

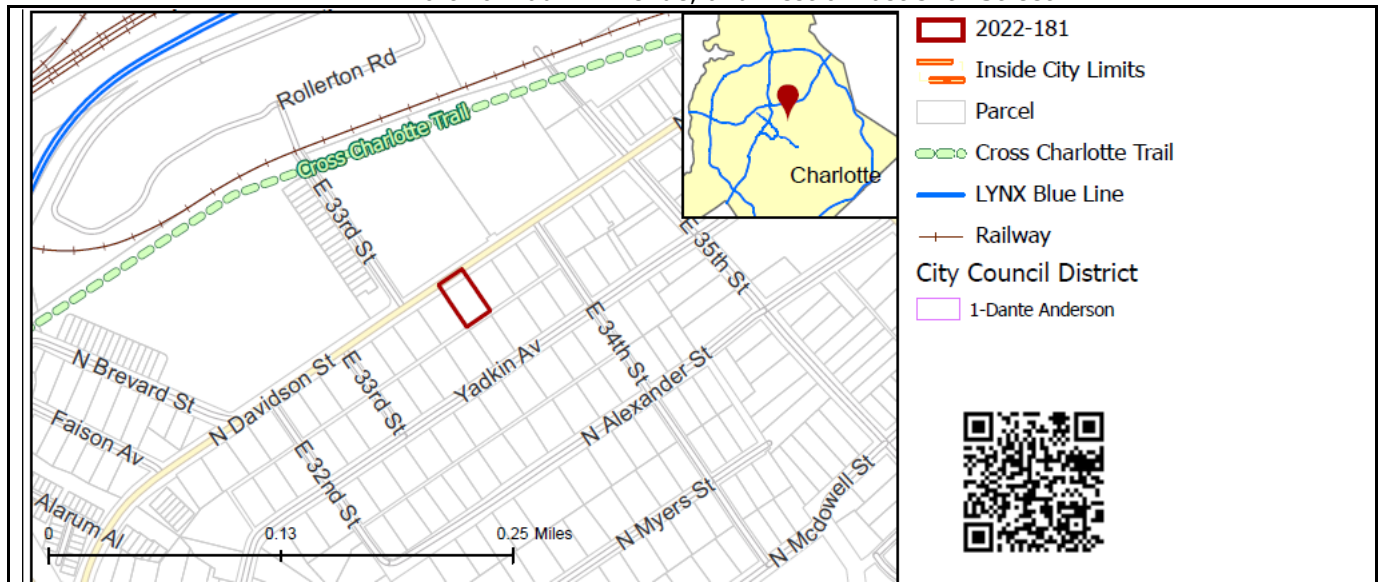
REQUEST

Current Zoning: TOD-M(O) (transit-oriented development-mixed use, optional)

Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 0.22 acres located on the south side of North Davidson Street, north of Yadkin Avenue, and west of East 34th Street.



SUMMARY OF PETITION

The petition proposes to allow all uses in the MUDD in an existing structure built in 1900, including an eating drinking entertainment establishment (EDEE) with outdoor dining.

PROPERTY OWNER

Sedna Inc

PETITIONER

AJ Klenk

AGENT/REPRESENTATIVE

AJ Klenk – Goodyear House NoDa, LLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 2

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for the Neighborhood Center Place Type.

Rationale for Recommendation

- Neighborhood Centers are small, walkable mixed-use areas, typically embedded within neighborhoods, that provide convenient access to goods, services, dining, and residential for nearby residents.
- The proposal offers an appropriate transition between non-residential uses to the north and residential uses to the south.
- The petition is proposing reuse of an existing structure, which will ensure compatibility with the surrounding character.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 4: Trail & Transit Oriented Development
 - 5: Safe & Equitable Mobility
 - 7: Integrated Natural & Built Environments

- 8: Diverse & Resilient Economic Opportunity
- 9: Retain Our Identity & Charm

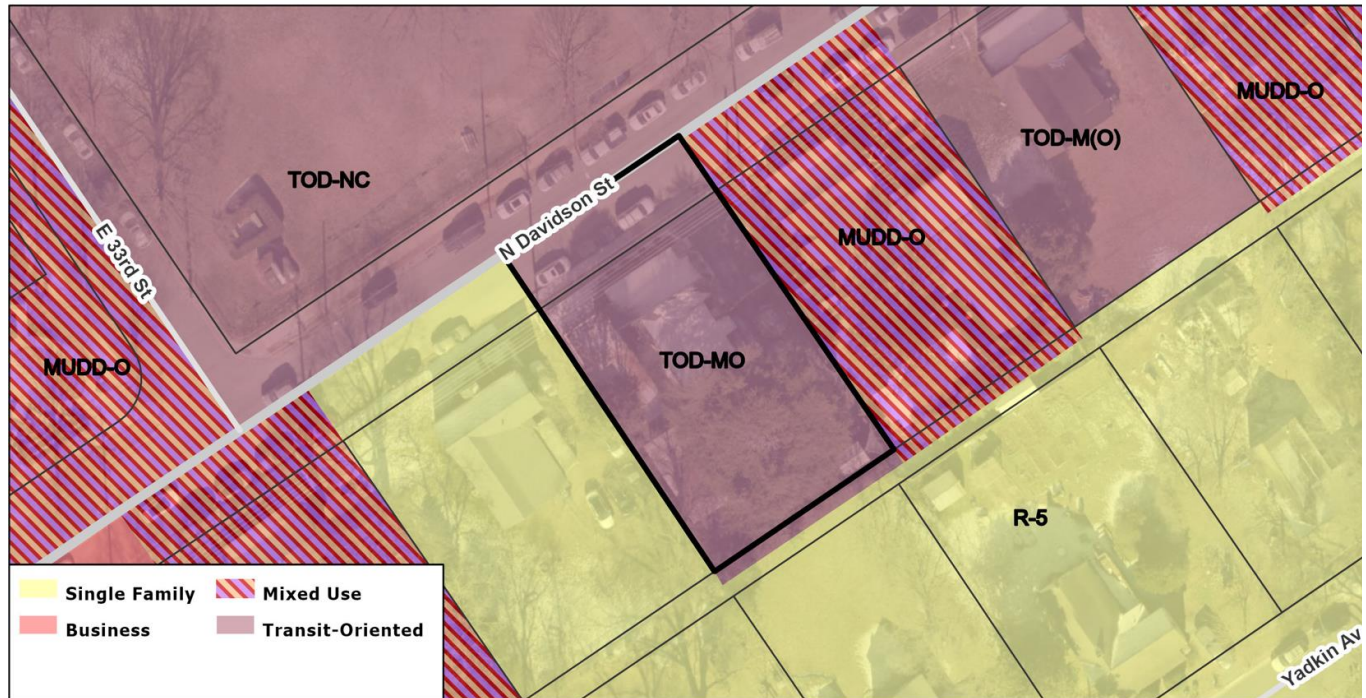
PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allow all uses in the MUDD, including an EDEE with outdoor dining, in an existing 1,533 square foot residential structure built in 1900 (to be adaptively reused and improved) and an existing 1,023 square foot greenhouse.
- Adds note stating the petitioner will comply with Section 12.546 of the Zoning Ordinance regarding allowable hours for outdoor dining and entertainment.
- Propose the following optional provisions:
 - Allow for three (3) on-street parking spaces and one (1) on-site vehicular pad to satisfy the required parking spaces associated with the proposed development.
 - Allow for existing structure to encroach into the 14-foot setback along N. Davidson Street.
 - Allow existing four-foot planting strip and proposed five-foot sidewalk to satisfy the required public sidewalk associated with the proposed development as generally depicted on the site plan.
- Adds note pertaining to a right-of-way encroachment agreement required for installation of non-standard items.
- **Modifies** note pertaining to **dedication reservation** of 30 feet of right-of-way as measured from the existing centerline of North Davidson Street.
- Adds note stating all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.
- Notes three (3) small maturing street trees will be provided on site, back of sidewalk, to satisfy streetscape requirement.
- Notes due to the site being located within a Transit Station Area, tree save mitigation/payment-in-lieu options will be available to the Petitioner as described by the City of Charlotte Tree Ordinance.
- Notes street trees will be provided per the City of Charlotte Tree Ordinance.
- **Adds the following note: A 5' buffer will be provided along the southwestern/side property line as generally depicted on the rezoning plan. The existing 6' privacy fence will remain in place as screening. All existing structures, including the existing greenhouse and decking, that may currently extend into the buffer may remain. This buffer may be removed at such time that the adjoining property (PID #08307114) is rezoned or changes to a non-residential use that does not require a buffer. Additionally, this buffer may be removed at such time that the subject Site property is no longer an EDEE use.**
- **Adds the following note: A 10' buffer will be provided along the rear property line as generally depicted on the rezoning plan. The existing 6' privacy fence located on the property will remain in place as screening. The buffer will be measured from the centerline of the adjacent 10' wide public alley with 5' of buffer width being within the alley and the remaining 5' width being on site. All existing structures, including the existing shed and a bocce court, that may currently extend into the buffer may remain. This buffer may be removed at such time that the subject property is no longer an EDEE use.**

- Existing Zoning**



- The site is developed with a residential structure built in 1900 and a greenhouse and surrounded by a mix of residential and non-residential uses in Noda on properties zoned R-5, MUDD-O, TOD-M(O), and TOD-NC.

Existing Zoning	Translated Zoning	Recommended Place Type
TOD-M(O)	N/A (conditional districts do not translate)	NC (neighborhood center)



The site is surrounded by a mix of residential and nonresidential uses in the Noda community.



The site is developed with a vacant residential structure built in 1900 and a greenhouse.



To the east and west along N. Davidson Street (above and below pics) are a mix of residential and non-residential uses.





North, directly across N. Davidson Street, is the YMCA.



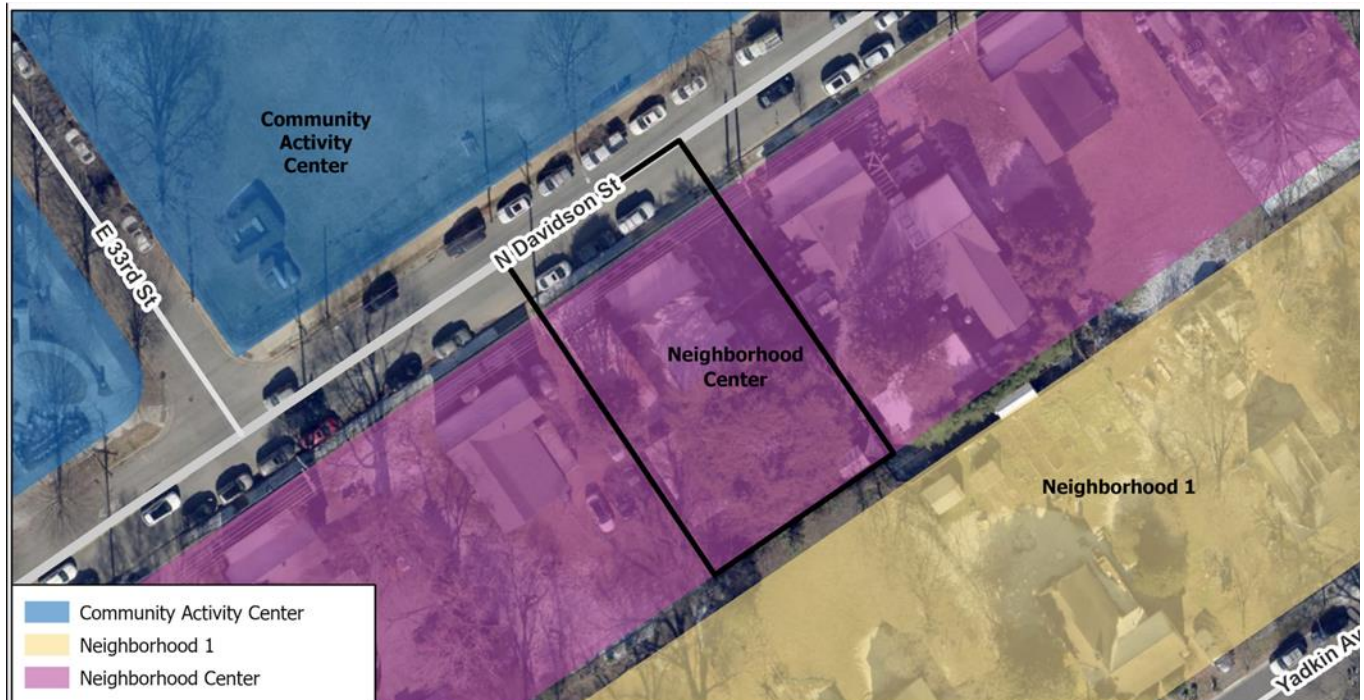
South are single family homes.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	Rezoned approximately 1,771 acres to various TOD districts.	Approved
2019-013	Rezoned 0.22 acres to TOD-M(O) to allow an EDEE and other uses in existing and proposed structures.	Approved

- Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood Center place type for this site.

- **TRANSPORTATION SUMMARY**

- The site is located on the east side of North Davidson Street, a City-maintained minor throughfare, and north of East 33rd Street, a City-maintained local street. A Traffic Impact Study (TIS) is not required for this site due to the site generating less than 2500 daily trips. All outstanding CDOT comments have been addressed.
- **Active Projects:**
 - N/A
- **Transportation Considerations**
 - ~~See Outstanding Issues, Notes 1-5.~~ Addressed
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant residential structure).
 - Entitlement: N/A trips per day (too many uses to determine).
 - Proposed Zoning: N/A trips per day (based on too many uses to determine).

- **DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main on N Davidson Street. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. See advisory comments at www.rezoning.org
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at 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 outstanding issues.

- **OUTSTANDING ISSUES**

- Transportation

- 1. ~~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 construct a 9-foot back of curb sidewalk. The site plan shall label the sidewalk from the back of curb and gutter.~~ Rescinded
 - 3. ~~Add a conditional note specifying "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 construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements."~~ Addressed
 - 4. ~~Add a conditional note specifying "the Petitioner shall dedicate and convey in fee simple all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible."~~ Addressed
 - 5. ~~Add a conditional note specifying "All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes."~~ Addressed

- Site and Building Design

- 6. ~~The rezoning site abuts R-5 zoning to the west and to the south. EDEE are subject to the standards of Section 12.546. The hours will need to be limited accordingly or the required buffer will need to be shown on the site plan.~~ Addressed
 - 7. ~~Streetscape and Landscaping Note 4 indicates existing fencing and gates will remain on the site, and the petitioner reserves the right to relocate any fencing and/or gates on site within the constraints of~~

~~Ordinance. The parcel abuts properties to the west and south zoned R-5. Please confirm how these parcels will be screened from the proposed use.~~ **Addressed**

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

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