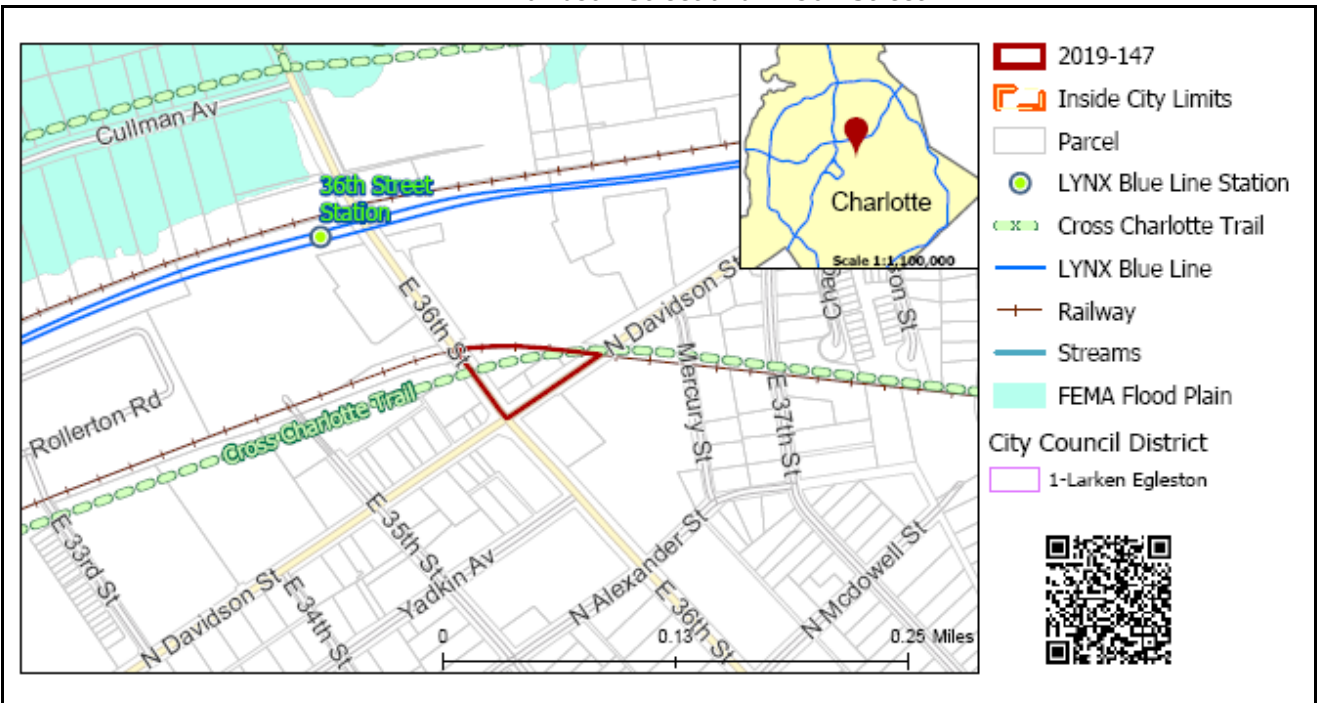


**REQUEST**

Current Zoning: MUDD-O (mixed-use development, optional)  
Proposed Zoning: TOD-NC (transit-oriented development, neighborhood center)

**LOCATION**

Approximately .4416 acres located at the northeast intersection of N. Davidson Street and E. 36<sup>th</sup> Street.



**SUMMARY OF PETITION**

The petition proposes to rezone a jointly-owned three parcel assemblage from a conditional mixed-use development district to a conventional, transit-oriented development district that would permit any additions or redevelopment of the site to be developed with a singular use or mixture of transit-supportive uses.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**  
**COMMUNITY MEETING**

James R. Guy, Jr.  
Guy Properties  
James R. Guy, Jr.  
Meeting is not required.

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with 36<sup>th</sup> Street Station Area Plan (2013) recommendation for transit-oriented development uses on the site.

Rationale for Recommendation

- The petition supports the general purpose of the TOD districts as described in Chapter 15 of the Code of Ordinances in that the approval of this petition would "encourage and enable the development of moderate to high-intensity compact, mixed-use urban neighborhoods near transit stations where people can live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices."

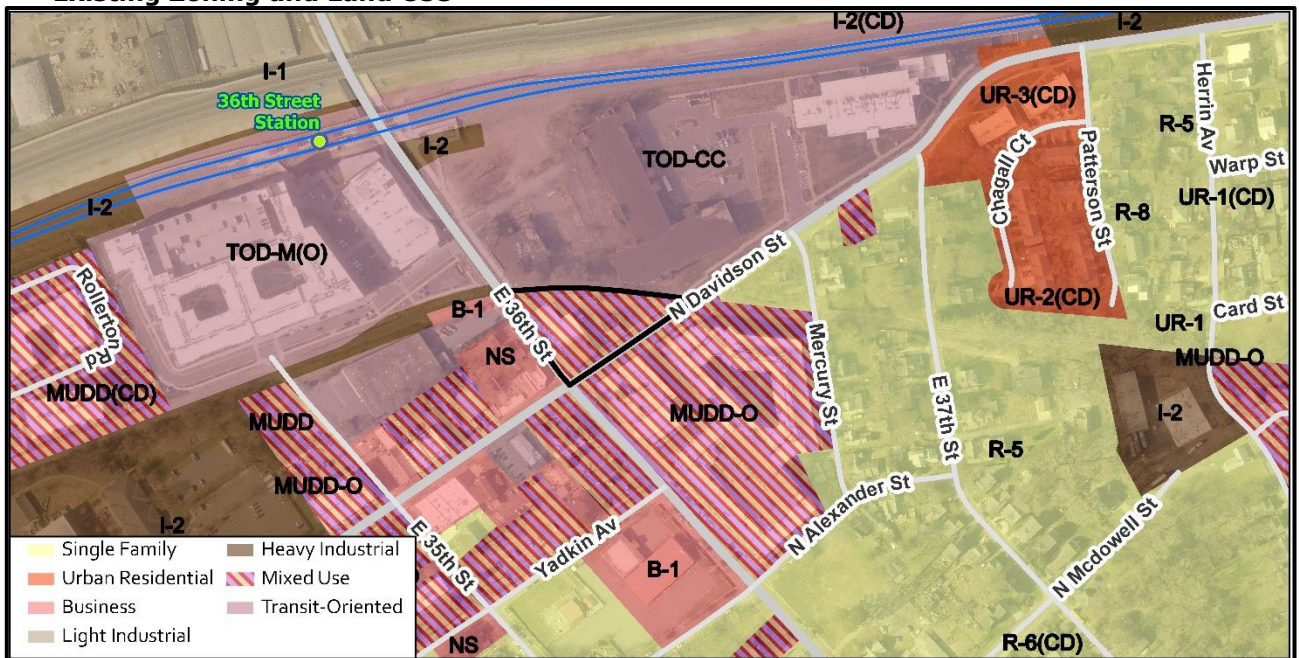
- Permitted uses and development standards within the TOD-NC district will help create a densely developed transit-supportive development within a quarter-mile of the 36<sup>th</sup> Street Station.
- As written, TOD-NC may be applied to parcels that are within a half-mile walk of a high capacity transit station and have compatible adopted future land uses. The site's location within a quarter-mile walk of the adopted LYNX Blue Line 36<sup>th</sup> Street Station and transit-oriented development land use recommendation make it an appropriate location for the TOD-NC district.
- The requested district is complimentary in nature to the surrounding mixed and transit-oriented uses in the area.
- The petition allows the existing structure located within the rezoning boundary to continue to operate/expand as permitted by the Ordinance.

### PLANNING STAFF REVIEW

- **Proposed Request Details**

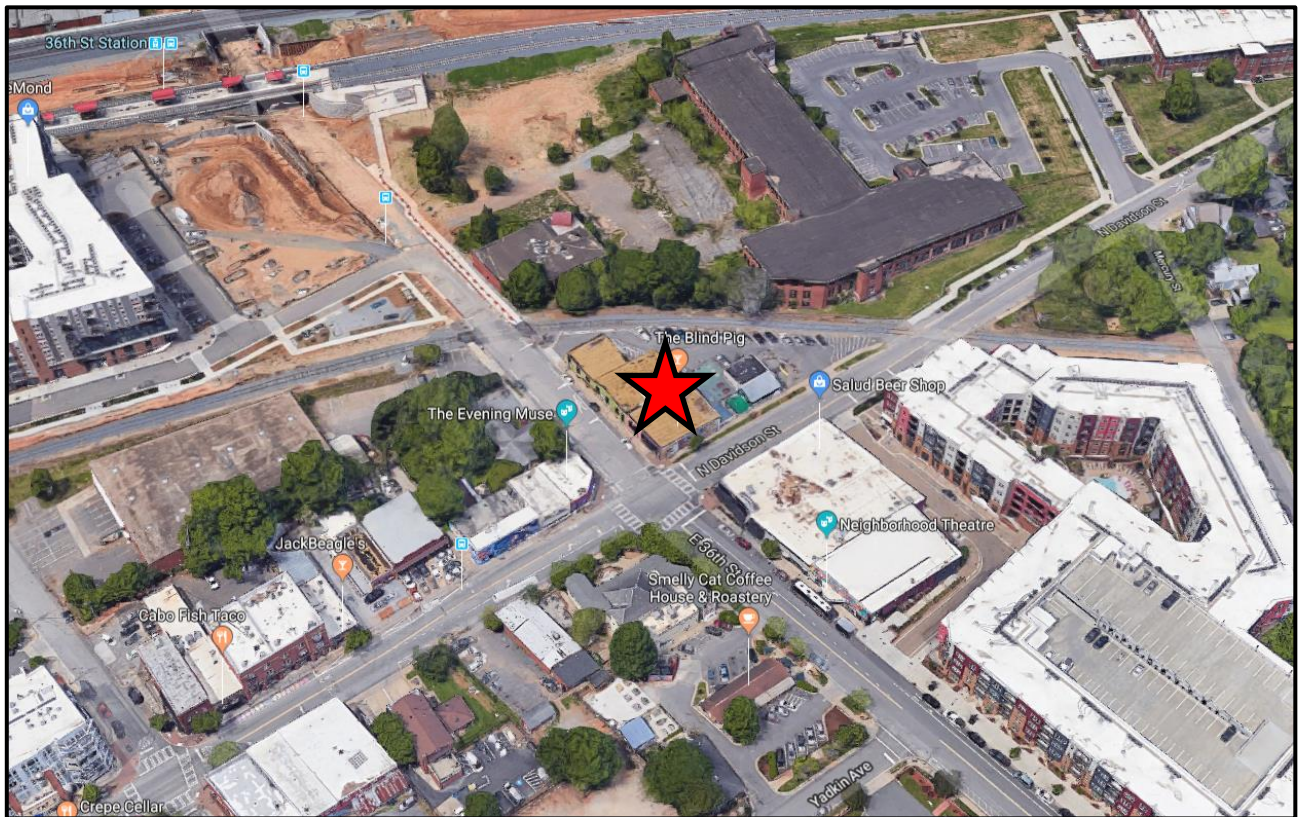
This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



The site was most recently rezoned in 2005 from I-2 to MUDD-O in order to address existing site constraints and to provide a mixture of retail uses on the site. As this site is in the heart to the NoDa commercial district, immediately adjacent uses are largely similar in nature, with a mixture of residential and retail/office uses and TOD-zoned parcels closer to 36<sup>th</sup> Street Station.



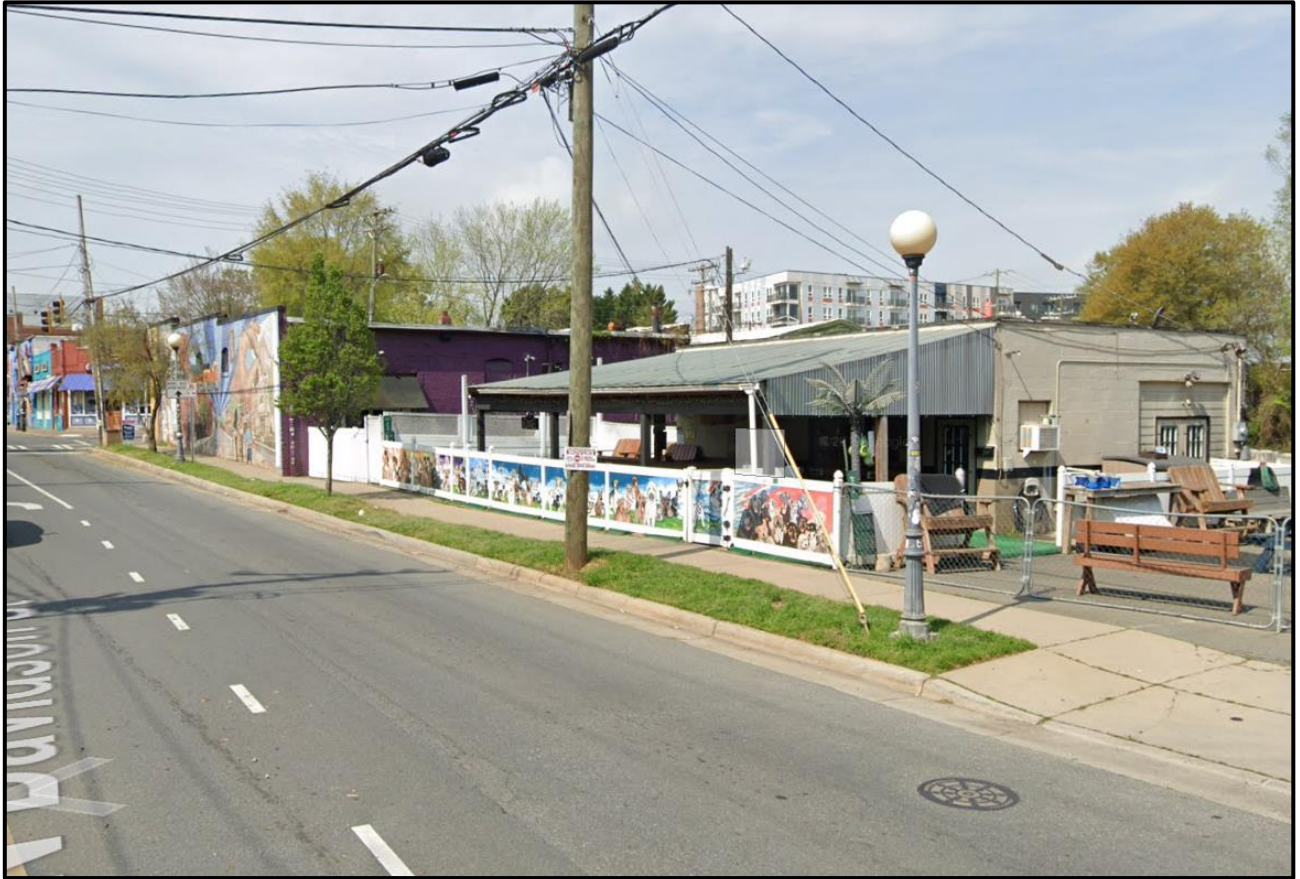


Aerial of site (denoted by red star) and surrounding context.



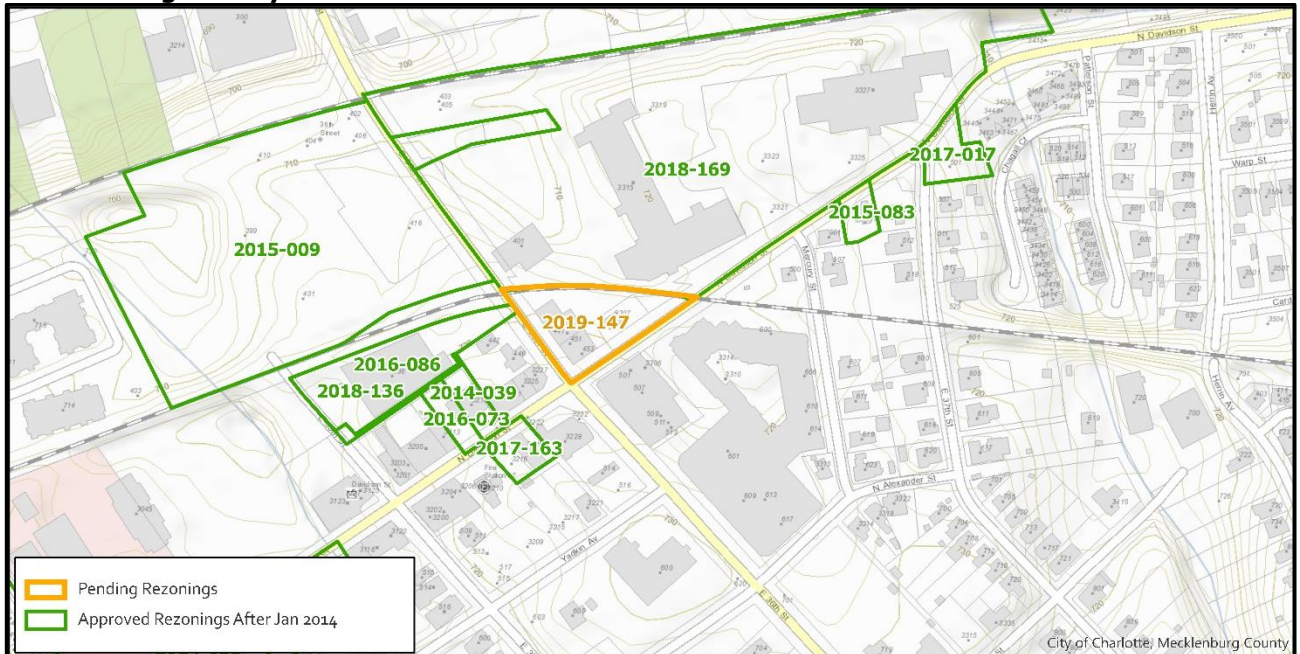
Street view from the intersection of N. Davidson Street and E. 36<sup>th</sup> Street looking north at subject property.





Street view along N. Davidson Street looking west toward structures located within the rezoning petition boundary.

- Rezoning History in Area**

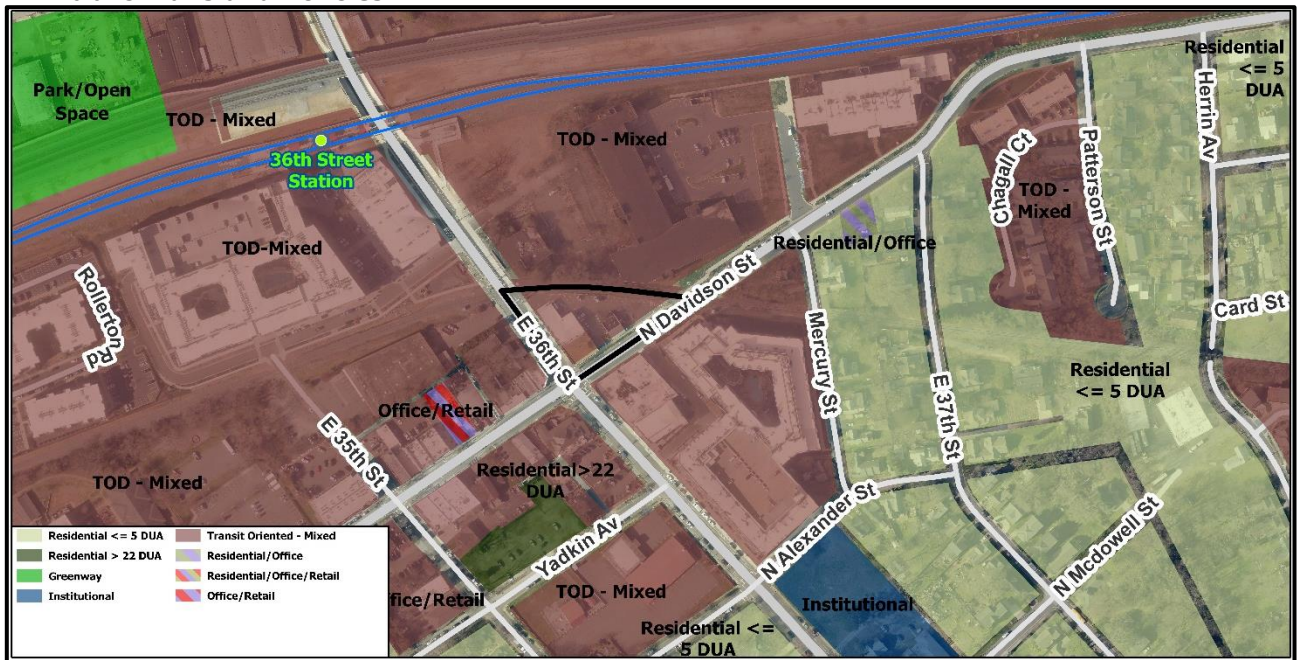


Petition Number	Summary of Petition	Status
2018-169	Parcel (old Johnston Mfg. Building) translated from old (TOD-R) district to new transit-oriented districts upon approval of updated TOD ordinance (TOD-CC).	Approved



2018-136	Site plan amendment to add additional nonresidential square footage to previously approved site plan.	Approved
2017-163	Petition to rezone to a TOD district to allow EDEE to remain while permitting an open-air market.	Approved
2017-017	Petition for site plan amendment to allow 10,000 SF of office/retail and 8 multi-family live/work units.	Approved
2016-086	Petition to rezone from multiple zoning districts to a prior TOD district to allow a mix of residential and nonresidential transit-supportive uses.	Approved
2016-073	Petition to rezone 0.15 acres to MUDD-O to adaptively reuse an existing building of any use permitted within the district.	Approved
2015-083	Petition to rezone to MUDD-O to expand and adaptively reuse existing residential structure as residence or office space.	Approved
2015-009	Petition to rezone nearly 7 acres to a prior TOD district to allow a mix of residential and non-residential transit-supportive uses.	Approved
2014-039	Petition to rezone .145 acres to MUDD-O to adaptively reuse an existing building for a restaurant and outdoor seating space.	Approved

#### • Public Plans and Policies



- The 36<sup>th</sup> Street Station Area Plan (2013) recommends transit-oriented development uses for the site.

#### • TRANSPORTATION CONSIDERATIONS

- The site is at the signalized intersection of two minor thoroughfares in the heart of the North Davidson community. The site is less than ¼ mile from the LYNX Blue Line 36th Street Station. 36th Street currently has an 8-foot back of curb sidewalk while Davidson Street has existing 4-foot planting strip and 6-foot sidewalk. CDOT will work with the petitioner during permitting to improve the streetscape in accordance with the TOD ordinance to support the urban zoning district requested and facilitate pedestrian circulation between the site, transit station, and surrounding community.
- No outstanding issues.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 810 trips per day (based on retail/drinking establishment).  
Entitlement: Too many allowed uses to determine trip generation.  
Proposed Zoning: Too many allowed uses to determine trip generation.

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

- **Charlotte Area Transit System:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Charlotte Department of Solid Waste Services:** No comments submitted.
  - **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 12-inch water distribution mains located along both N. Davidson Street and E. 36<sup>th</sup> Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E. 19<sup>th</sup> Street. See advisory comments at [www.rezoning.org](http://www.rezoning.org).
  - **Engineering and Property Management:**
    - **Arborist:** No comments submitted.
    - **Erosion Control:** No comments submitted.
    - **Land Development:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
    - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
    - **Urban Forestry:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Mecklenburg County Parks and Recreation Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** William Linville (704) 336-4090