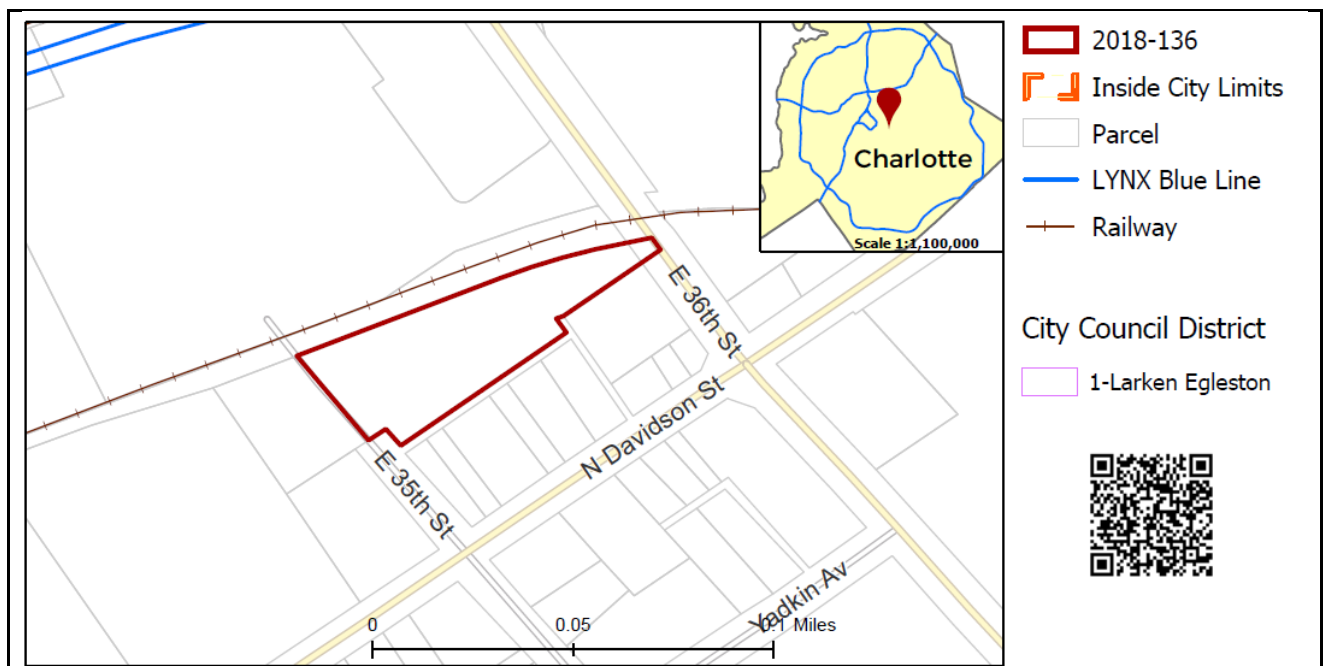


**REQUEST**

Current Zoning: TOD-MO (transit oriented development – mixed-use, optional)  
Proposed Zoning: TOD-MO SPA (transit oriented development – mixed-use, optional, site plan amendment)

**LOCATION**

Approximately 1.10 acres located south of the Norfolk Southern Railway between 35<sup>th</sup> Street and 36<sup>th</sup> Street.  
(Council District 1 - Egleston)



**SUMMARY OF PETITION**

The petition proposes a site plan amendment to add 2,500 square feet to the existing building square footage, for a total of up to 22,509 square feet of nonresidential uses that are permitted in the TOD-M district.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**  
**COMMUNITY MEETING**

AP 436 E. 36<sup>th</sup> Street LP c/o Asana Partners LP  
Asana Partners LP  
Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC  
Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: None

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the adopted land use recommendation per the *Blue Line Extension Transit Station Area Plan*.

Rationale for Recommendation

- The proposed site is located within ¼ mile walk distance from the 36<sup>th</sup> Street Transit Station on the LYNX Blue Line Extension.
- The proposed rezoning allows a building previously used for warehouse purposes to be reused for residential and nonresidential transit supportive uses.

- This site will provide a transition from the established business district on North Davidson Street to the multi-family development on the opposite side of the railroad corridor at the 36<sup>th</sup> Street transit station.
- The request meets the area plan's goal for activating the building frontage by providing entry patios on the building sides parallel to East 35<sup>th</sup> Street and East 36<sup>th</sup> Street.

## PLANNING STAFF REVIEW

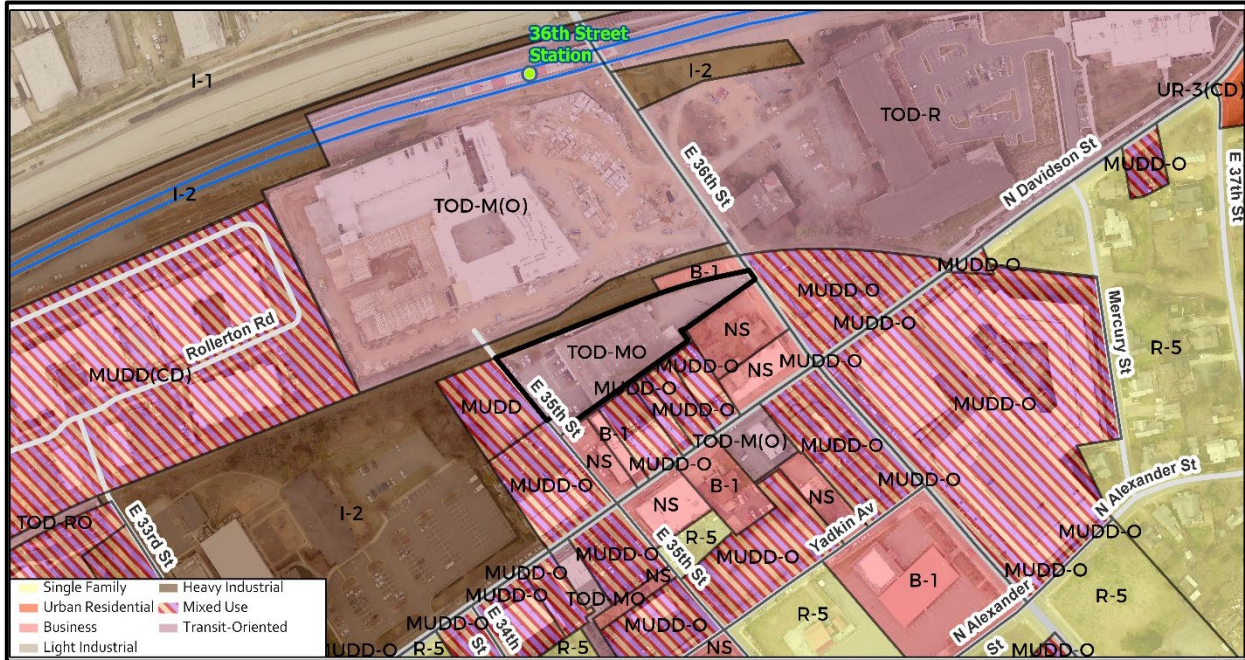
### • Proposed Request Details

The site plan amendment contains the following changes:

- Reuse of the existing building, with a 2,500-square foot expansion, for a maximum 22,509 square feet of building area for uses permitted in the TOD-M (transit oriented development - mixed-use) district. (Eliminating requirement for minimum of 5,000 square feet of nonresidential uses). **Construction of a new building, not including building additions, will require a rezoning.**
- **Two principal buildings allowed, which accounts for the bisection of the existing building.**
- A minimum 5,000 square feet of improved urban open space including outdoor seating will be provided.
- Maximum building height as allowed per the ordinance **of 67 feet. (Change from the limit of 79 feet per the previously approved petition 2016-86).**
- Building facades fronting on E. 36<sup>th</sup> Street and the future extension of E. 35<sup>th</sup> Street shall include windows for a minimum of 60% of the façade elevation facing those streets, and transparent glass between two and 10 feet on the first floor. Up to 20% of this requirement may be comprised of display windows, which must maintain a minimum of three-foot clear distance between window and rear wall, and may not be screened.
- **Building materials include a combination of brick, stone, precast stone, precast concrete, synthetic stone, metal, cementitious siding, stucco, EFIS or wood. Vinyl as a building material may only be used on windows and soffits, and handrails/railings.**
- Site access via E. 35<sup>th</sup> and E. 36<sup>th</sup> Street (A change from access from E. 35<sup>th</sup> Street, no vehicular access from E. 36<sup>th</sup> Street, and opening and improvement of the existing alley, per the previously approved petition 2016-86).
- Pedestrian access provided from both public streets, along the rear abutting the existing alley, and fronting the railroad, and a partial sidewalk along the rear of the building. (Change from a proposed pedestrian movement along the rear of the building connecting to both public streets per approved petition 2016-86).
- An eight-foot planting strip and eight-foot sidewalk will be provided along E. 35<sup>th</sup> Street.
- Removal of an existing garage along E. 35<sup>th</sup> Street.
- **Dedication of 28.5 feet of right-of-way along the site's western frontage when requested by the city to allow for completion of the E. 35<sup>th</sup> Street Extension.**
- Addition of patios at the building entrances on E. 35<sup>th</sup> Street, and E. 36<sup>th</sup> Street.
- A portion of the parking area between the building and E. 36<sup>th</sup> Street will be designed with pavement treatments to create an area for shared parking and pedestrian courtyard space.
- Retention and expansion of existing parking between the building and both public streets.
- The petitioner will commission a minimum of \$10,000 worth of public art to be installed on the site prior to the issuance of the final certificate of occupancy for the site, or alternatively choose to contribute the \$10,000 to the **Public Arts Fund managed by the Arts and Science Fund** to implement public art on the site. Such contribution will be made prior to the issuance of a certificate of occupancy for the proposed building. (Change from a minimum contribution of \$20,000 to an arts and science fund that would have been established by the petitioner)
- Optional Provisions:
  - Allow a minimum of 18 on-site parking spaces to meet the minimum parking requirements of the TOD-M district for the allowed uses, and to not require additional parking spaces when new or additional eating/drinking/entertainment establishment square footage is constructed on the site. Because the site is located within 800 feet of single family zoning a total of 150 parking spaces would be required should the entire 22,509 square foot building be used as an eating/drinking/entertainment establishment.
  - Allow existing and new on-site parking spaces to be screened from the adjoining public streets and properties, with a green screen. ~~Parking areas need not be screened from the existing rail line or the future multi-use path when constructed.~~ **Allow the parking areas adjacent to the future rail trail to not be screened until the rail trail is constructed. The screening of parking areas from the future rail trail may be screened with a green screen.**

- Not require installation of the required streetscape improvements along E. 36<sup>th</sup> Street due to limited street frontage, and the need for site access from E. 36<sup>th</sup> Street.
- Allow existing parking located between the existing building and E. 36<sup>th</sup> Street to remain, and allow existing parking between the building and the future extension of E. 35<sup>th</sup> Street to remain should E. 35<sup>th</sup> Street be extended.
- Allow a major façade renovation, in excess of 25% of the current tax value, without providing the required streetscape improvements along E. 36<sup>th</sup> Street.
- Allow a building expansion of up to 2,500 square feet without providing additional parking.
- Not require functional entrance to the future multi-use trail until the trail is constructed. Building fenestration along the future multi-use trail will be designed to allow the addition of entrances in the future.

• **Existing Zoning and Land Use**



- Petition 2016-86 rezoned the subject property to TOD-MO to allow a mix of residential and nonresidential transit supportive uses.
- The subject property is developed with a warehouse use.
- The site is generally surrounded on the north side of North Davidson Street by multi-family residential, industrial/warehouse, office, retail, eating/drinking/entertainment uses, and a YMCA. Properties located south of North Davidson Street are developed with residential, office, and retail uses.

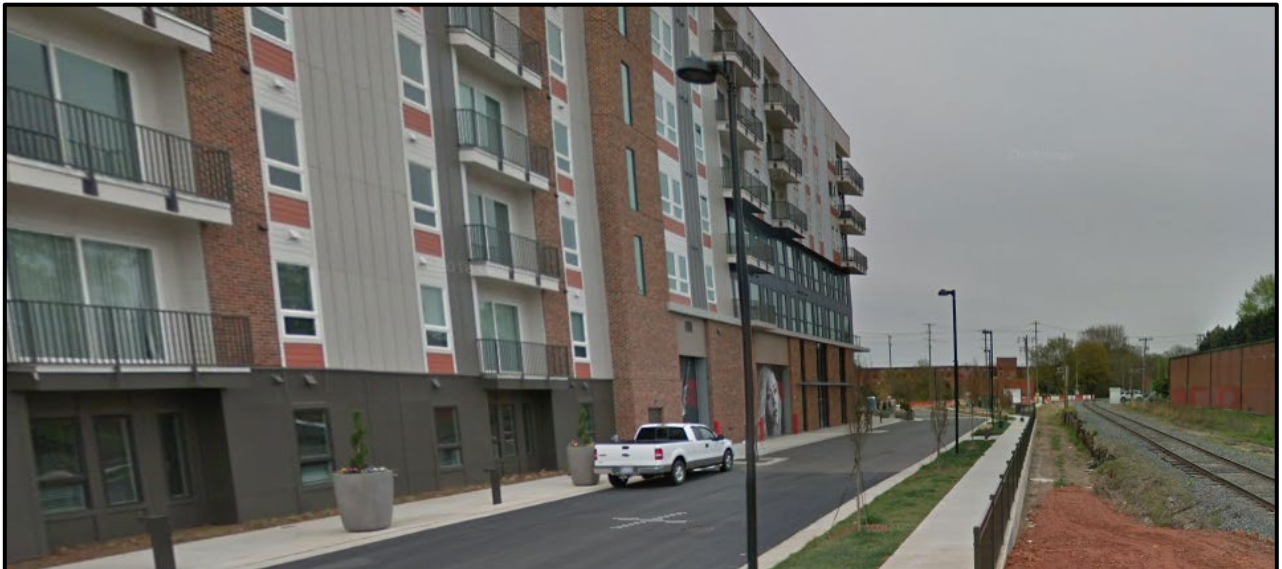


The subject property is developed with a warehouse use.





Properties to the east along North Davidson are a mix of eating, drinking, and entertainment establishments with some residential.

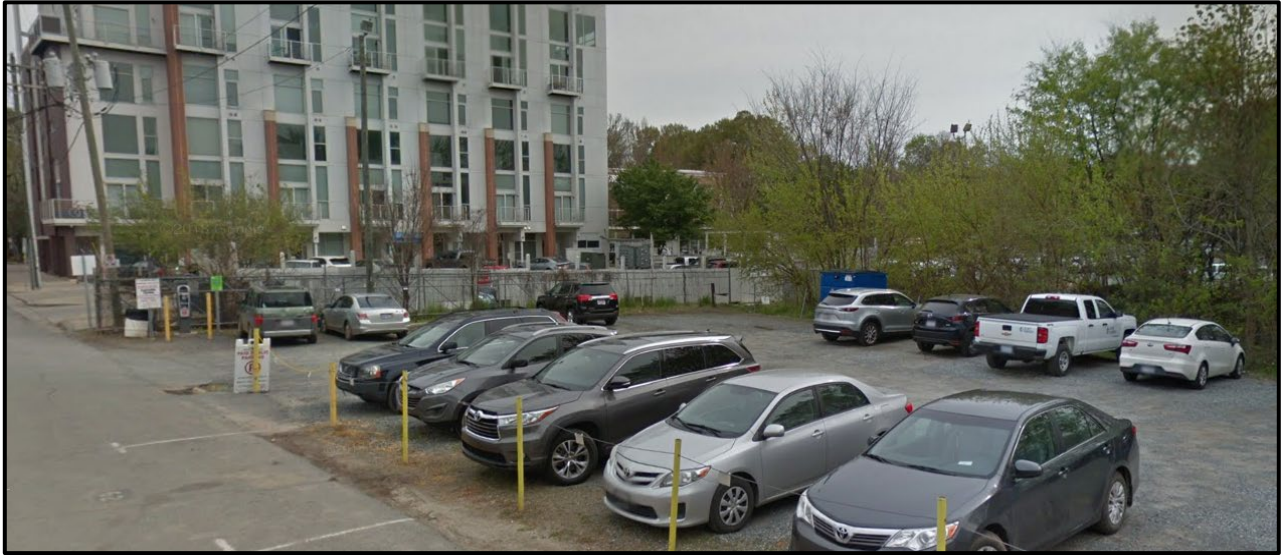


Properties to the west are multi-family residential along the light rail.



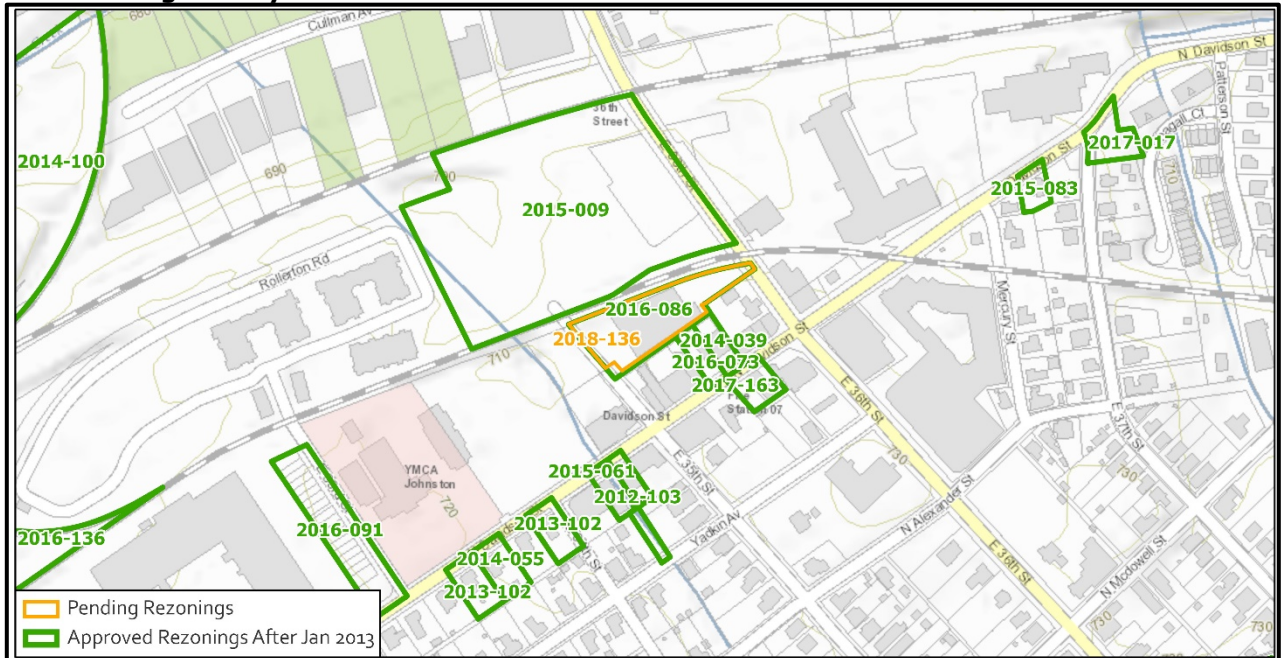
Properties to the north along East 36<sup>th</sup> Street are a mix of retail uses.





The property to south along East 35<sup>th</sup> Street is a parking lot.

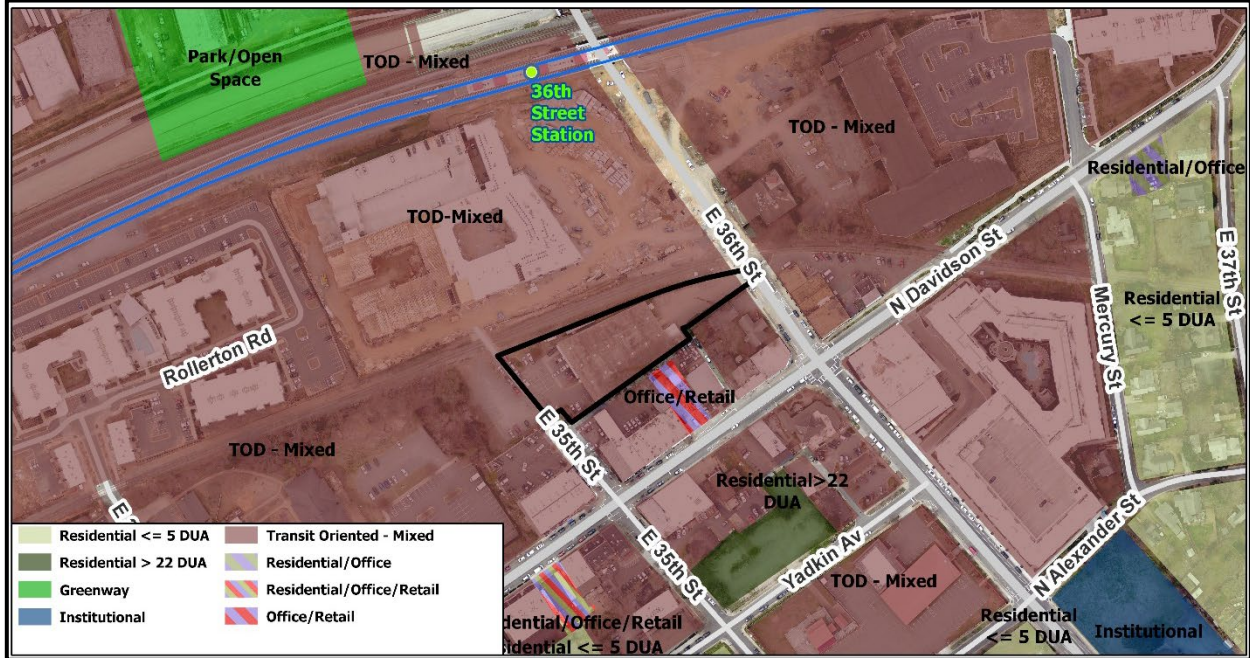
#### • Rezoning History in Area



| Petition Number                  | Summary of Petition                                                                                                                                                                                                            | Status   |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2016-086                         | Rezoned the subject property to TOD-MO (transit oriented development – mixed-use, optional) to allow a mix of residential and nonresidential transit supportive uses.                                                          | Approved |
| 2017-163<br>2015-009<br>2012-103 | Rezoned several properties fronting N. Davidson Street, Yadkin Avenue, and E. 36 <sup>th</sup> Street to TOD-MO (transit oriented development – mixed-use, optional) to allow various transit oriented uses.                   | Approved |
| 2016-136                         | Rezoned property located on the west side of N. Brevard Street between Faison Avenue and E. 33 <sup>rd</sup> Street to TOD-RO (transit oriented development –residential, optional) to allow up to 40 multi-family apartments. | Approved |
| 2016-091                         | Approved a MUDD-O (mixed use development, optional) site plan amendment to allow up to 35 single family attached dwelling units.                                                                                               | Approved |

|                                                          |                                                                                                                                                                                                                                                                                                                                                           |          |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2016-073<br>2015-083<br>2015-061<br>2014-055<br>2014-039 | Rezoned several properties fronting N. Davidson Street to MUDD-O (mixed use development, optional) to allow residential, office, and eating/drinking/entertainment establishments.                                                                                                                                                                        | Approved |
| 2014-100                                                 | Rezoned 15.5 acres to TOD-M(CD) (transit oriented development – mixed-use, conditional) to allow all uses permitted in the TOD-M district.                                                                                                                                                                                                                | Approved |
| 2013-102                                                 | Rezoned 0.40 acres to TOD-MO (transit oriented development – mixed-use, optional) and MUDD-O SPA (mixed use development, optional, site plan amendment) to allow all uses permitted in the TOD-M district, except automotive service stations, adult establishments, car washes, eating/drinking/entertainment establishments with drive through windows. | Approved |
| 2017-17                                                  | Approved a UR-3(CD) (urban residential, conditional) site plan amendment to allow 10,000 square feet of building area for office and/or retail uses, and eight multi-family live/work dwelling units.                                                                                                                                                     | Approved |

### • Public Plans and Policies



- The *Blue Line Extension Transit Station Area Plans* recommend transit supportive uses for the proposed site.
- The Structure Plan, which is part of the area plan, recommends a 50-foot height limit for the proposed site.
- The plan identifies 36<sup>th</sup> Street for active ground floor non-residential uses along the frontage of the proposed site.
- The plan acknowledges the potential future alignment of the Cross-Charlotte Trail loop along the existing railroad line adjacent to the proposed site.

### TRANSPORTATION CONSIDERATIONS

- The site is located on a minor thoroughfare and a local road. The site plan commits to pedestrian and street improvements on 35<sup>th</sup> Street. The site plan also commits to working with The City of Charlotte to provide continuous pedestrian access from 35<sup>th</sup> Street to 36<sup>th</sup> Street within the railroad right-of-way. CDOT continues to request the site plan to commit to streetscape along 36<sup>th</sup> Street to complement the zoning district of TOD-M(O).
- ~~See Outstanding Issues, Note 1.~~ Addressed



- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant parcel).

Entitlement: Too many uses to determine (based on TOD-M uses).

Proposed Zoning: Too many uses to determine (based on TOD-M uses).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential uses will have no impact on the school system.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along East 36<sup>th</sup> Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along East 36<sup>th</sup> Street
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**

Transportation

1. ~~As identified in the Council adopted Blue Line Extension Area Plan and TOD Zoning, the proposed land uses are to be more transit, walking and bike oriented and less auto focused. As part of the increased pedestrian and bike traffic, it is the City's goal to minimize the conflicts with vehicles. CDOT continues to request the petitioner coordinate with the adjacent owner of parcel 08308419 to combine the driveway access points to one shared access. This will help support the goals previously stated, minimize the interaction between driveways and the existing railroad crossing, and support the City's initiative of Vision Zero designed to reduce crashes and eliminate traffic-related deaths and severe injuries.~~ **Comment rescinded by staff.**

Site and Building Design

2. ~~Amend Note 3b under Permitted Uses to state that the existing building will be reused, and an addition of up to 2,500 square feet is allowed. Specify that the allowance of two principal buildings accounts for bisection of the existing building.~~ **Addressed**
3. ~~Add a note under Permitted Uses that a new rezoning will be required should a new building be proposed.~~ **Addressed**
4. ~~Specify building materials, and note that vinyl as a building material may only be used on windows, soffits and handrails/railings.~~ **Addressed**
5. ~~Limit maximum building height to 79 feet.~~ **Addressed. Limited to 67 feet.**
6. ~~Delete optional request to not screen parking areas from the future multi-use path.~~ **Addressed**
7. ~~Amend Note 5f under Architectural Standards to reference the Developer Public Art Fund managed by the Arts and Science Council.~~ **Addressed**
8. ~~Note on the site plan the location of the pedestrian courtyard area between 36<sup>th</sup> Street and the building.~~ **Addressed**

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review

- Charlotte Department of Housing and Neighborhood Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte-Douglas International Airport Review
- Charlotte Fire Department Review
- Charlotte Water Review
- Engineering and Property Management Review
  - Erosion Control
  - Land Development
  - Storm Water
  - Urban Forestry
- Mecklenburg County Parks and Recreation Review
- Transportation Review

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