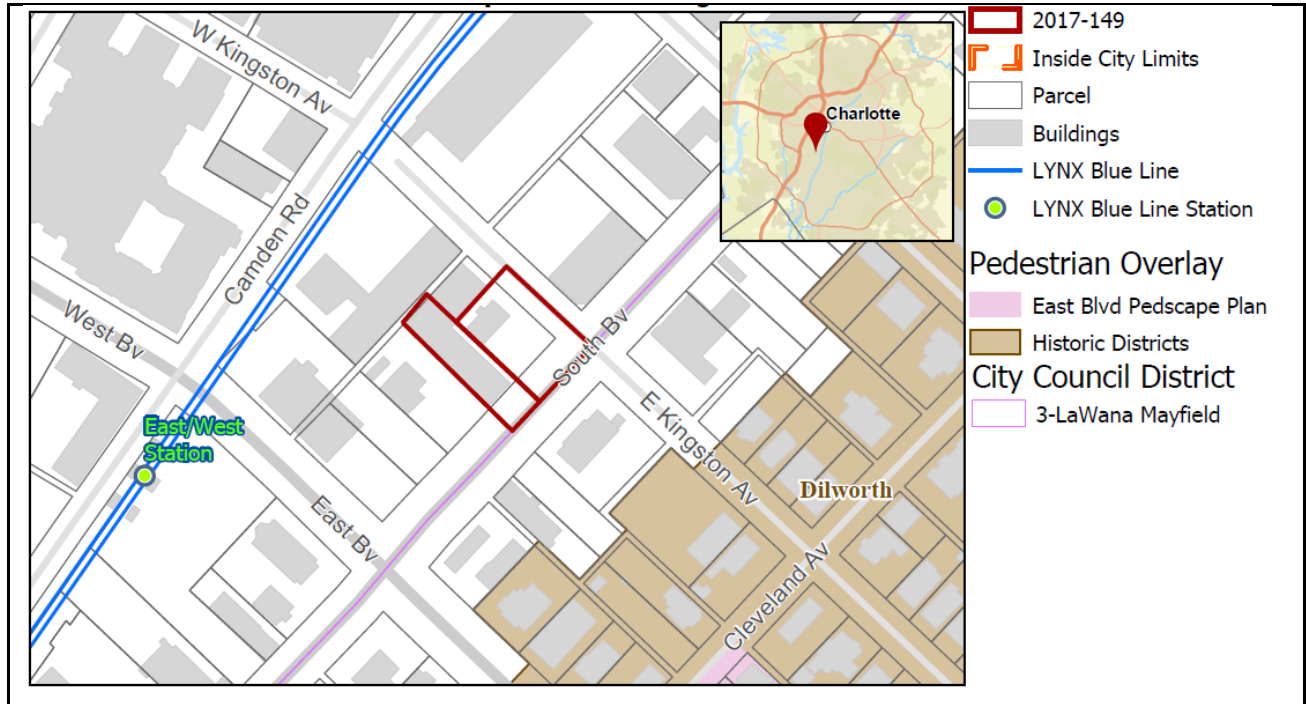


**REQUEST**

Current Zoning: B-1 (neighborhood business) & TOD-M (transit oriented development- mixed use)  
 Proposed Zoning: TOD-MO (transit oriented development- mixed use, optional)

**LOCATION**

Approximately 0.529 acres located on the west side of South Boulevard, between E. Kingston Ave and East Boulevard.  
 (Council District 3 - Mayfield)



**SUMMARY OF PETITION**

The petition proposes to allow the reuse of existing 18,946 square foot building and vacant lot to allow all uses in the TOD-M district and 10,700 square feet for a patio and outdoor entertainment space.

**PROPERTY OWNER**

ABW Charlotte, LLC

**PETITIONER**

ABW Charlotte, LLC

**AGENT/REPRESENTATIVE**

Collin Brown & Bailey Patrick, Jr. K & L Gates LLP

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 5

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *South End Transit Station Area Plan* recommendation for mixed use transit supportive development.

Rationale for Recommendation

- The subject site is within ¼ mile walk of the East/West Transit Station on the LYNX Blue Line.
- The proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district which includes office, residential, retail, and civic uses.
- The petition will maintain and renovate one existing structure, and will improve the vacant lot with an outdoor entertainment space and patio and will close and remove two existing curb cuts along

South Boulevard and two existing curb cuts along Kingston Avenue.

- The petition will install parallel parking adjacent to the property boundary on South Boulevard and install reverse-angle parking adjacent to the property boundary on Kingston Avenue.

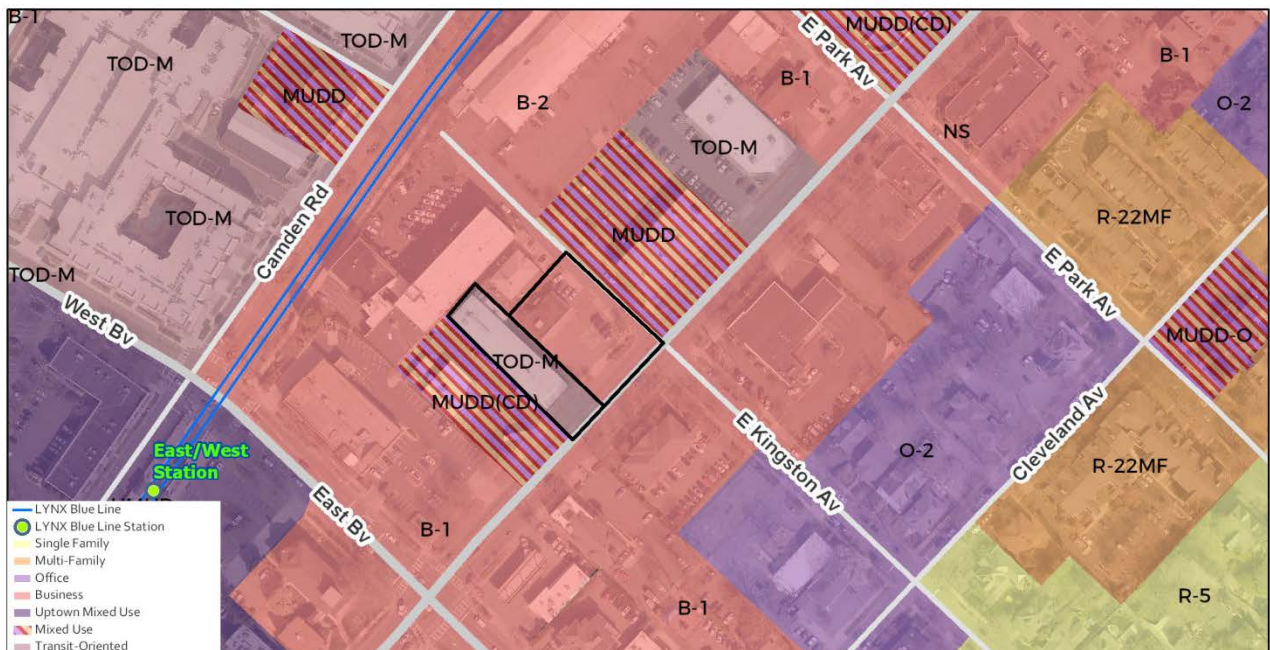
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Permitted uses include all uses allowed in the TOD (transit oriented development) district. Uses allowed in the TOD-M district include office, retail, eating/drinking/entertainment establishments, and civic uses.
- An existing 18,946 square foot building will be retained and only 14,000 will be used for EDEE (eating/drinking/entertainment establishment type II).
- ~~Proposes a 13,700 square foot outdoor entertainment area.~~
- Eight-foot sidewalk and eight-foot hardscape area along West Kingston Avenue.
- 16-foot sidewalk with existing trees in planters along South Boulevard.
- Maximum height of buildings will be limited to 50 feet.
- Non-residential uses shall have a minimum 60 percent transparent glass located between two feet and 10 feet on the first floor.
- Architectural standards:
  - Building materials will consist of brick stone, stucco, glass, natural stone, corrugated metal, steel accents, and architectural shingles.
  - Proposed patio area shall include amenities such as seating areas; water features stonework, fire pits, gardens, and or landscaping areas.
  - Note that vinyl is a prohibited building material.
- Optional provisions for the following allowances:
  - Elimination of the minimum parking requirement for EDEE (eating/drinking/entertainment establishment) uses within 800 feet of a single-family zoning district.

### • Existing Zoning and Land Use



- The site currently consists of a two-story office/warehouse building and a vacant lot most recently occupied by a convenience store. It is surrounded by other properties in various commercial uses, including a few rezoned for TOD-M (transit oriented development, mixed use) or MUDD (mixed use development).

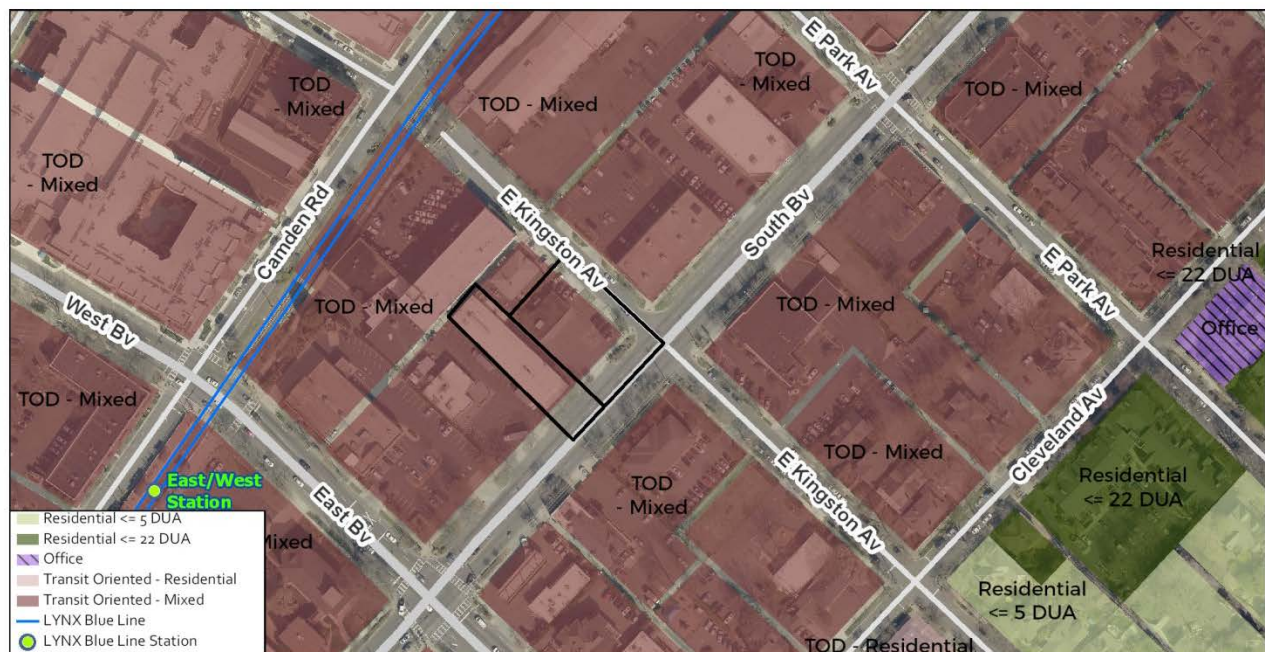


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-048	Rezoned 0.29 acres to TOD-M (transit oriented development – mixed-use)	Approved
2015-074	Rezoned 0.26 acres to TOD-M (transit oriented development – mixed-use)	Approved
2013-081	Rezoned 0.45 acres to MUDD-O, mixed use development district, optional for the reuse and expansion of an existing building.	Approved
2012-019	Rezoned 0.47 acres to TOD-M (transit oriented development – mixed-use)	Approved

- Public Plans and Policies**



- The *South End Transit Station Area Plan* (2005) recommends transit supportive uses for the subject site.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located at the unsignalized intersection of a major thoroughfare and a local street. The City has recently improved the connection to the Rail Trail at the end of East Kingston Avenue. The site plan commits to improving the pedestrian environment by removing existing driveways and constructing streetscape elements that support a transit area. The site plan also commits to supporting the development of the future cross section of South Boulevard if the existing building is demolished.
- See Outstanding Issues, Note 4.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 390 trips per day (based on 18,950 square feet of office).
    - Entitlement: 630 trips per day (based on 2,600 square feet of retail).
  - Proposed Zoning: Allows a wide variety of uses.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** The site has water system availability for the rezoning boundary via existing six-inch water main located along South Boulevard. The site has sewer availability for the rezoning boundary via existing eight-inch gravity main located along South Boulevard.
- **Engineering and Property Management:**
  - **Arborist:** Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets without approval. Contact Laurie Reid at the City Arborist's office to discuss trees species to be planted in the right of way on a City of Charlotte maintained street.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**Site and Building Design

1. ~~Label and list square footage of the existing building.~~ Addressed by removing the limitations for the EDEE use and the square footage for the patio.
2. ~~Label and show proposed dumpster location.~~ Addressed
3. ~~Provide detail of proposed four-foot tall wall.~~ Addressed

Transportation

4. ~~The petitioner should revise site plan notes to remove note "b" under Transportation. The petitioner is responsible for utility relocations/modifications caused by the development of the site. This includes existing (not proposed) traffic and pedestrian signals if impacted.~~ Addressed

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review

- City Arborist
- Erosion Control
- Land Development
- Storm Water
- Urban Forestry
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

**Planner:** Solomon Fortune (704) 336-8326