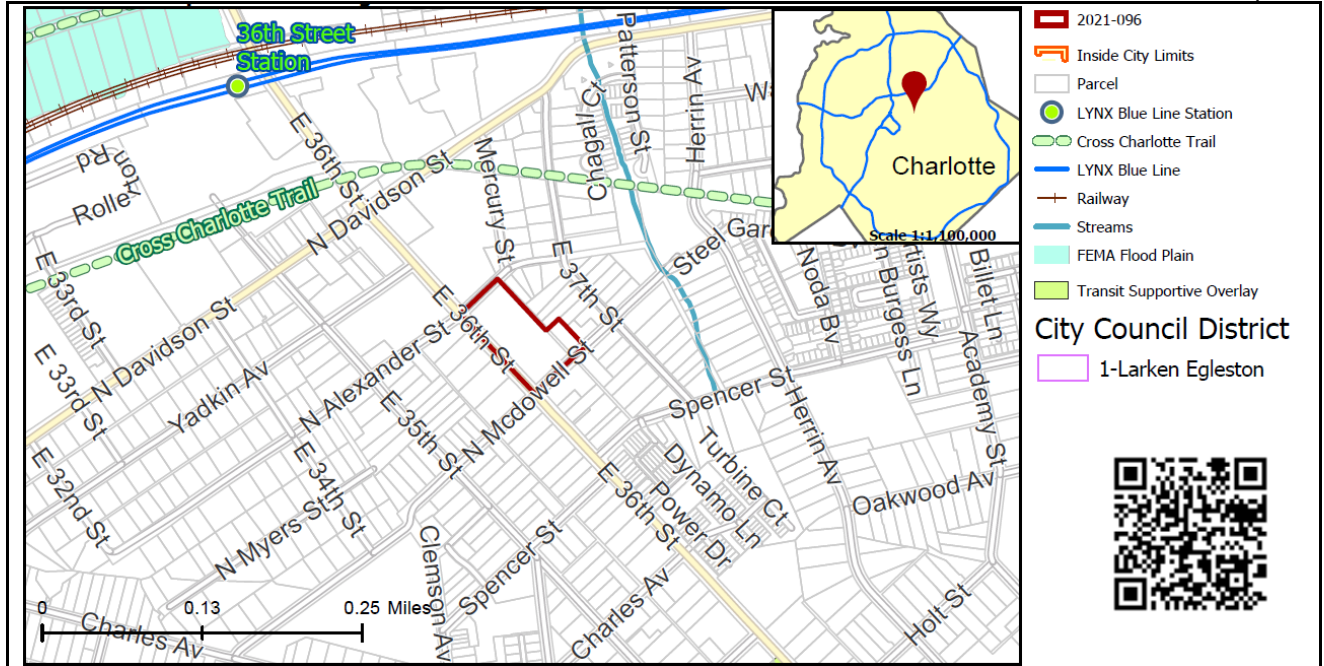


**REQUEST**

Current Zoning: R-5 (residential)  
Proposed Zoning: MUDD-O (mixed use development, optional)

**LOCATION**

Approximately 1.89 acres located along E. 36<sup>th</sup> Street between N. Alexander Street and N. McDowell Street in the NoDa community.



**SUMMARY OF PETITION**

The petition proposes to rezone and redevelop an existing church site with a mixed-use development containing up to 211 multi-family residential units (at a density of up to 111.6 dwelling units per acre (DUA)) and a **minimum of 7,000 SF**/up to 11,100 SF of retail, EDEE, or other personal service uses.

**PROPERTY OWNER**

North Charlotte Presbyterian Church; Church Trustees Johnston Memorial

**PETITIONER**

Ascent Real Estate Capital, LLC

**AGENT/REPRESENTATIVE**

Collin Brown and Brittany Lins, Alexander Ricks, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Virtual Community Meeting: 16

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the 36<sup>th</sup> Street Station Area Plan's recommendation for institutional and residential uses up to five dwelling units per acre (DUA) for the site.

Rationale for Recommendation

- The petition's request for a mixture of uses (retail and multi-family) is similar in density and scale to recently approved rezonings in the immediate area (e.g., 2019-069).
- The requested height is consistent with the maximum height permitted (65 feet) under TOD-NC zoning, which is proximal to the subject property.

- The site is under .5 miles from a Blue Line transit station. The density proposed with this project is appropriate considering the site's proximity to rapid transit.
- The site is currently a mixture of vacant land and former institutional uses (place of worship). The redevelopment of this block's frontage along E. 36<sup>th</sup> Street will provide density close to transit without requiring the tear down of any existing single-family detached homes.
- The petition's proposed uses are complimentary to the *36<sup>th</sup> Street Station Area Plan's* overall goal of community design by creating a "high quality urban environment by enhancing the identity of the transit station area through the creation of attractive streetscapes." This petition commits to streetscape improvements along all three streets it fronts and commits to a higher percent ground floor transparency percentage than is required in the MUDD district (60 percent committed/50 percent required) while providing improved urban open space through the creation of a retail courtyard space along E. 36<sup>th</sup> Street.
- The petition is proposing to protect adjacent single family uses from the structure's visual impact through stepdowns/stepbacks in height, parking deck screening, and an enhanced landscaped buffer between the parking deck and single family uses.

The approval of this petition will revise the adopted future land use as specified by the *36<sup>th</sup> Street Station Area Plan*, from institutional and single family residential up to 5 DUA to multi-family/retail uses for the site.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

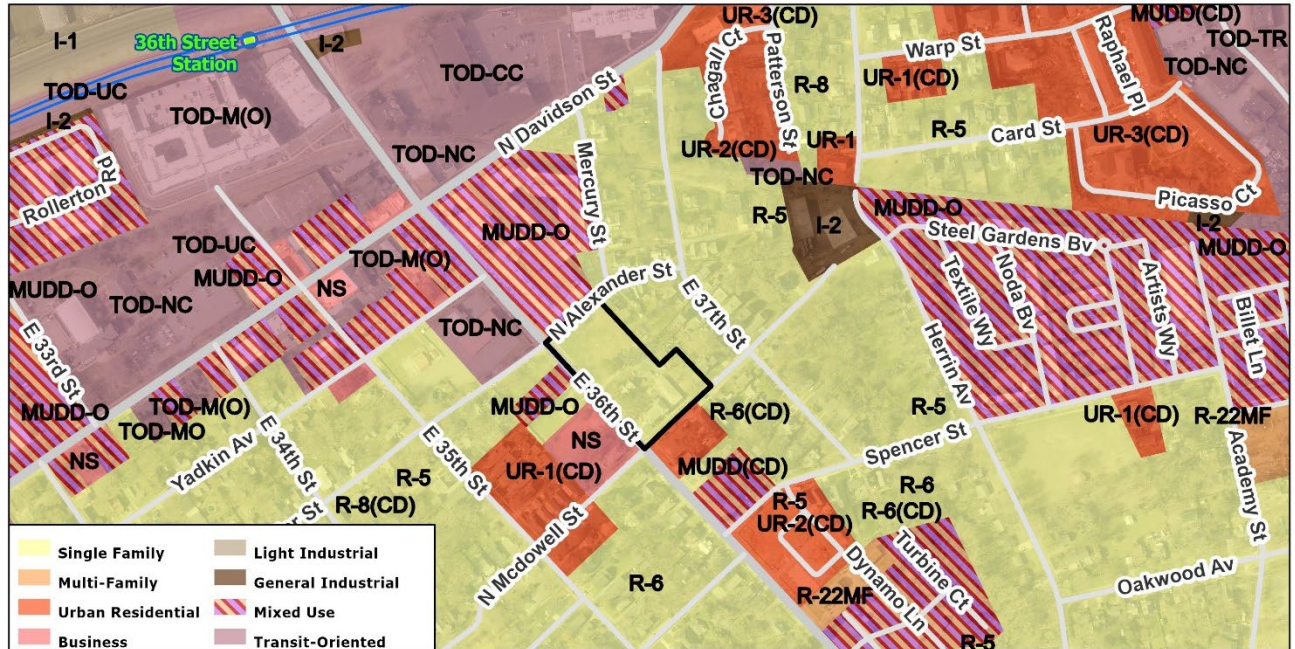
- Requests up to 211 multi-family residential units (at a density of 111.6 DUA) and up to 11,100 SF of retail, EDEE, personal service, or other non-residential uses permitted within the MUDD zoning district. *Commits to a minimum of 7,000 SF of non-residential uses for the site.*
  - Prohibited uses at the site include car washes, automobile service stations, accessory drive-through windows, warehousing, and self-storage.
- Maximum building height of 65 feet (details on stepbacks and reduction of height against adjacent SF residential details listed below).
- Requests an optional provision to allow a minimum of ~~213~~ 185 on-site vehicular parking spaces with ability to provide up to a maximum of ~~223~~ 211 spaces.
- Commits to transportation improvements including two curb ramps at the intersections of N. Alexander and N. McDowell at 36<sup>th</sup> Street as well as an ADA compliant bus pad in the area of the existing stop.
- *Commits to utilization of best practices to preserve two large maturing trees; one on site located in the proposed plaza and one along an adjacent alleyway. Corner of building against the alleyway has been notched to preserve an off-site tree near N. Alexander Street. Additionally commits to the replanting of the tree located in the plaza area along E. 36<sup>th</sup> and provides a min. caliper if the tree does not survive.*
- Commits to improving the streetscape along N. Alexander Street and N. McDowell Street by providing an 8-foot planting strip and 6-foot sidewalk along with an 8-foot sidewalk and 8-foot planting strip along E. 36<sup>th</sup> Street.
- Petitioner commits to installation of three (3) Rapid Rectangular Flashing Beacons for the crosswalks across East 36<sup>th</sup> Street and North Alexander Street and at 36<sup>th</sup> Street and Spencer Street.
- *Commits to construction of four (4) bulb-outs at all corners of intersection with 36<sup>th</sup> and N. Alexander.*
- *Commits to providing bicycle parking/storage in 10 percent excess of ordinance requirements.*
- Commits to architectural design guidelines including:
  - Preferred building materials comprising a minimum of 40 percent of the entire building elevation when facing a public or private street, alongside a prohibition on the utilization of vinyl and CMUs not architecturally finished (exclusive of door/window trim, handrails, etc.).

- Modulations of building façade a minimum of 10-feet wide and project/recess a minimum of 2-foot.
- Elevation design features including articulation, a recognizable architectural base, and a limitation on blank walls.
- ~~Height reductions are proposed along the corners of the buildings against Alexander and McDowell Streets that reduce the height to 40 feet in those locations along with a stepback of 32 feet (see sheet 4, Site Sections).~~
- Commits to building height reductions (illustrated on the sheet RZ-1) of 42 feet in areas closest to single family residential, a height of 54 feet in areas that transition from single family residential to 36<sup>th</sup> Street, with a maximum height of up to 65 feet in areas closest to E. 36<sup>th</sup> Street.
- Provides a height reduction of 25 feet and a stepback of 16 feet along N. Alexander and N. McDowell Streets as shown on the site elevations on rezoning sheet 1.
- Commits to active ground floor uses occupying a minimum of 80 percent of the site's linear street-level building frontage along E. 36<sup>th</sup> Street.
- Commits to screening a minimum of 70 percent of the parking structure through green screening, decorative panels, or in a way that mimics the building's window placement.
- Urban open space provided (minimum 3,125 SF) along the site's frontage with E. 36<sup>th</sup> Street.
- Commits to .18 acres of improved open space on parcel 091-104-02 (along McDowell Street) as generally depicted on the site plan and may include benches, walkways, etc.
- Commits to screening the parking deck with an 8-foot landscaped area adjacent to single family residential.
- Provides a 4-foot stepback of the proposed 5<sup>th</sup> story with a minimum depth of 4-foot along the site's frontage with N. Alexander and N. McDowell Streets. To further minimize the height along those streets, the railing used on the 5<sup>th</sup> floor shall not be constructed of a solid wall material (in order to provide openings and/or transparency).
- Petitioner commits to providing a minimum eight-foot landscaped areas adjacent to the existing 10-foot wide alleyway abutting the parking deck.
  - The planting area shall be planted at a rate of two small maturing trees and seven evergreen shrubs for every 50 feet of screening area. Provides fence between alleyway and amenity area in addition to landscaping noted above.
- Commits to a maximum prominent entrance spacing of 100 feet along E. 36<sup>th</sup> Street.
- Minimum ground floor transparency along E. 36<sup>th</sup> Street shall be 60 percent. All other floors along E. 36<sup>th</sup> and other building elevations shall be 25 percent.
- Lighting shall be full-cutoff and limited to a maximum height of 20 feet on top of parking deck adjacent to single family uses. Those lights shall also be directionally angled to limit light pollution.
- Commits to community benefits including \$25,000 to the NoDa NBA for public art, a commitment of 10 percent of the total units reserved for a rental rate of 80 percent AMI, and the provision of a trash compactor for on-site trash collection.
- Further commits to providing an on-site trash pad or grate outside the ROW if permitted by relevant City department(s)
- Commits to providing stormwater detention controls 10 percent above the requirements of the PCSO.
- Limits lighting on top floor of parking deck to 20 feet in height.

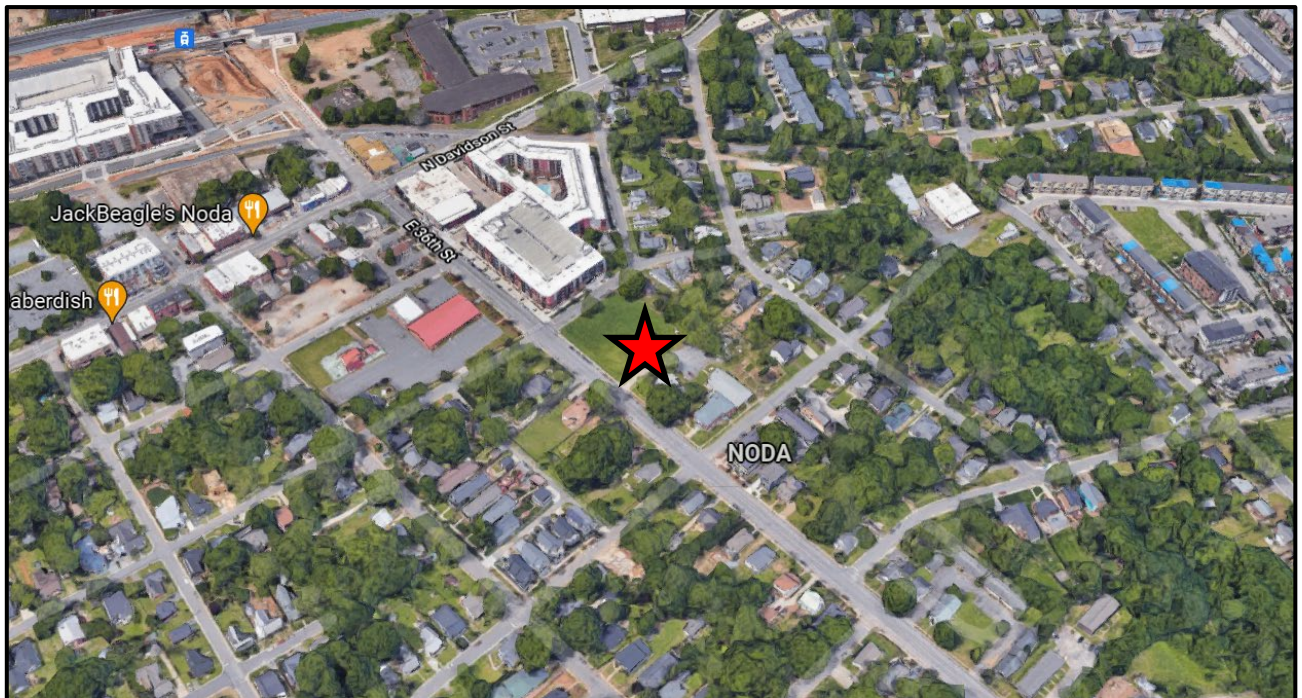
The approval of this petition will revise the adopted future land use as specified by the 36<sup>th</sup> Street Station Area Plan from residential and institutional uses to residential/office/retail uses for the site.



• **Existing Zoning and Land Use**



There is no available historical rezoning information for the site. The site is located along E. 36<sup>th</sup> Street less than a half-mile away from the Blue Line's 36<sup>th</sup> Street Station. It is surrounded by multi-family uses and mixed-use and TOD zoning to the northwest, a mixture of single-family and mixed use zoning to the east and SE, residential uses to the south, higher density residential uses/zoning to the SE, and single family residential uses directly to the east and north.



General location of subject property illustrated by red star.



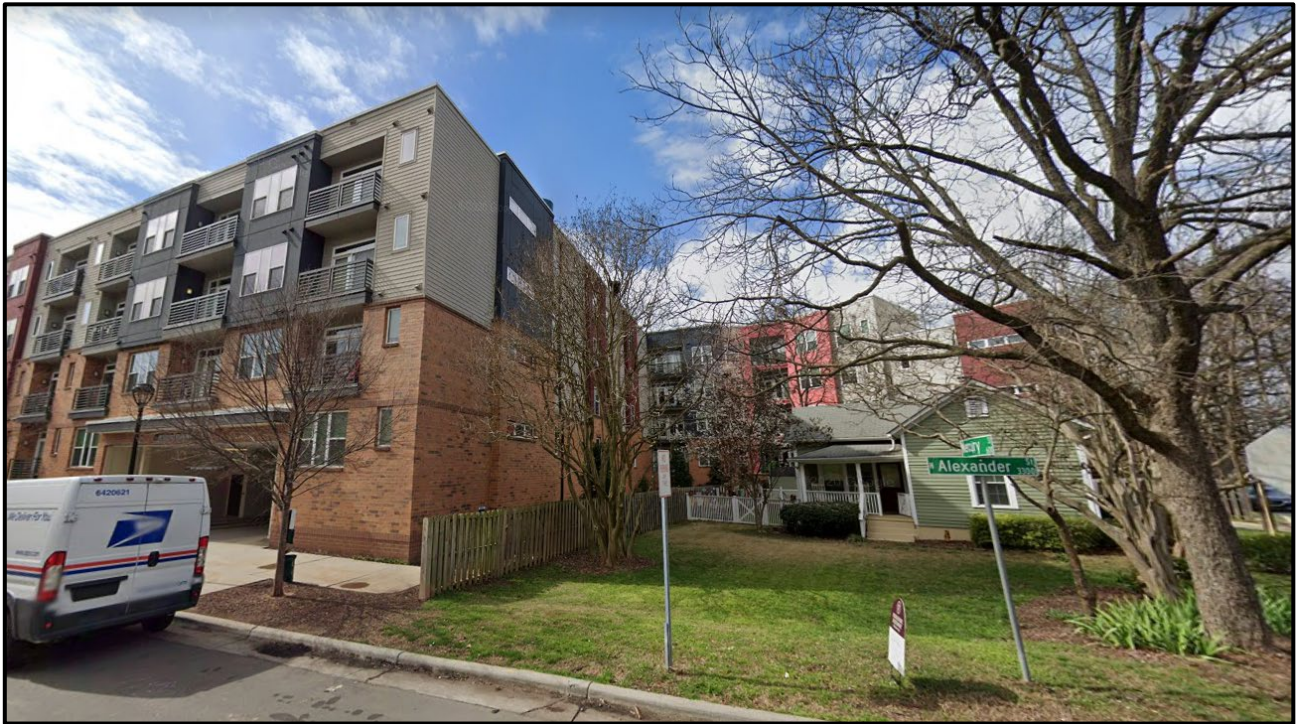


Streetview looking north toward the southern portion of the subject property. The site currently has a church and single family home.



Streetview looking east toward the site from E. 36<sup>th</sup> Street. This portion of the subject property is vacant.





Mercury apartments (4 stories, appx. 52 feet) and immediately adjacent single family detached residential located directly across the site along N. Alexander Street.



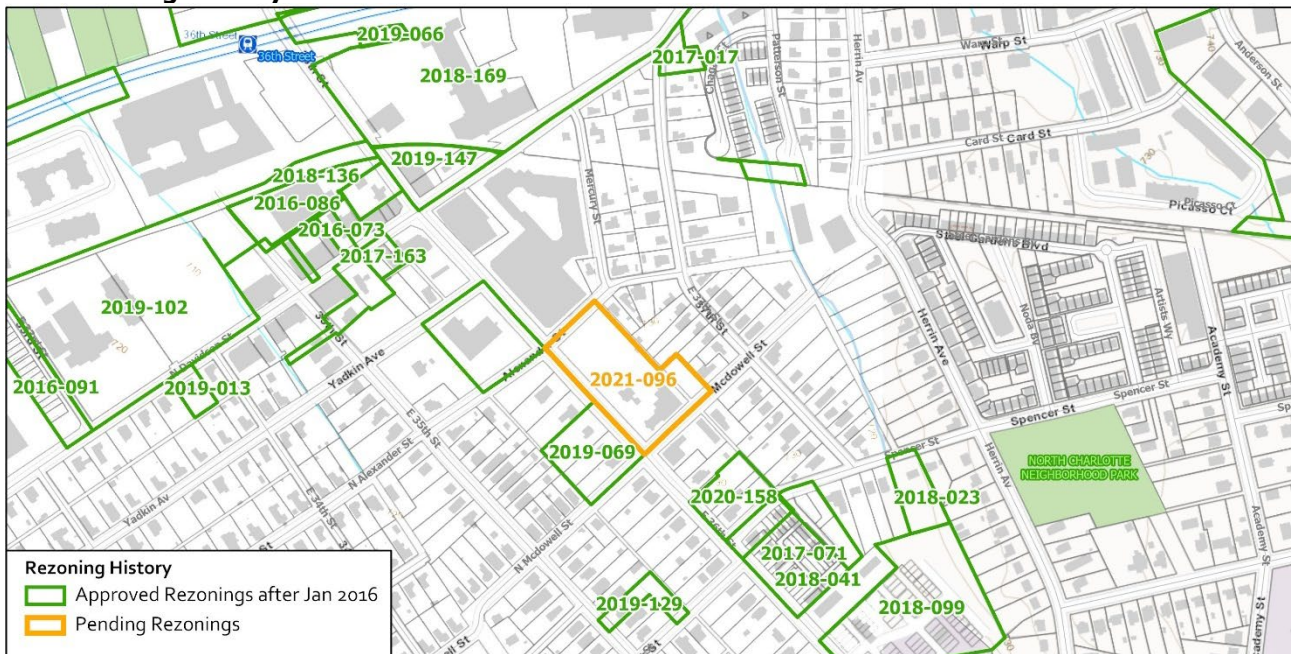
Looking south at single family home illustrated by section cut B on sheet 4 of the rezoning plan.





Streetview along E. 37<sup>th</sup> looking toward the homes that are immediately behind the proposed project.

• **Rezoning History in Area**

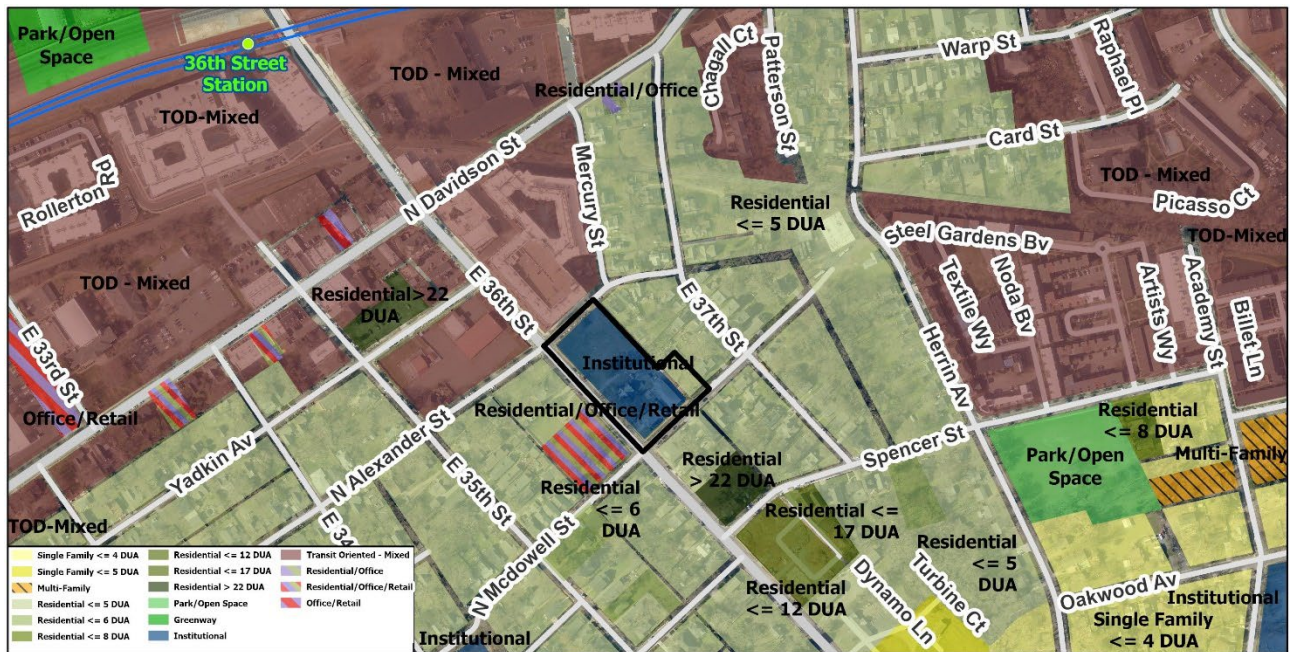


Petition Number	Summary of Petition	Status
2020-158	Request for MUDD(CD) to accommodate potential townhome community.	Approved
2019-129	Request for higher density single-family zoning district to potentially subdivide into two (2) lots.	Approved
2019-102, 2019-147, 2019-066, 2018-169, 2018-136, 2017-163, 2019-013	Multiple rezonings requesting TOD, including city-sponsored Blue Line rezoning (2019-102).	Approved
2019-069	Request for NS to allow mixed-use (retail/multi-fam) building along E. 36 <sup>th</sup> Street.	Approved



2018-099	Request for MUDD to accommodate a townhome community.	Approved
2018-041	Rezoning request for UR-2/SPA to accommodate a townhome community.	Approved
2018-023	Request for higher density single-family zoning district.	Approved
2017-071	Rezoning request for UR-2 to accommodate a townhome community	Approved
2017-017	Request for UR-3 to allow a mixture of retail and residential along N. Davidson.	Approved
2016-091	SPA request for townhomes at Highland Mill.	Approved

• **Public Plans and Policies**



- The 36<sup>th</sup> Street Station Area Plan recommends both institutional uses and single family residential uses up to five DUA for the site.

• **TRANSPORTATION SUMMARY**

- The petition is located adjacent to East 36th Street, a City-maintained minor thoroughfare, with other frontages on North Alexander Street and North McDowell Street, both City-maintained local streets. A Traffic Impact Study (TIS) is not needed for this site. The petitioner is committing to additional transportation improvements not required by ordinance that will contribute towards the connectivity and safety of pedestrians, cyclists, and vehicles. These improvements include constructing curb bulb-outs on all corners of East 36th Street at North Alexander Street to shorten pedestrian crossing distances and installing Rapid Rectangular Flashing Beacons to cross East 36th Street at this intersection. In addition, the petitioner is also committing to installing Rapid Rectangular Flashing Beacons at the intersection of 36th Street and Spencer Street. These additional improvements are consistent with the council adopted Charlotte WALKS and Charlotte BIKES policies, and further the City's goals outlined in the Vision Zero Policy. All outstanding CDOT comments have been addressed.

• **Active Projects:**

- N/A

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 35 trips per day (based on church and 1 dwelling).

Entitlement: 115 trips per day (based on 9 homes).

Proposed Zoning: 2,497 trips per day (based on 211 units/11,100 SF retail).

**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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **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 4 students, while the development allowed under the proposed zoning may produce 39 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 35 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Villa Heights Elementary from 75% to 83%
    - Eastway Middle from 117% to 119%
    - Garinger High from 117% to 119%.
  - **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along E 36th St. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along E 36th St. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **City Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **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:** No outstanding issues.

## OUTSTANDING ISSUES

### Site and Building Design

1. The schematic plan on sheet one should also be updated to illustrate the building height diagram illustrated on sheet 4. The heights for those areas should be referenced in Section VI, Design Guidelines. **ADDRESSED**
2. Petitioner should remove the general nature of note VI.c.2, by including a commitment to the dimensions of the height reductions/stepbacks illustrated on sheet four's height diagram and added to the conditional notes. The elevations illustrated on sheet one should also match the height diagram on sheet 4 to provide clarity on the stepbacks and reductions in height along McDowell and Alexander Streets. **ADDRESSED**
3. Please provide examples of the green screen that may be utilized in note VI.f. If examples are the images provided on sheet 4, please make reference to those images. **ADDRESSED**
4. Remove language regarding maximum development that makes reference to the SF excluding residential support uses on sheet one. **ADDRESSED**
5. Enhanced landscaping should be provided (labeled and added to conditional notes) in a similar fashion as what is being proposed for the parking structure in the area where the illustrated plaza/amenity area is shown against rear yards of adjacent SFR. Petitioner should clarify if trees or shrubs will be planted in these areas along with a number of each. **ADDRESSED**
6. Modify note III.b to state "site will provide 213 parking spaces" or the maximum number that may be built. **ADDRESSED**
7. Trash pickup should be internal to the site and the structure should accommodate the height and maneuvering area needed. **ISSUE RESCINDED**. Petitioner has lowered height of deck to better transition from 36<sup>th</sup> Street to adjacent residential uses, eliminating the potential for internal trash pickup. Petitioner has provided internal compactor and commits to providing a pad or grate for the roll-out(s).
8. Provide mitigation measures in the conditional notes to replace the mature tree located in the 36<sup>th</sup> Street Plaza area if best practices are not enough to save the tree. **ADDRESSED**
9. Please include the location of the large mature tree in the northern corner of the site (may be in alleyway). Petitioner should commit to the preservation the tree with conditional notes listing best practices to preserve the tree, and mitigation measures if the preservation is not possible.

10. ~~Annotate the amenity area and list potential programming elements that will be located adjacent to single family residential uses.~~ ADDRESSED
11. ~~Remove the optional provisions requested to allow mechanical and utility equipment to encroach within setbacks.~~ ADDRESSED
12. ~~Replacement trees' minimum trunk caliper and species should be listed on the conditional notes for both trees mentioned. Additionally, commitments to save said trees should match — i.e., deep root fertilization should be utilized for the large tree within the proposed plaza as well as the tree in the alleyway.~~ ADDRESSED

Transportation

13. ~~Revise site plan to construct curb bulb-outs on all corners of east 36<sup>th</sup> Street and N. Alexander Street.~~ ADDRESSED

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

14. ~~Remove subsection b from Maximum Development within the site development table.~~ ADDRESSED
  15. ~~Further clarify what "best practices for operational efficiency" are as it related to trash and how a compactor improves on-site trash collection.~~ ADDRESSED
- 

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

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












## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2021-096

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> 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> 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.	X
	<b>Goal 3: Housing Access for All</b> 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.	✓
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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.	✓

	<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><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>X</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>