

REQUEST	Current Zoning: UR-3(CD) (urban residential, conditional) Proposed Zoning: UR-3(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 0.23 acres located on the southeast corner of the intersection of North Davidson Street and East 37 th Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes an amendment to existing entitlements for an unbuilt mixed use development in the North Davidson neighborhood within ½ mile of the 36 th Street Transit Station to allow 10,000 square feet of building area for office and/or retail uses and eight multi-family live/work dwelling units. Office/retail uses are limited to the first floor.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	NODA Terrace, LLC NODA Terrace, LLC Stanley Hines
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be inconsistent with the <i>Blue Line Extension Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends single family residential uses up to five units per acre. • The plan recommends an increased setback and lower height limitations. • The proposed development exceeds the 40-foot height limit set forth in the adopted area plan. • However, this petition was 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"> • The adopted plan calls for single family for the subject property; however, current entitlements per rezoning petition 2005-160 already allow 8,000 square feet of office/retail uses and eight dwelling units to be built on the subject site; and • The site is currently vacant and is located with ½ mile of the 36th Street Station of the LYNX Blue Line Extension; and • The proposed development will not remove established single family uses, and will not encroach into the abutting single family residential neighborhood; and • The proposed development is located adjacent to urban townhome and apartment projects in transit oriented and urban residential zoning districts along North Davidson Street; and • This development will provide ground floor commercial uses that could serve the nearby residents; and • The site design for the proposed development supports walkability in the area by locating the building at the back of the sidewalk and placing parking away from the site frontage; <p>By a 6-0 vote of the Zoning Committee (motion by Fryday seconded by McClung).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications: 1. Showed location of solid waste and recycling for the nonresidential uses required per Section 12.403 of the zoning ordinance.
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2. Provided a 16-foot setback per the ordinance and adopted streetscape plan.
3. Amended Development Data to remove “no off-street parking.”
4. Amended Note 18 pertaining to the Davidson Street and 37th Street Elevations as follows:
 - a. The proposed building will have a four story elevation on the North Davidson Street side, stepping down to a two-story elevation at the rear of the property.
 - b. The building exterior will consist of masonry on the ground floor, fiber cement panels and fiber cement siding on the top three floors with standing seam metal or hard coat stucco (TBD) at focal points as noted on the plan.
 - c. Doors on the ground floor North Davidson Street side will be recessed so they are of the plane of the North Davidson Street elevation.
 - d. The height of the building at the highest point is 54’-6” and meets the maximum height criteria at the point located for adjoining properties. The first floor and all other three floors consist of 10’-1” ceiling heights with 1’-7” floor systems between, for a total wall elevation of slightly less than 45 feet at the highest wall, which is the North Davidson Street elevation.
5. The 16-foot setback has been measured from the future back-of-curb along North Davidson Street.
6. The curb and gutter is reflected in the future location, which is approximately 18.5 feet from the centerline of the road.
7. Amended Note 6 to state that the Petitioner shall convey to the City of Charlotte in fee simple title measuring 30 feet from the existing centerline. This additional right-of-way shall be conveyed prior to the issuance of the final certificate of occupancy.
8. Provided building elevations.
9. Removed note limiting retail uses to the ground floor.
10. Amended Note 7 to specify that the petitioner shall install a new eight-foot planting strip and five-foot sidewalk on E. 37th Street, which will terminate at the rear property line.
11. Amended Note 13 to add the following: The ground floor elevations shall incorporate clear vision glass.
12. Deleted the portion of Note 17, which read as follows: All restaurant uses shall be parked at a ratio of one space per 125 square feet.
13. Deleted Note 19, which reads as follows: The petitioner shall provide decorative street furniture to include a bench and a trash receptacle for pedestrian use in front of the proposed building adjacent to E. 37th Street and/or North Davidson Street.
14. Amended Note 18 to add the following: A minimum of 50% transparency will be provided on the ground floor.

VOTE

Motion/Second: Majeed/ Wiggins
 Yeas: Fryday, Majeed, McClung, Spencer, Watkins and Wiggins
 Nays: None
 Absent: Lathrop
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided an update on the petition pointing out that there are no outstanding site plan issues. Staff noted that the petition is inconsistent with the *Blue Line Extension Transit Station Area Plan*, which recommends single family residential uses up to five units per acre for the site. However, staff recommends approval of the petition as the proposed development supports walkability in the area. There was no further discussion.

STAFF OPINION

Staff recommends approval of this petition.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan amendment contains the following changes:

- Increases maximum building square footage from 8,000 to 10,000.
 - Provides a 16-foot setback per the ordinance and adopted streetscape plan.
 - Specifies eight multi-family live/work uses as opposed to just residential units as listed in the previous rezoning. Both petitions allow all uses permitted in the UR-3 (urban residential) district, which include dwellings, office, and commercial uses.
 - Reduces maximum building height from 60 feet to 57 feet along the south side of the building by increasing the side yard to 34 feet. Retains 60-foot height limit elsewhere.
 - Provides building elevations.
 - The proposed building will have a four story elevation on the North Davidson Street side, stepping down to a two-story elevation at the rear of the property.
 - The building exterior will consist of masonry on the ground floor, fiber cement panels and fiber cement siding on the top three floors with standing seam metal or hard coat stucco (TBD) at focal points as noted on the plan.
 - Doors on the ground floor North Davidson Street side will be recessed so they are of the plane of the North Davidson Street elevation.
 - A minimum 50% transparency will be provided on the ground floor.
 - The height of the building at the highest point is 54'-6" and meets the maximum height criteria at the point located for adjoining properties. The first floor and all other three floors consist of 10'-1" ceiling heights with 1'-7" floor systems between, for a total wall elevation of slightly less than 45 feet at the highest wall, which is the North Davidson Street elevation.
 - Removes the limitation of the retail uses (approximately 2,400 square feet).
 - Limits live/work units to the ground floor.
 - Provides a minimum of 12 parking spaces on-site.
 - Provides head-in and parallel parking on either side of the driveway.
 - Slightly relocates enclosed garbage container storage for roll-out service by having it take the place of two parking spaces.
 - Reduces driveway width from 26 feet to 23 feet, and removes pedestrian cross-walk across the driveway off East 37th Street.
 - Removes plantings in the five-foot side yard abutting tax parcel 09110C98 to the north due to building reconfiguration.
 - Relocates bike rack.
- Public Plans and Policies**
- The *Blue Line Extension Transit Station Area Plan* (2013) recommends single family uses up to five units per acre. This site is within ½ mile of the 36th Street Transit Station.
 - The adopted cross section in the *BLE Transit Station Area Plan* for North Davidson Street in this segment is for a Main Street classification including an eight-foot sidewalk and eight-foot planting strip, maintaining the existing on-street parking, and a 16-foot setback.
 - A future phase of the Cross Charlotte Trail is proposed along the nearby railroad spur, pending AC&W relocation implementation.
 - The area plan recommends a 40-foot height limit for this site.

• TRANSPORTATION CONSIDERATIONS

- This rezoning is located at the unsignalized intersection of a major thoroughfare and a local street. The current site plan commits to construction of area plan recommendations for future curblane location that this is fundamental requirement to develop the multimodal transportation system as envisioned by the area plan to support this type of development
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on undeveloped property).
 - Entitlement: 840 trips per day (based on 2,400 square feet of retail, 2,000 square feet of office uses, and eight apartment units allowed under Petition 2005-160).
 - Proposed Zoning: 1,520 trips per day (based on 10,000 square feet of retail uses).

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 issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate four students, while the development allowed under the proposed zoning will produce four students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development is not projected to increase the school utilization (without mobile classroom units) over existing conditions:
 - Highland Renaissance Academy remains at 101%;
 - Martin Luther King, Jr. Middle remains at 93%; and
 - Garinger High remains at 121%.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located on North Davidson Street and an existing six-inch water distribution main located along East 37th Street. Sewer system availability is provided via an existing eight-inch gravity sewer main along North Davidson Street and East 37th Street.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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OUTSTANDING ISSUES

Transportation

1. The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests that right-of-way be set at back of sidewalk.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- 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

Planner: Sonja Strayhorn Sanders (704) 336-8327