

<b>REQUEST</b>	Current Zoning: I-1 (light industrial) and UR-2(CD) (urban residential, conditional) Proposed Zoning: TOD-M(CD) (transit oriented development - mixed-use, conditional)
<b>LOCATION</b>	Approximately 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to update the previously approved conditional plan for the proposed residential community located north of the NoDa "Arts District", and to add three previously excluded parcels to the petition. The petition proposes to allow transit supportive uses allowed in the TOD-M (transit oriented development - mixed-use) district, which permits residential, office and retail uses.
<b>PROPERTY OWNER</b>	MREC Vision Craighead, LLC; MREC Vision Craighead LLC C/O Vision Ventures of Carolina LLC
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Philemon NODA Partners, LLC Jeff Brown, Keith MacVean, Bridget Dixon, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	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 upon resolution of outstanding issues related to transportation cross sections, timing of transportation improvements, open space, building entrances, setbacks, and trees.

Plan Consistency

The petition is consistent with the *Blue Line Extension Transit Station Area Plan* recommendation for transit supportive uses in the 36<sup>th</sup> Street transit station area.

The request is also consistent with the maximum recommended height of 60 feet; supports the recommended enhancements to Philemon Avenue and Raleigh Street at Craighead Road; and is consistent with the plan recommended streetscape improvements.

Rationale for Recommendation

- The site is located within ½ mile from the 36<sup>th</sup> Street Station on the LYNX Blue Line.
- The proposed development is designed to be transit supportive with the buildings located near the back of curb along both Philemon Avenue and East Craighead Road, courtyards with amenities, and clear pedestrian circulation. Entrances are currently proposed at least every 100 linear feet of street frontage.
- The rezoning includes three remnant parcels zoned I-1 (light industrial) that were not included in petition 2009-006, which rezoned most of the subject site to UR-2(CD) (urban residential, conditional). Inclusion of these parcels will result in a more holistic redevelopment plan than the existing approved conditional plan.
- The rezoning also allocates land for open space adjacent to the water quality buffer and FEMA Floodplain, which is consistent with the community design policy to integrate significant functional open space into the design of new development.
- Additionally, preserving this area for open space recognizes the environmentally sensitive land and proposes to minimize impacts by not developing within it.

## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Permitted uses include all uses allowed in the TOD-M (transit oriented development - mixed-use) district.
  - Maximum building height of 60 feet and four stories.
  - Access to the site via Philemon Avenue and East Craighead Road.
  - Commits to constructing improvements along the site's frontage on Philemon Avenue when sufficient pavement exists on the opposite side of the center line to accommodate an opposing lane of traffic. If insufficient pavement exists on the opposite side of Philemon Avenue, the petitioner will construct both sides of Philemon Avenue as shown on the cross-section on Sheet RZ-2.
  - The southernmost access point to the site from Philemon Avenue may not be opened or utilized until Philemon Avenue is improved beyond the proposed driveway.
  - Dedicates and conveys the portion of the site located along Philemon Avenue as necessary to provide a right-of-way extending 41.5 feet from the proposed or existing centerline prior to the issuance of the first certificate of occupancy for the first residential dwelling building constructed on the site.
  - Dedicates and conveys the portion of the site located along East Craighead Road as necessary to provide for a right-of-way extending 35.5 feet from the existing centerline prior to issuance of the first certificate of occupancy for the first residential building constructed on the site.
  - Notes that required transportation improvements will be approved and constructed prior to the issuance of the site's final certificate of occupancy.
  - Building materials include a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits and handrails/railings.
  - Portions of residential buildings facing Philemon Avenue and East Craighead Road will have building entrances oriented toward these public streets at least every 100 linear feet.
  - Ground floor residential units located along Philemon Avenue and East Craighead Road will have direct access to the street they adjoin.
  - Building walls along public streets will have ground floors that are taller than and architecturally different than upper floor with more transparency than upper floors.
  - Blank walls will be treated with horizontal and vertical variations in wall planes.
  - Ground floor residential units will be raised an average of 24 inches above grade.
  - A minimum of \$20,000 will be contributed by the petitioner to the Arts and Science Fund established to implement public art prior to the issuance of a certificate of occupancy for the proposed building.
- **Existing Zoning and Land Use**
    - Petition 2009-06 rezoned 13.57 acres that included a portion of the subject property to UR-2(CD) (urban residential, conditional) to allow 300 multi-family dwelling units, at a maximum height of 50 feet and three stories.
    - The subject property is currently occupied with three single family dwellings. Properties between North Tryon Street and North Davidson Street are developed with single family and multi-family residential dwellings, office, commercial/retail, and industrial/warehouse uses in B-2 (general business), R-5 (single family residential), I-1 (light industrial), I-2 (general industrial), UR-2(CD) (urban residential, conditional), and TOD-R (transit oriented development - residential).
    - Properties south of North Davidson Street are developed with single family detached, single family attached, multi-family residential, retail, eating/drinking/entertainment establishments, and industrial/warehouse uses in R-5 (single family residential), UR-1(CD), UR-2(CD) and UR-3(CD) (urban residential, conditional), MUDD-O (mixed use development, optional), MUDD(CD) (mixed use development, conditional) and I-2 (general industrial) zoning districts.
    - See "Rezoning Map" for existing zoning in the area.
  - **Rezoning History in Area**
    - Petition 2015-83 rezoned 0.122 acres located on the east side of North Davidson Street between Mercury Street and East 37<sup>th</sup> Street to MUDD-O (mixed use development, optional) to expand and reuse an existing residential structure as either a residence or an office.
    - Petition 2012-72 rezoned approximately 0.53 acres located on the south side of Warp Street between Donatello Avenue and Herrin Avenue to UR-1(CD) (urban residential, conditional) to allow four single family detached dwellings.

- Petition 2012-09 approved a rezoning to UR-3(CD) (urban residential, conditional) for approximately 0.45 acres located on the south side of North Davidson Street between Herrin Avenue and Donatello Avenue to allow a maximum of 20 residential units and associated accessory structures and parking.
- Petition 2012-01 approved a rezoning to MUDD-O (mixed use development, optional) for approximately 3.82 acres located on the northeast corner of North Davidson Street and East 36<sup>th</sup> Street to allow 250 residential units and up to 22,500 square feet of nonresidential uses.
- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit supportive uses for the subject parcels.
  - The policies recommend promoting a mix of transit supportive land uses such as residential, office, retail, civic/institutional, park and open space through new development and redevelopment.
  - The Structure Plan portion of the station area plan recommends an adopted maximum height of up to 60 feet.
  - The plan recommends a realignment of Philemon Avenue and Raleigh Street at Craighead Road.
  - Craighead Road will be terminated at the rail tracks and eventually will not connect to North Davidson Street.
  - The adopted cross section for Philemon Avenue is an eight-foot sidewalk, eight-foot planting strip, option to construct on-street parking, a five-foot bike lane, and one 11-foot travel lane in each direction with an optional median. The recommended minimum setback is 20 feet measured from back of curb.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is on a collector road approximately 1100 feet from a signalized intersection with a major thoroughfare. The Blue Line Extension, Philemon Avenue, and Craighead Road border this site. The current site plan accommodates the cross sections needed to accomplish the connectivity and multimodal character envisioned in this area.
  - See Outstanding Issues, Notes 1 and 2.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 30 trips per day (based on three single family residential dwellings).
      - Entitlement: 1,960 trips per day (based on 5,069 square feet of warehouse uses and 300 multi-family dwellings).
    - Proposed Zoning: Too many uses to determine trip generation.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City's Housing Policies if seeking public funding.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The conditional district request allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along East Craighead Road and a two-inch water distribution main located along Philemon Avenue. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer main located along Philemon Avenue and an existing ten-inch gravity sewer main located in the western part of the rezoning boundary.
- **Engineering and Property Management:** See Outstanding Issues, Note 9.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

#### OUTSTANDING ISSUES

##### Transportation

1. Revise site plan to show right-of-way or sidewalk utility easement dedication to back of walk in cross-section and update Note 4g under "Transportation" accordingly.
2. Revise Note 4h under "Transportation" to tie improvements to the first, not final, certificate of

occupancy.

Site and Building Design

3. Reflect the building entrances referred to in Note 6c under "Architectural Standards."
4. Provide ground floor entrances for each unit designed to create greater visual interest and to be more residential in character.
5. Amend Note 6c under "Architectural Standards" to commit to ground floor entrances for each individual ground floor unit that give the appearance of primary entrances.
6. Revise the site plan to show that the 21-foot setback will be made from the future back of curb once the extra planting strip area is converted to a bicycle lane.
7. Amend Note 5b under "Streetscape, Landscaping Open Space and Screening" to state that the petitioner will provide a tree well that measures six feet by 24 feet for each street tree instead of providing a planting strip.
8. Commit to open space on the site plan and in the notes, and specify the approximate acreage.

Environment

9. Show 15% tree save area and right-of-way trees to be protected.
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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 Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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