



Zoning Committee

REQUEST	Current Zoning: NS HDO (neighborhood services, historic district overlay) Proposed Zoning: NC(EX) HDO (neighborhood center, exception, historic district overlay)
LOCATION	Approximately 0.517 acres located at the southeast intersection of Cleveland Avenue and East Worthington Avenue, south of East Boulevard. (Council District 1 - Anderson)
PETITIONER	On Cleveland, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map (2022)* based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map (2022)* recommends Neighborhood 1.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- Located on the edge of the Dilworth Historic District, this corner lot sits among adaptively reused structures that house a variety of commercial and office uses servicing surrounding residents. Although in close proximity to the dense transit-oriented development along South Boulevard, projects in this area must balance historic preservation and contextual sensitivity with the demands for new development.
- The site is currently designated as the Neighborhood 1 Place Type, however, this does not reflect the previous uses on the site as a restaurant and church nor does it reflect the building form in place. This lot is adjacent to a strand of Neighborhood 1 designated lots but does not abut any single detached homes. The application of the Neighborhood Center Place Type on this parcel would more accurately convey the previous uses on the

parcel and establishes a transition for this area which is located against TOD-zoned parcels in the Regional Activity Center Place Type to the west and south and more the moderately-dense zoning and uses to the north and east which are under the Neighborhood 1 and Neighborhood Center Place Types.

- Conditional rezonings requesting EX (exception) provisions allow flexibility in quantitative zoning and cross-section standards if a petition is able to provide community benefits. This type of rezoning grants the consideration of unique and innovative projects that can further the goals of the *2040 Comprehensive Plan* but may not otherwise fit typical ordinance standards. The use of an EX (exception) conditional rezoning petition is appropriate for this proposal given the historic relevance of the Leeper & Wyatt building as the oldest surviving retail brick commercial building in Dilworth's old business district. This building was constructed in 1903 and is designated as a local historic property by the Charlotte-Mecklenburg Historic Landmarks Commission and its relocation to the Dilworth Historic District ensures its continued preservation. In addition to the adaptive reuse of the existing building on the site and the Leeper & Wyatt building, this petition proposes publicly accessible open space along East Worthington Avenue.
- The majority of the EX provisions being requested are to accommodate the historic design of the buildings and existing development footprints. Zoning standards such as minimum transparency levels or blank wall requirements cannot be met in this proposal without modifying the historic design, negating the purpose of the project.
- The site currently sacrifices approximately half of its area for a surface parking lot. In densifying communities such as these, surface parking lots are not preferred uses and do not mirror the pedestrian environment envisioned for the Neighborhood Center Place Type. This petition does however still provide parking spaces through a combination of off-street, on-street, and off-site leased parking spaces while proposing a site design that uses the lot area with much greater efficiency.
- This project will be reviewed by the Historic District Commission and must comply with all historic district regulations.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities
 - 9: Retain Our Identity & Charm

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

Motion/Second: Whilden / Sealey
 Yeas: Lansdell, Neeley, Russell, Sealey, Welton, Whilden, Winiker
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the *2040 Policy Map*.

The Zoning Committee voted to suspend the rules and ask the petitioner about what conversations have been held with the community since the public hearing. The petitioner’s agent, Sarah Stewart, updated the Committee on what dialogue occurred and read a letter of support from the Dilworth Community Association (DCA) regarding the changes made to the plan. Commissioner Winiker asked for clarification on how many parking spaces the community had wanted and what the petitioner was going to provide before the changes. The petitioner’s agent explained that DCA chiefly had concerns with language of the leased parking spaces, but the proposal itself was always going to provide 22 parking spaces through a combination of off-street, on-street, and leased spaces.

Commissioner Sealey voiced support for preserving historic buildings.

Commissioner Winiker noted that the number of parking spaces was not of concern.

Commissioner Russell expressed support for historic preservation through innovative projects like this. It was noted that this area is one of the first transit-oriented developed neighborhoods but in recent years, parking space has been prioritized instead. Commissioner Russell also commented that the minimum requirement for parking without the plan’s EX provision would require sacrificing a large amount of space in a dense area. Commissioner Russell concluded his comments by encouraging others to challenge parking standards in the City.

There was no further discussion of this petition.

PLANNER

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