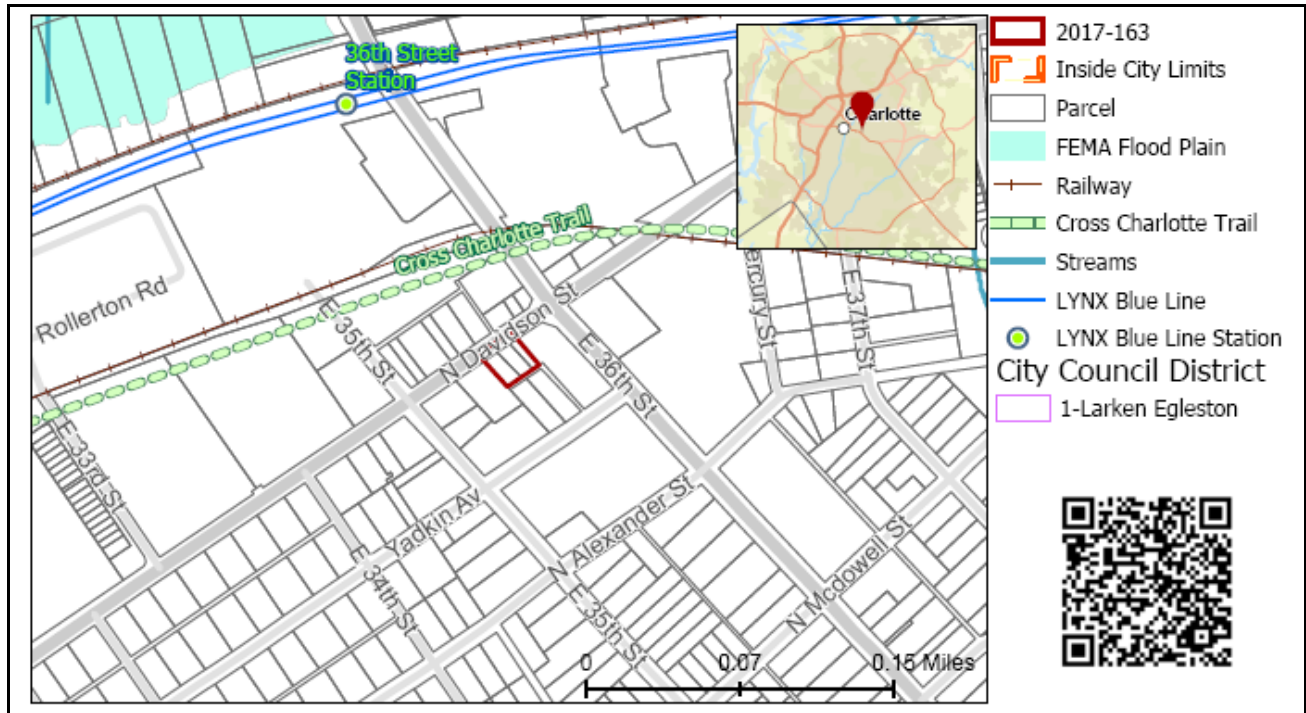


**REQUEST** Current Zoning: NS (neighborhood services)  
 Proposed Zoning: TOD-MO (transit oriented development, mixed use, optional)

**LOCATION** Approximately 0.201 acres located on the southeast side of North Davidson Street south of E. 36<sup>th</sup> Street.  
 (Council District 1 – Egleston)



**SUMMARY OF PETITION** The petition proposes to allow the existing eating/drinking/entertainment establishment to remain, and to allow an open air market.

**PROPERTY OWNER** Not His LLC  
**PETITIONER** Miller Development Company  
**AGENT/REPRESENTATIVE** Thomas B. Miller

**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 *Blue Line Extension Transit Station Plan*, which recommends transit oriented development.

Rationale for Recommendation

- The site is located within the ¼ mile walking distance of the 36<sup>th</sup> Street Transit Station Area and is currently developed with an eating/drinking/ entertainment establishment.
- The request proposes to reuse the existing building located on the site, which is consistent with the policy to preserve the historic structures and character of the Highland Mill and Mecklenburg Villages, noted in the adopted *Blue Line Extension Transit Station Plan*.
- The request meets the area plan's goal for active ground floor non-residential uses along North Davidson Street (from E. 36<sup>th</sup> Street to E. 33<sup>rd</sup> Street) by creating an open market area along this main

corridor in the transit station area and maintaining the existing nonresidential structure for uses permitted in the TOD-M zoning district.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Retains the existing eating/drinking/entertainment establishment and allows an open-air market.
- No parking will be provided for the open-air market.
- Ten-foot wide existing alley will be preserved to allow for pedestrian access.
- If any building is demolished or expanded by more than 25% a rezoning will be required.

### • Existing Zoning and Land Use



Petition 1998-29 rezoned the subject properties from B-1 (neighborhood business) to NS (neighborhood business) to allow all uses permitted in the B-1 (general business) district, with the exception of gas stations, drive-through windows, adult books and entertainment. The subject property is currently developed with an eating/drinking/entertainment/commercial use.

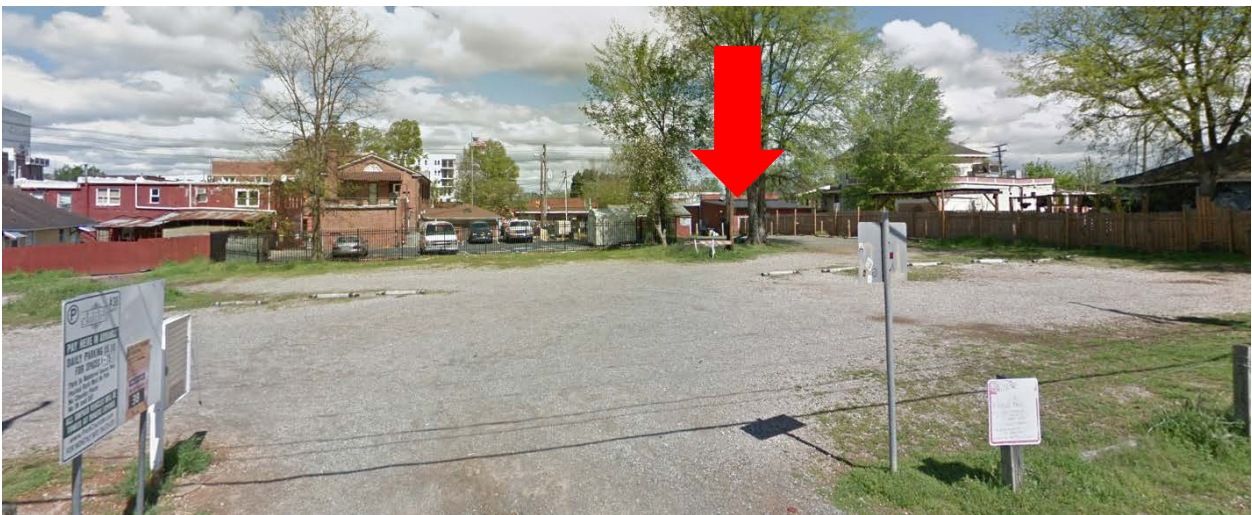


The subject property is developed with an eating/drinking/ entertainment establishment and associated parking.



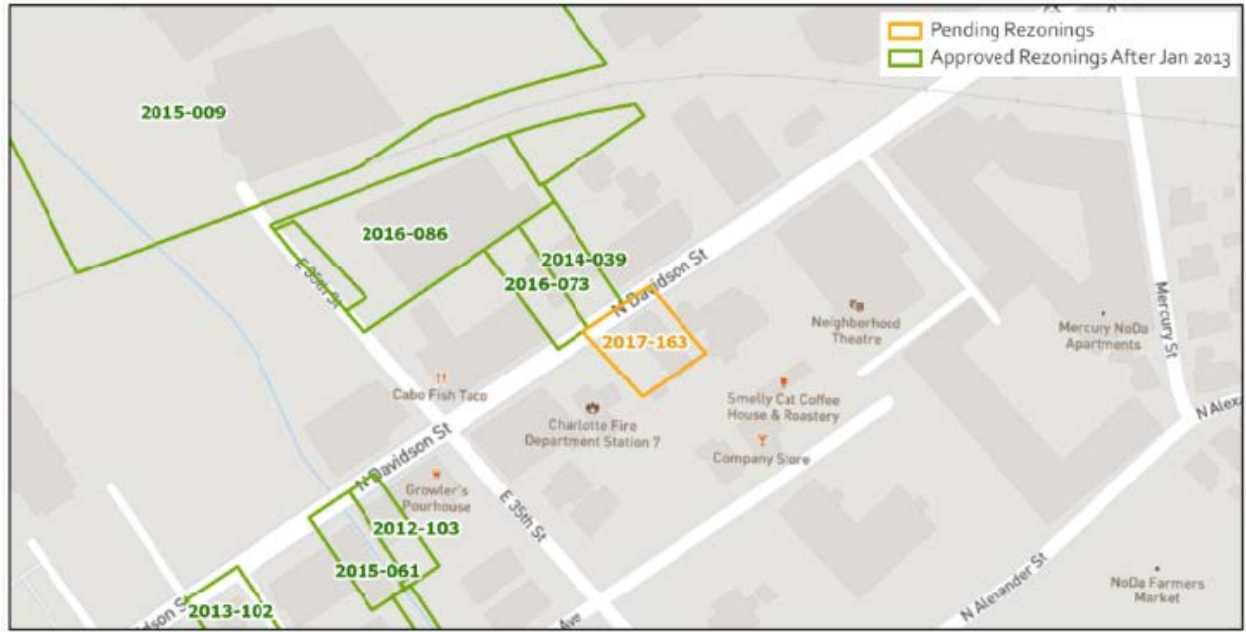


Surrounding properties on either side of North Davidson Street are developed with office, commercial/retail, eating/drinking/entertainment establishments, indoor recreation, warehouse, residential uses and a fire station. (Red arrow points to the subject property.)



A parking lot and other commercial uses are located behind the subject properties along Yadkin Avenue. (Red arrow points to the subject property.)

### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2016-86 2016-73 2015-61 2015-09 2014-39 2013-102	There have been multiple rezonings in the immediate area to allow residential and non-residential uses in districts such as MUDD (mixed use development) and various TOD (transit oriented development).	Approved

### • Public Plans and Policies



- The Blue Line Extension Transit Station Area Plans recommend transit oriented development on the subject site. The site is located within the 36<sup>th</sup> Street Transit Station Area.
- Plan policy recommends a height limit of 50 feet to maintain a scale that is compatible with the surrounding area and avoid a canyon effect along North Davidson Street.
- Community Design Guidelines within the plan encourage the reuse of existing structures.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on a minor thoroughfare. There are no proposed changes to the existing access or streetscape.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 250 trips per day (based on 2,640 square foot eating/drinking/entertainment establishment).
    - Entitlement: 250 trips per day (based on 2,640 square foot eating/drinking/entertainment establishment).
  - Proposed Zoning: 250 trips per day (based on 2,640 square foot eating/drinking/entertainment establishment and retail use).

**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 Fire Department:** No on-street parking.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along Davidson Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing eight-inch gravity sewer mains located along Davidson Street
- **Engineering and Property Management:**
  - **Arborist:** Trees cannot be planted in the right-of-way of N. Davidson Street without permission of the City Arborist's office. Contact Laurie Reid (704-336-5753) at the City Arborist's office to discuss species to be planted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Site and Building Design

1. ~~Add a heading entitled "Optional Provisions" and add optional requests to eliminate the open air market parking requirement of one space per 250 square feet, and the eating/drinking/entertainment establishment parking requirement of one space per 150 square feet.~~ Addressed.
  2. ~~Delete Notes H and I, as they are policy from adopted plan.~~ Addressed.
  3. ~~Provide development notes under proper headings.~~ Addressed.
  4. ~~Add a note that the existing building is to remain.~~ Addressed.
- 

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water



- Urban Forestry
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

**Planner: Sonja Strayhorn Sanders (704) 336-8327**