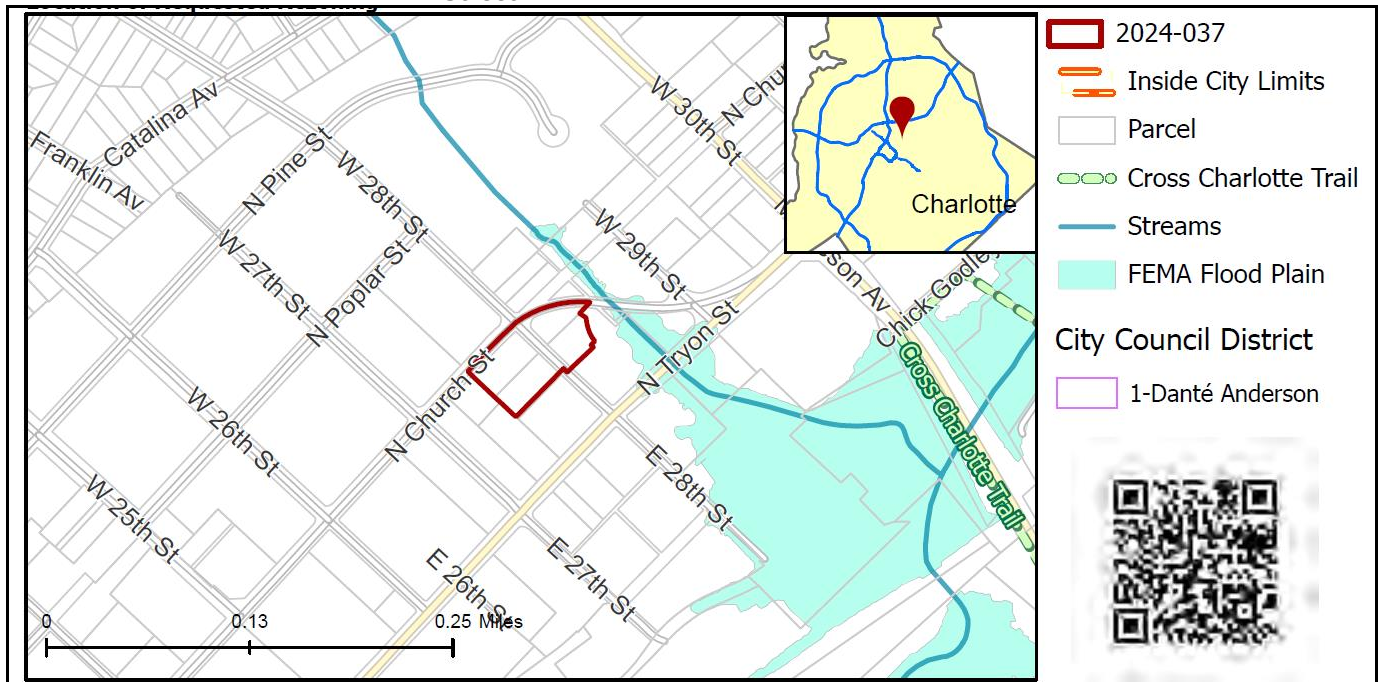


**REQUEST**

Current Zoning: ML-2 (Manufacturing & Logistics – 2)  
 Proposed Zoning: NC(CD) (Neighborhood Center, conditional)

**LOCATION**

Approximately 1.53 acres located on the north and south side of 28th Street and the east side of North Church Street, west of North Tryon Street.



**SUMMARY OF PETITION**

The petition proposes to allow uses permitted in the Neighborhood Center zoning district with exception of auto-centric uses among others as specified in the conditional plans. The rezoning is comprised of four parcels, two of which are developed with vehicle repair facilities and two of the parcels are vacant.

**PROPERTY OWNER**

Church-Overlook, LLC

**PETITIONER**

Church-Overlook, LLC

**AGENT/REPRESENTATIVE**

Russell Fergusson, Russell W. Fergusson, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 0

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for Neighborhood Center and **inconsistent** with the recommendation for Neighborhood 2.

Rationale for Recommendation

- Located along W. 28<sup>th</sup> Street and N. Church Street, this rezoning is in an area that has historically been used for various light industrial and commercial uses. However, this area is becoming an activity center and in particular the N. Tryon corridor just east of the site is a hub of renewed commercial and mixed-use developments servicing nearby residents.
- This site and the broader area are within the North Graham Street/North Tryon Street (NGNT) Corridor of Opportunity Area (COO). One of six such

identified corridors in Charlotte, the COO program aims to revitalize areas with a mix of uses that provide critical resources and businesses to its neighbors, creating more prosperous and safe communities. This rezoning would allow the site's entitlements to be shifted away from industrial uses to a more balanced mix of uses that may better align with the goals of the NGNT Corridor.

- The Neighborhood Center district allows for a range of residential, commercial, and office uses and supports pedestrian-friendly environments. This petition commits to prohibit the more auto-centric uses typically allowed in the NC district such as gas stations or vehicle repair facilities. Additionally, new development on the site would facilitate improvements to sidewalk infrastructure; when paired with the prohibited uses outlined in the plan, this petition furthers the goal of improved pedestrian experiences in this area.
- This proposal is consistent with the portion of the *2040 Policy Map* that calls for Neighborhood Center. Although the two parcels along the north side of W. 28<sup>th</sup> Street are recommended for the Neighborhood 2 Place Type, that designation does not reflect the existing use, entitlements, or the intended future uses in this area given the adjacency to existing commercial establishments and desire for goods and services that may support residential areas to the west. A change in Place Type to Neighborhood Center for a portion of the site is merited and in alignment with surrounding development patterns.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
  - 1: 10 Minute Neighborhoods

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 2 for a portion of the site to Neighborhood Center.

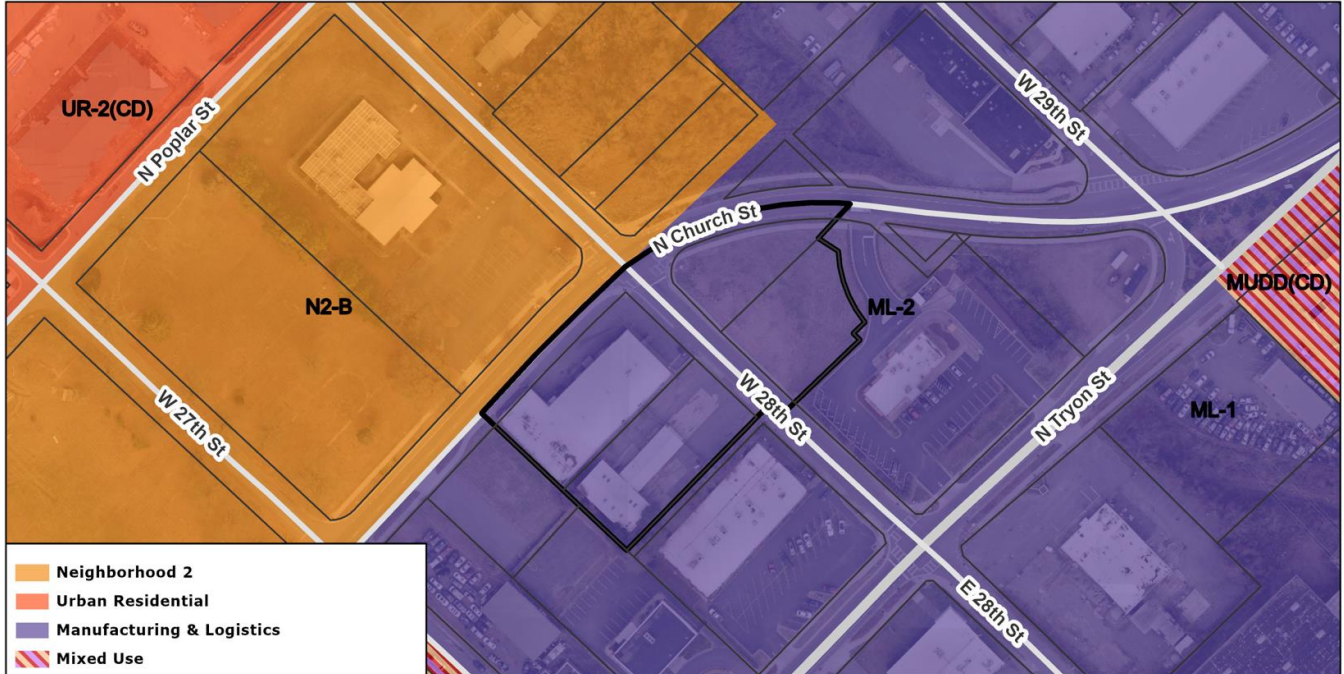
## PLANNING STAFF REVIEW

- **Proposed Request Details**

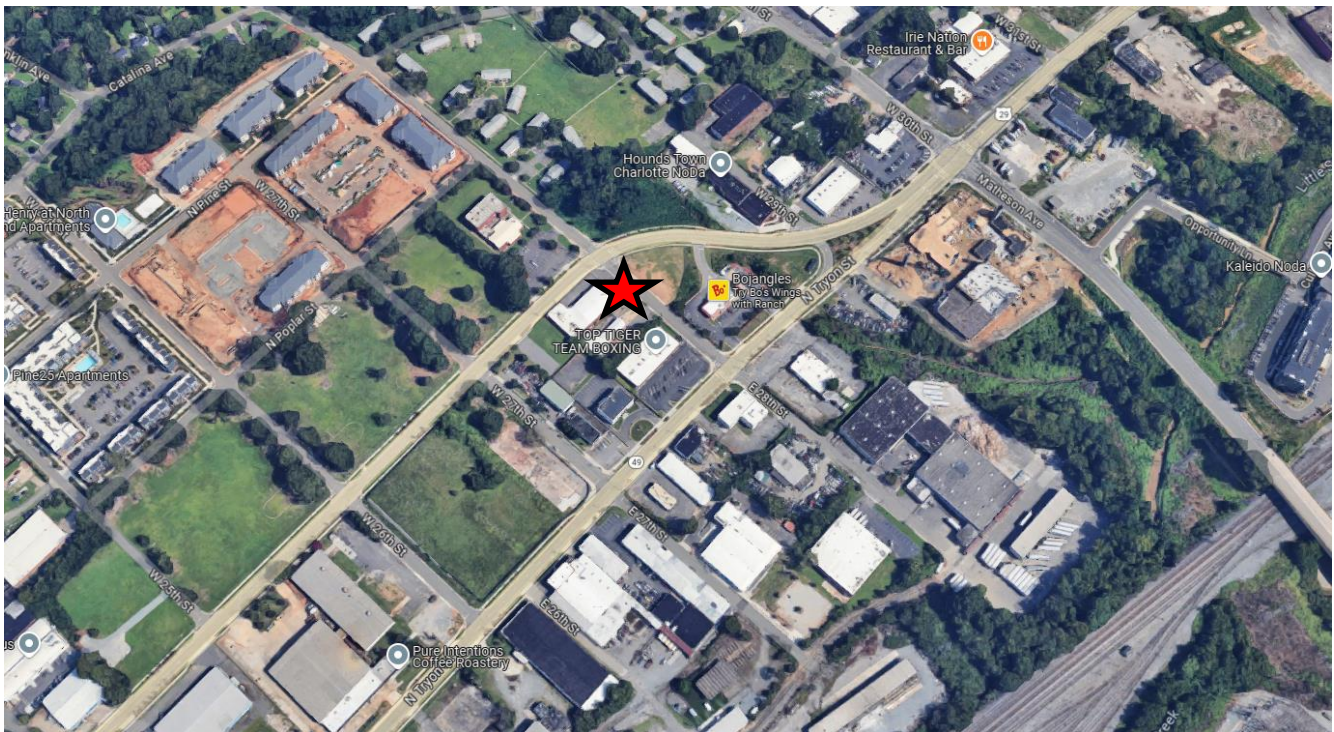
The site plan accompanying this petition contains the following provisions:

- Proposes to allow all uses permitted in the NC zoning district with exception of the following:
  - Vehicle fueling facilities
  - Vehicle rental facilities
  - Vehicle repair facilities
  - Beneficial fill site
  - Outdoor storage yard
  - Accessory drive-throughs
  - Parking as a principal use
- Commits to upgrade two curb ramps at the intersection of W. 28<sup>th</sup> Street and N. Church Street.
- Commits to install an 8' sidewalk and 8' planting strip along all W. 28<sup>th</sup> Street and Church Street frontages provided that the petitioner may meander and modify the sidewalk and planting strips to accommodate adaptive reuse of existing structures and site conditions.
- Upon redevelopment of the site, the petitioner shall provide cross-access to adjacent parcels as applicable.

• **Existing Zoning**



- The site is currently zoned ML-2 and is in an area with ML-2, ML-1, N2-B, UR-2(CD), and MUDD zoning.



- The subject site is denoted with a red star and is in an area with commercial, light industrial, multi-family residential, and single family residential uses.



- Two of the rezoning's four parcels along the south side of W. 28<sup>th</sup> Street are developed as vehicle repair facilities. The other two parcels in the rezoning on the north side of W. 28<sup>th</sup> Street are vacant.



- North of the site are commercial and industrial uses.



- East of the site are various commercial establishments.



- South of the site are vehicle repair facilities.



- Immediately west of the site is a church, and further west are multi-family residential developments.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-018	Rezoned 10.81 acres from R-22MF to UR-2(CD).	Approved
2021-135	Rezoned 3.5 acres from I-2 to MUDD(CD).	Approved

• **Public Plans and Policies**



- The 2040 Policy Map (2022) calls for Neighborhood Center and Neighborhood 2.

• **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Church Street, a City-maintained local street, and 28<sup>th</sup> Street, a City-maintained major collector. A Comprehensive Transportation Review (CTR) is not necessary for the complete review of this petition. A CTR will be required during permitting if the site generates site trips over ordinance thresholds. All outstanding CDOT issues have been addressed.

• **Active Projects:**

- CIP North Tryon Street Business Corridor
  - Project ID: PM51210039
  - Location Description: Dalton Avenue to 30th Street
  - Project Description: Provide a safer pedestrian environment by installing traffic calming features, crosswalks, sidewalks, planting strips, decorative lighting, bike lanes, and reducing the number/size of driveway openings.
  - Project Type: Road Construction
  - Project Phase: Complete
  - Anticipated Completion Date: Early 2021

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 110 trips per day (based on industrial uses).

Entitlement: 145 trips per day (based on 1.53 acres of ML-2 uses).

Proposed Zoning: Too many uses to determine trip generation.

**DEPARTMENT COMMENTS**

- **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 Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The NC district allows a variety of uses; therefore, the impact on local schools cannot be determined.
  - Existing school utilization is as follows:
    - Highland Renaissance at 76%
    - Martin Luther King, Jr. Middle at 100%
    - Garinger High at 100%.

- 
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along W 28th St. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main along W 28th St. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Erosion Control:** No comments submitted.
  - **Long Range Planning:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **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:** See Technical Revision, Note 1.
  - **Urban Forestry / City Arborist:** No comments submitted.

**REQUESTED TECHNICAL REVISIONS PRIOR TO PUBLIC HEARING**Environment

- ~~1. Revise Environmental Features conditions to note that the "development shall comply with Article 25 of the UDO, Post Construction Stormwater Regulations."~~ **Addressed**

Site and Building Design

- ~~2. Revise the vicinity map to match the rezoning boundary of the four parcels.~~ **Addressed**
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**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**  
**Planner:** Holly Cramer (704) 353-1902