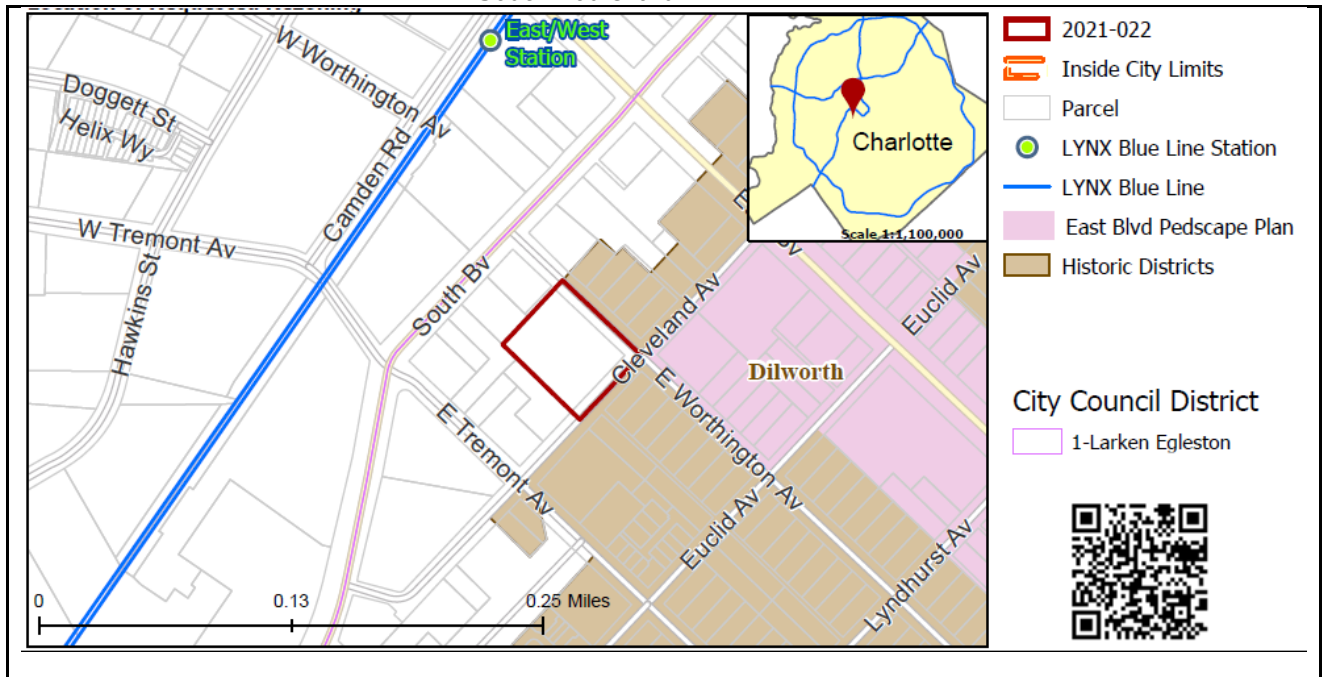


**REQUEST**

Current Zoning: TOD-M(O) (transit oriented development-mixed use, optional)  
Proposed Zoning: TOD-NC(CD) (transit oriented development-neighborhood center, conditional)

**LOCATION**

Approximately 1.14 acres located in the western quadrant of the intersection of Cleveland Avenue and Worthington Avenue, east of South Boulevard.



**SUMMARY OF PETITION**

The petition proposes to allow all transit supportive uses per TOD-NC (transit oriented development-neighborhood center) zoning for a 1.14 acre site that is within 0.25 mile of the East/West Transit Station on the LYNX Blue Line.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

OMS Dilworth LLC  
OMS Dilworth  
Collin Brown and Brittany Lins/Alexander Ricks, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 7

**STAFF**  
**RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the *South End Transit Station Area Plan* recommended retail land use, as amended by petition 2014-002.

Rationale for Recommendation

- The subject site is within 0.25 mile of the East/West Boulevard Station on the LYNX Blue Line.

- The proposal permits a site previously used for industrial uses to convert to transit supportive land uses.
- Use of conventional TOD-NC (transit oriented development – neighborhood center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- A condition to add parking minimums in this area adjacent to an existing Historic District helps mitigate impacts on the existing neighborhood while still maintaining the parking maximums in the TOD ordinance.

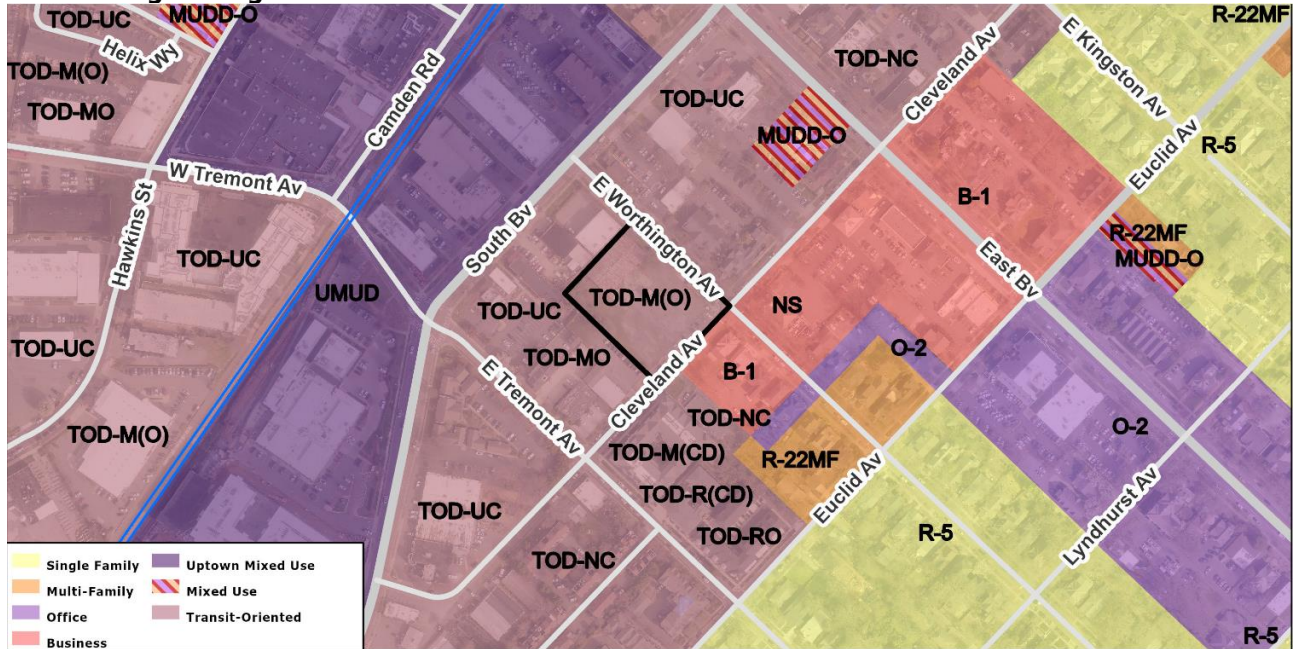
The approval of this petition will revise the adopted future land use as specified by the *South End Transit Station Area Plan*, from current recommended retail use to new recommended transit oriented development use for the site.

**PLANNING STAFF REVIEW**

- **Background**
  - At its rezoning meeting of May 17, 2021, City Council held a public hearing for petition 2021-022 for a conventional request to rezone the subject parcel to TOD-NC. At its June 1, 2021 Work Session, the Zoning Committee recommended approval of the request with a unanimous 6-0 vote.
  - On June 16, 2021, the petitioner requested a one-month deferral and submitted an amended application converting the request from TOD-NC to TOD-NC(CD), with conditions pertaining to parking requirements. A new public hearing date for the amended request was set for July 19, 2021.
- **Proposed Request Details**
  - Allows all uses in the TOD-NC district by right and under prescribed conditions. Uses permitted include residential, commercial, and institutional and governmental.
  - Allows height of mid-rise buildings up to 75 feet by right, and taller buildings up to 100 feet through a height bonus.
  - Proposes the following parking commitments:

Proposed Use	Proposed Parking Requirements	Maximum Vehicle Parking Spaces Per Zoning Ordinance (TOD)
a. Commercial Uses	Minimum of one (1) vehicular parking space per 1,000 square feet of commercial gross square footage.	Five (5) spaces per 1,000 square feet of gross floor area (this includes commercial component of mixed-use building).
b. Residential	Minimum of 0.5 vehicular parking space per one (1) residential unit.	No limit on enclosed/garage spaces. One (1) space enclosed on site for single-family attached.
c. Hotel	Minimum of 0.5 vehicular parking space per one (1) hotel rooms.	Two (2) spaces per room in parking lot. No maximum in parking structure.

• **Existing Zoning and Land Use**



- The site is developed with an industrial building and associated parking and is surrounded by a mix of residential and non-residential uses in various zoning districts.
- The site was rezoned from B-1 to TOD-R(CD) via petition 2006-162 to allow up to 80 multi-family residential units.
- Rezoning petition 2013-068 proposed a TOD-R(CD) site plan amendment to revise the layout and change the product type to multi-family residential with up to 33 dwelling units. The request was withdrawn.
- Rezoning petition 2014-002 rezoned the site from TOD-R(CD) to TOD-M(O) to allow a 130-room hotel with accessory uses.



The site is developed with an industrial building and associated parking constructed in 1969.





The site is developed with an industrial building and associated parking.

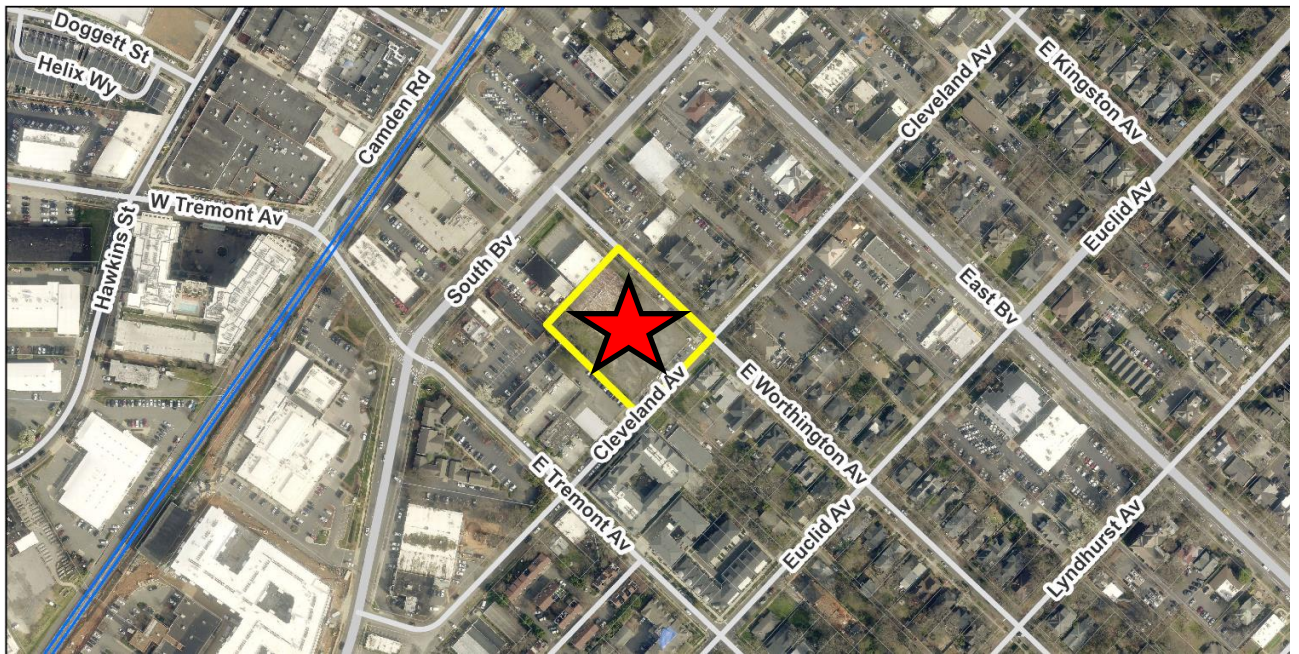


North are residential and institutional uses.





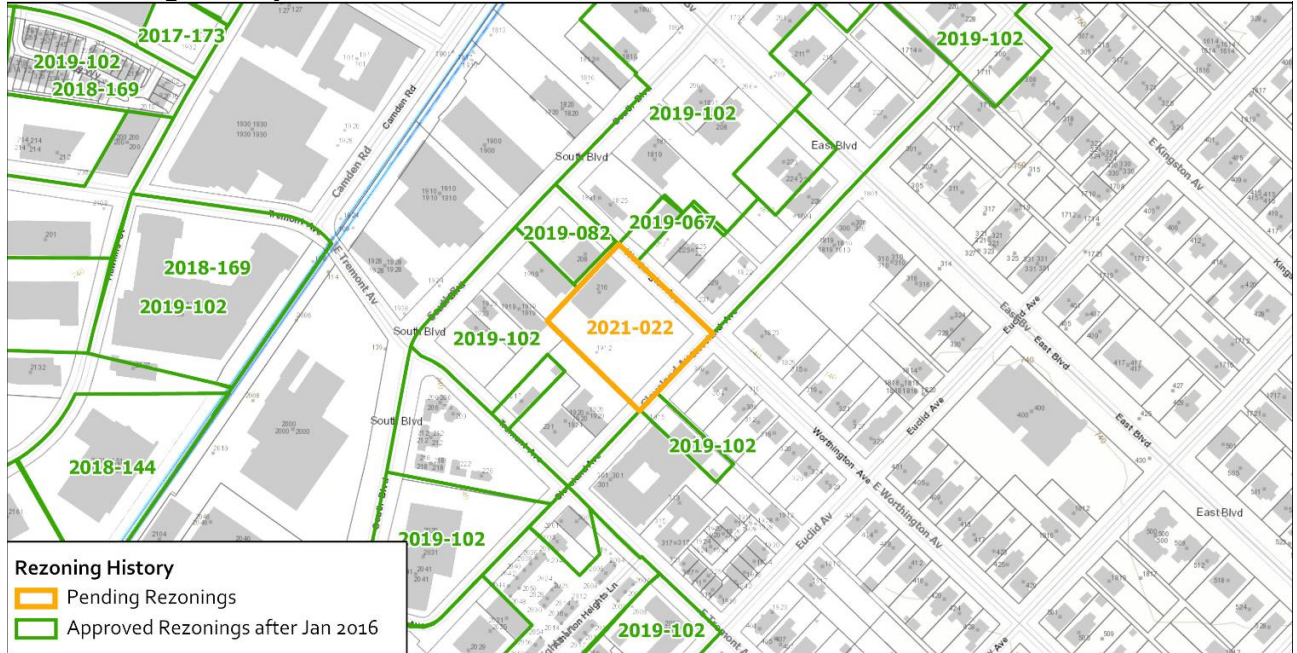
Along South Boulevard are a mix of residential and non-residential uses.



The rezoning site (denoted by the red star) is surrounded by a mix of residential and non-residential uses.

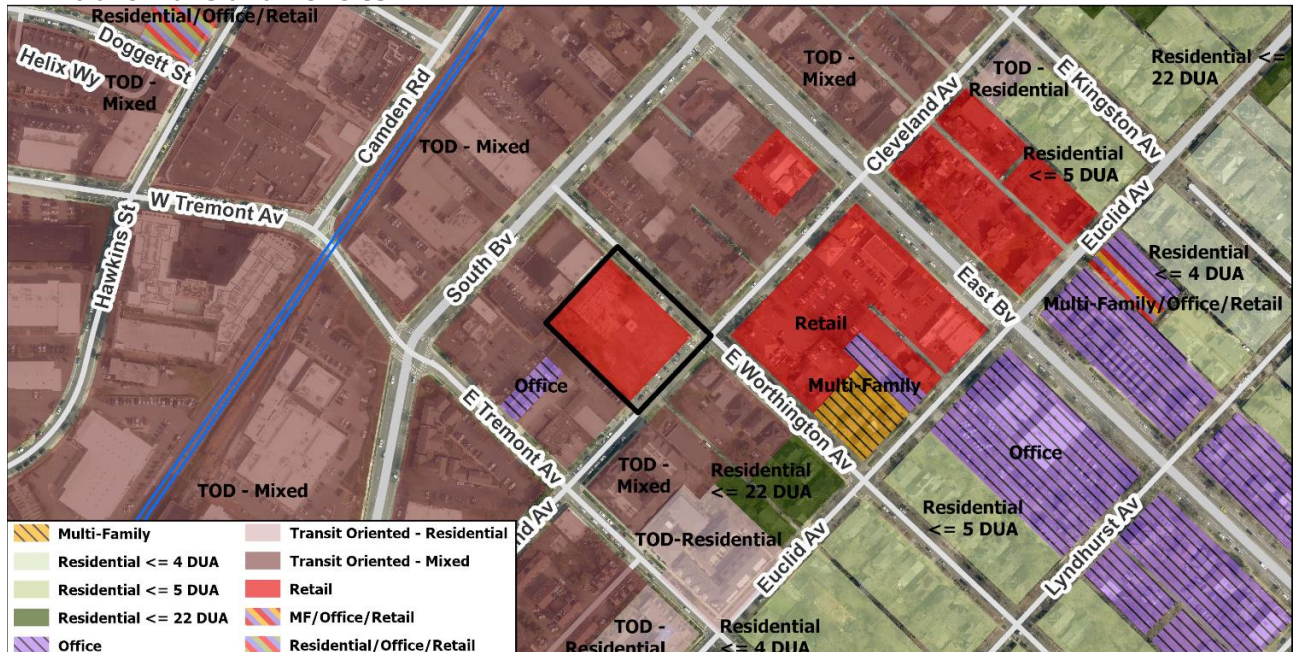


• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2019-082	Rezoned 0.32 acres from B-1 to TOD-UC.	Approved
2019-067	Rezoned 0.15 acres from B-1 to TOD-UC.	Approved
2018-169	Text amendment to modify TOD requirements.	Approved
2018-144	Rezoned 2.21 acres from MUDD-O to TOD-M(O).	Approved

• **Public Plans and Policies**



- The *South End Transit Station Area Plan* (2005) recommends retail, as amended by petition 2014-002.

- **TRANSPORTATION SUMMARY**

- The site is located on two City-maintained local roads (Worthington Avenue and Cleveland Avenue). The site is located less than ¼ mile south of LYNX East/West Blue Line Station. The site was previously rezoned for a hotel with petition 2014-002 and is now requesting a TOD-NC zoning and will be subject to transportation improvements in accordance with the TOD Ordinance and the adopted CDOT Streets Map. This petition has been resubmitted as a conditional petition with no site plan, but including conditions related to parking that will be provided with commercial, residential, and hotel uses. CDOT supports this petition with proposed parking conditions providing a transition state while the City continues to grow and support other modes of transportation. However, CDOT wants to retain on-street parking along the site's frontages and to ensure all loading and unloading occurs onsite. CDOT will work with the petitioner during the permitting process to provide additional forms of connectivity, as applicable, supporting the types of development in the TOD-zoned areas.
- **Active Projects:**
  - No projects near the site.
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-2.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: Vacant
    - Entitlement: 1,045 trips per day (based on 130-room hotel; rezoning petition 2014-002).
  - Proposed Zoning: Too many uses to determine (based on proposed TOD-NC).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined. See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along E Worthington Ave and via a 6-inch main located along Cleveland Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E Worthington Ave. See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **City Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- **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 outstanding issues.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry:** No outstanding issues.

**OUTSTANDING ISSUES**

Transportation

1. Include a note on Parking Conditions document to retain on-street parking along site's frontages.
2. Include a note on Parking Conditions document to ensure loading and unloading will occur on-site with minimal impact to the City's Rights-of-Way.

Site and Building Design

3. Remove parking maximums to avoid conflict with the existing TOD ordinance.

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

**Planner:** Claire Lyte-Graham (704) 336-3782