

<b>REQUEST</b>	Current Zoning: B-1 (neighborhood business) and MUDD(CD) (mixed use development, conditional) Proposed Zoning: MUDD(CD) (mixed use development, conditional) and MUDD(CD) SPA (mixed use development, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 1.92 acres located on the north side of Central Avenue between Nandina Street and Landis Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes up to 97 multi-family dwelling units, with up to 9,000 square feet of non-residential uses including leasing office and amenity space and up to 4,800 square feet of commercial uses along Central Avenue.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Numerous, see application on website. DPJ Residential, LLC NA
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>Central District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends retail for a portion of the site and mixed use retail/office as amended by the previous rezoning for a portion of the site.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The petition is consistent with recently constructed projects on Central Avenue; and</li> <li>• The proposed mixed use (residential/commercial) is urban in character and pedestrian oriented; and</li> <li>• The petition also supports the goal of developing in a manner that complements a multi-modal transportation system and the future extension of the LYNX Gold Line (street car); and</li> <li>• The petition revitalizes a brownfield site;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Dodson).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications provided the petitioner address the remaining three outstanding minor issues: <ol style="list-style-type: none"> <li>1. Labeled the additional building setback provided along Central Avenue.</li> <li>2. Provided a note specifying that the existing billboard on the site will be removed.</li> <li>3. Provided a detail of the retaining wall and fence along the rear property line that shows the height and materials of the fence and the materials of the wall.</li> <li>4. Amended the label for the loading space to read "striped temporary loading space."</li> <li>5. Specified when the right-of-way will be dedicated.</li> <li>6. Removed density from the Development Data Table because mixed use buildings use FAR.</li> <li>7. Amended Note a. under Environmental Features to refer to the</li> </ol>
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- Gold Line.
8. Amended the site plan to show dwelling units connecting to the internal sidewalk.
  9. Amended Note h. under the Development Data Table so it matches the proposed commercial shell space and amenity area depicted on the site plan.
  10. Amended Note k. under Development Data Table to say required parking per MUDD standards (1 space per residential unit and 1 space per 600 square feet of non-residential) and total parking provided is 124 spaces.
  11. Amended Note l. under Development Data Table to quantify the provided urban open space in the same method as reflected in the Zoning Ordinance.
  12. Amended Note a. under Permitted Use to accurately reflect the uses proposed.
  13. Deleted Note b. under Lighting as it is repeated.
  14. Amended Note a. under Architectural Standards to say, "all units with frontage on Central Avenue have exterior balconies, stoops or patios."
  15. Amended Note a. under Streetscape and Landscaping to read "Petitioner will provide street trees per the City of Charlotte Tree Ordinance within the planting strip as generally depicted on the site plan."
  16. Removed RZ-01 as is it part of the rezoning application and not part of the site plan.

**VOTE**

Motion/Second:	Walker/Dodson
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker
Nays:	None
Absent:	None
Recused:	None

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that three outstanding issues remained. Staff stated that the remaining issues are minor in nature and should be easily addressed. The petitioner or a representative was not present at the meeting to address the outstanding issues.

The Commission had some discussion regarding the input from the community at the City Council public hearing.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Background**

- Petition 2006-133 rezoned a 0.656 acre portion of the site to MUDD (CD) (mixed use development, conditional). The approved site plan contains the following conditions:
  1. Allows up to 13,500 square feet of mixed use office, retail, restaurant, personal service and medical office uses.
  2. Limits maximum building height to two stories and 60 feet.
  3. Removes the existing billboard on the site prior to construction.
  4. Commits that each tenant occupying the ground floor will have an operable door from the public sidewalk or open space and doors will not swing across the setback line.
  5. Specifies that the first floors of all buildings, including structured parking, must be designed to encourage and compliment pedestrian scale activity. It is intended that this would be accomplished by the use of windows and doors on at least 50% of the length of the first floor street frontage. Art, pedestrian amenities, landscaping, articulated facades and

display areas may be considered in meeting the requirement.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Eliminates the previous conditional plan for a 0.656 acre portion of the property and incorporates the area into the subject conditional plan.
  - Allows up to 97 multi-family dwelling units with up to 9,000 square feet of non-residential uses including leasing office and amenity space and up to 4,800 square feet of commercial uses along Central Avenue.
  - Limits the maximum building height to 60 feet. Specifies one building will be four stories and the other will be three and a half stories.
  - Provides a total of 124 parking spaces.
  - Provides approximately 20% urban open space on the site.
  - Commits to dedicating additional right-of-way along Central Avenue.
  - Provides two access drives on Central Avenue.
  - Provides on-street parking, a six-foot sidewalk at back of curb, and an eight-foot planting strip along Central Avenue.
  - Specifies proposed building materials to include clear glass on the ground level, commercial street front spaces with storefront glass, doors and masonry, varying masonry elements, prefinished metal railings, stucco, and fiber cement siding, trim and paneling.
  - Provides ground level storefront commercial doors with connectivity to public sidewalks/streets, leasing office and amenity space on the ground floor on the right edge of the larger building, and exterior balconies, stoops or patios for all units with frontage on Central Avenue.
  - Provides private on-site waste collection.
  - Specifies that the existing billboard on the site will be removed.
  - Limits detached lighting to a maximum height of 20 feet.
- **Public Plans and Policies**
    - The *Central District Plan* (1993) recommends retail for the majority of the site and mixed use (retail/office), as amended by rezoning 2006-133, for a 0.656 acre portion of the site.
    - The mixed use (residential/commercial), urban, pedestrian-oriented character of the proposed development is consistent with recently constructed projects on Central Avenue closer to Center City and supports the goal of developing in a manner that complements a multi-modal transportation system and the future extension of the LYNX Gold Line (street car).
    - The petition is inconsistent with the *Central District Plan*.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Department of Solid Waste Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.

- Protects/restores environmentally sensitive areas by redeveloping an infill, brownfield site.
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**OUTSTANDING ISSUES**

- The petitioner should:
    1. Delete the words “or existing requirements” from the last sentence of Note c. under General Provisions.
    2. Move the “future curb line” to the back of the future curb and rename the label to “future back of curb.”
    3. Adjust the setbacks shown on the site plan to be measured from the back of the future curb rather than the edge of pavement.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation 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
- Urban Forestry Review

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