

<b>REQUEST</b>	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 0.50 acres located at the southwest corner of Central Avenue and Iris Drive. (Council District 1 - Egleston)
<b>SUMMARY OF PETITION</b>	The petition proposes to reuse an existing building to allow uses permitted in the MUDD (mixed use development) district, including but not limited to retail, office and eating/drinking/entertainment establishments.
<b>PROPERTY OWNER</b>	Midwood-Overlook, LLC
<b>PETITIONER</b>	Midwood-Overlook, LLC
<b>AGENT/REPRESENTATIVE</b>	RKM Development, LLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 14.

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of the petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Central District Plan</i>, which recommends retail uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment.</li> <li>• This site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities, and Veteran's Park.</li> <li>• The site is walkable from surrounding residences including new residences in the Morningside neighborhood area.</li> <li>• This project proposes to repurpose the existing building that is sensitive in scale to the surrounding neighborhood, for uses allowed in the MUDD (mixed use development) district.</li> <li>• The majority of parking is located behind the existing building and across from nonresidential zoning and land use, which limits the impact on nearby residences.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Reuse of an existing 5,585 ~~6,670~~ square foot building, with an expansion of up to ~~8,000~~ 9,085 square feet, to allow a total of 14,670 square feet of uses permitted in the MUDD (mixed use development) district including but not limited to retail, office and eating/drinking/entertainment establishment uses.
  - Access to the site provided via existing driveways on Central Avenue and Iris Drive.
  - Petitioner to construct a new six-foot sidewalk and eight-foot planting strip along Iris Drive, and to improve the existing six-foot sidewalk along the street frontage on Central Avenue, with a modified planting strip.
  - All transportation improvements to be approved and constructed before issuance of the site's first building certificate of occupancy.
  - Maximum building height of proposed building and patio expansion shall not exceed 50 feet including any rooftop patio structure.
  - Improvements to the existing building will include new pedestrian oriented entrances, covered and uncovered patios, and improved fenestration.
  - Outdoor common open space to be provided at rear of the building.
  - Requests the following optional provisions:

- Reduce parking requirements by 25%, to allow preservation of existing building.
  - Allow parking between the building and Central Avenue, to facilitate ADA parking and service entrance.
  - Exempt the parking lot accessible from Iris Drive from screening requirements along the southern and northern sides, provided that screening will be provided along Iris Drive.
  - Allow a six-foot sidewalk and three-foot planting strip between the sidewalk and existing curb and tapered on the interior of the parcel to connect to the existing adjacent sidewalk along Central Avenue.
  - Allow cross access between the driveways on Central Avenue and the adjacent parcel to the east when/if the parcel comes under common ownership with the petitioner.
- **Existing Zoning and Land Use**
    - The subject property is zoned B-1 (neighborhood business) and developed with a commercial structure formerly used as a dry cleaning establishment.
    - Adjacent parcels fronting both sides of Central Avenue are zoned B-1 (neighborhood business), MUDD(CD) (mixed use development, conditional), MUDD-O (mixed use development, optional), O-1 (office), and R-4 (single family residential), and developed with various neighborhood serving office and commercial uses including a barber shop, eating/drinking/entertainment establishments, office/warehouse, a medical clinic, pharmacy, automotive sales and repair, and a child care center. The exception is Veteran's Park, which is located in R-4 (single family residential) zoning directly abutting the site to the west and south.
    - Surrounding properties behind lots fronting both sides of Central Avenue located between Westover Street and Morningside Drive contain single family residential, multi-family dwellings, office condominiums, office, and retail uses in R-4, R-5 and R-8 (single family residential), UR-2(CD) (urban residential, conditional), R-22MF (multi-family residential), O-2 (office), B-1 (neighborhood business), MUDD(CD) (mixed use development, conditional), and MUDD-O (mixed use development, optional) zoning districts.
    - See "Rezoning Map" for existing zoning in the area.
  - **Rezoning History in Area**
    - Petition 2016-75 rezoned 0.55 acres located on the northwest corner at the intersection of Central Avenue and Chatham Avenue from B-1 (neighborhood business) and O-2 (office) to MUDD(CD) (mixed use development, conditional) to allow up to 12 single family attached dwelling units.
    - Petition 2016-22 rezoned 1.02 acres located on the north side of Central Avenue near the intersection of Landis Avenue and Central Avenue to MUDD-O (mixed use development, optional) to reuse an existing building in the Plaza Midwood neighborhood to allow any use in the MUDD (mixed use development) district.
    - Petition 2015-56 rezoned 1.92 acres located on the north side of Central Avenue between Nandina Street and Landis Avenue from B-1 (neighborhood business) and MUDD(CD) (mixed use development, conditional) to MUDD(CD) (mixed use development, conditional) and MUDD(CD) SPA (mixed use development, conditional, site plan amendment) to allow up to 97 multi-family dwelling units, with up to 7,800 square feet of non-residential uses including 3,000 square feet for leasing office and amenity space and 4,800 square feet of commercial uses along Central Avenue.
    - Petition 2014-05 rezoned approximately 0.39 acres located on the north side of Central Avenue between St. Julien Street and Westover Street from B-1 (neighborhood business) to MUDD-O (mixed use development, optional) to allow up to 36 multi-family units and ground level parking.
  - **Public Plans and Policies**
    - The *Central District Plan* (1993) recommends retail uses for these properties.
  - **TRANSPORTATION CONSIDERATIONS**
    - The site is located at the unsignalized intersection of a major thoroughfare and a local street. The petitioner has committed to improving a portion of the streetscape on Central Avenue, adding planting strip and sidewalk on Iris Drive, limiting driveways along Iris Drive, following CDOT walkability goals, and committing to future cross access to adjacent parcels.
    - See Outstanding Issues, Note 1.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 1,070 trips per day (based on 5,800 square feet of retail).
      - Entitlement: 1,070 trips per day (based on 5,800 square feet of retail).
    - Proposed Zoning: 1,950 trips per day (based on 14,670 square feet of retail).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** Charlotte Fire Department access road shall be within 150 feet of the most remote exterior wall of the structure.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system infrastructure accessible for the rezoning boundary via existing six-inch water mains located along Central Avenue and Iris Drive. Sanitary sewer system infrastructure is accessible via existing eight-inch gravity sewer mains located along Central Avenue and Iris Drive.
- **Engineering and Property Management:**
  - **Arborist:** Trees cannot be planted in the right-of-way of Central Avenue and Iris Drive without authorization from the City Arborist.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** Rezoning plan proposed encroachments into SWIM and/or Post Construction Stormwater Ordinance stream buffers. Any increase of impervious area within such buffers may not be allowed and is not approved with the rezoning process. Charlotte-Mecklenburg Stormwater Services has drainage easements on the two properties being rezoned. The site plan includes an outdoor seating area/future building expansion envelope that encroaches into the easements. The easement agreement includes restrictions on certain encroachments, which are included in the easement agreement. See Outstanding Issues, Note 8
  - **Urban Forestry:** Site must comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**Transportation

1. ~~Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at two feet behind back of sidewalk where feasible.~~ **CDOT has rescinded this request.**

Site and Building Design

2. ~~Clarify the building square footage, show the square footage of the outdoor seating area and deck on the site plan, and show the area where expansion is proposed. If an additional floor is proposed it should be indicated and the location of the second building should be clarified or the number of buildings reduced to one.~~ **Addressed**
3. ~~Show and label minimum five-foot sidewalk from the building to the public sidewalk along Iris Drive that avoids the driveway.~~ **Addressed**
4. ~~Show and label setbacks measured from the future back-of-curb along both streets.~~ **Addressed**
5. ~~Amend parking requirement under Development Data to add "parking as required per Section 9.8507."~~ **Addressed**
6. ~~Label the 207-square foot modified planting area provided to facilitate tree placement and modification.~~ **Addressed**

**REQUESTED TECHNICAL REVISIONS**Environment

7. ~~Remove the compact car notation from the site plan as the amount of allowed compact spacing will be determined during building permitting review.~~ **Addressed**

Infrastructure

8. ~~Replace Note "A" under Environmental Features with the following: "Development within the SWIM/PCSO Buffer shall be coordinated with and approved by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."~~ **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