

REQUEST

Current Zoning: MUDD-O PED (mixed use development, optional, pedestrian overlay) and TOD-CC PED (transit oriented development, community center, pedestrian overlay)
Proposed Zoning: TOD-CC-EX PED (transit oriented development, community center, exception, pedestrian overlay)

LOCATION

Approximately 1.91 acres located at the northeast intersection of Heath Court and Central Avenue, west of Hawthorne Lane, and east of Louise Avenue.



SUMMARY OF PETITION

The petition proposes to allow the transit oriented development with adaptive reuse of an existing building along with public open space commitments on acreage generally located within Plaza Central area at the northwest corner of Central Avenue and Hawthorne Lane.

PROPERTY OWNER

Cheerful Ventures, LLC; Moving Mountains Properties, Morgan Murphy Real Estate; Shelly and Shannon Rydell; Team Nestlewood Ventures LLC; Walton Way Associates LLC, Grandfather Homes Inc; Patel Franklin Holdings LLC

PETITIONER

AGENT/REPRESENTATIVE

Crescent Communities
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: 15

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **consistent** with the *Plaza-Central Pedscape Plan (2003)* recommendation for Residential/Office/Retail/Multi-family uses greater than 12 DUA for the site.

Rationale for Recommendation

- As written, TOD-CC is applicable at any site within ¼ mile walking distance of an existing streetcar stop. The site is within a ¼ mile walk of the Sunnyside Station.
- The proposal for adaptive reuse and commitment to public open space aligns with TOD-EX requirements.
- The petition fulfills the Pedscape Plan's recommendation for a "second node of retail mixed-use in this area". The plan states development of any one or more of retail, restaurant, office, and/or residential uses would be permitted.

PLANNING STAFF REVIEW

- **Proposed Request Details**

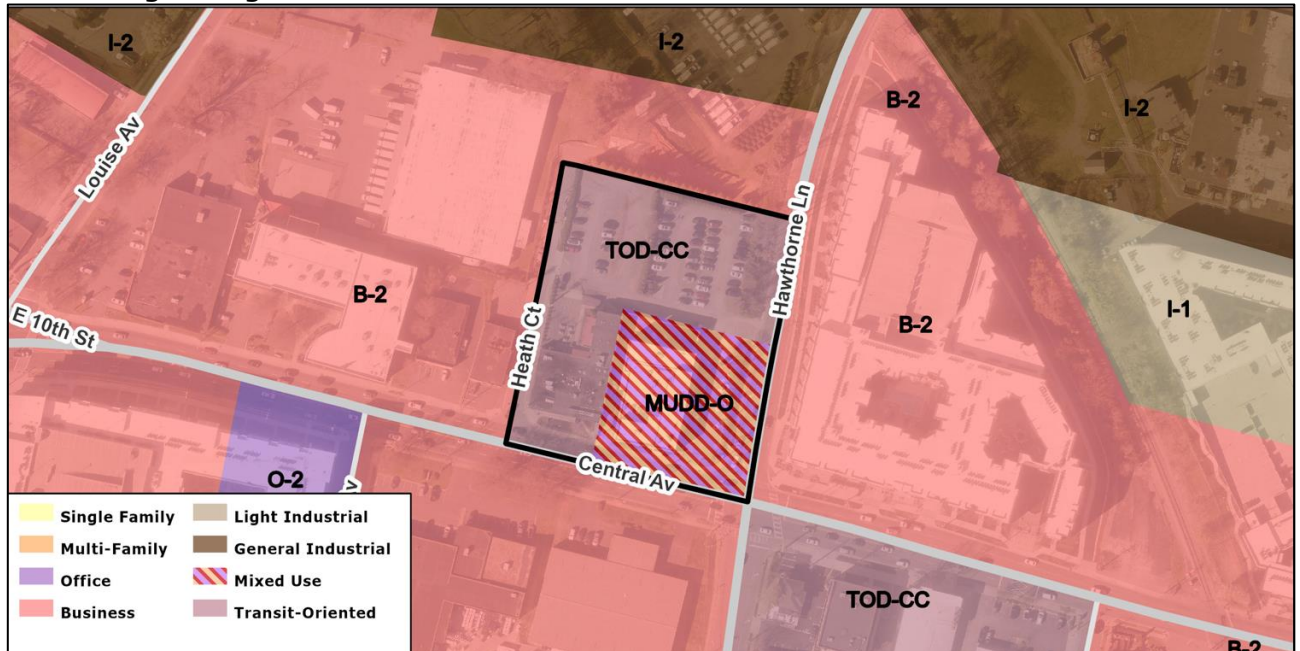
The site plan accompanying this petition contains the following provisions:

- Modify the ground floor activation requirements for Heath Court paper right-of-way while preserving an existing building for adaptive reuse.
- Preserve existing building located at 1111 Central Avenue for adaptive reuse.
- Illustrate potential building/garage envelope on remainder of the site.
- Exceed the public open space requirements by providing a minimum of 150% of the required public open space that would typically be applied for the site, with a minimum of 7,000 square feet of public open space irrespective of the use.
- ~~The public open space area will include, but be limited to, a minimum of 3 of the following amenities: bicycle racks, grills, picnic shelters, gazebos, benches, community gardens, raised garden beds, enhanced landscaping, specialty pavers, decorative signage/monuments, public art, sculpture garden, open space, dog park, walking trails, playgrounds, sport courts or other active or passive recreation, or other similar amenities.~~
- Notes the public open space will meet or exceed the TOD dimension requirement of 12 feet in both directions.
- Proposes the following modifications of the TOD-CC-EX district regulations:
 - Proposes the petitioner will not be required to meet TOD ground floor activation standards for parking structures as contained in Chapter 15.3.3 of the City of Charlotte Zoning Ordinance for the parking structure frontage that is adjacent to the paper right-of-way Heath Court. All other frontages will comply with TOD ordinance standards.
 - Notes the ground floor of the parking structure along Heath Court will be treated through the use of architectural means (i.e. enhanced materials, art installations, climbing vines, or other aesthetic treatments) so that the façade will not contain blank walls in excess of 20 feet in all directions.
 - Proposes the petitioner may maintain the existing road dimensions of Heath Court and enhance the streetscape as shown on cross section included in the rezoning plan.
- Proposes the following transportation improvements.
 - Dedicates ~~50~~ 40 feet of right-of-way from the Central Avenue centerline.
 - Constructs a minimum 8-foot wide planting strip and 8-foot wide sidewalk along the frontage of new construction on Central Avenue and Hawthorne Lane (existing streetscape conditions along the 1111 Central Avenue preserved building frontage shall remain). The proposed planting strip along Central Avenue may be permitted as an 8-foot strip wide amenity zone with trees in grates in lieu of a planting strip.
 - Preserves allocated space for future 8-foot buffered/separated bike lane, 8-foot planting strip and 8-foot sidewalk along the proposed development frontage of Central Avenue.
 - Reconstructs pavement of Heath Court with a minimum of 1.5" mill and overlay from Central Avenue to the termination of the Heath Court right-of-way.
 - Replaces non-compliant ADA ramps on Central Avenue, if applicable, on the project frontage of Central Avenue.
 - Submits a right-of-way abandonment petition form to CDOT as related to the existing alley between Heath Court and Hawthorne Lane to be abandoned.
- Proposes the following commitments to sustainability and public benefits:
 - Exceed the public open space requirements by providing a minimum 150% of the required public open space that would typically be applied for the site, with a minimum 7,000 square feet of public open space irrespective of the use.
 - Based upon the reuse of the existing building on the site and adjacent public open space relationships to Hawthorne Lane and Central Avenue, conditions exist where the public open

space will be greater than 18 inches from the adjacent sidewalk grade. An accessible pedestrian path will be provided to connect the publicly accessible open space.

- The open space at the main intersection of Hawthorne Avenue and Central Avenue shall be a dynamic and programmable open public space. The adjoining existing building shall have ground floor uses that activate the space. The open space shall be designed to enable programmed activation, such as outdoor dining/outdoor food vendors, casual lounge seating and/or programmed events. There is a significant grade change along Hawthorne Avenue and portions of the public open space may be a few feet above the street sidewalk. The grade change will be creatively resolved with a combination of sloped planting areas, retaining wall conditions, and/or steps created to provide for welcoming access to the public space. There shall be accessible routes to enter public space from the adjoining streets.
- The open space design shall consist of three or more of the following potential components:
 - enhanced urban plantings;
 - specialty plaza and streetscape paving;
 - shade trees and/or shading elements;
 - seating options for conversational seating, dining tables, moveable café tables/chairs, decorative seat walls and benches, adirondack chairs;
 - decorative plaza and streetscape lighting, such as hanging pendants, ambient area lighting, tree uplighting, under bench lighting, in-paver lighting;
 - outdoor electrical provisions for users;
 - pop up vendor kiosks; and/or
 - public art/sculpture in the plaza, artful furnishings.
- The public open space area shall meet or exceed the TOD minimum dimension requirement of 12 feet in both directions.

• **Existing Zoning and Land Use**



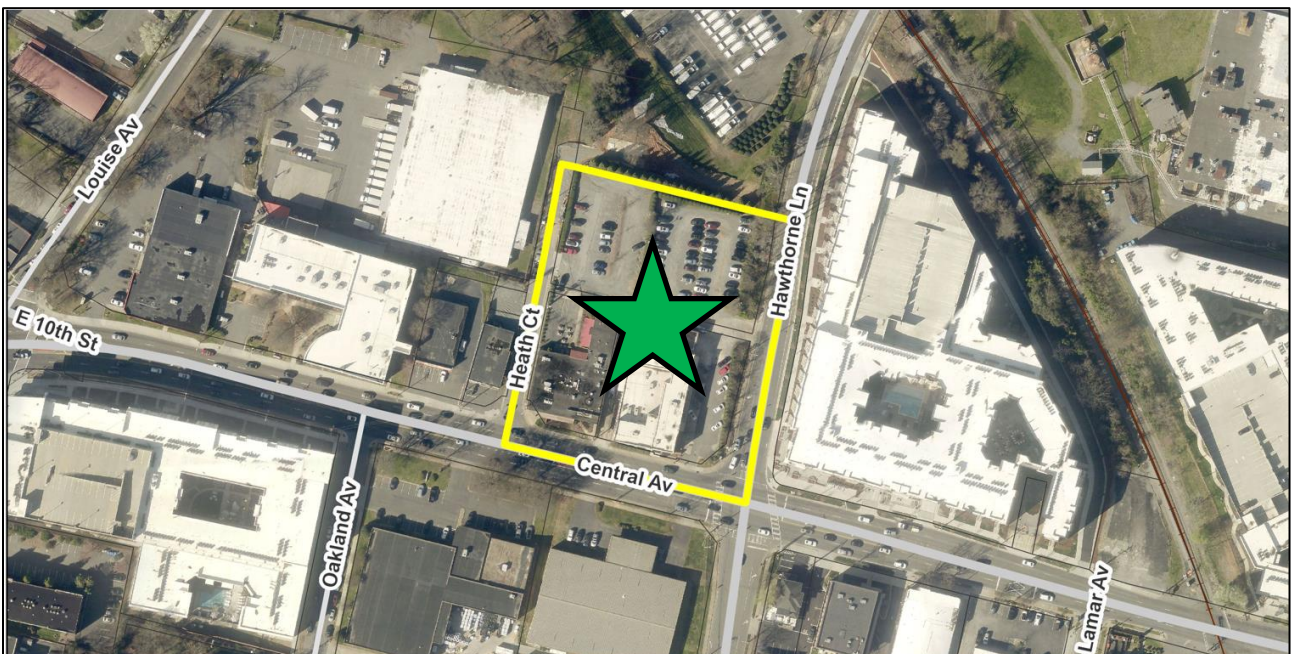
- The rezoning site is developed with office and retail uses and associated parking and is immediately surrounded by a mix of residential and non-residential uses on parcels zoned O-2, B-2, TOD-CC, and I-1 and all located within the Plaza Central pedestrian overlay.
- The MUDD-O portion was rezoned from I-1 via petition 2003-032 to allow 15,760 square feet of office/retail uses and 2 residential units.
- The TOD-CC was rezoned from MUDD-O via petition 2019-110 to allow all uses in the TOD-CC zoning district.



The site is currently developed with office and retail uses and associated parking.

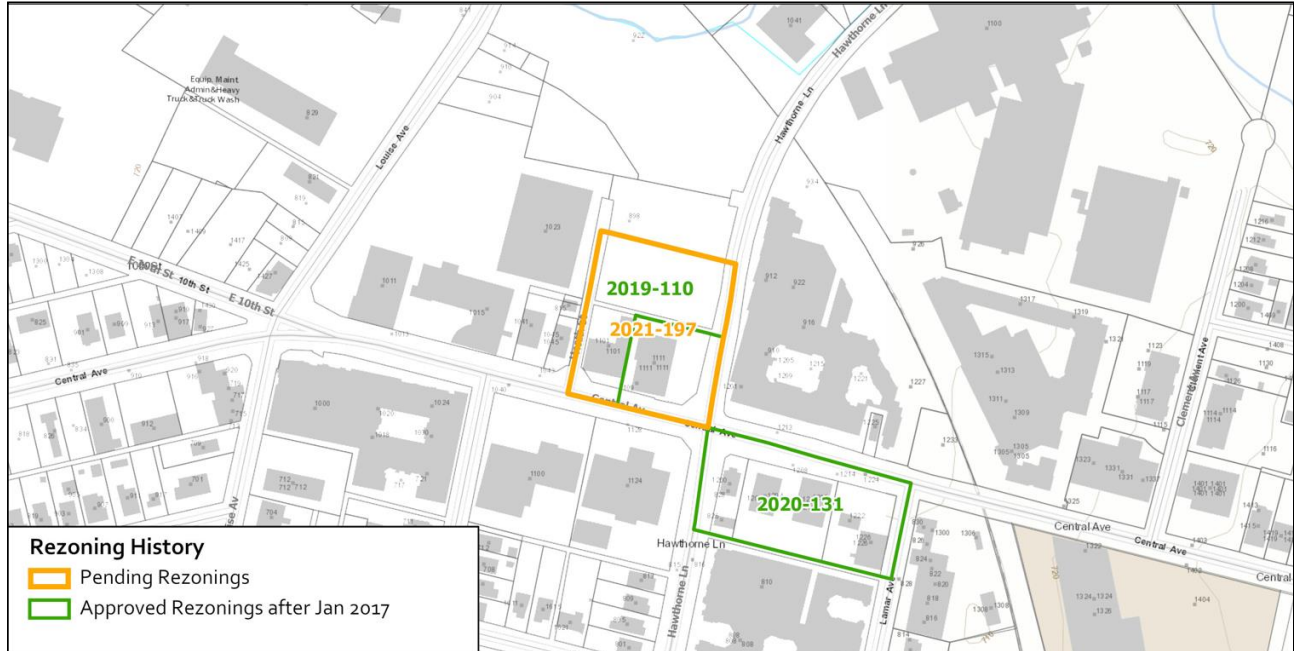


The rezoning site is located at the intersection of Central Avenue and Hawthorne Lanes and is immediately surrounded by a mix of residential and non-residential uses.



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

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-131	Rezoned 1.54 acres from B-2 to TOD-CC.	Approved

- Public Plans and Policies**



- The Plaza-Central Pedscape Plan recommends Residential/Office/Retail and Multi-family greater than 12 DUA/Office/Retail for the site.

- **TRANSPORTATION SUMMARY**

- The site is located on a Central Avenue, a City-maintained major thoroughfare, Hawthorne Lane, a City-maintained minor thoroughfare, and Heath Court, a City-maintained local street. A Traffic Impact Study (TIS) may be required during permitting if the site generates more than 2,500 additional vehicular trips per the City's TOD Ordinance. The petitioner has committed to dedicating 40-feet of right-of-way along Central Ave, constructing an 8-foot planting strip and 8-foot sidewalk along frontage of new construction on Central Ave, Heath Court and Hawthorne Lane and preserving allocated space for future 8-foot buffered bike lane along Central Ave. The petitioner has also committed to reconstructing the existing pavement of Heath Court and replacing non-compliant curb ramps along site frontage on Central Ave. CDOT has no outstanding issues.

- **Active Projects:**

- CATS Gold Line Streetcar (Phase II Complete, Phase III planned)

- **Transportation Considerations**

- ~~See Outstanding Issues, Notes 1-3, Technical Revision Note 9.~~ Addressed

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 1,160 trips per day (based on 8,331 sq ft high turnover restaurant; 20,000 sq ft general office building).

Entitlement: too many uses to determine (based on TOD-CC).

Proposed Zoning: too many uses to determine (based on TOD-CC-EX).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The TOD-CC-EX rezoning petition has too many possible uses to calculate potential student impact.
 - Villa Heights Elementary from 75% to TBD%
 - Example Middle from 117% to TBD%
 - Example High from 117% to TBD%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Hawthorn Lane. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Hawthorn Lane. 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:** See advisory comments at www.rezoning.org
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 10.

OUTSTANDING ISSUES

Transportation

- ~~1. Revise site plan and conditional note(s) to commit to dedicate 40' of right-of-way from the Central Avenue centerline. The site plan shall label and dimension the right-of-way from the road centerline.~~ Addressed
- ~~2. Revise site plan to show an 8-foot planting strip, and 8-foot sidewalk along frontage of new construction on Central Avenue and Hawthorne Lane. The site plan shall label and dimension both items from the back of curb and gutter and road centerline.~~ Addressed
- ~~3. Revise site plan to show proposed typical sections for Central Avenue and Hawthorne Lane.~~ Addressed

Site and Building Design

- ~~4. The language references 1 building but there are 2 on the rezoning site. Please clarify~~ Addressed
- ~~5. Please show required pedestrian facilities. Ensure open space isn't within setback.~~ Not addressed.

6. Please located ride share lane so staff can see how it would impact the open space area. **Not addressed.**
7. Please show future BOC locations, setbacks measured from future BOC, and required pedestrian facilities. **Update (and previous comment):** Show required all required pedestrian facilities along Hawthorne Lane and Central Avenue. **Not Addressed.**
8. This is an important corner in Plaza Midwood. Submit a rendering of ultimate design and illustrated on the rezoning plan. Design and commit to elements that make it clear from Central Ave that this is in fact public space. Due to grade separation at the edge of this property and Hawthorne, it is only accessible through Central. Pay special attention to that corner of Hawthorne and Central. This space should be designed with the community in mind and in partnership with them. Ensure the open space is connected to Hawthorne and Central with steps and seat walls (that there is a width of 8' minimum to connect the sidewalk and public space. Include specific quantities and minimums in regards to what is public, what is for tenants, and what is in addition to the required open space. **Not Addressed.**
9. Further refine the list of open space elements in the conditional notes to include primary and secondary elements and commit to providing a minimum of 2 primary and 1 secondary element in the open space proposed as suggested below:

Provide a minimum of 2 potential components: enhanced urban plantings; specialty plaza and streetscape paving; shade trees and/or shading elements; seating options for conversational seating, dining tables; moveable café tables/chairs, decorative seat walls and benches, Adirondack chairs; public art/sculpture in the plaza, artful furnishings.

Provide a minimum of 1 potential component: decorative plaza and streetscape lighting, such as hanging pendants, ambient area lighting, tree uplighting, under bench lighting, in paver lighting; outdoor electrical provisions for users; pop up vendor kiosks. **Not Addressed.**

Environment

10. **New Outstanding Issue:** Add note stating that " Site shall comply with the City of Charlotte Tree Ordinance".

REQUESTED TECHNICAL REVISIONS

Transportation

- ~~1. Revise site plan showing existing alley between Heath Court and Hawthorne Lane as shown on existing conditions sheet RZ-04. **Addressed**~~

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org





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









Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-197

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	X
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	<p>Goal 5: Safe & Equitable Mobility</p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>