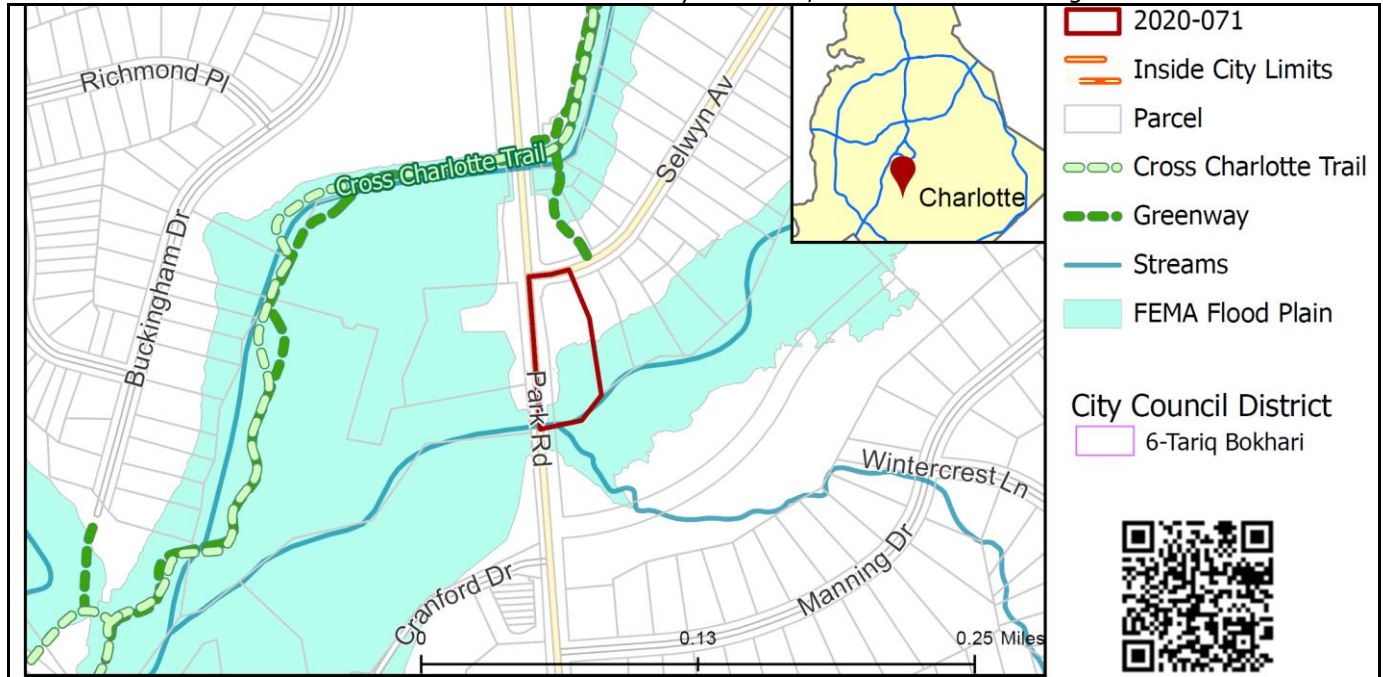


REQUEST

Current Zoning: N1-A (neighborhood 1-A)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 0.79 acres located along the east side of Park Road, the south side of Selwyn Avenue, and north of Manning Drive.



SUMMARY OF PETITION

The petition proposes to allow adaptive reuse of the existing structure, a rear addition, and a patio expansion for uses permitted in the MUDD zoning district for the site located south of the Park Road Shopping Center across from the Cross-Charlotte Trail.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

3G Investments & Developments LLC
3G Investments & Developments LLC
Russell Fergusson

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 12

STAFF RECOMMENDATION

Staff recommends approval of the petition upon resolution of outstanding issues related to transportation and land use.

Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map recommendation for Neighborhood 1 place type.

Rationale for Recommendation

- The site is located at the corner of Park Rd and Selwyn Ave., major and minor thoroughfares, which could serve as a reasonable location for a neighborhood serving commercial use.
- Bus Route 19 along Park Road, has a stop at the site providing access to region, goods and services along the Park Rd. corridor.
- The site is at the edge of the residential neighborhood along Selwyn Ave. There is Community Activity Center place type recommended across Park

Rd from the site. The site is within 880 ft of the Park Selwyn shopping center.

- Despite N1 place type to the north, south and east the site only abuts single family use to the east. North and south of the site is property owned by City of Charlotte and Mecklenburg County for greenways.
- The site is across the street from a Cross Charlotte Trail/ Little Sugar Creek greenway trailhead and provides a 30 ft easement at the rear of the site to Mecklenburg County for future Briar Creek greenway use.
- The existing single-family home has been used for office and residential/in-home office uses over the years.
- The rezoning would allow adaptive reuse of the existing structure and maintain the residential character along Selwyn Avenue.
- The petition limits business hours and the hours of operations of outdoor areas to reduce impacts on the adjacent single-family home.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 4: Trail & Transit Oriented Development
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities
 - 8: Diverse & Resilient Economic Opportunity

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

PLANNING STAFF REVIEW

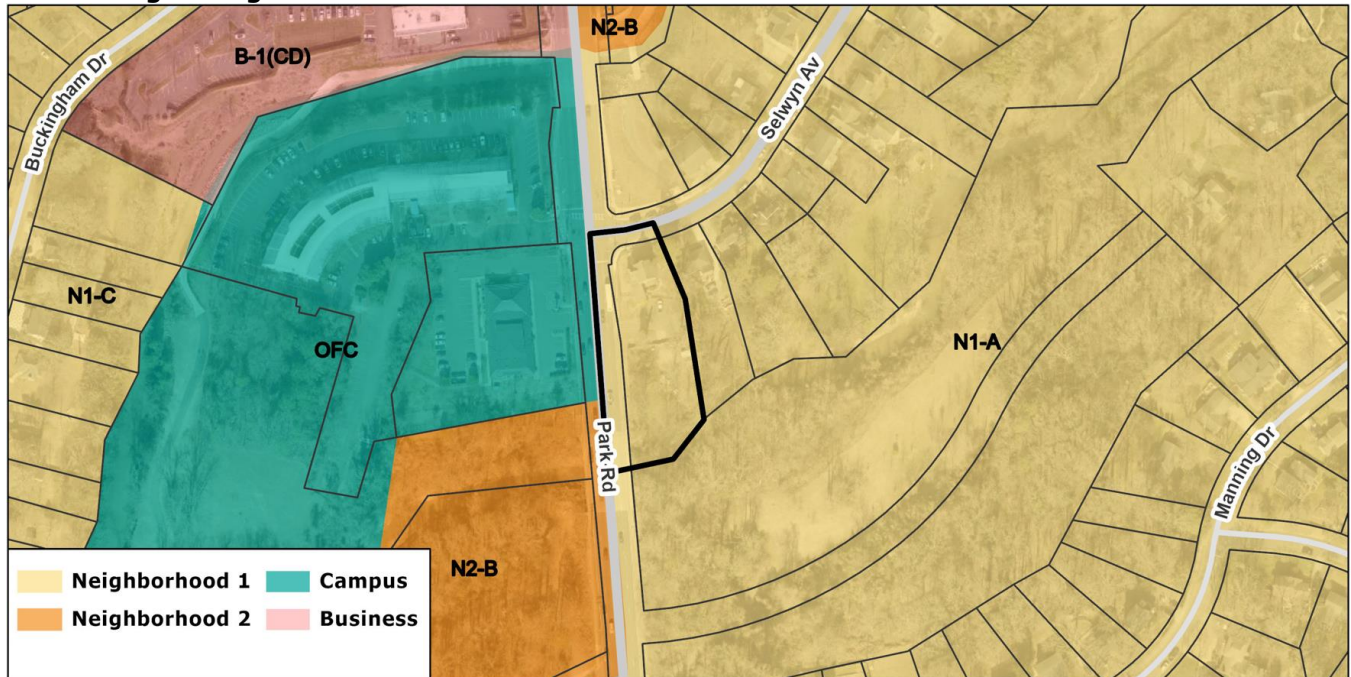
• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

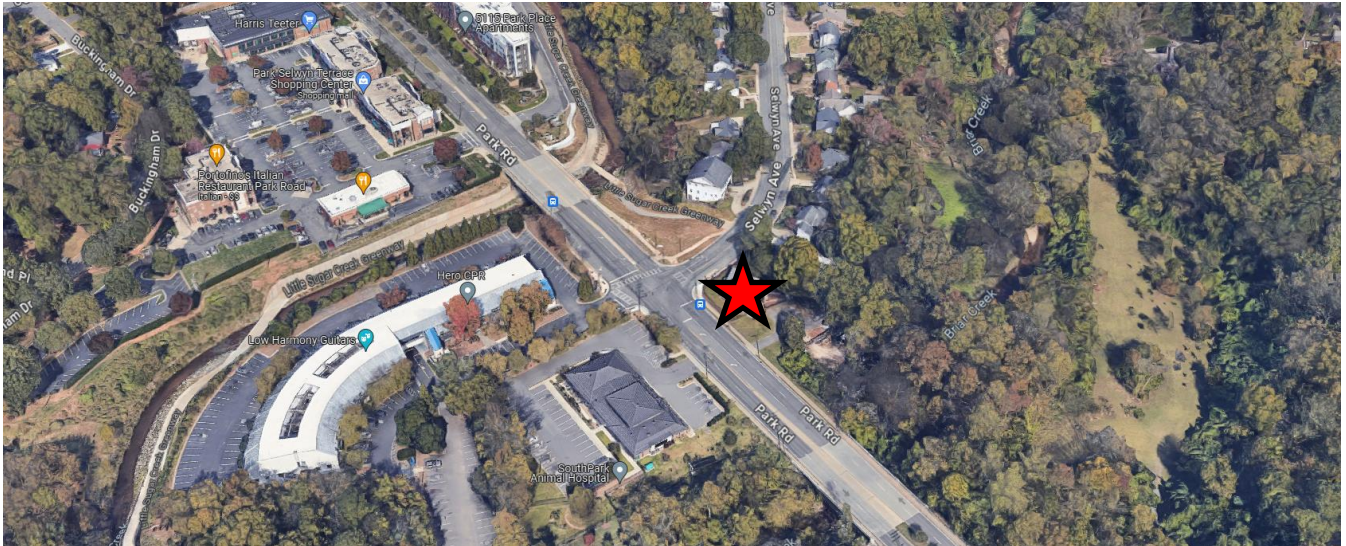
- Allows adaptive reuse of the existing 2 story single family residential structure.
- ~~Permits uses in MUDD zoning district.~~ Limits the permitted uses to the following:
 - EDEE Type I and EDEE Type II;
 - Commercial office uses;
 - Professional business and general office;
 - Retail sales;
 - Residential use;
 - Buildings for dramatic musical or cultural activities;
 - Services such as beauty shops and barber shops;
 - Artist studios and/or galleries;
 - Bicycle services;
 - Bicycle sharing stations;
 - Small-scale class learning businesses;
 - Food establishments;
 - Health clinics; and
 - Dwellings limited to detached, duplex, triplex and mixed use buildings.
- Specifies the sale of alcohol will only be permitted if food is also available for purchase.
- Prohibits outdoor storage in the area within the existing wood fence at the rear of the site.
- Limits the use of the existing outdoor patio (B) between the building and adjacent single family home to the hours between 8am and 5pm ~~10pm~~, this limitation does not apply to residential uses.
- Limits hours of patio (A) along Park Rd and corner of Selwyn Ave to 7am to 8pm Sunday-Thursday and 7am to 10pm on Fridays and Saturdays and days preceding federal holidays.
- ~~Limits the use of all outdoor areas to the hours of 8am-10pm on Sunday-Thursday and 8am-11pm on Friday and Saturday and days preceding federal holidays.~~
- Requires all commercial customer service activities to cease by 10pm on weekdays and 11pm on weekends and holidays.
- Allows limitations on the hours of operation to be modified or extended subject to the limitations of the Zoning Ordinance and written, signed agreement with the owner of the adjacent residential lot.
- Maintains and/or constructs a fence along the eastern property line from the southern edge of the parking lot to Selwyn Ave., built to Ordinance standards or up to 15 ft in height with adjacent owner approval.
- Prohibits outdoor amplified music outside the hours allowed for outdoor patio use.
- Prohibits live music within patio (B).

- Allows expansion of the existing building and patio areas up to 1,500 3,000 sqft total combined. Additional building expansion would be located at the rear of the building.
- Limits the height of any addition/expansion to 40 ft.
- Maintains the existing structure and reconfigures paved parking to include 13 spaces.
- Maintains the existing patio (B) on the east side of the structure and expands proposes new patio (A) on the west and north side of the structure. ~~the existing patio at front and side of the existing structure.~~
- Provides a 60 30 ft easement measured from the top of bank and extending to the southern property line to Mecklenburg County for future Briar Creek Greenway. Commits to provide access and construction easements to the County for no charge, used for construction of greenway or other creek access/improvements.
- Expands the sidewalk along Park Rd to 8 ft according to the optional provisions.
- Requests the following optional provisions:
 - Reduce parking requirements by 25% to facilitate preservation of the existing building.
 - Allow existing parking to remain and screened with a living screen or screen wall at least 4 ft tall.
 - Allow existing streetscape along Selwyn Av to remain.
 - Allow existing streetscape along Park Rd. except that the sidewalk shall be extended to a width of 8 ft beginning at the back of curb, and where feasible given the grade of the parcel, as generally depicted on the Site Plan. Petitioner shall not be required to build or remove any retaining walls to facilitate the widening of the sidewalk. The segment of the sidewalk to be replaced with 8' wide sidewalk shall begin from the southern edge of the existing brick retaining wall on the corner of Selwyn Ave. and Park Rd. and continue towards the bridge on the southern portion of the parcel to the extent feasible given the natural grade where feasible from the southern edge of the retaining wall to south to the bridge.
 - Exemption from fenestration requirements of Section 12.544(1)(c) to facilitate the reuse and rehabilitation of the existing building. Any expansions/additions shall meet the requirements and existing fenestration shall not be reduced.

• **Existing Zoning**



- The site is currently zoned N1-A. There is N1-A zoning to the north, east and south. There is a mix of office, commercial, and multi-family zoning to the west and further north and south.



The site, indicated by the red star above, is at the end of Selwyn Ave. at the intersection of Park Rd. There are office uses to the west, commercial uses to the northwest, multi-family use north along Park Rd. East of the site along Selwyn Ave. are single family homes. Greenway uses are directly north and south of the site.



The site is developed with a single family dwelling. It has been used as a single family dwelling with in-home office in the past. A parking area was created behind the building and is accessed from Park Rd.



North of the site, across Selwyn Ave. is a trailhead/access point to the Little Sugar Creek Greenway/ Cross-Charlotte Trail.



East of the site is a single family home along Selwyn Ave.

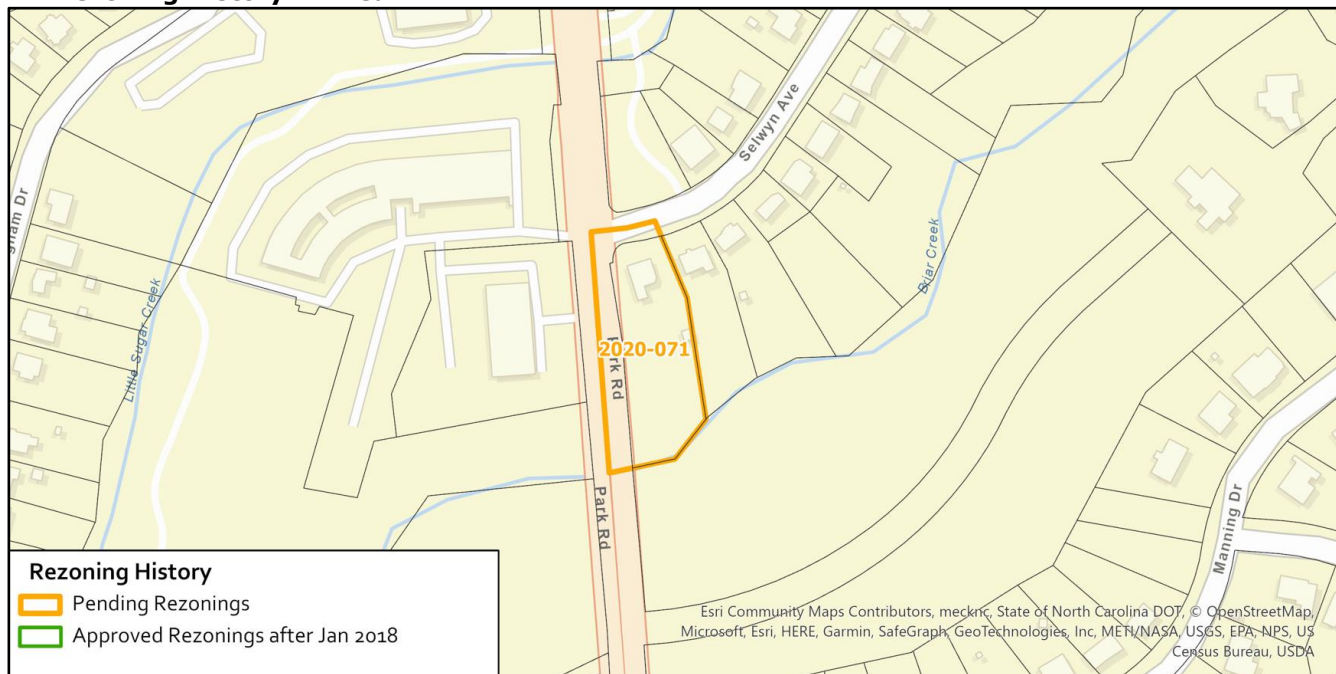


West of the site, across Park Rd are office uses and an animal hospital.



South of the site is Briar Creek and land owned by Mecklenburg County for future greenway use.

- **Rezoning History in Area**



There have been no recent rezonings in the immediate area.

- **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends Neighborhood 1 place type for the site.

• TRANSPORTATION SUMMARY

- The site is at the intersection of Park Rd (major thoroughfare) and Selwyn Av. (minor thoroughfare). The petitioner should revised the site plan to meet the ordinance requirements and outstanding issues.
- **Active Projects:**
 - Cross Charlotte Trail – Brandywine to Tyvola
 - Status: Complete/Open
 - Scope: Construct new 12+’ greenway along Little Sugar Creek between Brandywine Rd. and Tyvola Rd.
 - Briar Creek/Little Hope Creek Greenway (Keystone Ct.to Manning Dr.)
 - In Design
 - PM: Mecklenburg County
- **Transportation Considerations**
 - See Outstanding Issues, Note 5 and technical revisions 14-16.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 30 trips per day (based on office use).
 - Entitlement: 30 trips per day (based on office use).
 - Proposed Zoning: 345 trips per day (based on retail use).

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:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The petition allows the adaptive reuse of the existing structure for a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** There is existing Charlotte water and sewer service at the site. No outstanding issues.
- **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:** ~~See Outstanding Issues, Note 5.~~ Addressed
- **Stormwater Services Land Development Engineering:** See advisory comments at www.rezoning.org
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUES

Land Use

1. ~~Amend the permitted uses notes to allow only the following:~~ Addressed
 - ~~dwelling detached, duplex, triplex, and mixed use buildings.~~
 - ~~Eating, drinking and entertainment establishments type 1~~
 - ~~Eating, drinking and entertainment establishments type 2 subject to Section 12.546.~~
 - ~~Health clinics~~
 - ~~Pet services indoor.~~
 - ~~Professional businesses and general offices~~
 - ~~Repair or servicing of article, sale of which is permitted in the district.~~
 - ~~Retail sales~~
 - ~~Personal service uses such as salons and barbershops.~~
 - ~~Studios for artists~~
 - ~~Customary accessory uses~~
2. ~~Add a note that states the area within the existing wood fence at the rear of the site shall not be used for outdoor storage.~~ Addressed
3. ~~Amend the note related to hours for outdoor areas so that the areas aren't used till 10 pm on Sundays.~~ Addressed
4. ~~Add a note limiting/restricting outdoor sound/amplification consistent with other neighborhood serving commercial rezonings adjacent to residential uses.~~ Addressed

5. Remove note "n" stating "The above limitations on the hours of operation may be modified and extended subject to the and within the limitations of the Zoning Ordinance, upon signed written agreement with the owner of the adjacent residential lot".
6. Clarify site specific conditions on the plan that are erroneously identified as "optional provisions".

Transportation

7. Revise the site plan and conditional notes to commit to constructing an 8 ft planting strip and 6 ft sidewalk along Selwyn Av. frontage per Chapter 19. Site plan should label and dimension both items from the back of curb and gutter and road centerline. (achieve by extending existing bumpout/traffic buffer via road diet, see CDOT memo for graphic). **Not Addressed, petitioner provides optional provision to maintain existing streetscape to facilitate the adaptive reuse of the property.**
8. ~~Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to City before the site's first building certificate of occupancy. CDOT requests right of way be set 2 ft behind back of sidewalk where feasible.~~ **Addressed.**

Infrastructure

9. ~~Revise the site plan and notes to provide dedication of 100 ft SWIM buffer to Mecklenburg County for future Briar Creek greenway.~~ **Addressed, petitioner is providing a 60 ft easement measured from the top of bank and extending to the southern property line. Parks and Recreation have agreed.**

REQUESTED TECHNICAL REVISIONS

Site and Building Design

10. ~~Clean up minor typographical errors in notes 3.b first part seems to include extra words, second 3.h outdoor is misspelled.~~ **Addressed**
11. ~~Move notes both 3.h's, i and j. to the Section 4. Permitted Uses.~~ **Addressed**
12. ~~Change the wording of second Note 3 h. to say "All other outdoor..."~~ **Addressed**
13. ~~Move 3.k to Section 9. Parks, Greenways and Open space.~~ **Addressed**
14. ~~Clarify the 3,000 sqft expansion in the data table and note 3. j. is the area for patio, building or combination thereof?~~ **Addressed**
15. ~~Amend Note 6. b. to reference the maximum expansion.~~ **Addressed**

Transportation

16. Label centerline to future back of curb on Selwyn Av. And Park Rd. **Not addressed**
17. Dimension all ROW and remove note stating, "variable public ROW" **Not addressed**
18. Revise note/label related to expanding the sidewalk to 8 ft along Park Rd. to say the existing 5 ft sidewalk will be remove and new 8 ft sidewalk will be installed. Additionally, transition sidewalk to back of burb along the frontage with the retaining wall. Adjust the drawing on the site plan to match the correct dimensions. **Not addressed, the petitioner includes optional provisions to maintain existing sidewalk and streetscape to avoid removal/reconstruction of sites retaining walls and facilitate adaptive reuse of the property. Petitioner is proposing to install an 8 ft back of curb sidewalk along Park Rd. from the southern end of the retaining wall to the northern side of the bridge over Briar Creek.**

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

Planner: John Kinley (704) 336-8311