

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-012

Property Owner: RM 36th Street Investors, LLC

Petitioner: Merrifield Partners. LLC

Location: Approximately .53 acres located on the south side of E. 35th Street between N. Davidson Street and the Norfolk-Southern rail line.

Center, Corridor, or Wedge: Corridor

Request: I-2, general industrial, to MUDD, mixed-use development district

Summary

This petition seeks to rezone .53 acres to MUDD in NoDa. Allowable uses would include, but are not limited to: automotive service stations, residential, business and general office uses, retail sales, restaurants, institutional uses, and social, fraternal, social service, union and civic organizations.

Consistency and Conclusion

The *North Charlotte District Plan* recommends neighborhood commercial uses in this area, while the *Northeast Transit Corridor 36th Street Station Area Concept* encourages a mixture of complementary transit-supportive uses and increased land use intensities. The MUDD zoning district generally allows uses that are consistent with transit supportive development, and therefore, this petition is appropriate for approval from a land use perspective.

Existing Zoning and Land Use

The properties to the east and north are zoned I-2, general industrial. The property to the east is a YMCA, while warehouses are to the north. Property to the south are zoned MUDD-O, mixed-use development district, optional, and consist of office and commercial uses. Nearby properties are zoned MUDD-O, B-1, NS, and I-1(CD). Uses include commercial, office, restaurant, and warehouses.

Rezoning History in Area

A .45 acre parcel adjacent to the subject property was rezoned from NS to MUDD-O to allow for a mixed use project within existing buildings consisting of residential and retail uses (#2006-46). Petition #2005-128 rezoned .44 acres near the subject property from I-2 to MUDD-O to allow for a restaurant use. Petition #2003-70 rezoned .27 acres from NS to MUDD-O to allow 17,000 square feet of office, retail, restaurant and residential uses. Petition #2003-66 rezoned .39 acres

from R-5 to MUDD-O to allow an office/retail uses and a studio for potters. Petition #2002-35 rezoned .22 acres from B-1 to MUDD-O to allow for commercial and residential uses.

Public Plans and Policies

North Charlotte Plan (1995). The *North Charlotte Plan* recommends neighborhood commercial uses in this area. The *North Charlotte Plan* updated the 1993 *Central District Plan* for the NoDa area.

Northeast Transit Corridor 36th Street Station Area Concept. The *Transit Station Area Principles* that are part of the *General Development Policies* apply to the site, as it is within a ¼ mile walk distance of the proposed Northeast Corridor Light Rail Transit Station at 36th Street and the NCCR rail line. The *Transit Station Area Principles* encourage a mixture of complementary transit-supportive uses and increased land use intensities. For residential development, the principles recommend a minimum of 20 dwelling units per acre within the ¼ mile walk area and for mixed uses with a ¼ mile walk they recommend a minimum .75 (net) floor area ratio (FAR).

Proposed Request Details

There is no site plan associated with this rezoning.

Public Infrastructure

Traffic Impact / CDOT Comments. The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

- Goal 1 of the TAP relies on the Centers, Corridors and Wedges land use strategy to be implemented. This project site is located in a Corridor and appears to support the Centers, Corridors and Wedges land use strategy as increased activity in a Corridor.
- Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians and bicyclists. Specific comments are identified below that need to be addressed for CDOT's support of the petition and to bring the site plan into compliance with the TAP and best practices for multimodal transportation.

Vehicle Trip Generation. This site could generate approximately 300 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 150 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- The petitioner needs to dedicate a 50-foot right-of-way for East 35th Street as a public street to provide future connectivity to the northwest.

CATS. CATS has no comments at this time

LUESA. Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities. Additionally, the plan should specify that all land clearing and/or inert debris shall be taken to a properly permitted facility. The Plan shall also state that monthly reporting of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program. The report shall include the identification and location of all facilities receiving disposed or recycled materials.

Storm Water. Downstream complaints consist of flooding and blockage. This site drains to a stream listed as impaired by the NC Division of Water Quality. This petition request is located within the pending North Davidson SDIP

School Information. This petition will not impact the school system.

Outstanding Issues

Land Use. The proposal is consistent with the *North Charlotte District Plan* and the *Northeast Transit Corridor 36th Street Station Area Concept* land use plans.

Site plan. No site plan is associated with this request.




Charlotte Department of Transportation

Memorandum

Date: November 27, 2007

To: Keith MacVean
Charlotte-Mecklenburg Planning Department

From: 
Scott L. Putnam
Development Services Division

Subject: Rezoning Petition 08-012: located on the south side of East 35th Street
between North Davidson Street and the
Norfolk-Southern Rail Line

Consistency with Transportation Action Plan (TAP): The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

- Goal 1 of the TAP relies on the Centers, Corridors and Wedges land use strategy to be implemented. This project site is located in a Corridor and appears to support the Centers, Corridors and Wedges land use strategy as increased activity in a Corridor.
- Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians and bicyclists. Specific comments are identified below that need to be addressed for CDOT's support of the petition and to bring the site plan into compliance with the TAP and best practices for multimodal transportation.

Vehicle Trip Generation

This site could generate approximately 300 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 150 trips per day. This will have a minor impact on the surrounding thoroughfare system.

We have the following specific comments that are critical to CDOT's support of the rezoning petition:

1. The petitioner needs to dedicate a 50-foot right-of-way for East 35th Street as a public street to provide future connectivity to the northwest.

We have the following general comments that are provided to aid the petitioner in planning and subsequent permitting phases:

All proposed commercial driveway connections to a public street will require a driveway permit to be submitted to CDOT for review and approval.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard item(s). Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

To facilitate building permit/driveway permit review and approval, a site plan must at a minimum include the following:

- Dimension width of the existing and proposed driveways.
- New/reconstructed driveways must be drop curb ramp Type II driveways.
- Indicate the locations and widths of all adjacent and opposing driveways.
- Indicate typical parking module dimensions.
- Include a parking summary with figures for the numbers of parking spaces required and provided.

If we can be of further assistance, please advise.

SLP

c: R. H. Grochoske (via email)
S. L. Habina – Review Engineer (via email)
B. D. Horton (via email)
A. Christenbury (via email)
E. D. McDonald (via email)
Merrifield Partners, LLC/R. Fink (via email)
Robert G. Young (via email)
Rezoning File



MECKLENBURG COUNTY
Land Use and Environmental Services Agency

November 15, 2007

Mr. Solomon Fortune
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, North Carolina 28202

Re: Rezoning Petition 2008-012
Approximately 0.54 acres located on the south side of E 35th Street between N Davidson Street and the Norfolk-Southern rail line

Dear Mr. Fortune:

Representatives of the Air Quality (MCAQ), Groundwater & Wastewater Services (MCGWS), Solid Waste (MCSW), Storm Water Services (MCSWS), and Water Quality (MCWQ) Programs of the Mecklenburg County Land Use and Environmental Services Agency (LUESA) have reviewed the above referenced rezoning petition. In order for the Mecklenburg County LUESA to support this rezoning, the following recommendations should be implemented and appear as notes or modifications on site plans:

Air Quality

No Comment.

Groundwater& Wastewater Services

No Comment.

Solid Waste

Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities. Additionally, the plan should specify that all land clearing and/or inert debris shall be taken to a properly permitted facility. The Plan shall also state that monthly reporting of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program. The report shall include the identification and location of all facilities receiving disposed or recycled materials.

Mecklenburg County is committed to reduction of construction/demolition waste. Technical assistance is available at no charge to those companies willing to partner with the County in this effort.

Storm Water

No Comment.

Water Quality

No Comment.

Please contact the staff members who conducted the reviews if you have any questions. The reviews were conducted by, Leslie Rhodes (Leslie.Rhodes@mecklenburgcountync.gov) with MCAQ, Jack Stutts (Jack.Stutts@mecklenburgcountync.gov) with GWS, Joe Hack (Joe.Hack@mecklenburgcountync.gov) with MCSW, Bill Tingle (Bill.Tingle@mecklenburgcountync.gov) with MCSWS, and Rusty Rozzelle (Rusty.Rozzelle@mecklenburgcountync.gov) with the MCWQ.

Respectfully,

Heidi Pruess
Environmental Policy Administrator



Charlotte Storm Water
600 East Fourth Street
Charlotte, N C 28202-2844
OFFICE: 704 . 336 . RAIN
FAX: 704 . 336 . 6586

Rezoning Petition Review

To: Keith MacVean, CMPC

From: Matthew Anderson / Doug Lozner / Jeff Hieronymus

Date of Review: November 9, 2007

Rezoning Petition #: 08-12

Existing Zoning: I-2
Proposed Zoning: MUDD

Location of Property: Approximately 0.53 acres located on the south side of E 35th Street, between N Davidson Street and Norfolk-Southern rail line.

Downstream Complaints and analysis: Downstream complaints consist of flooding and blockage. This site drains to a stream listed as impaired by the NC Division of Water Quality. This petition request is located within the pending North Davidson SDIP.

Source Citation: A portion of the water quantity and quality comments reference information gained from the "Post-Construction Ordinance Stakeholders' Group Final Report". This report reflects consensus reached during the Council-approved process to include community input on the proposed ordinance language. Other comments, including the environmental permit, stream buffer and some detention requirements reflect existing regulations and ordinances.

Recommendations
Concerning Storm Water: No additional recommendations are needed at this time.