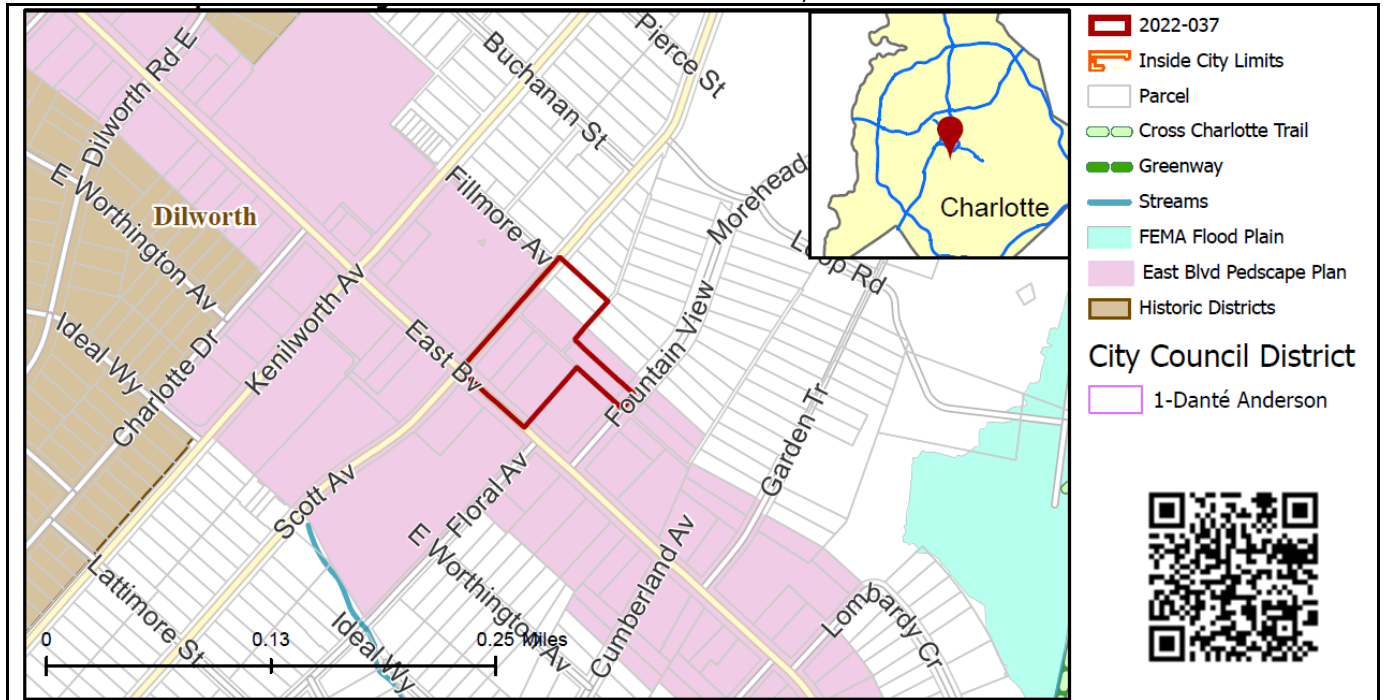


**REQUEST**

Current Zoning: B-1 PED, NS PED, O-2 PED, MUDD-O PED  
Proposed Zoning: MUDDD-O PED

**LOCATION**

Approximately 2.01 acres located at the northeast intersection of East Boulevard and Scott Avenue, west of Kenilworth Avenue.



**SUMMARY OF PETITION**

The petition proposes to redevelop parcels to allow for a mixed-use development.

**PROPERTY OWNER**

SHG East Boulevard, LLC and Susanne Robicsek

**PETITIONER**

SunCap Property Group, LLC

**AGENT/REPRESENTATIVE**

Brittany Lins and Collin Brown, Alexander Ricks, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 78 attendees at the first meeting and 55 at the second meeting.

**STAFF RECOMMENDATION**

Staff does not recommend approval of this petition in its current form.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for Neighborhood Center on a majority of the site and **inconsistent** with the recommendation for Neighborhood 1 on a portion of the site.

Rationale for Recommendation

- Located within the Dilworth community and the pedestrian overlay, this area houses a variety of low to middle density mixed-uses along East Boulevard with residential uses extending out from the major thoroughfares. Commercial uses at the street-level, pedestrian connections, and consciously integrated transitions into the surrounding neighborhoods are predominant features of the existing development in the area.
- The Neighborhood Center Place Type is defined by walkable mixed-use areas embedded within neighborhoods that provide a range of services for

nearby residents. The uses proposed in this petition align with the adopted place type. However, the building forms outlined in the site plan are incongruent with building height transitions that are called for in Neighborhood Center for parcels adjacent to N1 areas.

- The site has adjacency to Neighborhood 1 areas along Scott Avenue and Fountain View. The heights prescribed in Development Area B currently only stepdown to 52' on the site's boundary against PID 15302520. The remainder of the average proposed height decreases can be attributed to grade changes along Scott Avenue. Staff is requesting the inclusion of height stepdowns throughout the site to provide a more appropriate transition into the surrounding N1 areas that better align with the place type.
- A significant portion of this site is currently underutilized as surface parking. The proposed redevelopment of these parcels with underground parking areas rather than the existing surface parking lots ties into the pedestrian-oriented goals of Neighborhood Center.
- This petition includes ground-floor activation with a minimum of 4,000, and maximum of 15,000, square feet of retail, EDEE, and personal service uses.
- This petition commits to provide a substantial number of EV spaces in the development and will adhere to the National Green Building Standards (NGBS) Bronze standards.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities

The approval of this petition will revise the recommended place type for a portion of the site as specified by the *2040 Policy Map*, from Neighborhood 1 to Neighborhood Center.

## PLANNING STAFF REVIEW

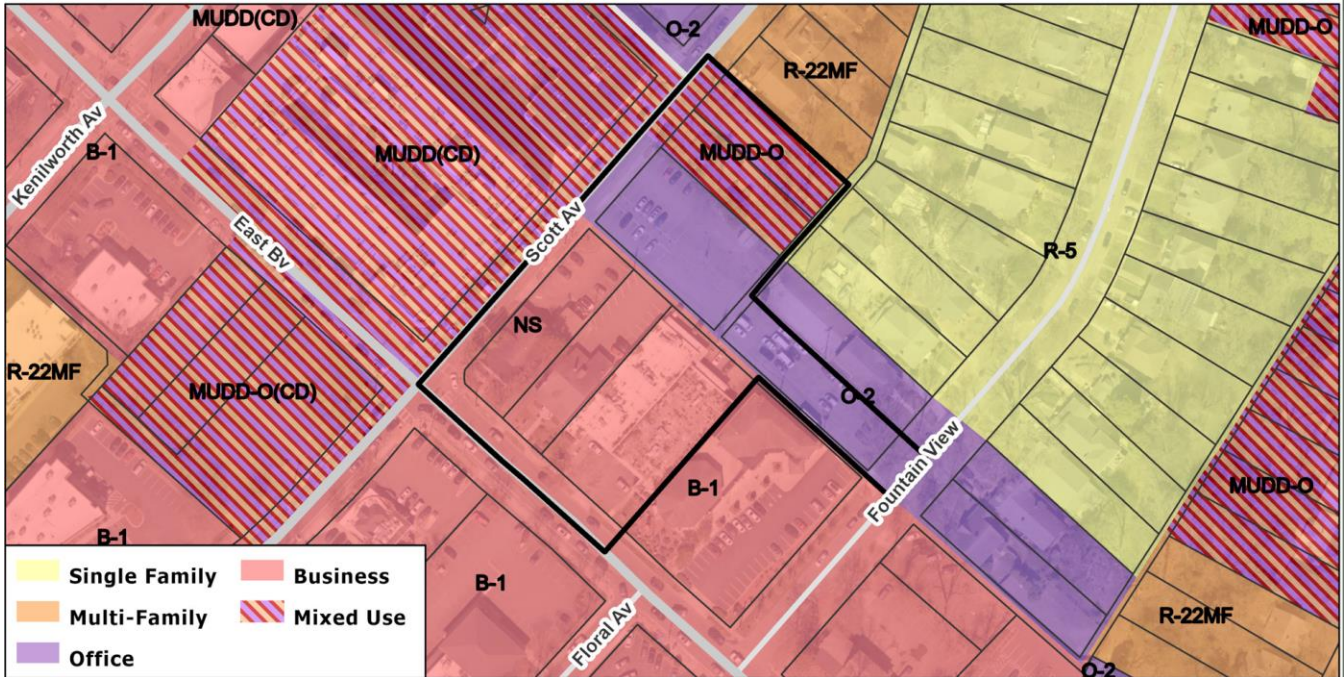
### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Permits the following uses:
  - Up to 20,000 square feet of office uses
  - Up to 300 multi-family units
  - Up to 15,000 square feet of retail, EDEE, or personal service uses
    - A minimum of 4,000 square feet must be provided
- Prohibits car washes, self-storage facilities as a principal use, and auto service stations.
- Identifies two development areas.
  - Development Area A will be a maximum height of 85' which includes a rooftop feature. Due to grade changes, the maximum height at the back of Development Area A is 72.5'.
  - Development Area B along Scott Avenue commits to a maximum height of 65', with the back side of Development Area B identifying a maximum height of 57.5'.
    - Commits to a height step down of 52' that extends 14' into Development Area B where the rezoning boundary directly abuts N1 properties.
    - Provides a 10' Class C landscape buffer along the back side.
- Requests an optional provision to define the "Base" of High-Rise Buildings for architectural standards as the first two floors at street grade from public streets.
- Commits to the following transportation provisions:
  - Full movement Driveway from Fountain View and right-in/right-out only access from East Boulevard and Scott Avenue.
  - 8' amenity zone and 8' sidewalk along East Boulevard and Scott Avenue.
  - Will coordinate with CATS during permitting to improve existing bus stops along East Boulevard and Scott Avenue.
  - Upgrades to the crosswalks at the East Boulevard/Kenilworth Avenue and East Boulevard/Scott Avenue to include high-visibility striping.
  - Install video detection for Automated Traffic Signal Performance Measures (ATSPM) at East Boulevard/Dilworth Road East and East Boulevard/Kenilworth Avenue intersections.
  - Install a pork chop island to restrict traffic on East Boulevard and Scott Avenue.
- Includes architectural standards:

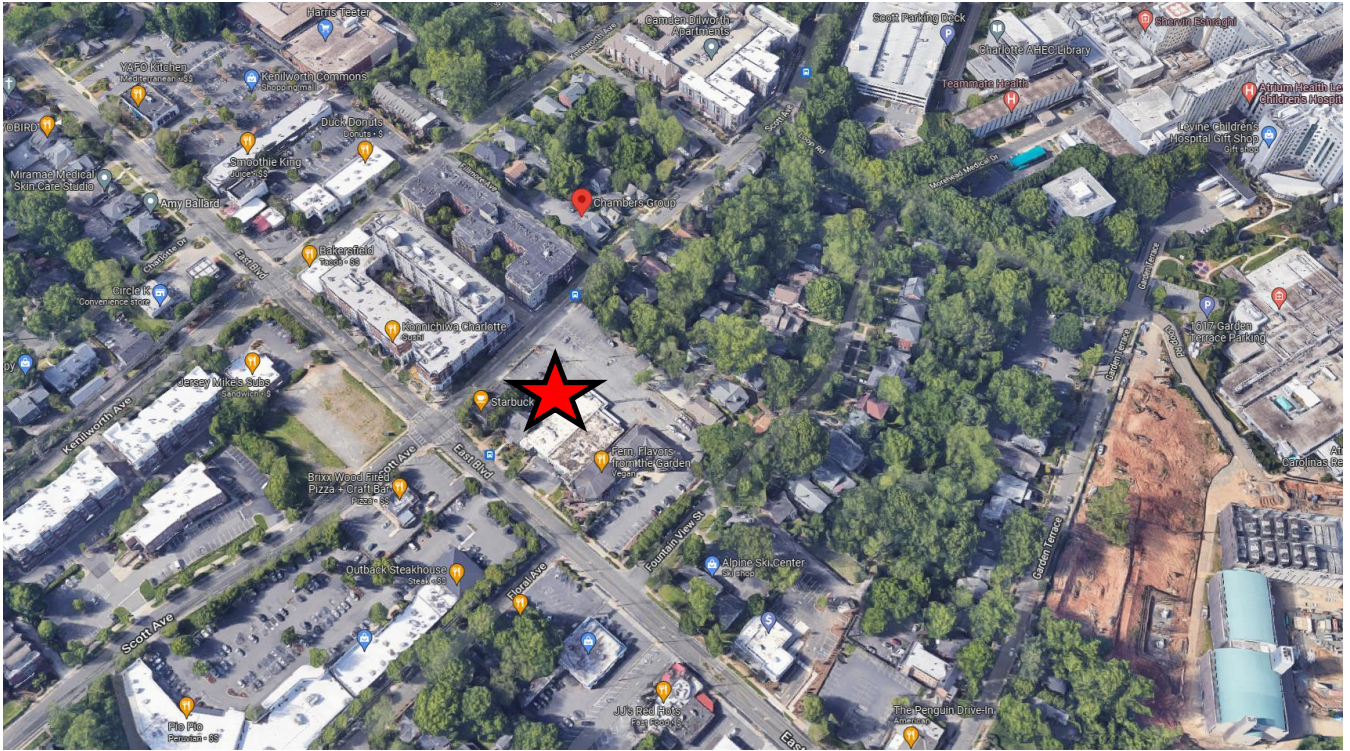
- Commits to preferred building materials and further specifies material requirements for buildings along street frontages.
- Commits to break up building massing and height to prohibit monolithic forms.
- Proposes a screened parking deck.
- Commits to an 8' opaque fence at the rear of the property line where the site is adjacent to single family uses.
- Limits the inclusion of rooftop terraces to office or residential uses.
- Proposes to screen dumpster enclosures, HVAC units, and locate meter banks outside of the setback.
- Provides a minimum of 20% of the parking spaces as EV capable, 10% of spaces as EV ready, and 2% of spaces as EV installed spaces.
- Commits to all principal buildings being constructed to NGBS Bronze standards.

**Existing Zoning**



- The site is currently zoned NS, O-2, B-1, and MUDD-O and is in an area with B-1, O-2, R-5, R-22MF, and MUDD zoning.

Existing Zoning	Translated Zoning	Recommended Place Type
NS (neighborhood services)	N/A	Neighborhood Center
O-2 (office)	NC (neighborhood center)	Neighborhood Center
B-1 (neighborhood business)	NC (neighborhood center)	Neighborhood Center
MUDD-O (mixed use development, optional)	N/A	Neighborhood 1



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



- North of the site are single family homes.



- East of the site is a restaurant and single family residential uses.

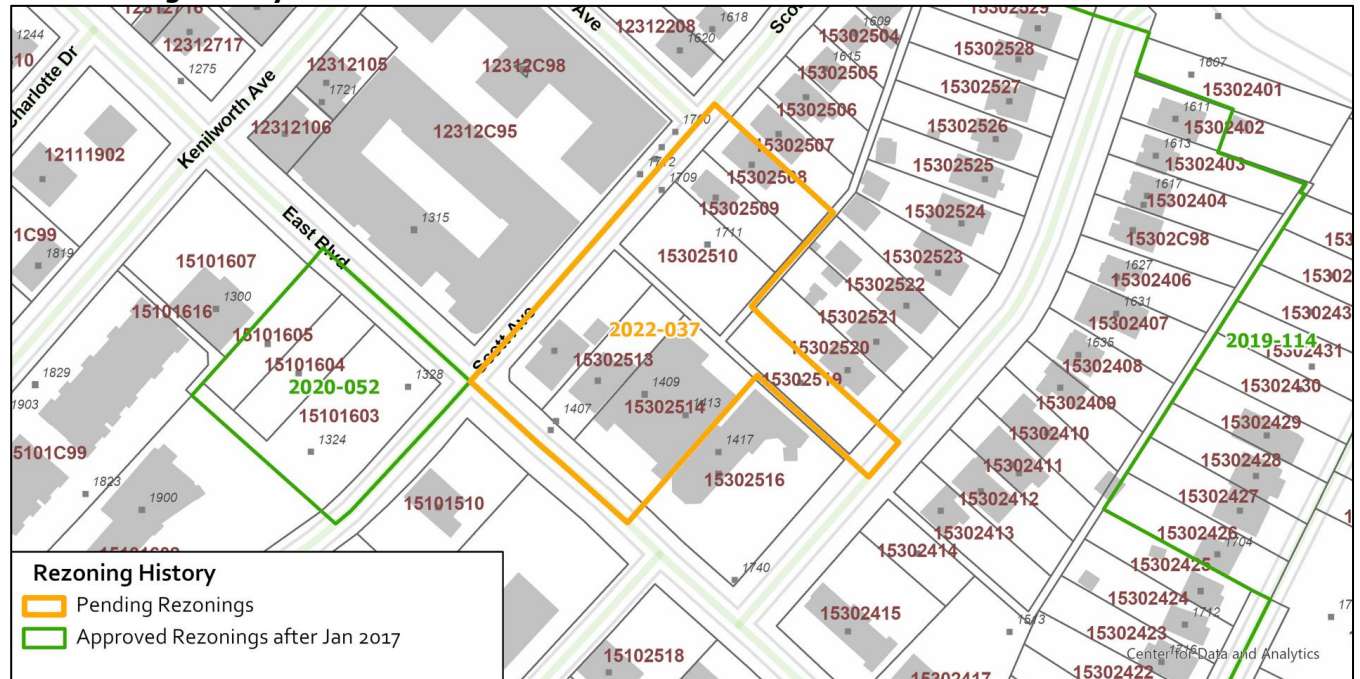


- South of the site are various commercial uses.



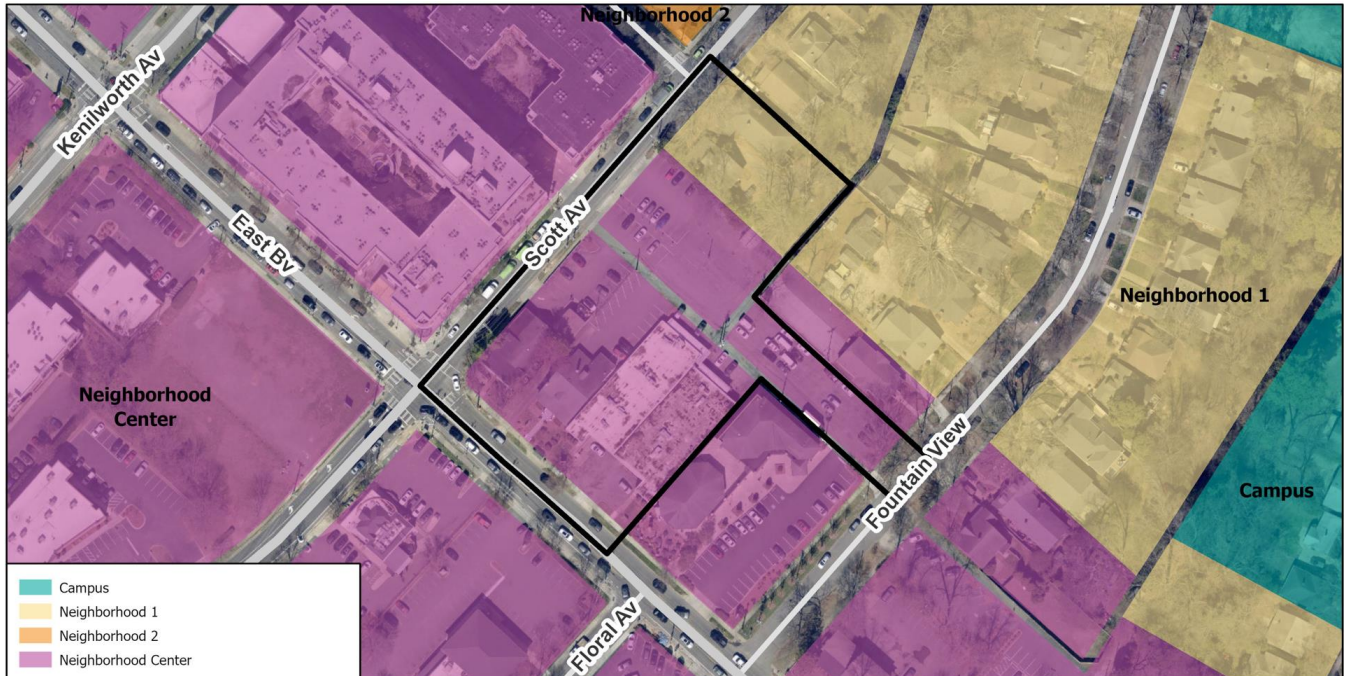
- West of the site is a mixed-use development.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-114	Rezoned 70.53 acres from O-2, O-6(CD), B-1, B-2, R-5, and R-22MF to MUDD-O.	Approved
2020-052	Rezoned 1 acre from NS to MUDD-O.	Approved

• **Public Plans and Policies**



- The 2040 Policy Map (2022) calls for Neighborhood Center and Neighborhood 1 on the site.

• **TRANSPORTATION SUMMARY**

- The site is located on the east corner of Scott Avenue and East Boulevard, two City-maintained major thoroughfares. A Traffic Impact Study (TIS) was required, and CDOT approved the TIS on September 15, 2022. In accordance with City Ordinances, The Vision Zero Action Plan, and the Charlotte WALKS Plan, the petitioner commits to provide pedestrian facilities along the site’s frontages of East Boulevard and Scott Avenue. The site plan also commits to improving the existing bus stops on the site’s frontages of Scott Avenue and East Boulevard and includes the TIS improvements in the conditional notes.

• **Active Projects:**

- There are no active projects near the site.

• **Transportation Considerations**

- See Outstanding Issues, Note

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 2,280 trips per day (based on EDEE, office, and retail uses).

Entitlement: 2,390 trips per day (based on NS, O-2, and B-1 uses)).

Proposed Zoning: 4,460 trips per day (based on completed traffic impact study).

**DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate 17 students, while development allowed with the proposed zoning may produce 55 students. Therefore, the net increase in the possible number of students generated from existing zoning to proposed zoning is 38
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Dilworth Elementary from 56% to 61%
    - Sedgefield Middle from 68% to 71%
    - Myers Park High from 120% to 121%.
- **Charlotte Water:** 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:** No outstanding issues.

**OUTSTANDING ISSUES**Transportation

1. On Scott Avenue, revise site plan and conditional note(s) to commit to dedicate 35.5-feet of right-of-way from the road centerline.
2. Revise site plan and conditional notes to commit to widen Scott Avenue and provide a 5' bike lane.

Site and Building Design

3. To better conform to the site's adopted Place Type, provide height stepdowns in Development Areas A and B beyond the 52' height stepdown already committed to on one portion of Development Area B. Height transitions should occur more internal to the site beyond what is currently proposed, particularly when adjacent to a Neighborhood 1 Place Type.

**REQUESTED TECHNICAL REVISIONS**Land Use

4. List all existing zoning districts in the petition area on the conditional notes sheet.
- 

**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Holly Cramer (704) 353-1902