

REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 1.36 acres located on the east side of Duncan Avenue between Drummond Avenue and The Plaza. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the adaptive reuse of an existing building located in the Villa Heights neighborhood to allow all uses permitted in the MUDD (mixed use development) district, including a brewery.
PROPERTY OWNER	Fine Plaza, LLC
PETITIONER	Fine Plaza, LLC
AGENT/REPRESENTATIVE	Scott W. Stevens
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 30
STATEMENT OF CONSISTENCY	- The Zoning Committee found this petition to be consistent with the <i>Central District Plan</i>, based on information from the staff analysis and the public hearing, and because: - The plan recommends retail uses. - 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: - The site is located on The Plaza, and this section of the street is a commercial corridor that serves surrounding neighborhoods; and - This project proposes to repurpose the existing building for uses allowed in the MUDD (mixed use development) district; and - The retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide goods and services to the residents of the adjoining neighborhoods; and - Some parking is being provided on site, though reuse of the existing building limits the area for parking. However, limited parking in this location is appropriate as the property is located in a commercial corridor surrounding by walkable neighborhoods; and - This proposal calls for enhancement of the pedestrian environment in front of this building. Specifically, existing parking along The Plaza will be replaced with outdoor seating and service areas, four existing driveway cuts on The Plaza will be removed, and remaining parking for the site will be located to the sides and rear of the building; By a 7-0 vote of the Zoning Committee (motion by Spencer seconded by McClung).

ZONING COMMITTEE ACTION

The Zoning Committee voted 7-0 to recommend **APPROVAL** of the petition as presented by staff, with one outstanding issue remaining.

- Labeled future curblin dimension (eight feet from existing curblin) on The Plaza.
- Removed note "existing sign to remain."
- Amended Note 5(d) as follows: "Parking internal and on street where allowed."
- Amended Note 3A under "Optional Provisions" as follows: "Parking will not have to be provided beyond that shown on the

	site plan.”
	5. Added an optional request to allow parking between the building and the street along Drummond Avenue, and Duncan Avenue.
	6. Moved Note D under Optional Provisions which states that “should the existing building be torn down, the site will be required to be rezoned” to the General Provision section as it is not an optional request.
	7. Amended Development Data to eliminate residential as a permitted use.
	8. Amended Note 4 A under “Permitted Uses” to exclude residential uses as a permitted use.
	9. Deleted Note 3 B under “Optional Provisions” as an optional is not required to retain the existing building, and placed under “Architectural Standards.”

VOTE

Motion/Second: Spencer / McClung

Yeas: Fryday, Majeed, McClung, McMillan, Nelson, Spencer and Sullivan

Nays: None

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition noting that the petition is consistent with the *Central District Plan*, and that all but one of the outstanding issues listed on the Zoning Committee agenda have been addressed. A committee member questioned the outstanding issue that requests an eight-foot sidewalk and eight-foot planting strip along all street frontages behind the future back of curb. CDOT staff responded that the petition currently commits to providing the requested streetscape along the frontage on The Plaza but proposes to retain the existing four-foot sidewalk along Duncan Avenue and Drummond Avenue, which is narrow and inadequate to provide a comfortable pedestrian environment that will accommodate the increased pedestrian traffic generated by the proposed building expansion and reuse. Per City policy, and unless otherwise specified by the zoning ordinance or adopted streetscape plan, a minimum five-foot sidewalk is required. CDOT added that staff requests for infrastructure improvements via conditional site plans are voluntary.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee and believes that there should be a commitment to replace all inadequate sidewalks and planting strips along the site frontage before Council approval.

FINAL STAFF ANALYSIS(Pre-Hearing Analysis online at www.rezoning.org)**PLANNING STAFF REVIEW**

- Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The project will allow all uses permitted in the MUDD (mixed use development) district, with the exception of residential dwellings, including a brewery.
- Uses in the MUDD (mixed use development) district include office, retail, and civic uses.
- Reuse of the existing two-story 23,016-square foot building and canopy, with the addition of a 460-square foot deck, and a potential roof patio.
- Site will retain the existing building, and will be required to be rezoned should the existing building be torn down.
- Existing buildings, façade, entryways and doors may be preserved and additional doorways added.
- Building will retain the existing 23-foot height, with the exception of a potential roof patio. The overall height will not exceed 50 feet.
- Existing driveways on Duncan Avenue will be modified to limit grade changes to the pedestrian

sidewalk.

- Parking to be provided on-site, and on the street where allowed.
- Providing a bus stop waiting pad on The Plaza.
- Urban design elements will include pedestrian-oriented entrances, covered and uncovered patios, and fenestration of the façade facing The Plaza that maintains the existing transparency between the elevations of two and ten feet on the first floor.
- New right-of-way on The Plaza to be dedicated and conveyed to the City of Charlotte prior to the issuance of new certificates of occupancy.
- Optional Provisions:
 - Parking will not have to be provided beyond that shown on the site plan.
 - Allow the existing sidewalk footprint to remain with the improvement of the curb and implementation of a modified Type II commercial driveway.
 - Allow planting areas shown on the site plan to replace the requirement for planting strips and to encroach into the 14-foot setback.
 - Allow the area marked as “potential future outdoor service area” to be used for expansion of the outdoor service, seating, consumption, and/or entertainment.
 - Allow parking between the building and the street along Drummond Avenue and Duncan Avenue.
- **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends retail uses for this site.
 - *Parkwood Avenue and The Plaza Corridor Study* (2017) recommends a pedestrian crossing in the vicinity of Stratford Avenue.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is bounded by a major thoroughfare, a minor collector, and a local street with unsignalized intersections. This area is in need of pedestrian and bicycle improvements to the transportation facilities as identified by the recent Parkwood Avenue and The Plaza Corridor study. The current site plan commits to reserving space for a buffered bike lane and constructing standard planting strip and sidewalk along the site's The Plaza frontage.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 2,610 trips per day (based on 23,000 square feet of retail uses).
 - Entitlement: 2,610 trips per day (based on 23,000 square feet of retail uses).
 - Proposed Zoning: Too many uses to determine (based on 1.36 acres of MUDD-O uses).

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:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution mains located along Drummond Avenue, Duncan Avenue, and The Plaza, in addition to an existing 12-inch main located along The Plaza. Sewer system availability is provided via existing eight-inch gravity sewer mains located along Drummond Avenue, Duncan Avenue, and The Plaza.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from or planted in the right-of-way of all City maintained streets without permission of the City Arborist's office. A tree survey for all trees two inches or larger located in the rights-of-way and trees eight inches or larger in the setback must be submitted. An eight-foot planting strip is required on all streets.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No comments received.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUESTransportation

1. Revise the site plan to show eight-foot sidewalk and eight-foot planting strip along the entire frontage for all streets behind future back-of-curb.
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Attachments Online at 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 Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services 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

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