

<b>REQUEST</b>	Current Zoning: B-2 PED (general business, pedestrian overlay) Proposed Zoning: MUDD-O PED (mixed use development, optional, pedestrian overlay)
<b>LOCATION</b>	Approximately 0.25 acres located on the northwest corner at the intersection of Central Avenue and Thomas Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow a 1,600-square foot addition to an existing 5,700-square foot building located in the Plaza Midwood business district that houses an eating/drinking/entertainment establishment to allow all MUDD (mixed use development) uses, and associated parking.
<b>PROPERTY OWNER</b>	Betty Jo Barbre 2004 Living Trust and Claude B. Barbre, Jr. 2004 Family Trust
<b>PETITIONER</b>	Three Publicans, LLC
<b>AGENT/REPRESENTATIVE</b>	Russell W. Fergusson
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Plaza Central Pedscape 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 uses with a pedestrian overlay district.</li> </ul> </li> <li>• Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The site is located on Central Avenue, which is a commercial corridor; and</li> <li>• The property is located within the heart of the Plaza Midwood business district where the <i>Plaza Central Pedscape Plan</i> identifies the preservation of the historic character as a priority; and</li> <li>• The proposed reuse of the existing two-story building, which is located at the back of sidewalk, preserves one of the buildings in the business district; and</li> <li>• The retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Plaza Midwood neighborhood; and</li> <li>• A future phase of the Gold Line streetcar facility is proposed to run along Central Avenue in front of this site, which will provide alternative modes of transportation;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Eschert).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. Removed compact labels from all parking areas.</li> <li>2. Amended Note 2(c) to state that lease agreement or shared parking agreement will be filed prior to issuance of any permits.</li> <li>3. Amended Note 2b under "Optional Provisions" to read as follows: "Parking requirements shall be reduced by 25%."</li> <li>4. Amended Note 5A under "Architectural Standards" to specify the</li> </ol>
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height of the existing building as 14 feet, and the maximum building height for any building addition is limited to 19 feet.

5. Amended Note 2(a)(i) under "Optional Provisions" to specify the existing 12-foot 10-inch setback of the subject property.
6. Labeled and dimensioned the existing sidewalk on Central Avenue and Thomas Avenue.
7. Deleted Note 2b under "Optional Provisions" as optional provisions cannot be used to amend Tree Ordinance requirements.
8. Amended Note 2f under "Optional Provisions" to state that the existing outdoor seating/activity area may not be utilized between the hours of 11 p.m. and 8:00 a.m. Provided, however, the existing outdoor seating/activity area shall be closed on the earlier of 30 days after the receipt of the certificate of occupancy for the entire interior of the existing building, or October 31, 2017, whichever shall occur first.
9. Deleted Note 2g under "Optional Provisions" and placed it under "Permitted Uses" as follows: The area currently used for outdoor seating/activity area and marked on the rezoning plan as potential building expansion may be used to expand the existing building subject to the ordinance requirements, but shall not be used as outdoor seating/activity area.

**VOTE**

Motion/Second: Majeed / Labovitz  
 Yeas: Eschert, Fryday, Labovitz, Ham, Majeed, and Watkins  
 Nays: None  
 Absent: Lathrop, Spencer, and Wiggins  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition and stated that all outstanding issues had been resolved. Staff noted that this petition is consistent with the *Plaza Central Pedscape Plan*.

One commissioner asked why the request was for the MUDD (mixed use development) district. Staff responded that the MUDD (mixed use development) district has a relaxed parking standard which the petitioner needs to reuse the existing building. The commissioner continued by asking if the 1600-square foot addition would be enclosed. Staff responded that it would be enclosed.

There was no further discussion on this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**
  - This property owner was recently issued a Notice of Violation (NOV) for enlarging the rear patio and adding permanent bar fixtures without zoning approvals. An additional NOV, along with a \$50 citation, was issued for allowing the continued use of the expanded outdoor dining area after the original NOV was issued.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Reuse of the existing 5,700-square foot building, with a maximum 1,600-square foot building expansion, and parking at the rear of the site.
  - Height of the existing building is 14 feet and the maximum building height for any building addition is limited to 19 feet.
  - All uses permitted in the MUDD (mixed use development) district will be permitted.
  - Setback and streetscape optional provisions requested to preserve the existing structure as follows:
    - Reduce setback requirements on Central Avenue to the existing setback on the subject parcel.

- Existing sidewalk on Central Avenue to remain and will not be required to meet MUDD (mixed use development) district or current streetscape and area requirements.
  - Reduced setback requirements on Thomas Avenue to remain thus eliminating the requirement to meet MUDD (mixed use development) district or current streetscape and area standards.
  - Allow existing sidewalk and planting strip on Thomas Avenue to remain therefore eliminating the requirement to meet MUDD (mixed use development) district or current streetscape and area standards.
  - Internal and perimeter tree requirements reduced to the existing trees to accommodate site constraints.
  - Reduce parking requirements by 25% to accommodate the use of the existing building.
  - Existing parking to remain and additional off-site parking spaces sufficient to meet ordinance requirement provided by lease agreement or shared parking agreement. Lease agreement or shared parking agreement will be filed prior to issuance of any permits
  - Existing building, entryways, windows, fenestration and doorways may remain.
  - The area currently used for outdoor seating/activity area and marked on the rezoning plan as potential building expansion may be used to expand the existing building subject to the ordinance requirements, but shall not be used as outdoor seating/activity area.
  - The existing outdoor seating/activity area may not be utilized between the hours of 11 p.m. and 8:00 a.m. Provided, however, the existing outdoor seating/activity area shall be closed on the earlier of 30 days after the receipt of the certificate of occupancy for the entire interior of the existing building, or October 31, 2017, whichever shall occur first.
- **Public Plans and Policies**
    - The *Plaza Central Pedscape Plan* recommends retail uses with a pedestrian overlay district.
    - This site is part of the Village Center district, as identified by the area plan. The two block section of Central Avenue between The Plaza and Pecan Avenue is the heart of the district. Preservation of its historic character is a priority.
    - The Village Retail Area is the larger area east of the CSX railroad tracks (including the Village Center) and has the potential to be a highly walkable, compact, mixed use retail village.
    - The adopted street cross section along Central Avenue in this segment is a Village Center with a 15-foot sidewalk at back of curb. A 15-foot building setback is recommended.
- **TRANSPORTATION CONSIDERATIONS**
    - This site is located at the signalized intersection of a major thoroughfare and a minor collector. The minor scope of work has a limited increase in traffic generated. CDOT does not have any outstanding concerns with the proposed petition.
    - **Vehicle Trip Generation:**
      - Current Zoning:
        - Existing Use: 515 trips per day (based on 5,700 square feet of eating/drinking/entertainment use).
        - Entitlement: 515 trips per day (based on 5,700 square feet of eating/drinking/entertainment use).
      - Proposed Zoning: 660 trips per day (based on 7,300 square feet of eating/drinking/entertainment use).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** See "Background" section.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along Thomas Avenue and a 12-inch water distribution main located along Central Avenue. Sewer system availability for the rezoning boundary is via existing eight-inch gravity sewer mains located along Thomas Avenue and Central Avenue.
- **Engineering and Property Management:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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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
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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