

**ZONING COMMITTEE
RECOMMENDATION
February 27, 2008**

Rezoning Petition No. 2008-004

Property Owner: North Davidson Acquisitions, LLC and Sharon Pate & Paul McBroom

Petitioner: North Davidson Acquisitions

Location: Approximately 3.87 acres located on the northeast corner of N. Davidson Street and E. 36th Street

Center, Corridor, or Wedge: Corridor

Request: NS, neighborhood services, O-2, office and R-5, single-family residential to MUDD-O, mixed use development district optional

Action: The Zoning Committee recommended **APPROVAL** of this petition with the following modifications:

- Provision of service access from Mercury Street, limits on delivery times (7 am-7 pm) and truck size.
- Note on site plan indicating agreement to dedicate and convey right-of-way measuring 25 feet from the existing centerline of Mercury Street if such right-of-way does not currently exist.
- Additional storm water notes on site plan as requested by Charlotte-Mecklenburg Storm Water Services.

Vote:

Yeas:	Howard, Johnson, Lipton, Loflin, and Rosenburgh
Nays:	None
Recused:	Sheild
Absent:	Randolph

Summary of Petition

This request is to rezone approximately 3.87 acres from NS, O-2 and R-5 to MUDD-O in order to accommodate up to 160 residential units, and up to 42,000 square feet of nonresidential uses. The development is a vertically integrated mixed-use project. An optional provision is being requested to allow parking between the buildings and Mercury Street. The site is currently developed with an existing one-story brick commercial building with associated parking, and single-family homes. The development details include:

- Construction of two mixed-use buildings (Buildings A and B) containing up to 160 residential units and 19,500 square feet of retail, with Building A having a maximum height of 75 feet and Building B having a height of not more than 55 feet
- Existing 22,500 square feet retail building to remain
- Construction of underground and ground level parking within Building A, a structured parking garage behind Building B, and parking areas adjacent Mercury Street
- Residents courtyard connected to Building A, and public plaza and pedestrian way between existing and proposed buildings, with pedestrian access onto N. Davidson and E. 36th Streets
- Installation of buffer plantings, planting strips, and sidewalks
- Vehicular access points onto Mercury, N. Davidson, and N. Alexander Streets
- Proposed abandonment of existing alleyways to accommodate development of site.

The proposal is consistent with the *North Charlotte Plan*, the *Transit Station Area Principles*, and the station area concept for the 36th Street transit station.

Zoning Committee Discussion/Rationale

Ms. Lyte-Graham reviewed the petition, noting the following changes made since City Council public hearing:

- Provision of service access from Mercury Street, limits on delivery times (7 am-7 pm) and truck size.
- Note on site plan indicating agreement to dedicate and convey right-of-way measuring 25 feet from the existing centerline of Mercury Street if such right-of-way does not currently exist.
- Additional storm water notes on site plan as requested by Charlotte-Mecklenburg Storm Water Services.

Ms. Lyte-Graham indicated that all outstanding items had been addressed and there was no discussion of this petition.

Statement of Consistency

Upon a motion made by Commissioner Johnson and seconded by Commissioner Lipton the Zoning Committee unanimously found this petition to be consistent with the *North Charlotte Plan* and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Lipton and seconded by Commissioner Johnson the Zoning Committee voted unanimously to recommend APPROVAL of this petition with modifications.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.