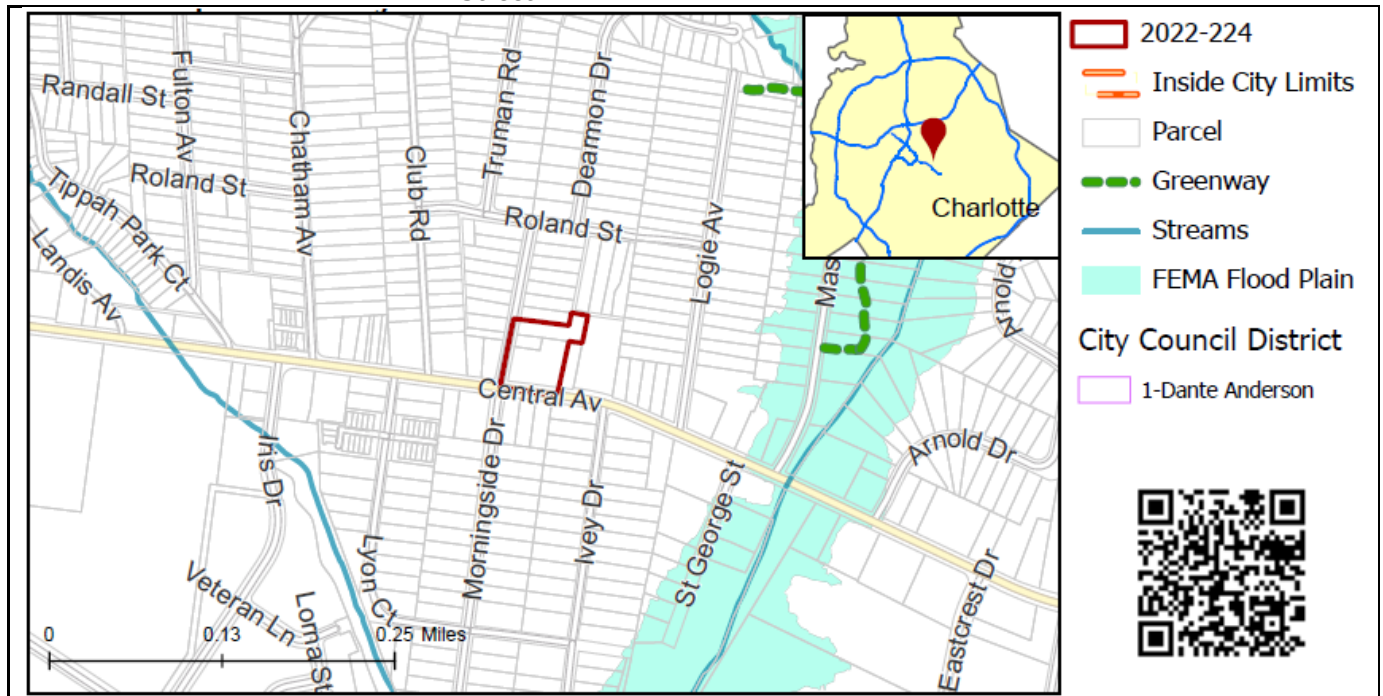


REQUEST

Current Zoning: MUDD-O (mixed-use development-optional)
Proposed Zoning: MUDD-O SPA (mixed-use development-optional, site plan amendment)

LOCATION

Approximately 1.23 acres located in the northeast quadrant of the intersection of Central Avenue and Morningside Drive, south of Roland Street.



SUMMARY OF PETITION

The petition proposes to amend a previously approved plan permitting 44,000 square feet of nonresidential uses (with an allowed maximum of 24,000 square feet of retail and EDEE type uses) to increase total square footage to 45,000 square feet and allow residential as a permitted use.

PROPERTY OWNER

SRL Central Avenue Properties LLC

PETITIONER

SRL Central Avenue Properties LLC

AGENT/REPRESENTATIVE

Russell Fergusson

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 9

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 1.

Rationale for Recommendation

- The Neighborhood Center Place Type recommends small, walkable mixed-use areas, typically embedded within neighborhoods, that provide convenient access to goods, services, dining, and residential for nearby residents. The petition aligns with this recommendation.

- The petition adds residential to the list of allowed uses on the site, increases total square footage from 44,000 square feet to 45,000 square feet, and adds optional provisions regarding existing structures.
- The petition carries forward all the entitlements and conditions from the previously approved rezoning.
- The project commits to an eight-foot sidewalk and eight-foot planting strip along Central Avenue, and a six-foot sidewalk and eight-foot planting strip along Morningside Drive.
- Plants 10-foot-wide landscape areas adjacent to single family lots to Class C buffer standard.
- The parcel is located at the Morningside Stop proposed LYNX Gold Line Morningside Drive Stop is located at Central Avenue and Morningside Drive.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities

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

PLANNING STAFF REVIEW

• BACKGROUND

- The public hearing for rezoning petition 2022-224 was held on January 16, 2024.
- Zoning Committee recommended approval of the petition at its meeting of June 4, 2024.

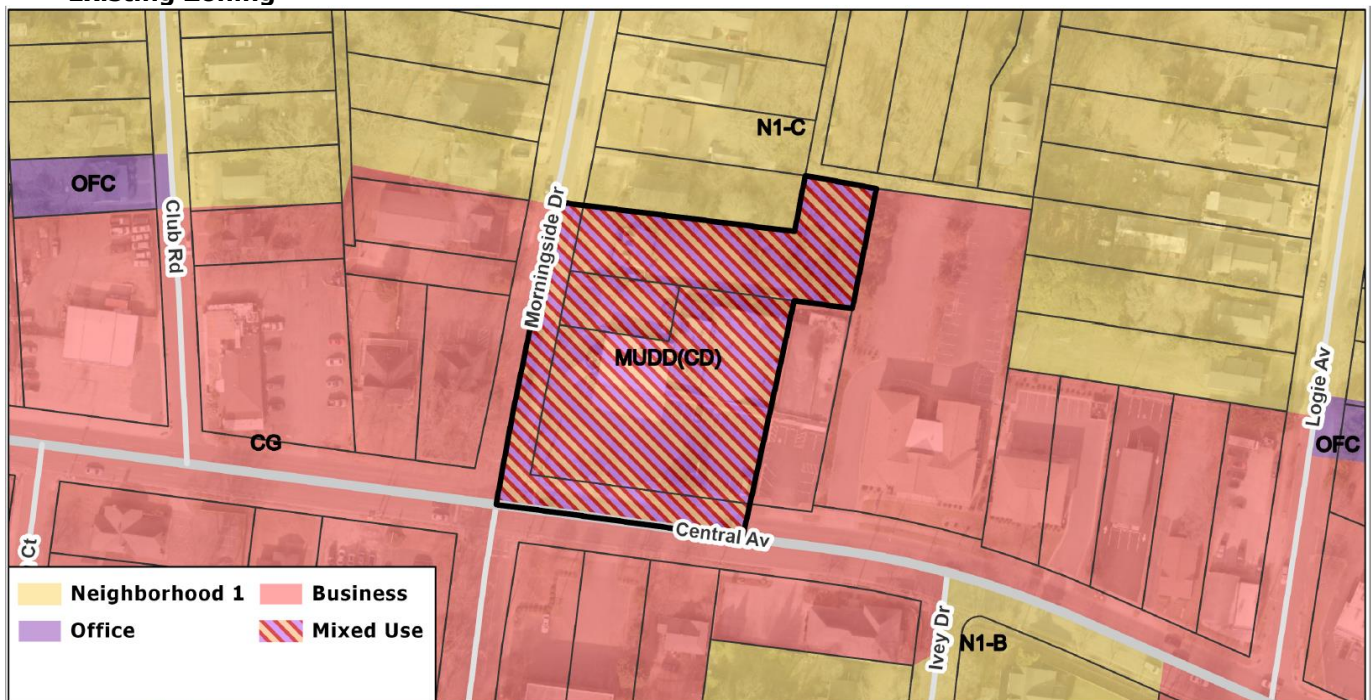
• Proposed Request Details

The site plan amendment contains the following changes:

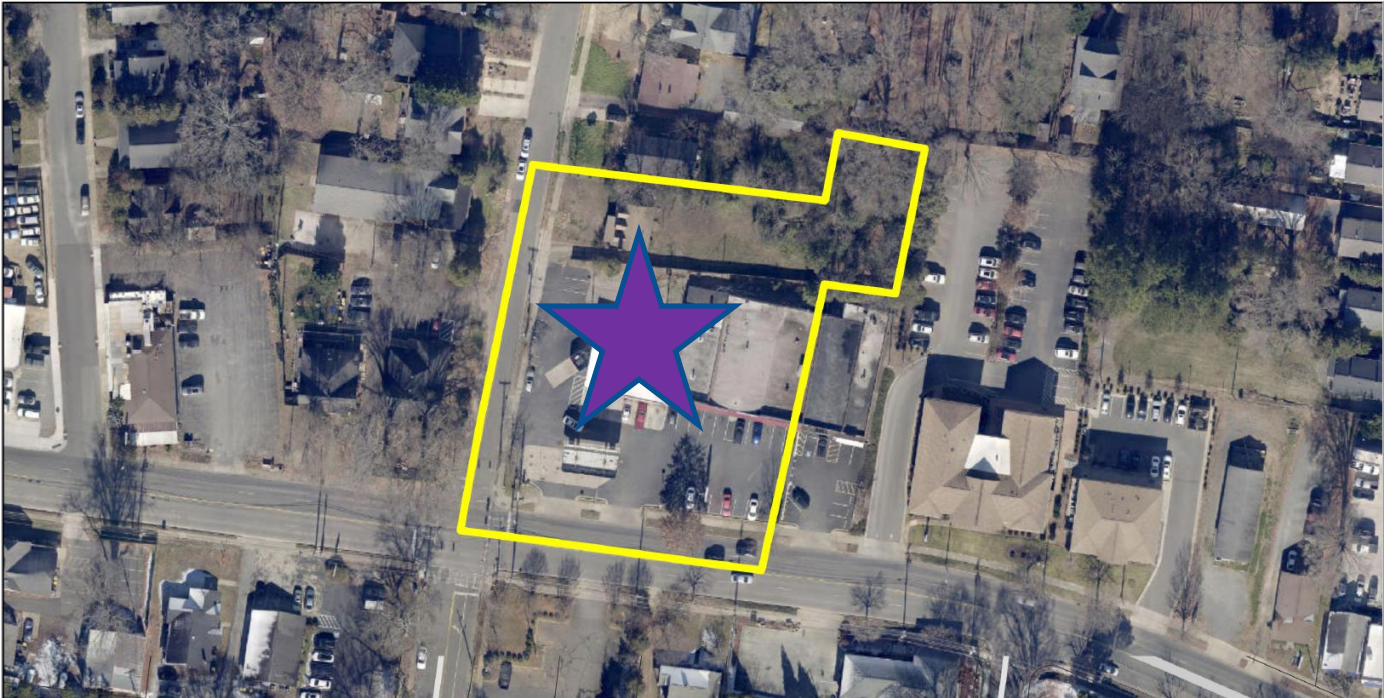
- Increases total non-residential square footage from 44,000 square feet to 45,000 square feet.
- Modifies permitted uses to include multi-family residential.
- Modifies language to state that the total number of residential units shall not exceed 45 residential units subject to the ordinance requirements, and that the site may include any combination of residential and commercial use so long as the total size restriction and specific use restrictions are each met.
- Adds note stating to align the sidewalk with the existing streetscapes and the intersection, petitioner shall reserve an additional 12 feet immediately behind the sidewalk for potential right-of-way expansion, provided that development, grading and structures within the reserved area shall be exclusive of the open space requirements and shall not be integral to the building or its structural requirements.
- Modifies note to state to align the sidewalk with the existing streetscapes and the intersection, petitioner shall reserve an additional 12 feet immediately behind the sidewalk for potential right of way expansion, provided that development, grading and structures within the reserved area shall be exclusive of the open space requirements and shall not be integral to the building or its structural requirements.
- Modifies Optional Provision to allow parking requirements to be reduced to a requirement of one parking space for all non-residential uses, with parking requirements for residential uses to be per ordinance.
- Adds Optional Provision as follows: Prior to the development of the lots the existing commercial and residential buildings may remain and continue under existing uses and/or those allowed per ordinance, subject to the exclusions set forth in these conditional notes. Petitioner may continue to use the existing buildings and renovate, repair, improve the existing buildings including the addition of exterior patios and expansion not to exceed ~~3,000~~ 1,500 square feet per building subject to applicable ordinance requirements. However, the streetscape improvements shall not be required until the demolition of the existing building and redevelopment of the lots.
- Adds Optional Provision as follows: In order to allow for the continued use of the existing buildings until redevelopment, the streetscape improvements shall not be required until the redevelopment of the site and/or any expansion of the existing commercial building in an aggregate amount exceeding ~~2,000~~ 1,500 square feet, ~~the existing single family home may be renovated and expanded to a maximum 3,000 square feet.~~
- Adds note "To be coordinated during permitting for redevelopment of the parcels, petitioner shall dedicate and provide in fee simple right of way including two feet behind the back of sidewalk, where feasible, upon redevelopment of the parcels".

- Adds note "A right-of-way encroachment agreement shall be obtained for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing city-maintained street right-of-way by a private individual, group, business, or homeowner's/business association, an encroachment agreement must be approved by CDOR prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability coverage requirements.
- Labels and dimensions 12-foot reserved for future right-of-way.
- Retains the following commitments:
 - Install two ADA curb ramps at the Central Avenue and Morningside Drive intersection.
 - Provide cross access between the site and adjacent parcel 00950224.
 - Preferred exterior buildings and building placement and design to present a front or enhanced side façade to all streets.
 - Facades fronting streets to include a combination of windows and operable doors for a minimum of 80% of each frontage elevation transparent glass between 2' and 10' on the first floor. Up to 10% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3' clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. Minimum sill height for required transparency shall not exceed 4' above finish floor.
 - Limit building height to 65'.
 - An 8-foot-wide planting strip and 8-foot-wide sidewalk along Central Avenue.
 - An 8-foot-wide planting strip and 6-foot-wide sidewalk along Morningside Drive.
 - Plant 10-foot-wide landscape areas adjacent to single family lots to Class C buffer standard.
 - Special landscaping area to not be required to meet planting buffer standards and to include at least two trees 12 shrubs and may be utilized for inclusion of pedestrian oriented features and/or neighborhood signage.

• Existing Zoning



- The site is developed with a multi-tenant commercial building and a single-family home and surrounded by a mix of non-residential uses and residential neighborhoods.
- Approval of petition 2021-060 rezoned the site from B-1 (neighborhood business) and B-2 (general business) to MUDD-O (mixed-use development, optional) to allow up to 44,000 square feet of nonresidential uses.



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



The site is developed with a multi-commercial tenant building (above) and a single family home (below).



North are single family homes.



Non-residential and residential uses are along Central Avenue.



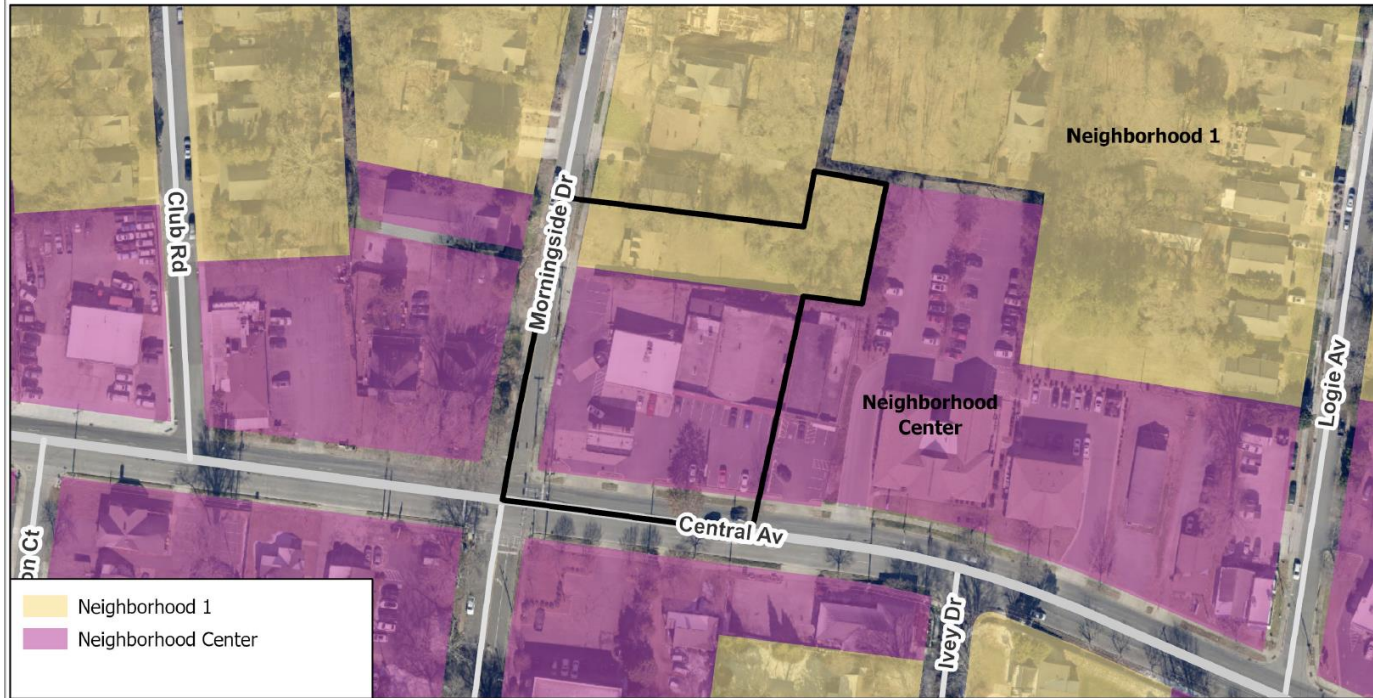
South are residential neighborhoods.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-060	Rezoned site to MUDD-O (mixed-use development, optional) to allow up to 44,000 square feet of nonresidential uses.	Approved

- **Public Plans and Policies**



- The *2040 Policy Map* (2022) recommends the Neighborhood Center and Neighborhood 1 Place Type for this site.
- **TRANSPORTATION SUMMARY**
 - The site is located at the intersection of Central Avenue, a City-maintained major throughfare, and Morningside Drive, a City-maintained major collector. A Traffic Impact Study (TIS) is not required for this site. Site plan and/or conditional note revisions are needed to dimension curb and gutter, dedicate right of way, and update conditional notes. Further details are listed below.
 - **Active Projects:**
 - There are no known active projects in the vicinity.
 - **Transportation Considerations**
 - See Outstanding Issues, Notes 2-4.
 - **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 1,940 trips per day (based on single family dwelling unit; convenience store; 7,470 sq ft retail).

Entitlement: 3,440 trips per day (based on 44,000 sq ft retail).

Proposed Zoning: 1,415 trips per day (based on 24,000 sq ft retail; 45 multi-family dwelling units).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The MUDD-O zoning petition seeks to allow multiple uses including possible unspecified residential uses.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located on Morningside Dr and an existing 6-inch water distribution main located on Central Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located on Morningside Dr and an existing 8-inch gravity sewer main located on Central Avenue. See advisory comments at www.rezoning.org
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 1.

OUTSTANDING ISSUES

Environment

- ~~1. All applications for grading, building, demolition, land use, change of use or rezoning permits on all property, except single family development shall require a tree survey. The survey shall identify all trees of eight inch dbh or greater and all planted trees of two inch caliper or greater and six feet in height that grow partially or wholly within the city right of way. Update: Missing ROW trees along Central Avenue that need to be protected.~~ **ADDRESSED**

Transportation

~~2. Curblines:~~

- ~~Central Avenue: Location of curb and gutter to be moved to 32.5 feet from roadway centerline to accommodate the Charlotte Streets Map with a roadway typical section of 4 Avenue with Buffered/Separated Bike Lanes.~~ **ADDRESSED**
- ~~Morningside Drive: The future location of curb and gutter is in its existing location.~~
~~NOTE: Additional distance from center line to back of curb may be required in locations where a median is present or around intersections and interchanges.~~ **ADDRESSED**

~~Label and dimension the curb and gutter from the centerline for each road on the site plan.~~
ADDRESSED

- ~~3. Revise site plan and conditional note(s) to commit to dedicate 50.5 feet of right of way from the Central Avenue Road centerline. The site plan shall label and dimension the right of way from the road centerline. **Comment 11-27-23:** Please add a label and dimension showing right of way dimension mentioned on site plan and revise conditional note(s) to commit to previously mentioned right of way dimension. **Clarifying comment 11-07-24:** Add dimensions from the roadway centerline to ROW along both frontages. - **ADDRESSED**~~
- ~~4. Add a conditional note specifying "the Petitioner shall dedicate and convey in fee simple all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests rights of way set at 2' behind back of sidewalk where feasible." **Comment 11-27-23:** Please add the above conditional note. **Clarifying Comment 11-07-24:** Add "before the site's first building certificate of occupancy is issued" to note G under Streetscape and Landscaping. **ADDRESSED**~~

Site and Building Design

- ~~5. Modify optional provisions C and D to ensure expansions are limited to no more than 1,000-1,500 square feet.~~ **ADDRESSED**
- ~~6. Correct date of revision to eliminate confusion.~~ **ADDRESSED**
- ~~7. Note correct petition number.~~ **ADDRESSED**

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org
Planner: Claire Lyte-Graham (704) 336-3782