

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006 -144

Property Owner: B & E Properties, LLC

Petitioner: B & E Properties, LLC

Location: Approximately 0.90 acres located on the northwest corner of Hawthorne Lane and E. 5th Street

Request: O-2 office to MUDD (CD) mixed-use development district, conditional

Summary

This petition seeks to rezone approximately .9 acres of land located on the northwest corner of Hawthorne Lane and E. 5th Street, from O-2 Office to MUDD (CD) mixed-use development district, conditional), in order to allow the redevelopment of a site and construct a two-story, 20,000 square foot medical office building.

Consistency and Conclusion

The parcel lies within ½ mile of a proposed Southeast Corridor transit station. The *Central District Plan* and *General Development Policies – Transit Station Area Principles* provide adopted land use policy for this site. The *Central District Plan* recommends multi-family land uses (up to 12 dwelling units per acre) on this site. The project meets the minimum .50 FAR recommended in the *Transit Station Area Principles*.

Although the request is not consistent with the adopted land use classification, it should be noted that an office building currently exists on this site, and the proposal calls for the redevelopment of the site to accommodate a new medical office structure. Given offices are transit supportive and the proximity of this site to a transit station, office development is appropriate at this location. A mix of uses make up the immediate area surrounding the site. In addition, over the past few years, several properties in the general area have been rezoned to the MUDD zoning category in order to accommodate mixed-use developments. The request can be supported subject to the project adhering to design guidelines affiliated with the *Transit Station Area Principles*, along with other applicable development requirements.

Existing Zoning and Land Use

The subject property is zoned O-2 and is home to a 5,124 square foot medical office building constructed in 1954. A religious institution resides on the property to the north, which is zoned O-2. A four story long term care facility is located on the parcel to the east of the subject property, and is zoned O-2. St. John's Baptist Church is located across Hawthorne Lane, on the southern side of the parcel. The property to the west across East 5th Street is zoned MUDD-O, having been recently cleared for a large scale mixed use project.

Rezoning History in Area

Petition 2003-122 rezoned approximately 4.3 acres bounded by Hawthorne Lane, East 5th Street, Travis Avenue and Elizabeth Avenue from B-2, O-2 and MUDD-O to MUDD-O and MUDD-O SPA. The rezoning approved a mixed-use development of 117,000 square feet of retail and 250 residential units, with an additional mix of up to 432,000 square feet of office uses or 590 residential units.

Petition 2002-56 rezoned approximately 4.86 acres from MUDD (CD) and MUDD-O to MUDD-O (SPA). This property is located on the south side of East 5th Street between N. Torrence Street and Travis Avenue, north of Elizabeth Avenue. The zoning in effect at this location permits several possible combinations of residential and commercial uses. Over 550 residential units and other office and commercial uses were approved.

Petition 1999-07 rezoned approximately .9 acres at the southeast corner of Elizabeth Avenue and Travis Street from B-2 to MUDD-O. It was later incorporated into the previously referenced Petition 2003-122. The Visulite Theater is located on the property.

Public Plans and Policies

The *General Development Policies – Transit Station Area Principles* (2003) recommend the establishment of transit supportive development within a ½ mile walk of a proposed rapid transit station. The subject request is within ½ mile of a proposed Southeast Corridor transit station. The GDPs state that transit supportive development “focuses on creating compact neighborhoods with housing, jobs, shopping, community services, and recreational opportunities all within easy walking distance (i.e., within ½ mile) of a transit station.”

- The policies call for a mixture of complementary transit supportive uses, including residential, office, service-oriented retail and civic uses that are transit supportive. Located within ½ mile of a transit station, the proposed project involves the construction of a two-story, 20,000 square foot office building.
- The *GDPs-Transit Station Area Principles* recommend that new residential development between ¼ and ½ mile walking distance from a transit station have a typical minimum density of 15 dwelling units per acre (net) or greater. Further, non-residential or mixed-use intensities between ¼ and ½ mile walking distance from a transit station should be at a minimum .50 FAR (net) and yield at least 50 employees per acre. The proposed project will have a .52 FAR.

The *Central District Plan* (1993) recommends multi-family land uses (up to 12 dwelling units per acre) on the subject property. While the request is not consistent with the land use classification, it should be noted that an office building currently exists on this site and the proposal calls for the redevelopment of the site to accommodate a new office structure. In addition, over the past few years, several properties in the Elizabeth area have been rezoned to the MUDD zoning category in order to accommodate mixed-use developments.

Proposed Request Details

Approximately .9 acre of land would be rezoned from O-2 (Office) to MUDD (CD) for the construction of a maximum 19,000 square feet medical office building with associated parking and service areas.

- Elevations have been provided for a two story brick building with cupola have been provided.
- Easements will be granted to the City of Charlotte for any sidewalks built outside of existing public right-of-way.
- A low masonry wall with ornamental railing will be provided along East 5th Street.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT's memorandum is attached.

CATS. The petitioner has honored a request by CATS to assist in the placement of a waiting pad in front of the subject property.

Connectivity. There are no opportunities for connectivity at this site.

Storm Water. Storm Water Services has no additional comments on this petition.

School Information. CMS had no comments for this nonresidential petition.

Outstanding Issues

Land Use. Although the request is not consistent with the adopted land use classification, it should be noted that an office building currently exists on this site, and the proposal calls for the redevelopment of the site to accommodate a new medical office structure. Given offices are transit supportive and the proximity of this site to a transit station, office development is appropriate at this location. A mix of uses make up the immediate area surrounding the site. In addition, over the past few years, several properties in the general area have been rezoned to the MUDD zoning category in order to accommodate mixed-use developments. The proposed request is supported by staff contingent on resolution of outstanding site plan issues.

Site plan.

- The reference to MUDD-O should be eliminated from the plan. Staff has requested a MUDD (CD) designation for this petition.