

PRE-HEARING STAFF ANALYSIS

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 district optional

Summary

The 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.

Consistency and Conclusion

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. The petitioner has worked with staff to address major outstanding site plan items, including agreeing to dedicate or convey requested right-of-way along the site's frontage of Mercury Street, and limiting service access from Mercury Street.

Existing Zoning and Land Use

The site in question is located in the NoDa District and is surrounded by a mix of residential, office, commercial/retail, and industrial uses on properties zoned R-5, MUDD-O, NS, O-2, UR-3(CD), and B-1.

Rezoning History in Area

There have been several recent rezonings in the area to MUDD-O, in order to accommodate an office, mixed-use projects, residential development, and to provide relief through optional

provisions for setback requirements, vehicular circulation prohibitions, and streetscape improvements.

Public Plans and Policies

The *North Charlotte Plan* (1995) recommends neighborhood commercial and multi-family residential land uses for these parcels. The *North Charlotte Plan* updated the 1993 Central District Plan for the NoDa area.

Proposed Request Details

The site plan accompanying the petition proposes the construction of up to 160 residential condominiums, up to 42,000 square feet of retail space (including 22,500 square feet existing and 19,500 square feet proposed), and parking. The existing one-story brick commercial building will remain. The proposed development details are as follows:

- 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
- Provision of service access from Mercury Street, limits on delivery times and truck size
- 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.
- Proposed abandonment of existing alleyways to accommodate development of site.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed the petition and states that under the existing zoning the site could generate approximately 2,360 trips per day and under the proposed zoning approximately 2,900 trips per day. CDOT has determined that the proposed rezoning will not have a significant impact on the surrounding thoroughfare system. In addition, CDOT has submitted the following comments:

- The petitioner has agreed to dedicate the requested right-of-way along the site's frontage of Mercury Street. This needs to be shown on a revised site plan.
- CDOT is in agreement with the proposed commercial driveway on Mercury Street provided that commercial vehicles are prohibited from 7:00 P.M. to 7:00 A.M. and that delivery/commercial vehicles are not greater in size than a single unit vehicle (SU-30).

Tractor-trailers (WB-40+) are prohibited. These restrictions need to be noted on a revised site plan.

- Petitioner has agreed to provide an internal sidewalk to connect the Mercury Street sidewalk with the development's plazas. This sidewalk needs to be shown on a revised site plan.

CATS. Charlotte Area Transit System (CATS) has reviewed the petition and has requested that the following be provided on the site plan and/or accompanying notes:

- The petitioner's site is currently served on 36th Street by Route 3 Plaza Road and Route 23 Shamrock Drive.
- The amended site plan does not appear to include the CATS rezoning request for the petitioner to construct a shelter pad to be located on 36th St. approximately 60' north of the intersection of 36th St. and Alexander St., constructed to CATS Development Standards 60.03 A (see attached).
- CATS requests the petitioner to please designate such in the revised site plan and/or accompanying notes.

Connectivity. Vehicular connectivity is proposed via access points onto Mercury, N. Davidson, and N. Alexander Streets. Pedestrian access is proposed via internal pedestrian ways connecting to existing and proposed sidewalks along the adjacent rights-of-way.

Storm Water. Storm Water Services (SWS) has reviewed the petition and provided comments regarding development and redevelopment projects within transit station areas, storm water quantity control, storm water quality treatment, and volume and peak control.

School Information. CMS notes that the development allowed under existing zoning will not generate students, while the development allowed under the proposed zoning will produce 7 students.

Outstanding Issues

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

Site plan. The petitioner must address the following site plan items:

- Under Development Summary, petitioner needs to include information regarding provided parking per requirements.
- The petitioner has added a note on the site plan pertaining to abandonment of the alleyways contained within the property. Rezoning approval is subject to formal abandonment of these alleyways.
- The petitioner must address the CATS and Storm Water Services notes.