, eating/drinking/entertainment establishments, indoor recreation, warehouse, residential uses and a fire station.
 - See “Rezoning Map” for existing zoning in the area.
 - **Rezoning History in Area**
 - There have been several rezonings in the area to MUDD-O (mixed use development, optional) and TOD-MO (transit oriented development – mixed use, optional) to accommodate retail, office and mixed use developments.
 - **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plans* recommend transit oriented development on the subject site. The site is within the 36th 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 34th Street and 36th 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 N. 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 36th 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:** In relation to the parcels under review, Charlotte Water currently has water system availability via an existing eight-inch water main located along North Davidson Street. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along North Davidson Street.

- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**
 - Ground Water Services (GWS) records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In ARGU where municipally supplied water is available water supply wells for water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Clarify the artwork and design components referenced in Note 6C under Architectural Standards and labeled on Sheet AZ-1.
2. Provide specifics regarding type of proposed awning, i.e. canopy or tent.
3. Identify the future back-of-curb on the site plan.
4. Clarify if the existing mural can be changed or modified.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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