

REQUEST	Current Zoning: UR-3(CD) (urban residential, conditional) Proposed Zoning: UR-3(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 0.23 acres located on the southeast corner of the intersection of North Davidson Street and East 37 th Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes an amendment to existing entitlements for an unbuilt mixed use development in the North Davidson neighborhood within ½ mile of the 36th Street Transit Station to allow 10,000 square feet of building area for office and/or retail uses and eight multi-family live/work dwelling units. Office/retail uses are limited to the first floor.
PROPERTY OWNER	NODA Terrace, LLC
PETITIONER	NODA Terrace, LLC
AGENT/REPRESENTATIVE	Stanley Hines
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to DEFER this petition until the April 4, 2017 Zoning Committee Work Session.
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VOTE	Motion/Second: Wiggins / Fryday
	Yeas: Fryday, Majeed, McClung, Spencer, Watkins, and Wiggins
	Nays: None
	Absent: Lathrop
	Recused: None

STAFF ANALYSIS

PLANNING STAFF REVIEW

- Proposed Request Details**

The site plan amendment contains the following changes:

- Increases maximum building square footage from 8,000 to 10,000.
- Specifies eight multi-family live/work uses as opposed to just residential units as listed in the previous rezoning. Both petitions allow all uses permitted in the UR-3 (urban residential) district, which include dwellings, office, and commercial uses.
- Reduces maximum building height from 60 feet to 57 feet along the south side of the building by increasing the side yard to 34 feet. Retains 60-foot height limit elsewhere.
- Removes the limitation on the retail uses (approximately 2,400 square feet).
- Limits retail uses to the ground floor.
- Provides a minimum of 12 parking spaces on-site.
- Provides head-in and parallel parking on either side of the driveway.
- Slightly relocates enclosed garbage container storage for roll-out service by having it take the place of two parking spaces.
- Reduces driveway width from 26 feet to 23 feet, and removes pedestrian cross-walk across the driveway off East 37th Street.
- Removes plantings in the five-foot side yard abutting tax parcel 09110C98 to the north due to building reconfiguration.
- Relocates bike rack.

- Public Plans and Policies**

- The *Blue Line Extension Transit Station Area Plan* (2013) recommends single family uses up to five units per acre. This site is within ½ mile of the 36th Street Transit Station.
- The adopted cross section in the *BLE Transit Station Area Plan* for North Davidson Street in this segment is for a Main Street classification including an eight-foot sidewalk and eight-foot planting strip, maintaining the existing on-street parking, and a 16-foot setback.

- A future phase of the Cross Charlotte Trail is proposed along the nearby railroad spur, pending AC&W relocation implementation.
- The area plan recommends a 40-foot height limit for this site.
- **TRANSPORTATION CONSIDERATIONS**
 - This rezoning is located at the unsignalized intersection of a major thoroughfare and a local street. The current site plan does not follow the area plan recommendations for future curblane location and ordinance required setbacks which are measured from the future curblane as identified in the area plan. While CDOT has had discussions with the petitioner, the site plan has not been updated to reflect the appropriate changes. CDOT feels that this is a fundamental requirement to develop the multimodal transportation system as envisioned by the area plan to support this type of development.
 - See Outstanding Issues, Notes 8 through 10.
 - **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 0 trips per day (based on undeveloped property).
 Entitlement: 775 trips per day (based on 2,400 square feet of retail/office uses, and eight apartment units allowed under Petition 2005-160).
 Proposed Zoning: 840 trips per day (based on 2,400 square feet of retail, 2,000 square feet of office and 8 apartments).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate four students, while the development allowed under the proposed zoning will produce four students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development is not projected to increase the school utilization (without mobile classroom units) over existing conditions:
 - Highland Renaissance Academy remains at 101%;
 - Martin Luther King, Jr. Middle remains at 93%; and
 - Garinger High remains at 121%.
- **Charlotte-Mecklenburg Storm Water Services:** See Outstanding Issues, Note 12.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located on North Davidson Street and an existing six-inch water distribution main located along East 37th Street. Sewer system availability is provided via an existing eight-inch gravity sewer main along North Davidson Street and East 37th Street.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Amend Note 18 to specify that a minimum 60% of glazing will be provided on the ground floor between two and ten feet of height.
2. Amend Note 18 to specify a minimum first floor height of 14 feet.
3. Amend Note 18 to specify that primary ground floor entrances will be provided for ground units at a minimum of one foot above grade.
4. Amend Note 12 to specify that all parking will be screened with a masonry wall three feet in height instead of with evergreen shrubs.
5. Demonstrate how Note 19 regarding decorative street furniture will be achieved.
6. Show location of solid waste and recycling for the nonresidential uses required per Section 12.403 of the zoning ordinance.
7. Provide a 16-foot setback per the ordinance and adopted streetscape plan.

Transportation

8. Measure the 16-foot setback from the future back of curb along North Davidson Street.
9. Petitioner is requested to construct the curb and gutter in the future location, which is approximately 18.5 feet from the centerline of the road.
10. Petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. Add a note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.

Infrastructure

11. Remove Note 8 referencing parcel area and stormwater detention in its entirety, and replace with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance."

REQUESTED TECHNICAL REVISIONSLand Use

12. Amend Note 17 to delete the following: "Final parking space totals will be dependent upon the final uses."
 13. Amend Development Data to remove "no off-street parking."
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Sanders (704) 336-8327