

REQUEST

Current Zoning: NC (neighborhood center)
Proposed Zoning: MUDD-O PED (mixed use development, optional, Pedestrian Overlay)

LOCATION

Approximately 0.94 acres located at the southeast intersection of Commonwealth Avenue and The Plaza, north of East Independence Boulevard.



SUMMARY OF PETITION

The petition proposes to allow for the redevelopment of a parcel utilized as surface parking with multi-family residential and commercial uses. Golden Triangle #7 – Commonwealth, LLC, Levine Properties, Inc. Levine Properties, Inc. Brittany Lins and Collin Brown, Alexander Ricks, PLLC Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 26

PROPERTY OWNER

PETITIONER

AGENT/REPRESENTATIVE

COMMUNITY MEETING

STAFF RECOMMENDATION

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

Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map recommendation for Community Activity Center.

Rationale for Recommendation

- The petition is located at the former site of the Charlotte Fire Credit Union along the major pedestrian corridor, Commonwealth Avenue. This site is surrounded by a thriving mix of uses in low to mid-rise structures that often inhabit Plaza Midwood's former single family homes, and where new construction exists, the projects often complement the design of neighboring, long-standing structures while still recognizing the need for densification.
- The Community Activity Center Place Type envisions local street networks that prioritize highly-walkable and connections with robust pedestrian infrastructure. The existing Pedestrian Overlay also echoes those same goals, encouraging accessible 10-minute neighborhood characteristics.

This proposal would allow for an internal drive-through on the site. Such a use opposes the intent of the recommended Place Type and existing overlay as it relates to mobility, and subsequently renders the proposal inconsistent with Community Activity Center. Staff is requesting the removal of the optional provision that allows for a drive-through on the site. If the rezoning is approved, the site's adopted place type would be revised to Commercial. This is an inappropriate place type for the area given its auto-centric nature and range of allowed uses that are incompatible with the neighborhood's current and future, desired development.

- As is, the site is underutilized for surface parking and does not contribute to the services or housing offered in the area. A proposal to redevelop the site with the residential and commercial uses described in this petition is appropriate and could add value to the community depending on the scale of the development and how it fits into the overall character of its surroundings.
- Along Central Avenue near the intersection with Pecan Avenue, greater densification is expected at a level that is consistent with the goals of Community Activity Center. As you travel east through Plaza Midwood the development shifts to low and mid-rise commercial buildings and then single family residences. The subject site sits in a transitional space between the more intense development being seen along Central Avenue near the Pecan Avenue intersection and the R-5 single family neighborhoods just to the east. Development at this site should be sensitive to the shifts in intensity and context along this east/west corridor.
- Typical building heights in the immediate area along Commonwealth range from one to four stories. Given the scale of development proposed, staff is requesting a commitment to community benefits beginning at a lower height than is currently prescribed.
- The current adopted Silver Line route will run along the backside of this property and is projected to have a transit station, approximately a ¼ mile away from this site near the intersection of Pecan and Central Avenue. The adjacency to forthcoming transit infrastructure gives credence to intensification, but the character of the neighborhood must be considered in new projects to ensure mindful development that furthers the goals of the *2040 Comprehensive Plan* while complementing Plaza Midwood's recognizable design fabric.
- 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 as specified by the *2040 Policy Map*, from Community Activity Center to Commercial for the site.

PLANNING STAFF REVIEW

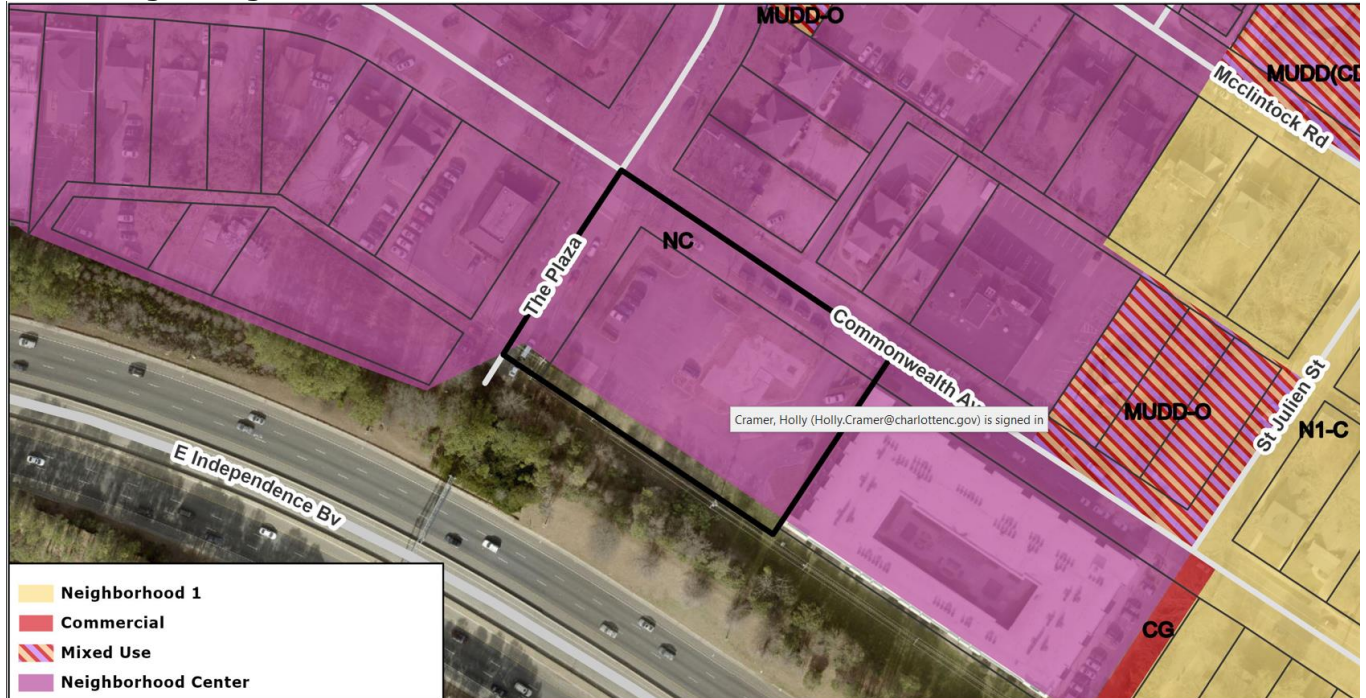
• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

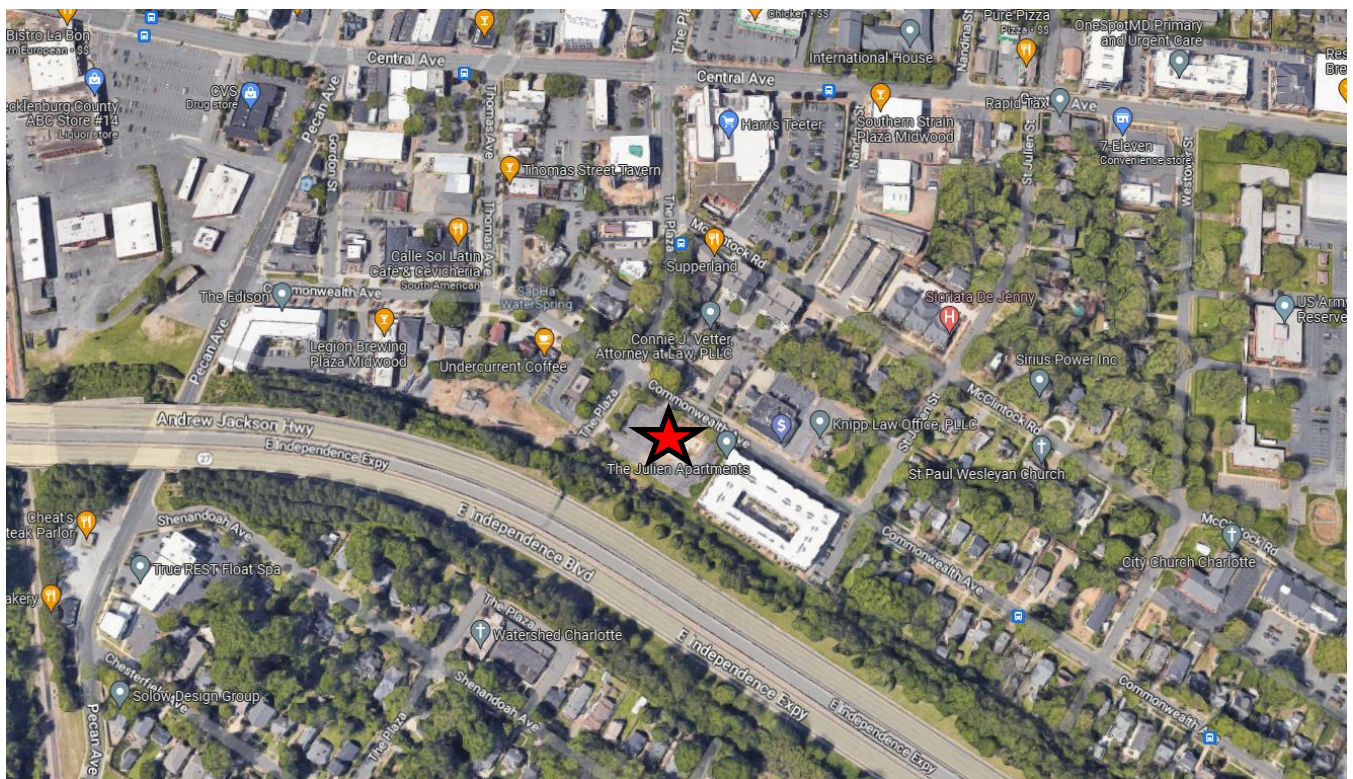
- Proposes a maximum of 175 multi-family residential units and up to 12,000 square feet of commercial, non-residential uses with a minimum of 6,000 square feet located on the ground floor. Up to 5% of the residential units shall be reserved as short-term micro units or units functioning as a hotel.
- Prohibits car washes (except residential car wash stations), auto service stations, EDEES with accessory drive-through service windows, and commercial self-storage facilities.
- Includes the following conversion rights:
 - Unused multi-family residential units may be converted to commercial uses at a rate of 1 unit for 1,000 square feet of additional commercial space up to an additional 10,000 square feet of commercial uses.
 - Unused commercial square footage may be converted to hotel rooms at a rate of 1,000 square feet of commercial to 2 hotel rooms.

- Unused multi-family residential units may be converted to hotel rooms at a rate of 1 unit to 2 hotel rooms for up to 46 hotel rooms and then a rate of 1 unit to 1 hotel room up to 45 hotel rooms. The total amount of hotel rooms may not exceed 91 rooms.
- Requests an optional provision to allow for an accessory drive-through service window limited to use as a financial institution. If provided, this will be part of the larger mixed-use building rather than separate.
- Requests an optional provision to exceed the maximum height provisions for the MUDD district.
- Requests a maximum height of **126' 150'**. Commits to provide community benefits consistent with the bonus provisions set forth in UDO section 16.3 for any building height beyond 120'.
- Commits to the following transportation provisions:
 - Two full access points from Commonwealth Avenue and The Plaza respectively.
 - Dedicates 2' of sidewalk utility easement behind the proposed sidewalk along Commonwealth Avenue and The Plaza.
 - Commits to update the ADA ramps at the corner of The Plaza and Commonwealth Avenue **and the intersection of Commonwealth Avenue and St. Julian Street.**
- Provides design guidelines for the following:
 - Primary building material limitations
 - Screened parking decks
 - Internally oriented drive-through with screened maneuvering areas
 - Screened dumpster enclosures
 - Blank wall limitations
 - Minimum ground floor height of 12'
 - Prominent entrances that are no more than 250' apart
 - Distinguishable building base design elements for the first two floors
 - Façade transparency minimums
- Commits to full cut-off lighting fixtures.
- **Provides the following community commitments:**
 - Commits the site's multi-family residential facility entity becoming a dues-paying member of the Plaza Midwood Merchant's Association (PMMA) and the Commonwealth Neighborhood Association (CNA) for a minimum of 15 years. Initial contributions to both associations shall be made prior to the issuance of the first certificate of occupancy for the site.
 - Commits to contribute \$10,000 to the PMMA for the purpose of aiding in the funding of preserving the core of Plaza Midwood, or as otherwise mutually agreed upon between the petitioner and the PMMA. Contribution shall be made prior to the issuance of the first building certificate of occupancy for the site.
 - Commits to contribute \$10,000 to the CNA to explore road and pedestrian improvements to the block of McClintock Road between St. Julian Street and Westover Street, or purposes as otherwise coordinated with the CAN and shall engage with CDOT for coordination of the same. Contribution shall be made prior to the issuance of the first building certificate of occupancy for the site.
 - Petitioner shall pursue a road diet along The Plaza from Commonwealth Avenue to the Highway 74 ROW. Petitioner shall coordinate with CDOT to reduce the width of the street and eliminate on-street parking in favor of wider landscaping strip and sidewalks to eliminate on-street parking while maintaining the road ROW. Petitioner shall use good faith efforts for this coordination which shall not otherwise delay the issuance of building certificates of occupancy for the site.
 - Petitioner shall use good faith efforts to improve the area behind the site for functional public/community space in coordination with CDOT, NCDOT, CATS, and the City. Good faith coordination of such improvements shall not otherwise delay the issuance of building certificates of occupancy for the site.
 - Petitioner shall provide a memorandum of understanding with the CNA related to reserving off-site open space areas to serve as a transition for the neighborhood on the east side of St. Julian Street to the proposed development to the west. Petitioner shall use good faith efforts for the coordination which shall not otherwise delay the issuance of building certificates of occupancy for the site.

- Existing Zoning



- The site is currently zoned NC and is in an area with NC, MUDD-O, N1-C, and CG zoning. A majority of the parcels extending north and west of this site were within the pedestrian overlay which translated many of the legacy zoning districts to NC.



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



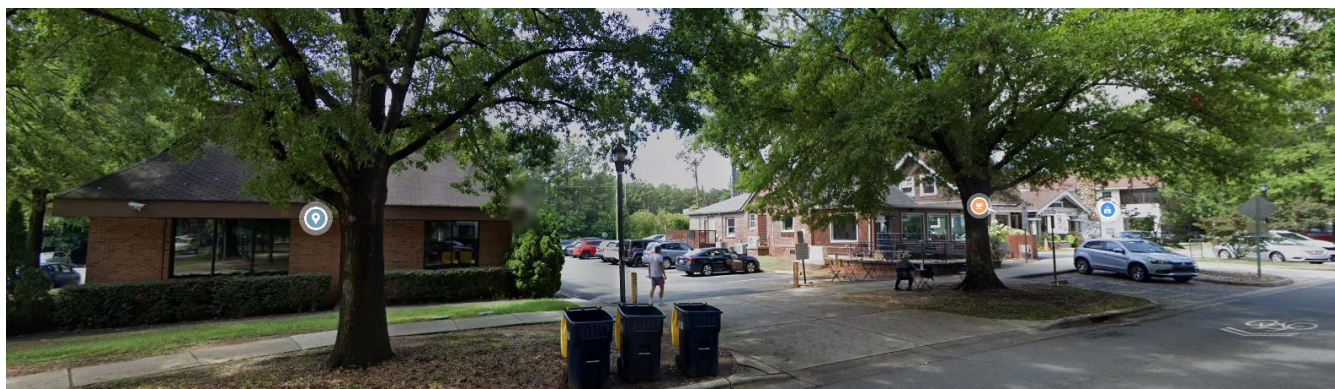
- North of the site are various office and retail uses.



- East of the site is a multi-family residential building, The Julien Apartments.

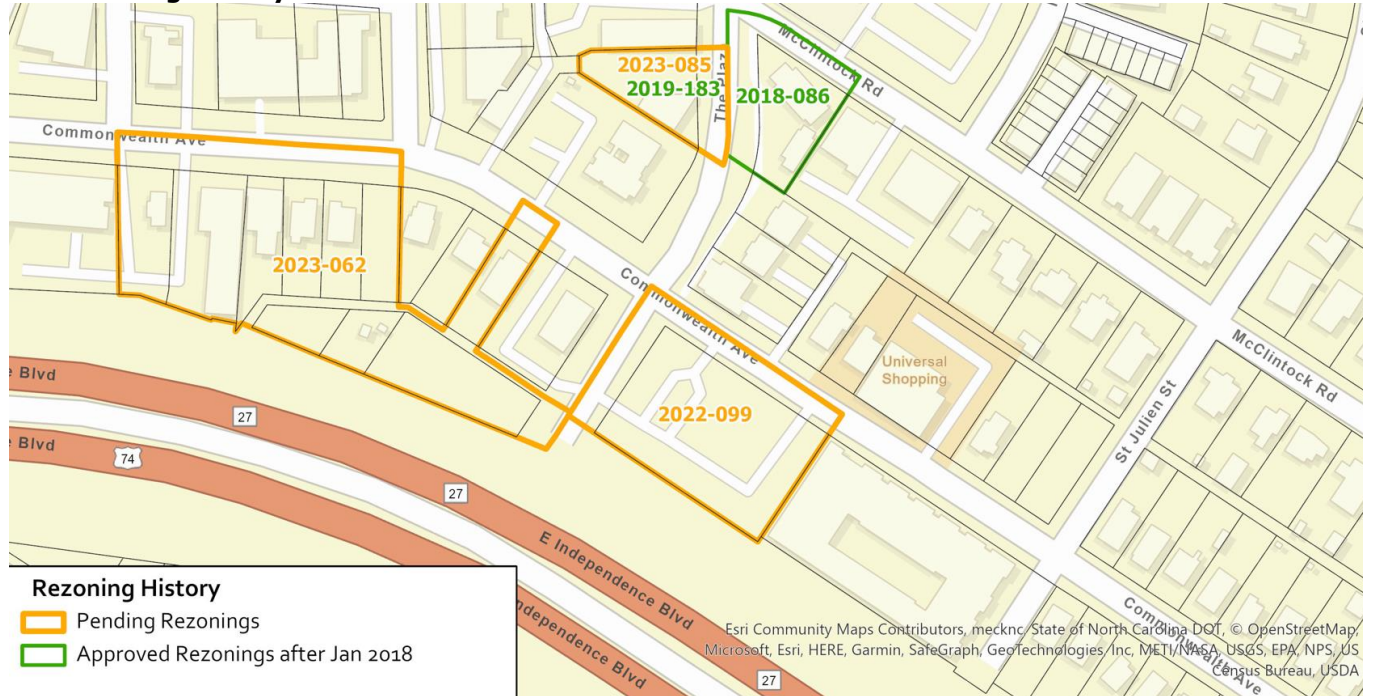


- The site's southern boundary abuts the right-of-way for Independence Boulevard.



- West of the site are a number of office and retail uses.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2018-086	Rezoned 0.23 acres from B-2 PED to MUDD-O PED.	Approved
2019-183	Rezoned 0.24 acres from B-2 PED to B-2 PED-O	Approved
2023-062	Rezoning 0.24 acres from B-2 PED-O to NC.	Pending
2023-085	Rezoning 2.25 acres from NC to CAC-2.	Pending

• Public Plans and Policies



- The 2040 Policy Map (2022) calls for Community Activity Center.

• TRANSPORTATION SUMMARY

- The site is located on the south side of Commonwealth Avenue, a City-maintained major collector east of The Plaza, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. The petition is committed to upgrading streetscape along The Plaza and Commonwealth Avenue and upgrading off-site ADA Ramps. No further revisions are required.

- **Active Projects:**
 - Lynx Silver Line
 - Proposed LYNX Silver Line light rail project from the Town of Matthews through Southeast and West Charlotte to the City of Belmont.
 - Currently in design.
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (site is vacant).
 - Entitlement: 215 trips per day (based on 14,100 square feet of office uses).
 - Proposed Zoning: 1,775 trips per day (based on multi-family and commercial uses).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **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:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate 4 students, while development allowed with the proposed zoning may produce 28 students. Therefore, the net increase in the possible number of students generated from existing zoning to proposed zoning is 24.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Oakhurst STEAM Elementary from 92% to 93%
 - Eastway Middle from 109% to 109%
 - Garinger High from 99% to 99%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main in Commonwealth Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main within Commonwealth Avenue. No outstanding issues.
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at 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
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 1.

OUTSTANDING ISSUES

Environment

1. Show required right-of-way trees.

Transportation

2. ~~Comprehensive Transportation Review (CTR): The Comprehensive Transportation Review was recently approved by City Council under the new UDO. In lieu of a TTM for the proposed site CDOT has requested the petitioner complete a CTR for the site. The petition's zoning falls within the medium to high intensity development which based on the 1,775 daily trips will trigger Tier 3 (14 mitigation points) for multimodal assessment and Tier 3 (6 mitigation points) for transportation demand management assessment. The petitioner shall review and assess the publicly accessible pedestrian network within ¼ mile walking distance of the site to identify multimodal infrastructure to meet the Tier 3 (14 mitigation points) for multimodal assessment. Petitioner shall also provide transportation demand management strategies to meet Tier 3 (6 mitigation points) to reduce vehicle trips and encourage alternative modes of transportation.~~ **Rescinded**

Site and Building Design

3. ~~Reduce the maximum height to provide contextual sensitivity to the surrounding building forms.~~ **Addressed**
4. Revise note 7 under the Design Guidelines to commit to community benefits to achieve building height above 80'. Commit to specific community benefits.

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- ~~5. Identify building envelopes(s) rather than one development area.~~ **Rescinded**
 6. Remove optional provision allowing for a drive-through.
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Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

Planner: Holly Cramer (704) 353-1902