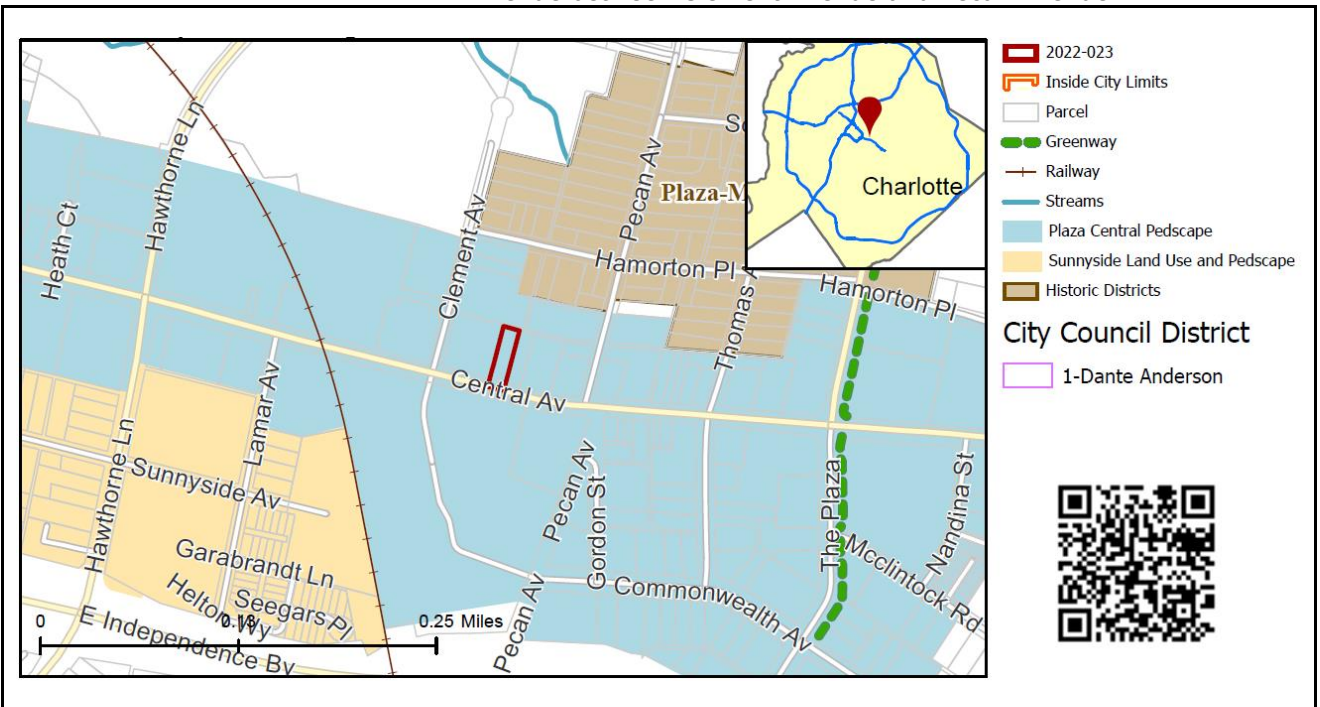


**REQUEST**

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

**LOCATION**

Approximately 0.22 acres located on the north side of Central Avenue between Clement Avenue and Pecan Avenue.



**SUMMARY OF PETITION**

The petition proposes to maintain an existing nonresidential building in the Plaza Midwood neighborhood while allowing for renovation and expansion including an outdoor patio area.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**  
**COMMUNITY MEETING**

Kindredfruit Properties LLC  
Kindredfruit Properties LLC  
Russell Fergusson

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 1.

**STAFF**  
**RECOMMENDATION**

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

Plan Consistency

The petition is **consistent** with the 2040 Policy Map recommendation for the Community Activity Center place type.

Rationale for Recommendation

- The proposed rezoning is appropriate for the mixed-use development envisioned for the Community Activity Center place type.
- The request is contextually appropriate considering the site's location along Plaza Midwood's Central Avenue mixed-use corridor.

- The petition would improve the streetscape along the site's Central Avenue frontage by replacing the existing head-in angled parking with 8' planting strip and 8' sidewalk.
- The request would allow renovation and expansion of the building while limiting building height to 40'.

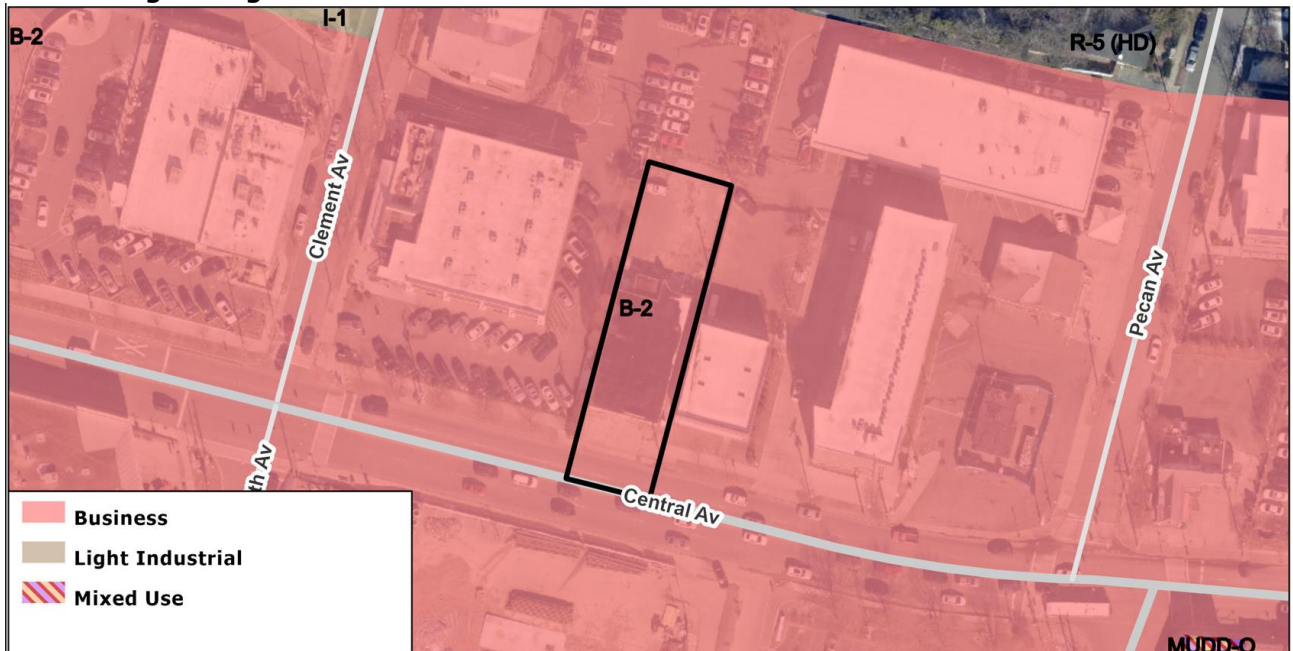
## PLANNING STAFF REVIEW

### • Proposed Request Details

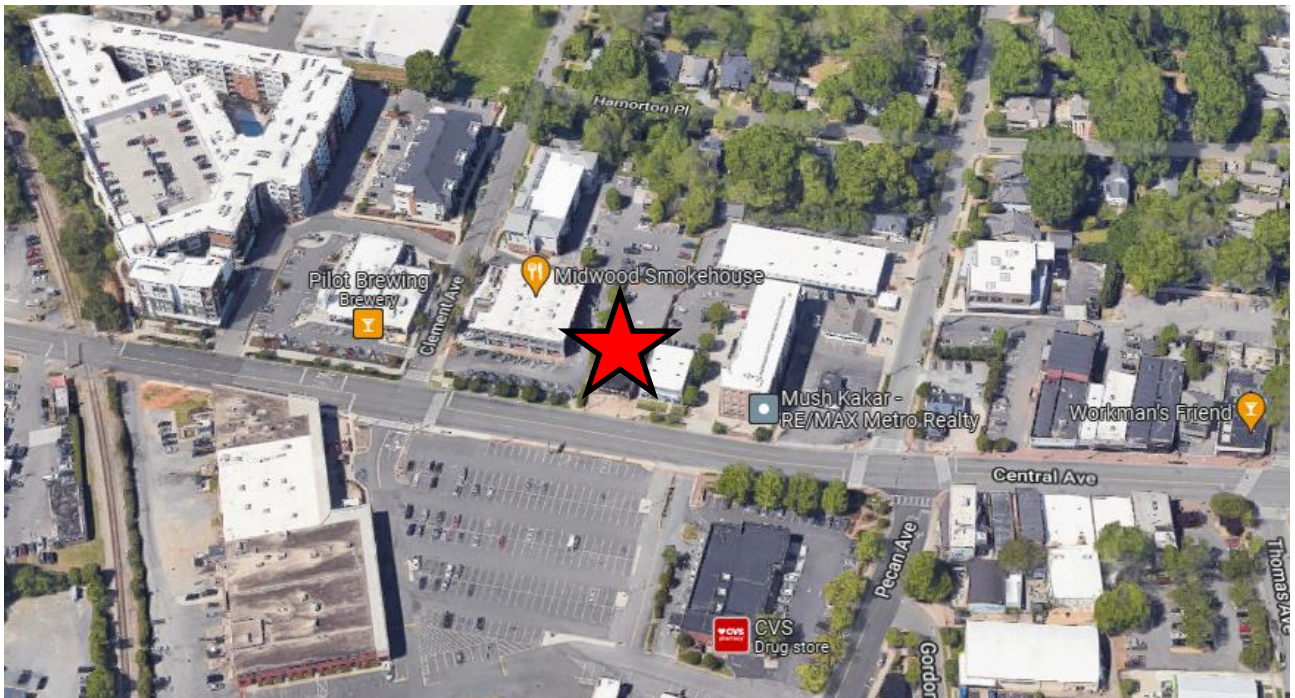
The site plan accompanying this petition contains the following provisions:

- Commits to maintaining the existing building while allowing for renovation and expansion for a maximum of 10,000 square feet of nonresidential uses.
- Limits building height to 40'.
- Allows for building expansion and/or outdoor patio, which may be located on the rooftop.
- Prohibits the following uses: adult establishments, self-storage, drive-through windows (excluding walk-up windows), and gas stations.
- Requests the following optional provisions:
  - The existing building may remain and be renovated, improved, expanded, and replaced to include the upward expansion of the building and/or rooftop patio.
  - No parking will be required for use of the existing building, building expansion, or outdoor patio area.
  - The existing parking may be removed from the site.
- In the event that a rooftop patio is installed, the petitioner will provide a screening wall of at least 8' in height along the northern boundary of the occupiable patio space.
- Commits to installation of an 8' planting strip and 8' sidewalk along the site's Central Avenue frontage.
- Limits all new lighting to being full cut-off type fixtures except for lower decorative lighting that may be installed along the internal drive aisles, sidewalk, courtyards, and landscape accent lighting.

### • Existing Zoning and Land Use



The site and all adjacent parcels are zoned B-2 and are within the Pedestrian overlay. The site is surrounded by a mix of commercial, office, and residential uses.



The location of the site, situated near the heart of the Plaza Midwood neighborhood, is noted by a red star.

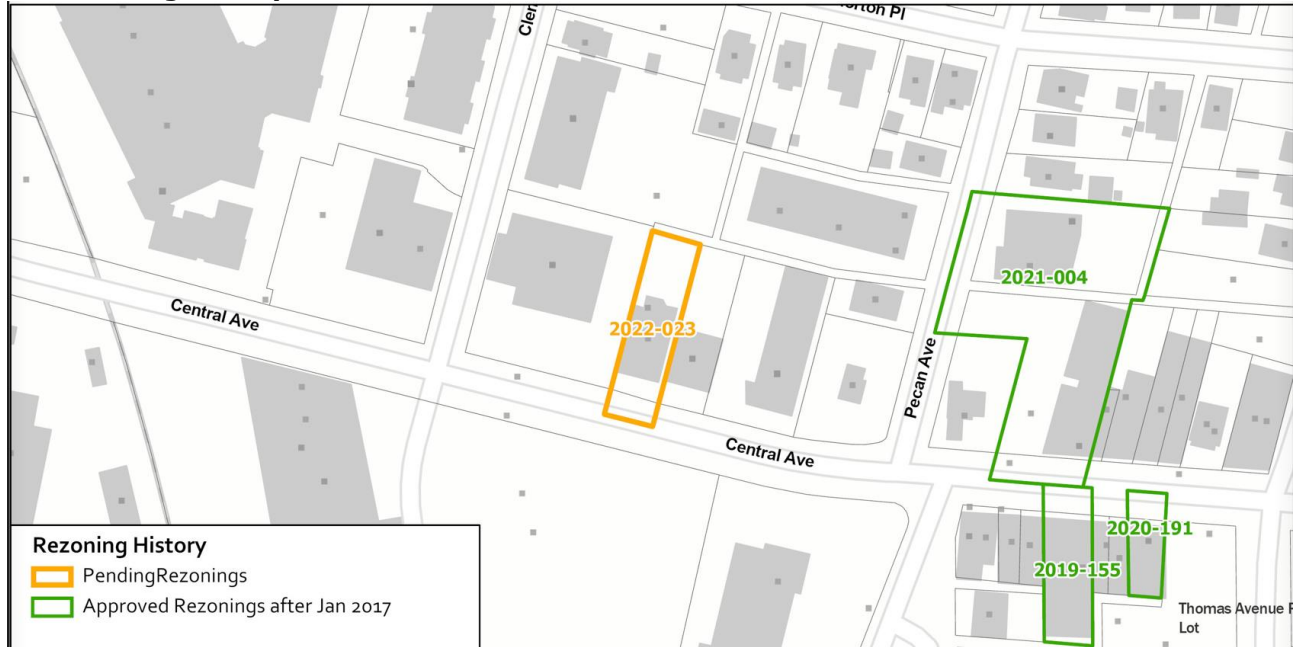


Streetview looking north at the site's Central Avenue frontage.



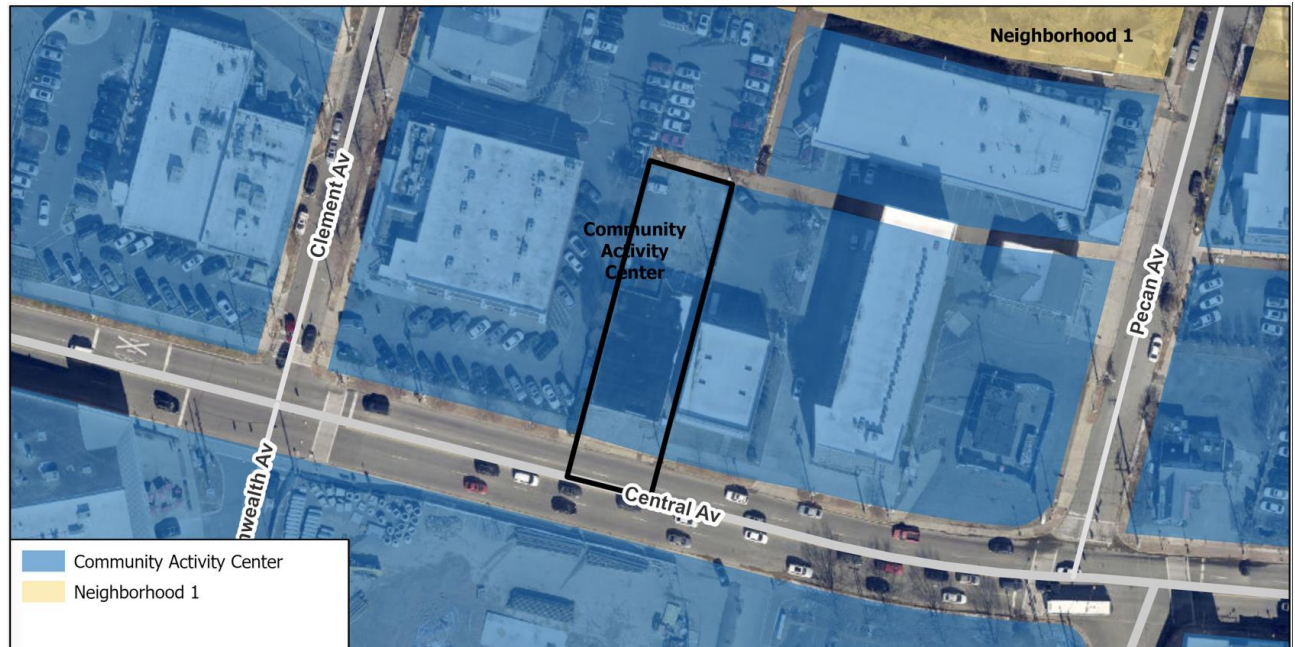
View of the rear of the site looking south. The subject building is in the center of the image.

- Rezoning History in Area**



| Petition Number | Summary of Petition                                                                                      | Status   |
|-----------------|----------------------------------------------------------------------------------------------------------|----------|
| 2021-004        | Request to provide parking and streetscape flexibility while preserving the site's existing building.    | Approved |
| 2020-191        | Ped overlay optional request to allow flexibility in parking requirements to preserve existing building. | Approved |
| 2019-155        | Ped overlay optional request to allow flexibility in parking requirements to preserve existing building. | Approved |

- Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Community Activity Center place type for this site and surrounding area.

- **TRANSPORTATION SUMMARY**

- The site is located on Central Avenue, a City-maintained major thoroughfare in between Clemente Avenue, a City-maintained local street and Pecan Avenue, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. Site plan revisions are needed to meet ordinance requirements and/or the outstanding items including, but not limited to committing to dedicate 40-feet of right-of-way along Central Avenue, call out and reference approved Land Development plans LDUPED-2021-00062 for this site, and conditional 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. Further details are listed below:

- **Active Projects:**

- No active projects near the site

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-2.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 360 trips per day (based on 3,066 SF of retail).

Entitlement: 375 trips per day (based on 3,360 SF of retail).

Proposed Zoning: Too many uses to determine trip generation (based on 10,000 SF of uses permitted in MUDD-O).

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

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 24-inch water distribution main located along Central Ave. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Central Ave. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 3.

**OUTSTANDING ISSUES**

Transportation

1. Add note/call out on site plan referencing approved Land Development plans for this site.
2. Add a note to the Transportation section of conditional notes stating that dedication and fee simple conveyance of all rights-of-way, including 2' behind back of sidewalk where feasible, will be made to the City prior to the site's first building certificate of occupancy.

Environment

3. Add a conditional note that states "Site will comply with the City of Charlotte Tree Ordinance".

Site and Building Design

4. Add petition number 2022-023 to site plan.

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Joe Mangum (704) 353-1908

## Goals Relevant to Rezoning Determinations Petition 2022-023

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**.

Please note: not all goals will apply to all rezoning petitions.

| Goals                                                                               | Goal Description                                                                                                                                                                                                                                                                                                                                                                                                              | Relationship to Charlotte Future 2040 Comprehensive Plan |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
|    | <b>Goal 1: 10- Minute Neighborhoods</b><br>All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.                  | ✓                                                        |
|  | <b>Goal 2: Neighborhood Diversity &amp; Inclusion</b><br>Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods. | N/A                                                      |
|  | <b>Goal 3: Housing Access for All</b><br>Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.                                                                                                         | N/A                                                      |
|  | <b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b><br>Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.                                                                                                                                                                                | N/A                                                      |

|                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                       |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|    | <p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p> |    |
|    | <p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>                                                                    | <p>N/A</p>                                                                            |
|   | <p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>                                                                                           | <p>N/A</p>                                                                            |
|  | <p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>                                                                                                                                                                                                                       |  |
|  | <p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>                                                                                                                                                                                                                                                            |  |
|  | <p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>                                                                                                                                                                                                                                                 | <p>N/A</p>                                                                            |