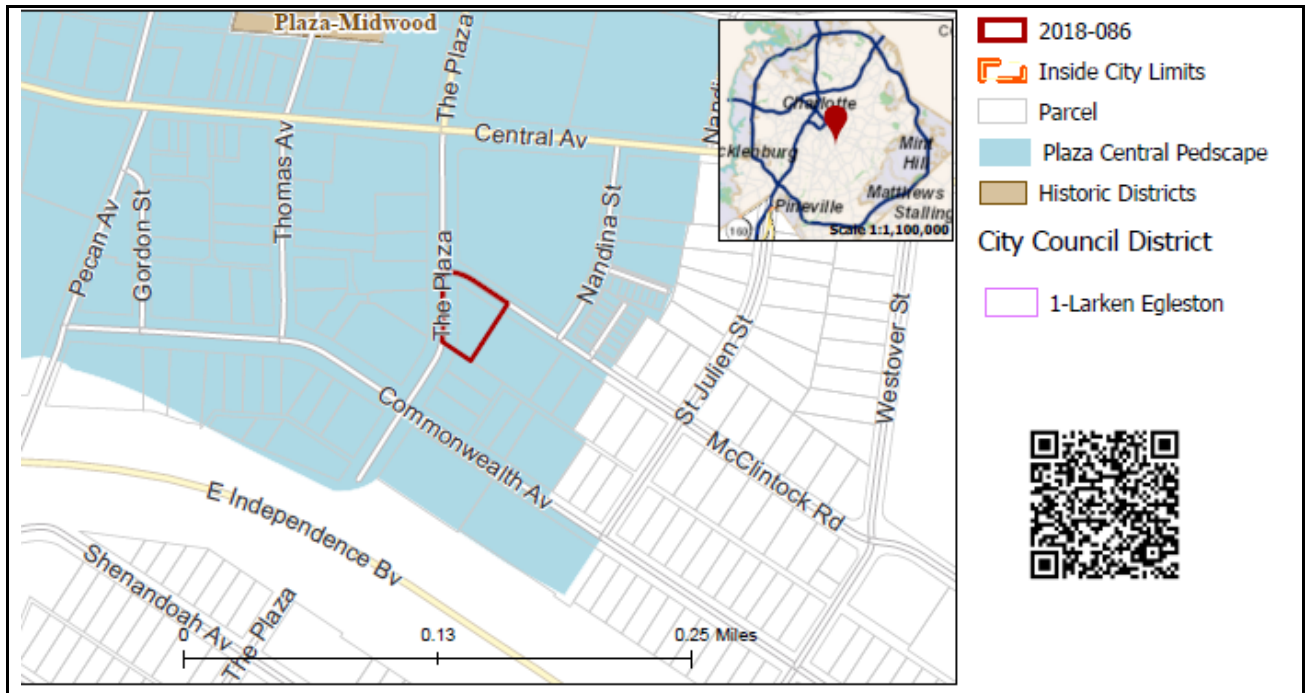


**REQUEST**

Current Zoning: B-2 (PED) (general business, pedestrian overlay)  
Proposed Zoning: MUDD-O (PED) (mixed use development – optional, pedestrian overlay)

**LOCATION**

Approximately 0.30 acres located at the intersection of The Plaza and McClintock Road.  
(Council District 1 - Egleston)



**SUMMARY OF PETITION**

The petition proposes to reuse two existing buildings to allow 7,481 square feet of building area for an eating/drinking/entertainment establishment (EDEE) or any use permitted in the MUDD (mixed use development) district.

**PROPERTY OWNER**

The 1212 Plaza Properties LLC

**PETITIONER**

Jacob Norris

**AGENT/REPRESENTATIVE**

Collin Brown and Bailey Patrick, Jr., K&L Gates, LLP

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 11.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of issues pertaining to site and building design, and transportation.

Plan Consistency

The petition is partially consistent with the *Plaza Central Pedscape Plan*, which recommends a mix of uses including retail, office, and multi-family residential for the area in which the site is located.

Rationale for Recommendation

- The site is in the Village Retail Area designated in the adopted area plan. The Village Retail Area is the larger area east of the CSX railroad tracks that has the potential to be a highly walkable

compact mixed-use retail village including office, residential, retail, and restaurants.

- The proposal supports the area plan's walkability goal by providing direct pedestrian connections between the buildings and the streets and by widening sidewalks.
- The petition reuses existing buildings, thereby minimizing further environmental impacts while accommodating growth.
- The proposed MUDD (mixed use development) and PED (pedestrian overlay) zoning districts have similar standards, which will encourage high quality design, mixed use development, and support walkability.
- On-site parking spaces are reduced to allow the existing building and street trees along The Plaza to remain.

## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

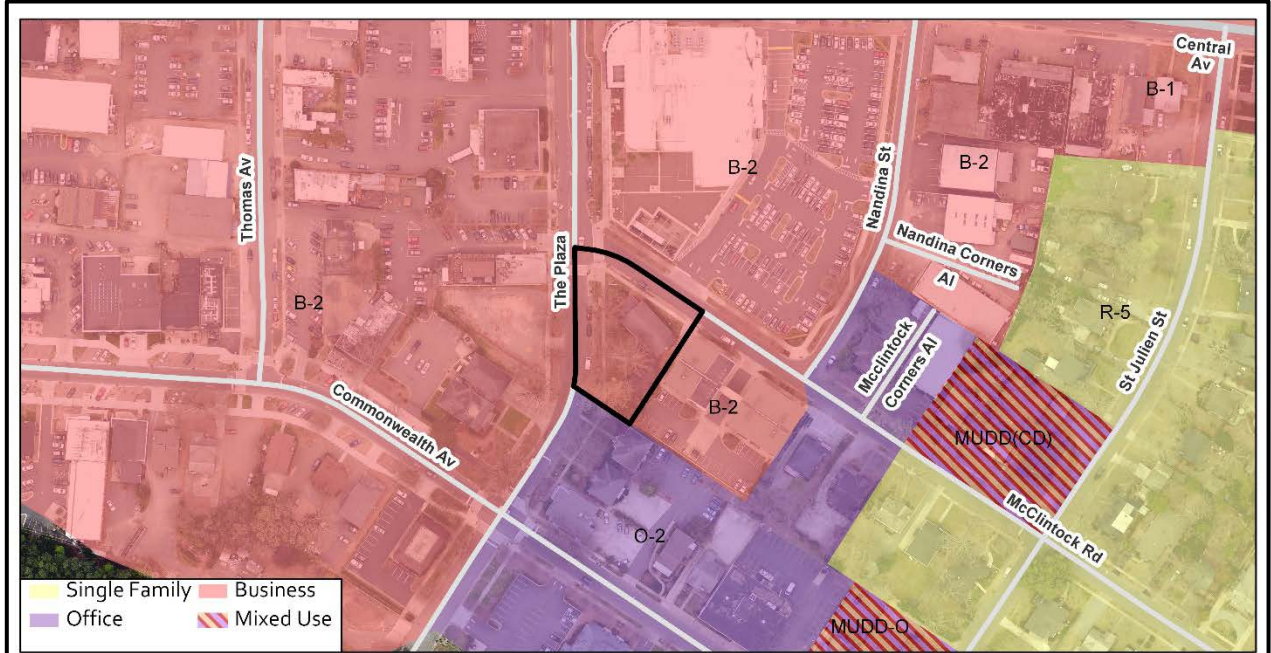
- Reuse of two existing buildings to allow 7,481 square feet for a Type 1 and/or Type 2 eating/drinking/entertainment establishment, and any use permitted in the MUDD (mixed use development) district.
- Exterior building materials consist of brick, stone, cast stone, precast concrete, cementitious siding, stucco, EIFS and metal panel.
- Four existing on-street parking spaces on McClintock Road.
- Provides 75 square feet of open space consisting of a paved patio area with outdoor seating, a deck with ADA route elements and outdoor seating, and an urban open space area at the intersection of The Plaza and McClintock Road.
- Provides a ten-foot planting strip and ten-foot sidewalk along The Plaza, and an eight-foot planting strip and eight-foot sidewalk along McClintock Road. Sidewalk may be allowed to meander around existing trees.
- Petitioner to construct an off-site pedestrian access at the intersection of The Plaza and Hamorton Place that crosses The Plaza with appropriate sidewalk ramps, crosswalks, signage and pedestrian median refuge.
- All transportation improvements will be approved and constructed before the first building certificate of occupancy.
- Provides a six-foot tall wooden fence, and an eight-foot tall masonry screen wall along a portion of the site up to McClintock Road to screen the use from the abutting residential use.

Optional Requests:

- Requesting a 32% reduction in the number of parking spaces from the required 16 spaces to 11 spaces, in order to preserve the existing building and street trees along The Plaza. All parking spaces will be located on-street along McClintock Road and The Plaza.
- **Allow the sidewalk to meander around existing trees.**



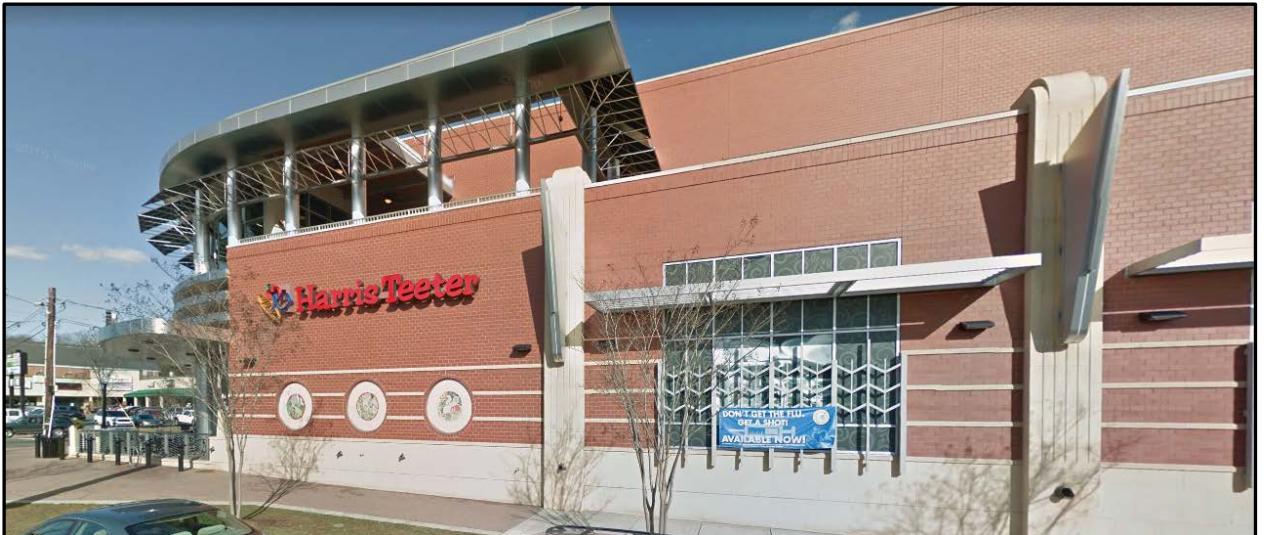
- Existing Zoning and Land Use



- The subject property is developed with a commercial/retail use.



The subject property is developed with a church building that has been reused as a retail use.

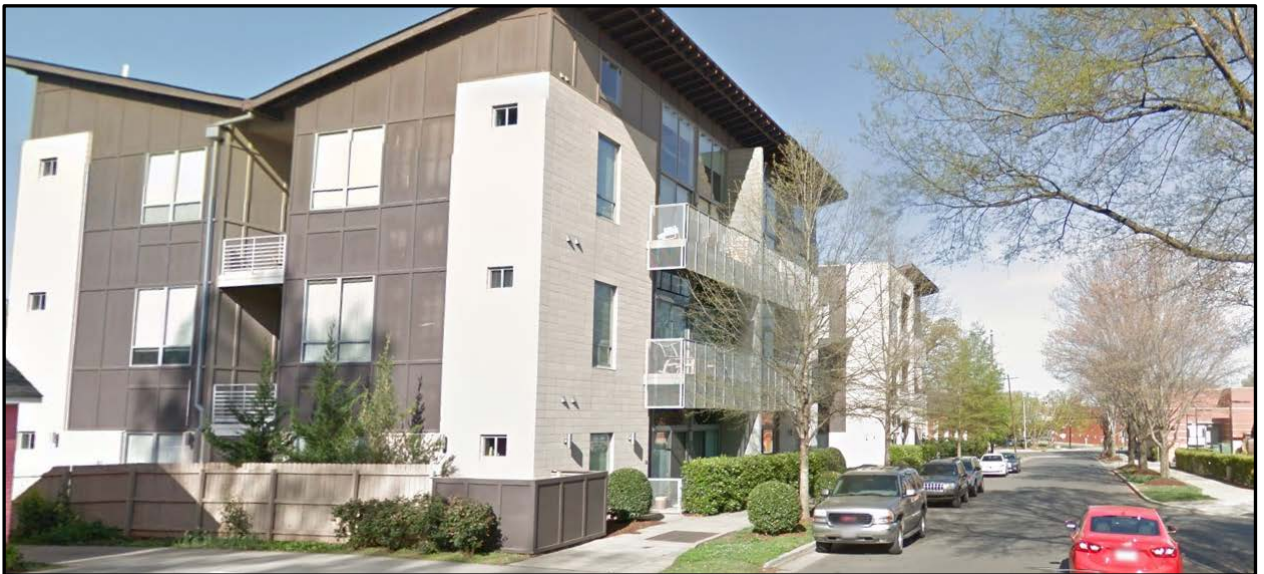


The Harris Teeter supermarket is located to the north of the subject property across McClintock Road.

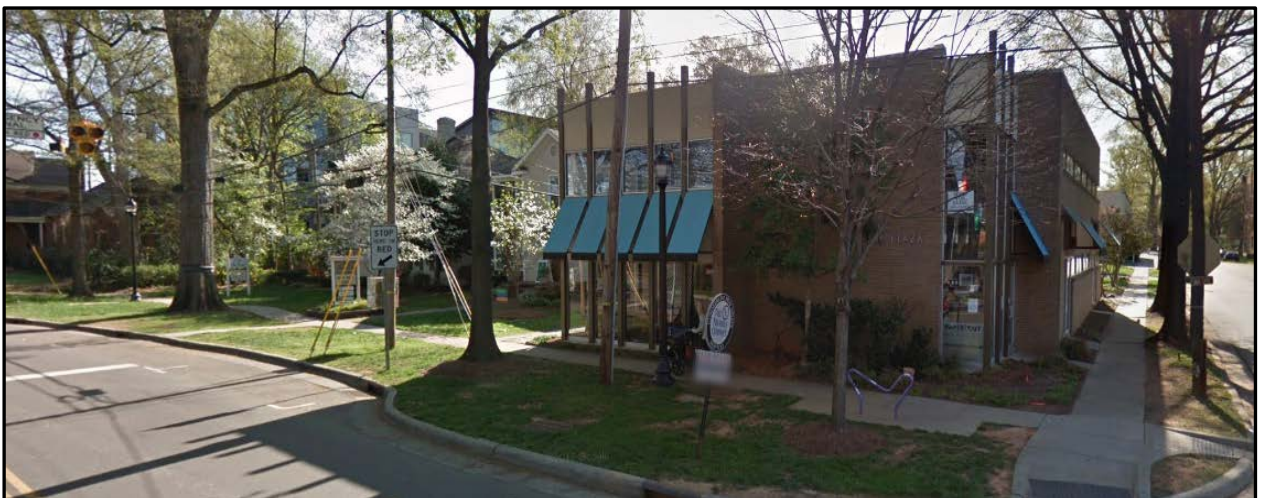




Properties to the west across The Plaza include a restaurant/bar and CFD Fire Station 8.



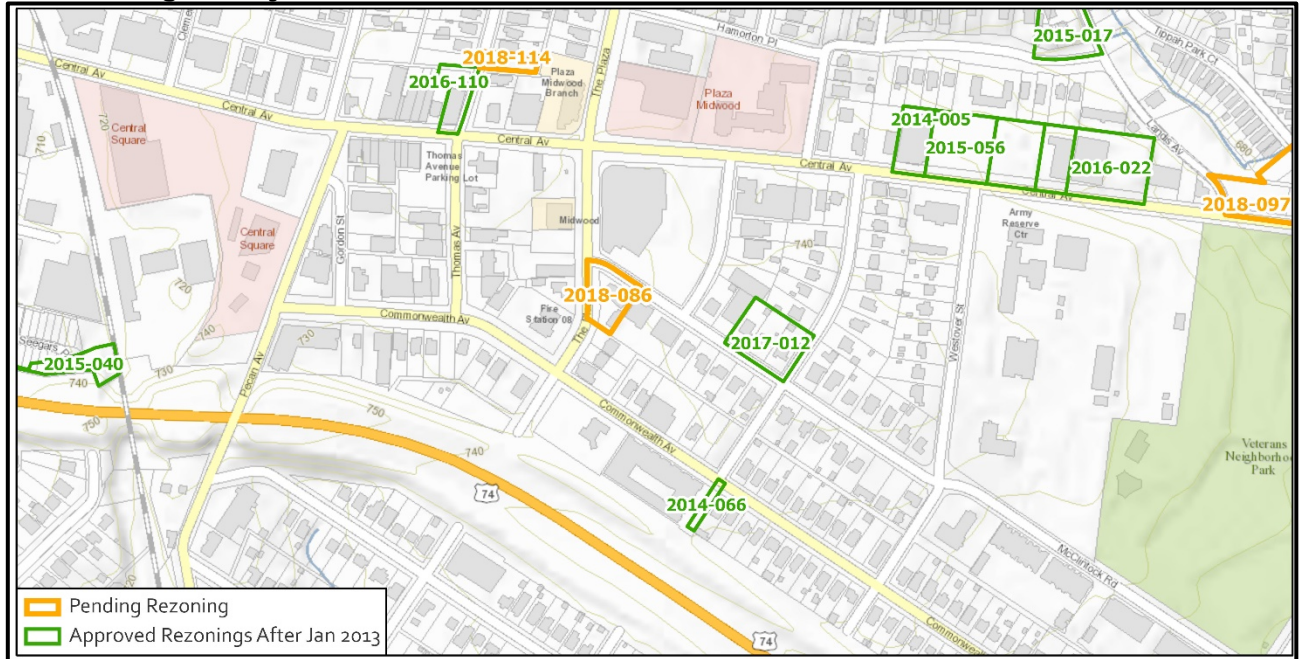
The abutting property to the east along McClintock Road is developed with a multi-family building.



Properties to the south along The Plaza include office and retail uses.

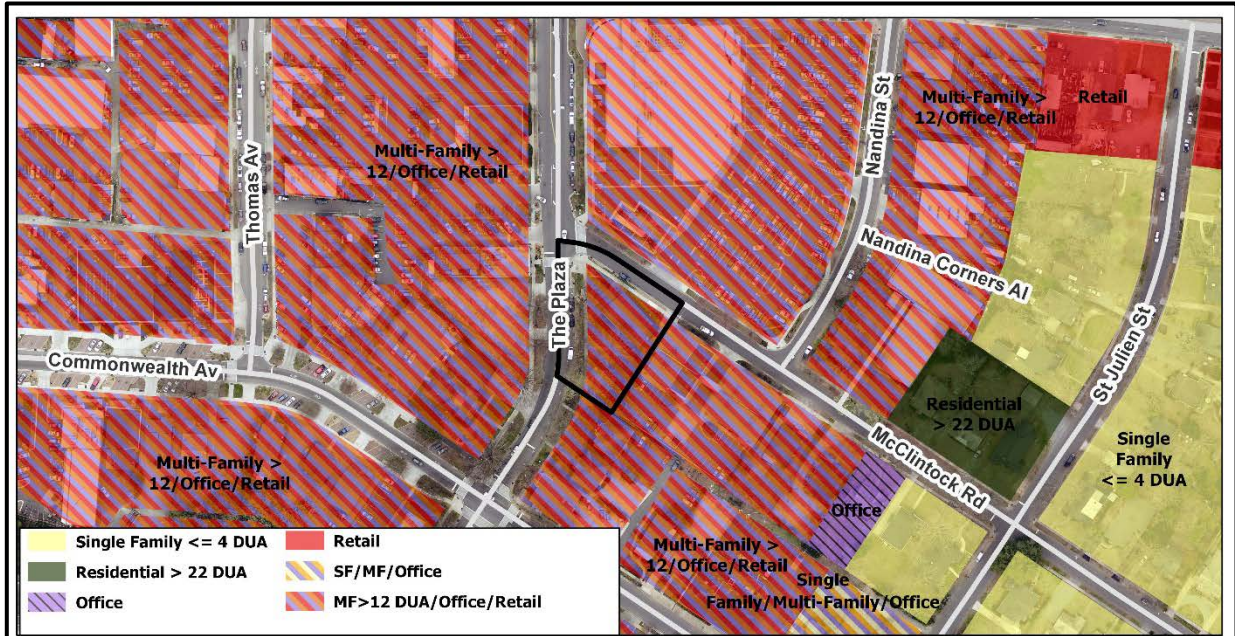


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-114	Rezoned 0.178 acres to B-1(CD) HD-O to allow off-street parking and any use permitted in the B-1 district.	Pending
2018-097	Rezoned 1.04 acres to MUDD(CD) to allow 30 residential dwelling units and 7,000 square feet of retail/office uses or up to 21,000 square feet of retail/office uses.	Pending
2017-012	Rezoned 0.683 acres to MUDD(CD) (mixed use development, conditional) to allow 12 single family attached dwelling units, two of which will be live/work units, in three quadraplex buildings, at a density of 17.56 dwelling units per acre	Approved
2016-110	Rezoned 0.25 acres to MUDD-O PED (mixed use development, optional, pedestrian overlay) to allow a 1,600-square foot addition to an existing 5,700-square foot building that houses an eating/drinking/ entertainment establishment to allow all MUDD (mixed use development) uses.	Approved
2016-022	Rezoned 1.02 acres to MUDD-O to allow any permitted in the MUDD district.	Approved
2015-040	Established I-2(PED) zoning on 0.45 acres that were formerly NCDOT right-of-way, with no zoning designation.	
2015-056	Rezoned 1.95 acres 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.	Approved
2015-040	Established I-2(PED) zoning on 0.45 acres that were formerly NCDOT right-of-way, with no zoning designation	Approved
2015-017	Rezoned 0.63 acres to UR-2(CD) to allow six single family detached dwellings.	Approved
2014-066	Rezoned 0.094 acres to B-1(PED) to allow all uses permitted in the B-1(PED) district.	Approved
2014-005	Rezoned 0.39 acres to MUDD-O (mixed use development, optional) to allow 36 multi-family units.	Approved

- **Public Plans and Policies**



- The *Plaza Central Pedscape Plan* (2003) recommends a mix of uses including retail office, and multi-family residential for the part of the plan designated as the Village Retail Area. This site is located in the Village Retail Area.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on a major thoroughfare and a local road. The site plan commits to installing the required sidewalk and planting strip widths per the Plaza Central Pedscape Plan. The petitioner also commits to installing the requested offsite pedestrian crossing at Hamorton Place and The Plaza.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 200 trips per day (based on 8,130 square feet of office use).
      - Entitlement: 920 trips per day (based on 4,650 square feet of retail use).
    - Proposed Zoning: Too many uses to determine trips per day (based on 0.31 acres of MUDD(CD)).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No on-street parking on road less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The nonresidential land use will not impact the school system.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing six-inch water distribution mains located along The Plaza and McClintock Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing eight-inch gravity sewer mains located along The Plaza and McClintock Road.
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** Site must comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Site and Building Design

1. ~~Delete Notes 2C and D, as Note D covers the issues in the previous note.~~ Addressed
2. ~~Amend Note 7A to remove "subject to any optional provisions" from the beginning of the sentence.~~ Addressed
3. ~~Replace Note 7B with an optional request to allow the sidewalk to meander around existing trees.~~ Addressed
4. ~~Delete Notes 5B and 5C under Transportation.~~ Addressed

**REQUESTED TECHNICAL REVISIONS**

5. ~~Remove unnecessary information from the site plan and show the existing buildings clearly and differentiate between the buildings and the deck/ramp.~~ Addressed

**NEW ISSUES**

6. Add the following note to the site plan: Future amendments to the rezoning plan and/or these development standards may be applied for by the then owner or owners of the site in accordance with the provisions of Chapter 6 of the ordinance. Alterations to the rezoning plan are subject to Section 6.207 of the ordinance. Outstanding
  7. Add a note under Transportation as follows: The petitioner commits to construct all infrastructure improvements prior to the building Certificate of Occupancy. Outstanding. This was shown on the site plan that went to public hearing but was removed from the site plan submitted for Zoning Committee review.
- 

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

- Application
- Locator Map
- 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 Parks and Recreation Review
  - Transportation Review

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