

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.

STAFF RECOMMENDATION	<p>Staff recommends approval of the petition upon resolution of outstanding issues related to transportation, site and building design, infrastructure, and minor land use issues.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Blue Line Extension Transit Station Area Plans</i>, which recommends single family residential uses up to five units per acre. The <i>Blue Line Extension Transit Station Area Plan</i> recommends an increased setback and lower height limitations. The proposed setback of 14 feet from back of future curb is inconsistent with the area plan recommendation for 16 feet. In addition the proposed development exceeds the 40-foot height limit set forth in the adopted area plan.</p> <p><u>Rationale for Recommendation</u></p> <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. • The site is currently vacant and is located with ½ mile of the 36th Street Station of the LYNX Blue Line Extension. • The proposed development will not remove established single family uses, and will not encroach into the abutting single family residential neighborhood. • The proposed development is located adjacent to urban townhome and apartment projects in transit oriented and urban residential zoning districts along North Davidson Street. • This development will provide ground floor commercial uses that could serve the nearby residents. • 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.
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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.
 - 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.
- Removes the limitation of the retail uses (approximately 2,400 square feet).
- Limits retail uses 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.
- **Existing Zoning and Land Use**
 - The subject property is currently vacant and was rezoned to UR-3(CD) (urban residential, conditional) by petition 2005-160 to allow a total square footage not to exceed 8,000. The second, third, and fourth stories were limited to a maximum of eight residential units. Retail and office uses were limited to the first floor and could not exceed 2,400 square feet. Building materials were a combination of masonry, wood siding and standing seam metal siding. Maximum building height was limited to two stories adjacent to the driveway and would be stepped to three and four stories towards North Davidson Street within the building limits line. The four-story element would face North Davidson Street and cascade down to a two-story element at the rear of the property, which would allow rooftop gardens, patio and/or balconies for some of the units, budget permitting.
 - The site is surrounded primarily by a mix of single family and multi-family residential dwellings on the south side of North Davidson Street in R-5 and R-8 (single family residential), UR-1 (urban residential), UR-2(CD) (urban residential, conditional) and MUDD-O (mixed use development, optional) zoning districts. A retail, theater, eating/drinking/entertainment establishment exists at the southeast corner of North Davidson Street and East 36th Street.
 - Properties located north of North Davidson Street are developed with multi-family residential and industrial warehouse uses in I-1 (light industrial), I-2 (general industrial), I-2(CD) (general industrial, conditional), UR-2(CD) (urban residential, conditional), TOD-R (transit oriented - residential), and TOD-M(CD) (transit oriented development - mixed-use, conditional) zoning districts.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2016-111 rezoned 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.
 - Petition 2016-79 rezoned 18.3 acres located on the west side of East Craighead Road between North Davidson Street and North Tryon Street to TOD-M(CD) (transit oriented development - mixed-use, conditional) with five-year vested rights to redevelop an existing industrial site located north of the NODA "Arts District" to allow transit supportive uses.
 - Petition 2015-83 rezoned 0.122 acres located on the east side of North Davidson Street between Mercury Street and East 37th Street to MUDD-O (mixed use development, optional) to expand and reuse an existing residential structure as either a residence or an office.
 - Petition 2012-72 rezoned approximately 0.53 acres located on the south side of Warp Street between Donatello Avenue and Herrin Avenue to UR-1(CD) (urban residential, conditional) to allow four single family detached dwellings.
 - Petition 2012-42 rezoned 10.30 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.
 - Petition 2012-01 approved a rezoning to MUDD-O (mixed use development, optional) for approximately 3.82 acres located on the northeast corner of North Davidson Street and East 36th Street to allow 250 residential units and up to 22,500 square feet of nonresidential uses.
- **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 does not follow the area plan recommendations for future curblines location and ordinance required setbacks which are measured from the future curblines as identified in the area plan. While CDOT has had discussions with the petitioner, the site plan has not been updated to reflect the appropriate changes. CDOT feels that this is a fundamental requirement to develop the multimodal transportation system as envisioned by the area plan to support this type of development.
 - See Outstanding Issues, Notes 8 through 11.
 - **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:** See Outstanding Issues, Note 12.
- **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.

OUTSTANDING ISSUES

Site and Building Design

1. Amend Note 18 to specify that a minimum 60% of glazing will be provided on the ground floor between two and ten feet of height.
2. Amend Note 18 to specify a minimum first floor height of 14 feet.
3. Amend Note 18 to specify that primary ground floor entrances will be provided for ground units at a minimum of one foot above grade.
4. Amend Note 12 to specify that all parking will be screened with a masonry wall three feet in height instead of with evergreen shrubs.
5. Demonstrate how Note 19 regarding decorative street furniture will be achieved.
6. Show location of solid waste and recycling for the nonresidential uses required per Section 12.403 of the zoning ordinance.
7. Provide a 16-foot setback per the ordinance and adopted streetscape plan.

Transportation

8. Measure the 16-foot setback from the future back of curb along North Davidson Street.
9. Petitioner is requested to construct the curb and gutter in the future location, which is approximately 18.5 feet from the centerline of the road.
10. 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. Add a note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.

Infrastructure

11. Remove Note 8 referencing parcel area and stormwater detention in its entirety, and replace with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance."

REQUESTED TECHNICAL REVISIONS

Land Use

12. Amend Note 17 to delete the following: "Final parking space totals will be dependent upon the final uses."
 13. Amend Development Data to remove "no off-street parking."
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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 Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327