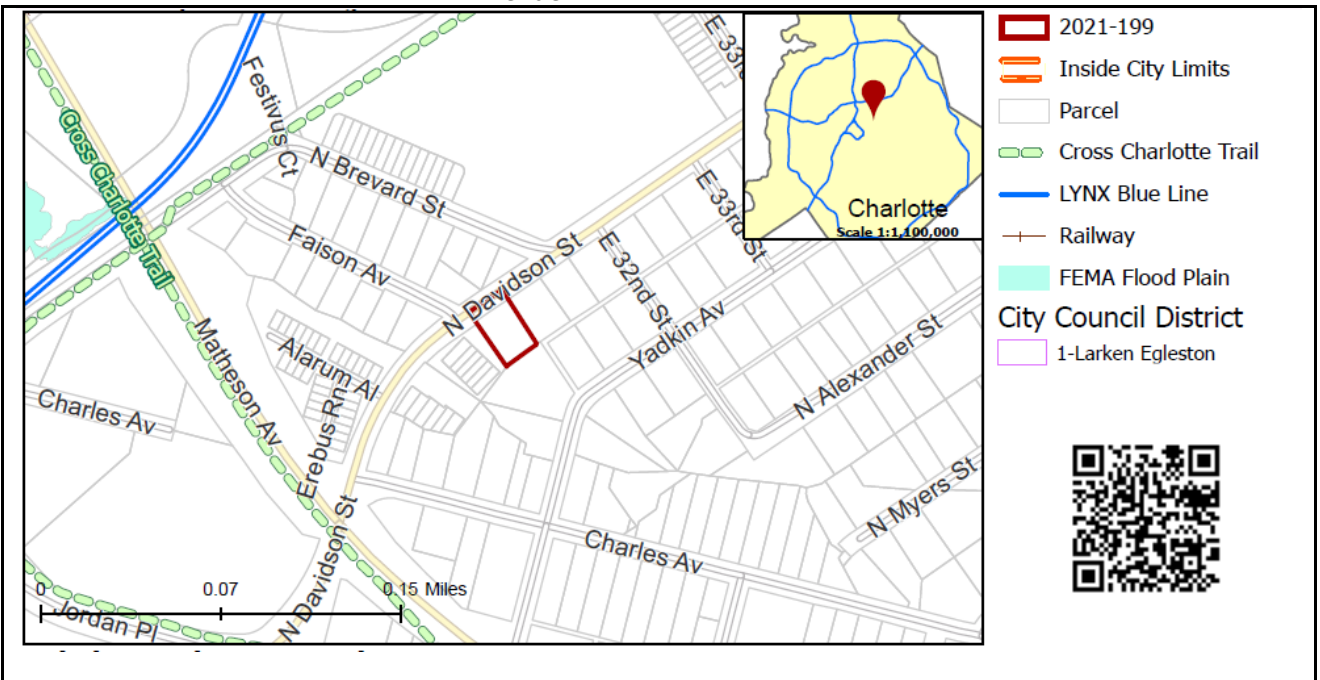


**REQUEST**

Current Zoning: R-5 (single family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 0.23 acres located on the south side of North Davidson Street, northwest of Yadkin Avenue, and east of Matheson Avenue.



**SUMMARY OF PETITION**

The petition proposes an infill townhouse development on a vacant lot located on the south side of N. Davidson Street north of Charles Street in the NoDa community.

**PROPERTY OWNER**

Anita Cordon

**PETITIONER**

Nest Home Communities, LLC

**AGENT/REPRESENTATIVE**

Mark Caspar (Bloc Design), Gray Stout (Stout Studio), and Eric Wood (Nest Homes)

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 9

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *36th Street Transit Station Plan's (2019)* recommendation for single family uses up to five dwelling units per acre (DUA) for the site.

Rationale for Recommendation

- The petition supports the Transit Station Plan's general land use goals that seek to "accommodate higher intensity uses that support the various transportation systems throughout the Corridor, while protecting the fabric of residential neighborhoods and providing the opportunity for housing."
- This petition is protecting the fabric of the surrounding neighborhood and saving existing housing from demolition by

proposing development on a currently vacant site along the N. Davidson Street corridor.

- While the petition exceeds the recommended density, land uses surrounding the subject property are similar in density and context.

The approval of this petition will revise the adopted future land use as specified by the *36th Street Transit Station Plan*, from single family uses up to five to residential uses greater than 22 DUA for the site.

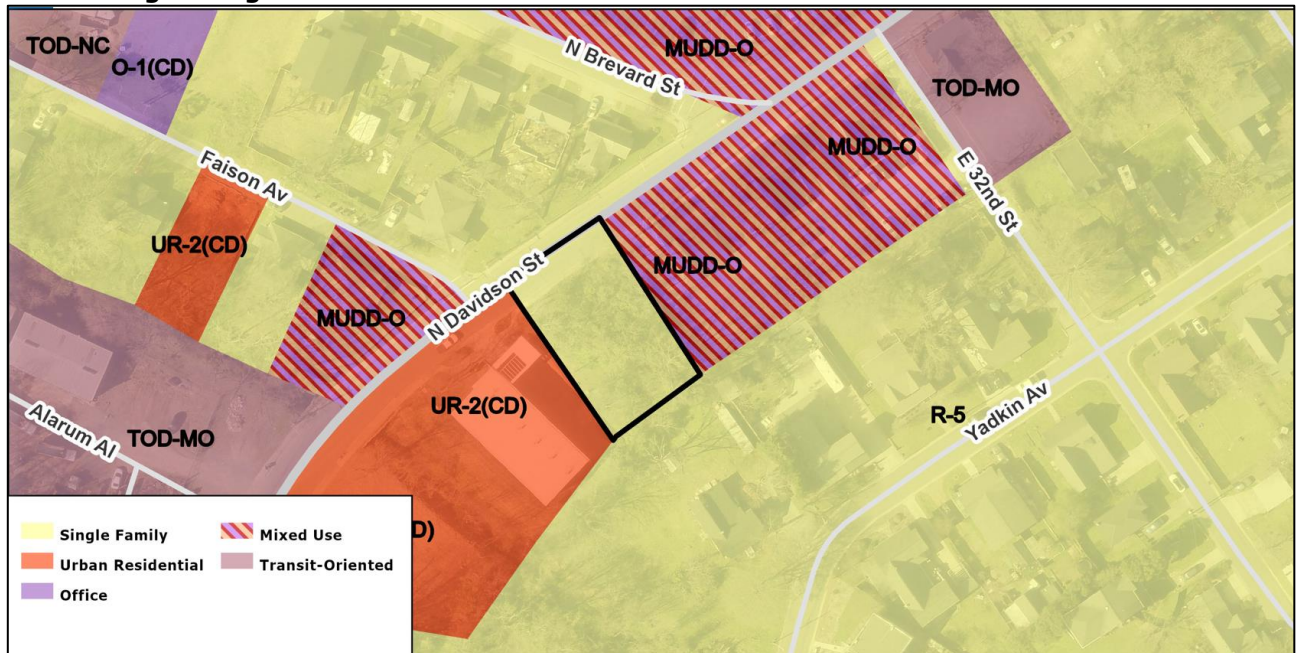
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 6.5 for sale single family attached dwelling units accessed via a private alley, at a density of 26.09 units per acre.
- Limits building height to 40 feet.
- Proposes a 10-foot Class C buffer along property line abutting R-5 zoning.
- Commits to an 8-foot sidewalk and 8-foot planting strip along N. Davidson Street.
- [Notes existing bike lane to be maintained along N. Davidson Street.](#)
- [Provides proposed sidewalk system to connect to sidewalk system along N. Davidson Street.](#)
- Illustrates a proposed retaining wall along the east and south property lines.
- Proposes a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement (hardiplank) and/or other approved materials.
- Prohibits vinyl siding, excluding vinyl handrails, windows, soffits, doors or door trim; and concrete masonry units not architecturally finished.
- Proposes each dwelling unit have a covered front stoop that may be an awning, canopy, roof extension or other architectural feature chosen by petitioner.
- Notes all corner/end units facing North Davidson Street and areas labeled as “enhanced frontage requirements” will either have a porch/stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to a maximum of 10 feet on all building levels.

### • Existing Zoning and Land Use



- The rezoning site is vacant and is surrounded by a mix of residential and non-residential uses on parcels zoned R-5, UR-2(CD), O-1(CD), MUDD-O, TOD-MO, TOD-NC in NoDa.



The site is currently vacant.



North, along N. Davidson Street, are a mix of residential and non-residential uses.



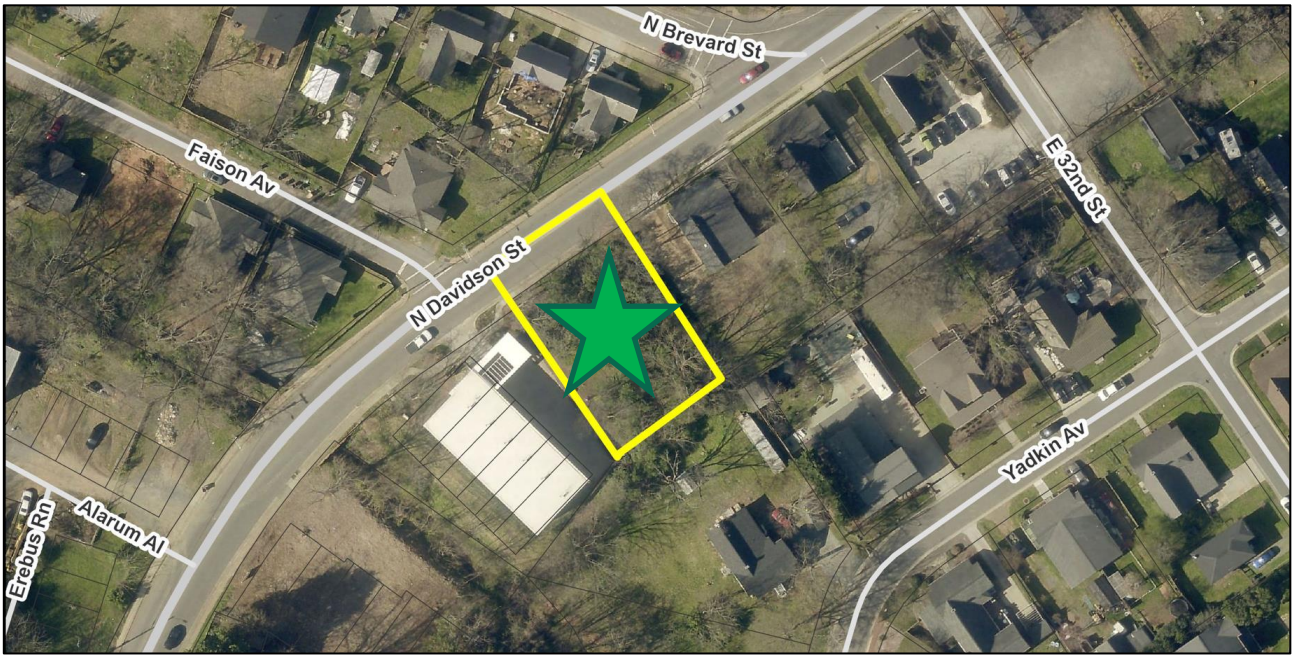
East, along Yadkin Avenue, are single family homes.



West, across N. Davidson Street and along Faison Avenue, are a mix of single family and multi-family homes.

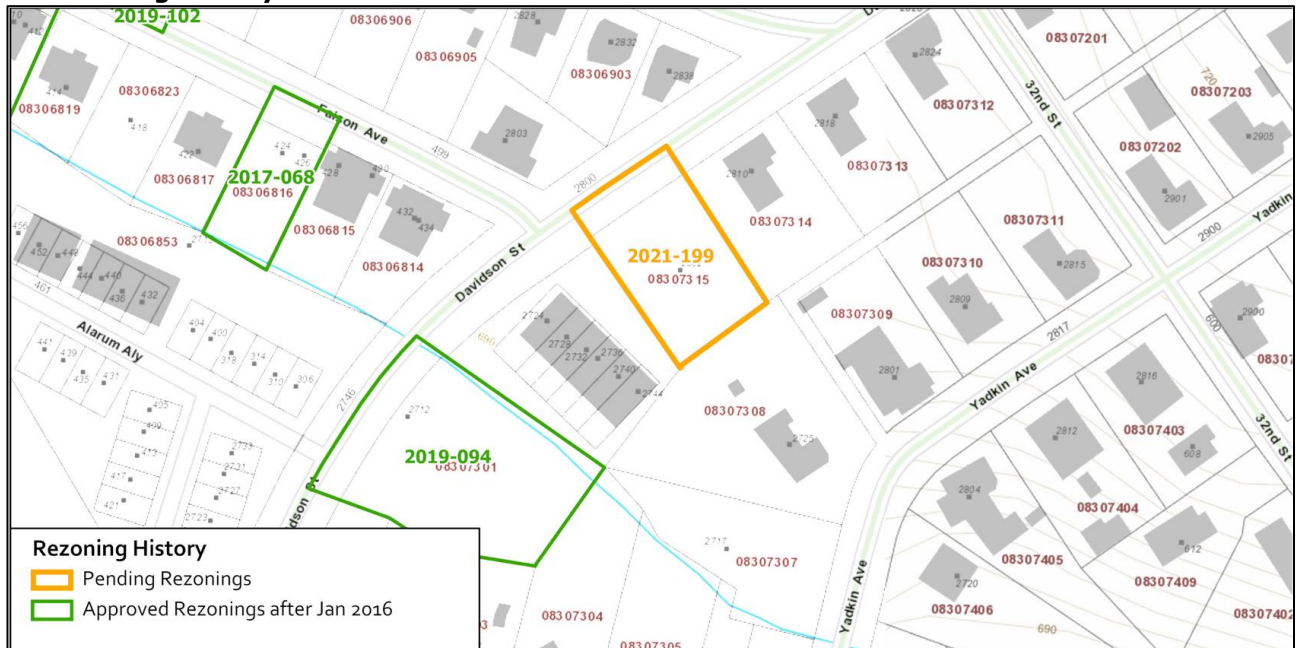


Directly south is an infill townhome community.



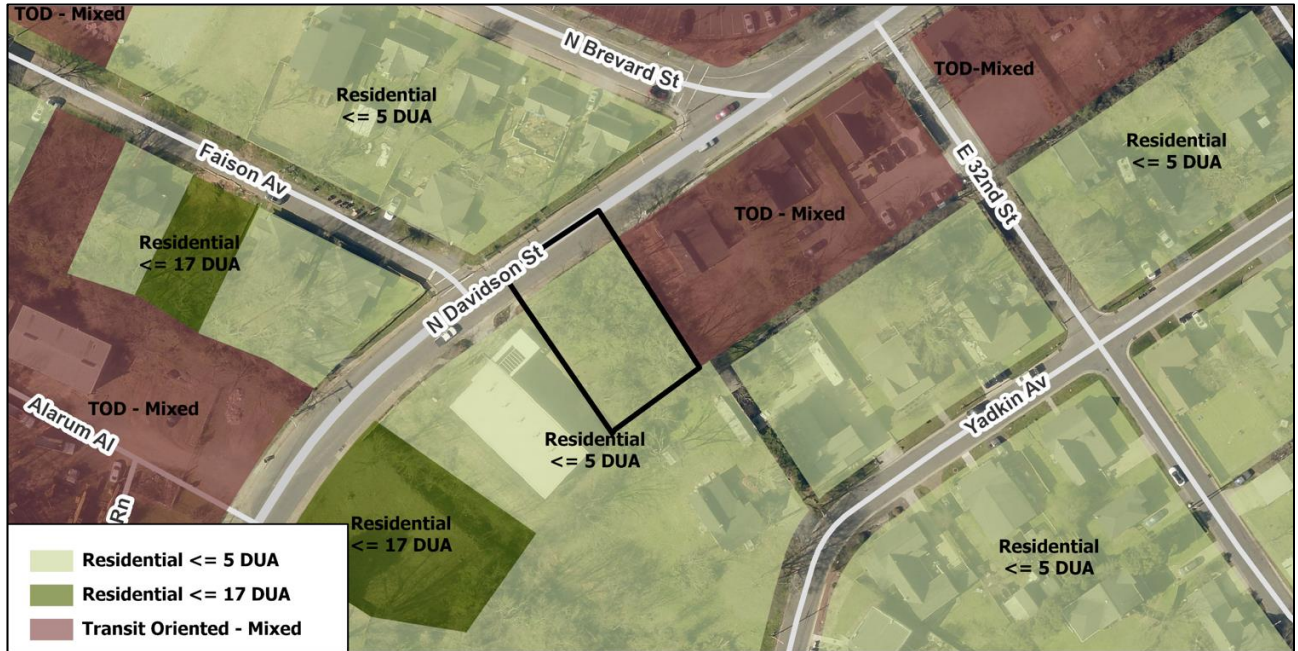
The site (denoted by green star) is primarily surrounded by residential uses, with a mix of residential and non-residential uses along N. Davidson Street.

#### • Rezoning History in Area



| Petition Number | Summary of Petition                                                                          | Status   |
|-----------------|----------------------------------------------------------------------------------------------|----------|
| 2019-102        | Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR | Approved |
| 2019-094        | Rezoned 0.41 acres from R-5 to UR-2(CD) to allow 6 townhomes.                                | Approved |
| 2017-068        | Rezoned 0.41 acres from R-5 to UR-2(CD) to allow 6 townhomes.                                | Approved |

- **Public Plans and Policies**



- The 36th Street Transit Station Plan recommends single family uses up to five DUA for the site.

- **TRANSPORTATION SUMMARY**

- The site is located on N Davidson St, a City-maintained minor thoroughfare in the vicinity of Faison Ave, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. The petitioner has committed to constructing an 8-foot planting strip and 8-foot sidewalk along frontage on N Davidson St. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to dedicating 30' of right-of-way from N Davidson St centerline, committing to maintaining existing bicycle lane along N Davidson St, and providing a 2' sidewalk utility easement set at the back of the sidewalk. Further details are listed below:

- **Active Projects:**

- Davidson St and Jordan Pl Intersection
  - General Services Project Manager: Stephen Tosco
  - Project Phase: Real Estate Acquisition
  - <https://charlottenc.gov/Projects/Pages/DavidsonJordan.aspx>
- Matheson Bridge Streetscape
  - General Services Project Manager: Leslie Bing
  - Project phase: Bid
  - <https://charlottenc.gov/Projects/Pages/MathesonStreetscape.aspx>

- **Transportation Considerations**

- See Outstanding Issues, Notes 7-11. **Addressed**

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant).

Entitlement: 10 trips per day (based on 1 single family dwelling).

Proposed Zoning: 50 trips per day (based on 6 townhomes).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 0 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Villa Heights Elementary remains at 75%
    - Eastway Middle remains at 117%
    - Garinger High from remains at 117%.
  - See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along N Davidson Street.

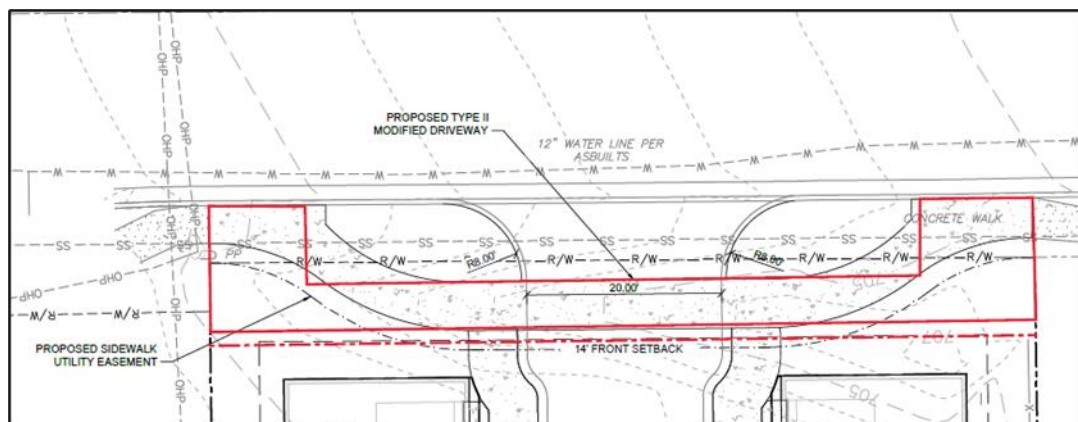
The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water’s Little Sugar Creek Tributary Trunk Sewer Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Erosion Control:** No outstanding issues.
- **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:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No comments submitted.

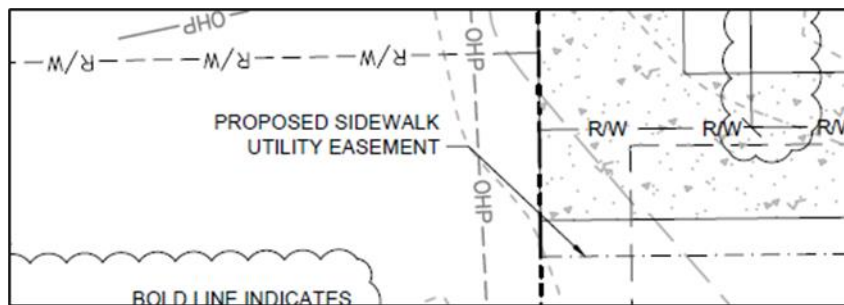
## OUTSTANDING ISSUES

### Transportation

1. ~~Curbline: The proposed zoning district has a setback measured from back of the existing or proposed future curbline. **Addressed**~~
  - a. ~~N Davidson St: Distance from centerline to back of curb: 24'; Label and dimension the curb and gutter from the centerline for each road on the site plan.~~
2. ~~Revise site plan and conditional note(s) to commit to dedicate 35' of right of way from the road centerline. The site plan shall label and dimension the right of way from the road centerline. **Addressed**~~
3. ~~Revise site plan and conditional note(s) to commit to construct an 8-foot planting strip, and 8-foot sidewalk on N Davidson St per Chapter 19 & Chapter 20. The site plan shall label and dimension both items from the back of curb and gutter and road centerline. **Addressed**~~
4. ~~The proposed dwelling units exceeds 12 per acre. Per Chapter 20 Subdivision ordinance, site plan and conditional note(s) revisions are needed to commit to construct an 8-foot planting strip, and 8-foot sidewalk along N Davidson St. The wider sidewalk also meets the Charlotte WALKS Policy. **Addressed**~~
5. ~~Revise site plan to show maintaining planting strip along entire frontage and square off sidewalk. Maintain consistent 2' Sidewalk Utility Easement behind the back of sidewalk. **Addressed**~~



6. ~~Revise site plan to show correct dimension for minimum driveway width per CLDSM 10.25E for Type II Modified Driveway based on operation and radius.~~ **Addressed**
7. ~~A site plan note(s) 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 is needed. CDOT requests rights of way set at 2' behind back of sidewalk where feasible.~~ **Addressed**
8. ~~Revise site plan and conditional note(s) to commit to dedicate **30'** of right of way from the road centerline. The site plan shall label and dimension the right of way from the road centerline.~~ **Addressed**
9. ~~A site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **Addressed**
10. ~~Revise site plan and conditional note(s) to commit to maintaining existing bicycle lane along N. Davidson Street to meet the City Charlotte BIKE Policy.~~ **Addressed**
11. ~~Revise site plan and conditional note(s) to specify 2' sidewalk utility easement set at back of sidewalk.~~ **Addressed**



#### Site and Building Design

9. ~~Note for reference: Garage will need to be size to hold vehicles and trash cans.~~
10. ~~Required planting strip will need to be a minimum of six feet.~~ **Addressed**
11. ~~Show, label, and dimension all public street centerlines to the future back of curb. Label, show and dimension, the setback from the future back of curb which will include the required planting strip and sidewalk."~~ **Addressed**
12. ~~The BLE Transit Station Area Plan 36th Street Station Area (P. 69) provides a cross section/streetscape information for N. Davidson Street from Matheson Bridge to East 33rd Street. The Plan calls for a 16-foot setback (retain existing curb), 8-foot planting strip and 8-foot sidewalk, and 4.5' bike lane. Clearly label and dimension this information on the site plan. Please confirm conditions/requirements with CDOT. regarding requirements and accompanying development notes.~~ **Addressed**
13. ~~Permitted Uses Note proposes 5 units, but 6 are shown on site plan. Amend site plan accordingly.~~ **Addressed**
14. ~~Petitioner will need to tie into the proposed sidewalk system. Sidewalk tie-in will be required as part of the Land Development review process.~~ **Addressed**
15. ~~Modify subplot/open space to read "Per ordinance".~~ **Addressed**

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Claire Lyte-Graham (704) 336-3782

## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2021-199

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

| Goals                                                                               | Goal Description                                                                                                                                                                                                                                                                                                                                                                                                              | Relationship to Charlotte Future 2040 Comprehensive Plan |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
|    | <b>Goal 1: 10- Minute Neighborhoods</b><br>All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.                  | ✓                                                        |
|  | <b>Goal 2: Neighborhood Diversity &amp; Inclusion</b><br>Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods. | ✓                                                        |
|  | <b>Goal 3: Housing Access for All</b><br>Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.                                                                                                         | X                                                        |
|  | <b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b><br>Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.                                                                                                                                                                                | N/A                                                      |

|                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                       |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|    | <p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p> |    |
|    | <p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>                                                                    | <p>N/A</p>                                                                            |
|   | <p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>                                                                                           | <p>N/A</p>                                                                            |
|  | <p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>                                                                                                                                                                                                                       | <p>N/A</p>                                                                            |
|  | <p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>                                                                                                                                                                                                                                                            |  |
|  | <p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>                                                                                                                                                                                                                                                 | <p>N/A</p>                                                                            |