

REQUEST	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment) with five-year vested rights
LOCATION	Approximately 1.4 acres located on the north side of North Davidson Street between East 33rd Street and North Brevard Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition seeks a site plan amendment to construct up to 35 single family attached units on two areas currently used as surface parking on the site of the existing Highland Mill No. 3 in the North Davidson neighborhood. The site and the mill are locally designated historic landmarks.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Quadbridge HML Outparcels Owner, LLC Saussy Burbank, LLC Collin Brown and Bailey Patrick, Jr., KL Gates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and minor technical issues.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Blue Line Extension Transit Station Area Plans</i> recommendation for transit supportive uses. The petition is inconsistent with the adopted streetscape recommendations for North Davidson Street and North Brevard Street and does not implement the active ground floor retail street elements along North Davidson Street within the plan.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The site is located approximately ½ mile from the 36th Street transit station and is included in a larger area envisioned to be developed with transit supportive uses. • The proposed addition of townhomes provides a new housing option, in addition to the multi-family and detached single family units nearby, to the transit station area as encouraged by the <i>Transit Station Area Principles</i>. • The site design, especially the proposed building locations, respects the existing historic Highland Mill building by maintaining visibility of the mill from North Davidson Street and respecting the established setback, as requested by the Historic Landmarks Commission. • While the proposal does not provide active ground floor retail uses along the frontage of North Davidson Street, as recommended by the plan, it does activate the corner of North Davidson Street and East 33rd Street with a grassed and treed open space area. • The proposed streetscapes maximize the limited space, given the existing mature trees, and improves the pedestrian environment with wider sidewalks on 33rd Street and North Brevard Street.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan amendment contains the following changes:
 - Divides the site into Development Area 1, and Development Area 2 to allow a total of 35 single family attached dwelling units, at a maximum height of three stories and 45 feet.
 - Development Area 1, located along North Brevard Street, and Development Area 2, located along North Davidson Street and East 33rd Street, are currently used for surface parking and

- grassed area.
- Provides an open space area up to 2,500 square feet in Development Area 2 at the corner of North Davidson Street and 33rd Street with improvements to include hardscape, landscaping, seating, bicycle racks and public art as depicted on the conceptual rendering.
- The architectural design and exterior elements of the townhomes to be developed on the site shall be substantially similar to the conceptual renderings submitted with the rezoning.
- Optional Provisions:
 - Relief from the standard streetscape requirements to allow a sixteen-foot minimum setback measured from the existing back-of-curb instead of the future back-of-curb, in order to maintain the mature oak trees, existing planting strip and eight-foot wide sidewalk along the site's 33rd Street frontage.
 - Deviation from the standard streetscape requirements to allow the elimination of the bicycle lanes on Brevard Street.
 - Deviation to allow a 33-foot setback, as requested by the Historic Landmarks Commission, instead of a 20-foot setback on North Davidson Street in order to provide a view corridor to the historic mill building.
 - Relief from the standard ordinance requirements for active ground floor retail street requirements on North Davidson due to the requested 33-foot setback.
- **Existing Zoning and Land Use**
 - The subject property is part of 9.22 acres rezoned to MUDD-O (mixed use development, optional) via Petition 2001-37 to allow the reuse of Highland Mill No. 3. The approved rezoning allowed a mixed use development consisting of 220,400 square feet of office, 10,000 square feet of retail and 50 residential units within the existing Highland Mill No 3. Building.
 - A subsequent administrative approval granted in October 2001 modified the approved development rights to allow 10,000 square feet of retail/office and 220 residential units.
 - The rezoning site, composed of Development Area 1 and Development Area 2, is currently used as parking and grassed area serving the larger 9.22 acres developed with multi-family, office, and retail uses within the restored Highland Mill No. 3.
 - North of the rezoning site are the Yards at NoDa multi-family apartment complex, vacant land, and industrial/warehouse uses zoned MUDD(CD) (mixed use development, conditional), TOD-M(O) (transit oriented development – mixed-use, optional), and I-2 (general industrial).
 - East, south, and west are single family and multi-family residential communities, office, retail uses, a YMCA and mixed use developments zoned R-5 (single family residential), R-8(CD) (single family residential, conditional), NS (neighborhood services), O-1(CD) (office, conditional), MUDD-O (mixed use development, optional), TOD-M (transit oriented development – mixed-use), TOD-M(O) (transit oriented development – mixed-use, optional), and TOD-R (transit oriented development – residential).
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been several rezonings in the area in recent years 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* (2013) recommends transit supportive uses for the proposed site.
 - The plan recommends a height limit of 50 feet for this area.
 - The frontage along North Davidson Street from the east side of the property line to the westernmost 33rd Street connection is recommended as an active ground floor retail street.
 - The adopted street cross section transitions from an Avenue to a Main Street along the North Davidson Street frontage of the proposed site at the westernmost 33rd Street. The adopted cross sections are as follows:
 - North Davidson Street (along the portion of the site that is included in the site plan amendment): eight-foot sidewalk and eight-foot planting strip with a 20-foot setback for residential uses (and 16-foot setback for non-residential uses). The curb is recommended to be relocated to accommodate on-street parking on both sides.
 - North Brevard Street: eight-foot sidewalk and eight-foot planting strip with a 16-foot setback, with an option to widen the street for on-street parking and bike lanes.
- **TRANSPORTATION CONSIDERATIONS**
 - This site is on local streets near the LYNX Blue Line Extension and proposed Cross Charlotte Trail. The site plan reflects the curblines and streetscape desired by CDOT to accomplish transportation goals in support of the intensification of development requested by this petition.

- The *Blue Line Extension Transit Station Area Plan* calls for bike lanes on North Brevard Street. However, CDOT has determined that a shared use lane is adequate.
- See Outstanding Issues, Note 1.
- **Vehicle Trip Generation:**
Current Zoning: 0 trips per day (based on use as a parking lot and grassed area).
Proposed Zoning: 350 trips per day (based on 35 single family attached dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No on-street parking is permitted on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce one student. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Highland Renaissance Elementary (97%), Martin Luther King Jr. Middle (101%) and Garinger High (129%).
- **Charlotte-Mecklenburg Storm Water Services:** See Requested Technical Revisions, Notes 2 and 3.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along North Davidson Street. There is also system availability via an eight-inch water distribution main located along North Brevard Street and an existing six-inch water distribution main located within the rezoning boundary along East 33rd Street. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along East 33rd Street and North Davidson Street. There is also system availability via existing 15-inch and eight-inch gravity sewer mains located along North Brevard Street.
- **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 Department:** Coordinate removal of the three trees at corner of 33rd and North Davidson with Urban Forestry.

OUTSTANDING ISSUESTransportation

1. Revise the site plan to show and label existing/proposed right-of-way, permanent sidewalk utility easement (SUE), back of curblines, and the existing centerline with dimensions on each public street frontage. CDOT requests dedication in fee simple of right-of-way through back of proposed sidewalk.

REQUESTED TECHNICAL REVISIONSInfrastructure

2. Revise Note B under Optional Provisions to read as follows: "Petitioner requests a deviation from the standard ordinance requirements to allow stormwater facilities to be located below sidewalks and private drives as long as they are outside of any required setbacks and public street right-of-way."
3. Replace the note under Stormwater with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance."

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review

- Charlotte-Mecklenburg Schools 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
- Urban Forestry Review

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