

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2006-46**

<b>Property Owner:</b>	Fat City Investment Associates, LLC
<b>Petitioner:</b>	Fat City Investment Associates, LLC
<b>Location:</b>	Approximately 0.45 acres located southwest of East 35 <sup>th</sup> Street and northwest of North Davidson Street.
<b>Request:</b>	NS, neighborhood services to MUDD-O, mixed use development district, optional request.

### **Summary**

This petition proposes to rezone approximately 0.45 acres located southwest of East 35<sup>th</sup> Street and northwest of North Davidson Street from NS to MUDD-O to allow for a mixed use project within existing buildings consisting of residential and retail uses. The following are listed as optional requests:

- Reduction of one parking space from the required parking.
- 700 square feet of attached signage.
- Allow 24 inches of balcony overhang (with 8 to 9 feet of clearance) from the existing Fat City building façade fronting North Davidson Street into the right-of-way or beyond the property line.
- Waiver of the streetscape requirement of a 6-foot sidewalk and 8-foot planting strip along North Davidson Street and on East 35<sup>th</sup> Street along the portion of the site that is an existing parking lot.
- Waiver of 14-foot setback along North Davidson Street and East 35<sup>th</sup> Street to allow existing buildings to remain.

### **Conclusion**

The petition is located within one-half mile of a proposed rapid transit station and is consistent with the Transit Station Area Principles, which recommend that between a one-quarter and one-half mile walking distance from a transit station, mixed use intensities will be, at minimum, 0.50 FAR (net) and should yield at least 50 employees per acre. The North Charlotte Plan, superseded by the Transit Station Area Principles recommends neighborhood commercial uses for this area. The project has floor area ratio (FAR) of 1.9 and a density of 46.8 dwelling units per acre. This is consistent with the Transit Station Area Principles' minimums. Therefore, upon correction of the outstanding site plan issues, this petition is considered appropriate for approval.

## **Existing Zoning and Land Use**

The subject properties are zoned NS developed with commercial uses. Properties north and east of the site are zoned I-2, UR-3(CD), MUDD-O, NS, O-2, B-1, and R-5 and are developed with commercial, office and residential uses. Properties located west of the site are zoned I-2, MUDD-O, NS and R-5 and developed with commercial, office and residential land uses.

## **Rezoning History in Area**

Petition 2005-143 rezoned approximately 0.31 acres located on the south side of North Alexander Street, north of North Myers Street from R-5 to R-8(CD). Petition 2005-132 rezoned 0.23 acres located on the south side of North Davidson Street, east of East 33<sup>rd</sup> Street from R-5 to MUDD-O. Approximately 0.4416 of an acre located north of the intersection of North Davidson and 36<sup>th</sup> Street was rezoned from I-2 to MUDD-O via Petition 2005-128. Petition 2003-70 rezoned 0.267 acres located on the southeast corner of North Davidson Street and 34<sup>th</sup> Street from NS to MUDD-O.

## **Public Plans and Policies**

**Transit Station Area Principles (2001).** The Northeast Transit Corridor Major Investment Study (MIS) identified a potential rapid transit station at 36<sup>th</sup> Street. Recent analysis has recommended that the station be moved one block north of the MIS proposed location. This parcel is within a half mile of both locations, making it suitable for transit oriented development. The Transit Station Area Principles recommend that between a ¼ and ½ mile walking distance from a transit station, mixed use intensities will be, at minimum, 0.50 FAR (net) and should yield at least 50 employees per acre.

**North Charlotte Plan (1995).** The North Charlotte plan recommends neighborhood commercial uses for this area.

**Central District Plan (1993).** The Central District Plan recommends commercial land uses for this and surrounding parcels.

## **Proposed Request Details**

This petition proposes to develop a maximum of 38,000 square feet, consisting of 7,440 square feet of commercial uses and 21 multi-family residential units, at a density of 46.8 dwelling units per acre. The site plan accompanying this petition contains the following additional provisions:

- Petitioner will try to preserve approximately 3,200 square feet of the existing Fat City building shell and approximately 70 feet of the existing building façade fronting North Davidson Street.
- Approximately 33 parking spaces will be provided on site and along East 35<sup>th</sup> Street and North Davidson Street.

- Four bicycle parking spaces will be provided on site.
- The petitioner will work with the City Storm Water Services Department to pipe and cover the existing concrete bed drainage to the left of the property. A 25-foot easement will be granted from the adjacent property owner (YMCA) to allow the new Fat City building wall to be located within six to eighteen inches of the property line. Said easement area will provide outdoor space, an outdoor seating area and potential of pedestrian connectivity to the YMCA property.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 220 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 470 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to CDOT's support of the rezoning petition:

- CDOT can support the MUDD-O provision to keep the existing sidewalk along North Davidson Street between points "a" and "b" on the site plan if the petitioner commits to doing both of the following:
  - a. All obstructions (utility poles, fire hydrants, newspaper racks, etc.) are relocated out of the sidewalk to a place where there is more room, such as the plaza area near point "c" of the site plan.
  - b. The street level storefronts are recessed to create additional pedestrian circulation space.
- The driveway to 35<sup>th</sup> Street needs to align with the alley.

**CATS.** The petitioned sites are within the University Corridor transit study area identified in the 2025 Integrated Transit/Land-Use Plan. Bus service is available along North Davidson Street and 36<sup>th</sup> Street.

**Connectivity.** This request has an opportunity to create pedestrian connectivity from the back of the building to the abutting YMCA property via a 25-foot easement. The project will not obstruct any existing connections.

**Storm Water.** No significant downstream impacts due to drainage are foreseen due to the rezoning of this parcel.

**School Information.** Adequacy of existing school capacity in this area is a significant problem. This development will add approximately 3 students to three schools in this area. Under the current zoning, the property would generate no new students. The total estimated capital cost of providing the additional school capacity for this new development is \$40,000. See attached memo.

## **Outstanding Issues**

**Land Use.** The petition is located within one-half mile of a proposed rapid transit station and is consistent with the Transit Station Area Principles, which recommend that between a one-quarter and one-half mile walking distance from a transit station, mixed use intensities will be, at minimum, 0.50 FAR (net) and should yield at least 50 employees per acre. The project has floor area ratio (FAR) of 1.9 and a density of 46.8 dwelling units per acre. From a land use perspective, this petition is considered appropriate for approval.

**Site plan.** The following are outstanding site plan issues associated with the petition:

- Add note that bicycle parking will be provided per the zoning ordinance requirements.
- Delete portion of Note 6C. Section 12.403(4) is not applicable to the site.
- Align driveway with existing alley across East 35<sup>th</sup> Street, as requested by CDOT.
- Screen parking lot from East 35<sup>th</sup> Street, abutting property and proposed open space.
- Amend Note 4 to list a maximum of 7,440 square feet of commercial space. Additional square footage will require a new rezoning petition.
- The request for wall signage that is equal to 10 percent of the building wall cannot be supported by staff. The development should comply with the standards of the MUDD district, which allows five percent (5%) of the building wall, not to exceed 100 square feet. Additional signage is not needed for a building that is between five feet and nine feet from the street.
- The request to not provide the required streetscape improvements along East 35<sup>th</sup> Street along the surface parking lot cannot be supported. The development should comply with the required eight-foot planting strip and six-foot sidewalk, as well as provide screening.
- Proposed uses for the site should be limited to office, retail, restaurant, residential and personal services.
- Curb line at the corner of East 35<sup>th</sup> Street and North Davidson Street should match the corner radius across East 35<sup>th</sup> Street.