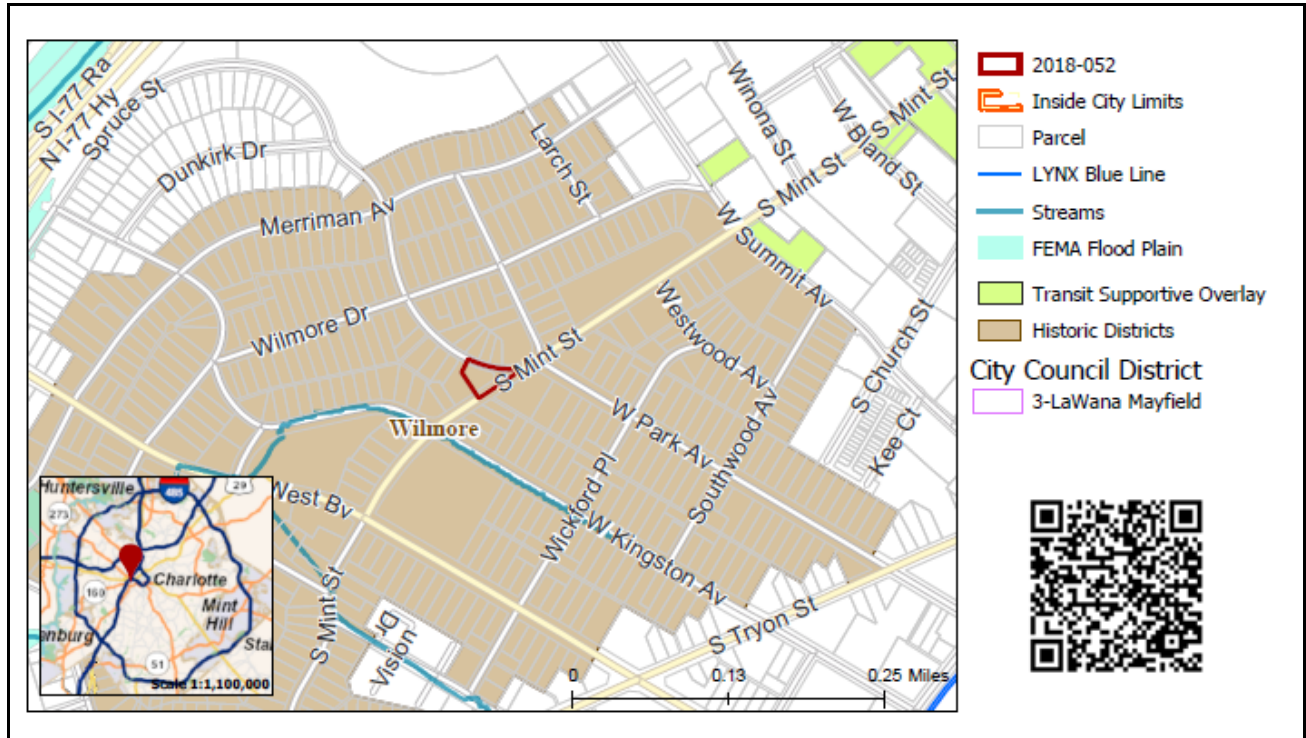


**REQUEST**

Current Zoning: R-5 (single family residential), R-5 HD-O (single family residential, historic district overlay)  
 Proposed Zoning: MUDD-O HD-O (mixed use development, optional, historic district overlay)

**LOCATION**

Approximately 0.22 acres located at the corner of South Mint Street and Spruce Street.  
 (Council District 3 - Mayfield)



**SUMMARY OF PETITION**

The petition proposes to retain the existing 3,200 square foot building and allow a possible expansion of 800 square feet for retail, office and EDEE (eating/drinking/entertainment establishment).

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Tommy George, Pasta & Provisions  
 Pasta & Provisions  
 Debra Glennon, Orsborn Engineering

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 11

**STAFF**  
**RECOMMENDATION**

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

Plan Consistency

The petition is inconsistent with the *Central District Plan* which recommends residential up to five dwelling units per acre.

Rationale for Recommendation

- The proposed request will allow the reuse and small expansion of an existing commercial building in the Wilmore Historic District.
- Although the request is inconsistent with the area plan, the small size of the property, its corner location, the commercial building and the adjoining parking lot use create an environment that is suitable for limited non-residential uses.

- The proposed request will allow a site that has historically be used for non-residential uses to be brought into zoning compliance.
- The proposed optional request will allow the existing building and sidewalk network to remain for the majority of the site with minor improvements to match existing sidewalk grades and to allow outdoor seating.

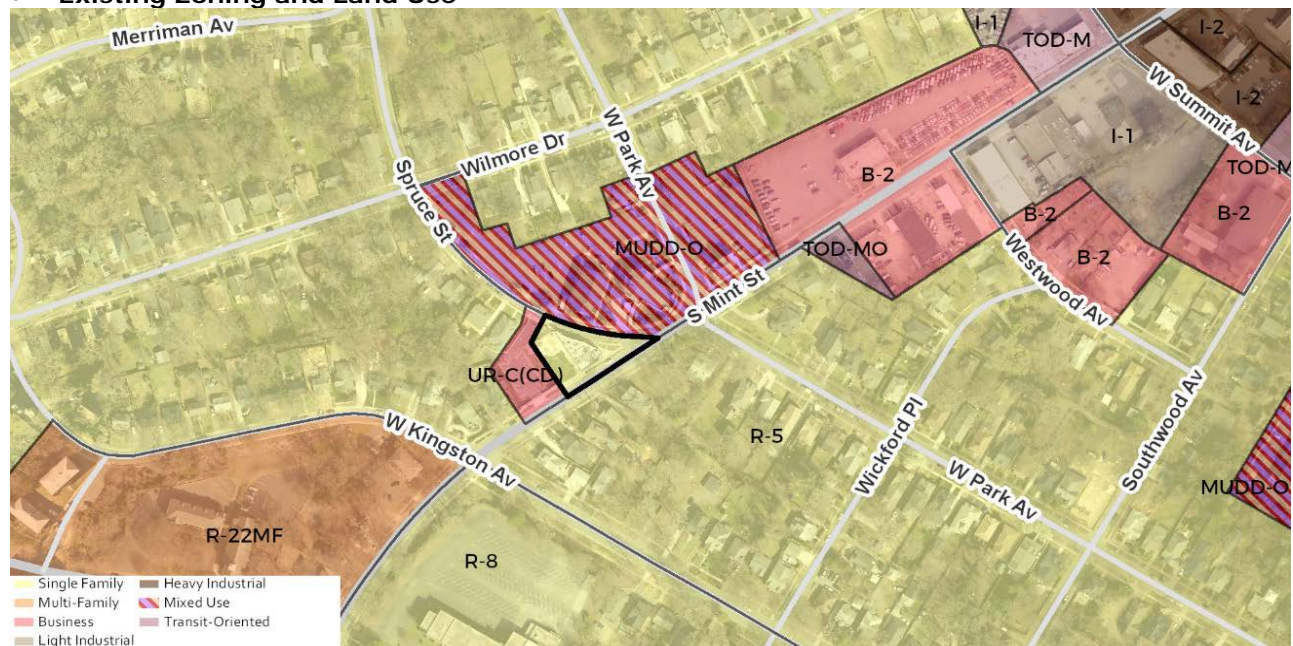
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows the existing 3,200 square foot building to remain and a possible 800 square foot building expansion with outdoor dining areas.
- Uses limited to eating/drinking/entertainment establishments (Type 1 and Type 2), retail sales, professional business, and general office uses.
- Eight-foot planting strip and six-foot sidewalk along a portion of South Mint Street in front of the new deck and driveway.
- Possible new area for outdoor seating at the intersection of Spruce Street and deck along the rear of the building near the new proposed parking areas.
- Construct new surface parking area for the proposed uses.
- Maximum building height of 40 feet.
- Optional provisions requested:
  - Waiver of the required sight triangles along the public street frontages due to the existing building.
  - Allow the existing five-foot sidewalk and two-foot planting strip along Spruce Street to remain.
  - Allow the existing planting strip and five-foot sidewalk to remain along the portion of South Mint Street in front of the building as generally shown on the site plan.

### • Existing Zoning and Land Use

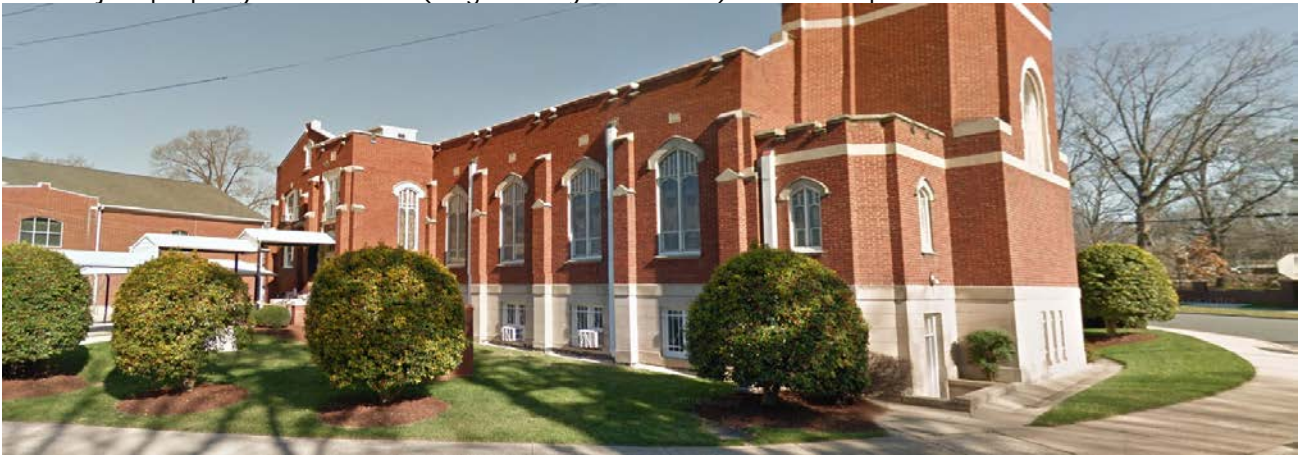


- The subject site was rezoned from R-22MF to R-5 (single-family) under Petition 1993-091A as part of the corrective rezonings recommended by the *Central District Plan*.
- The site is developed with a retail commercial structure.
- The surrounding properties are developed with single family residential and religious institutional structures and associated parking.





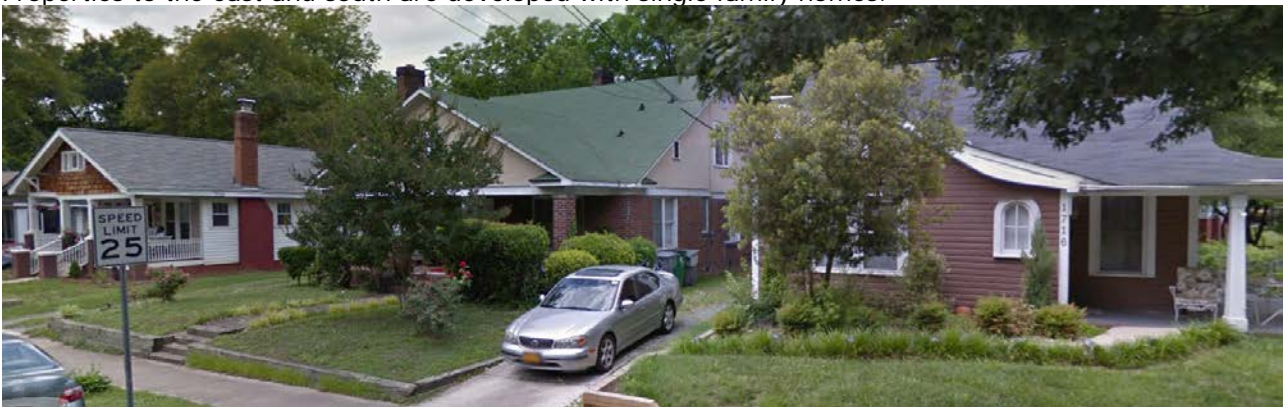
The subject property is zoned R-5 (single family residential) and developed with a retail use.



Greater Galilee Baptist Church is located to the north, across Spruce Street.



Properties to the east and south are developed with single family homes.



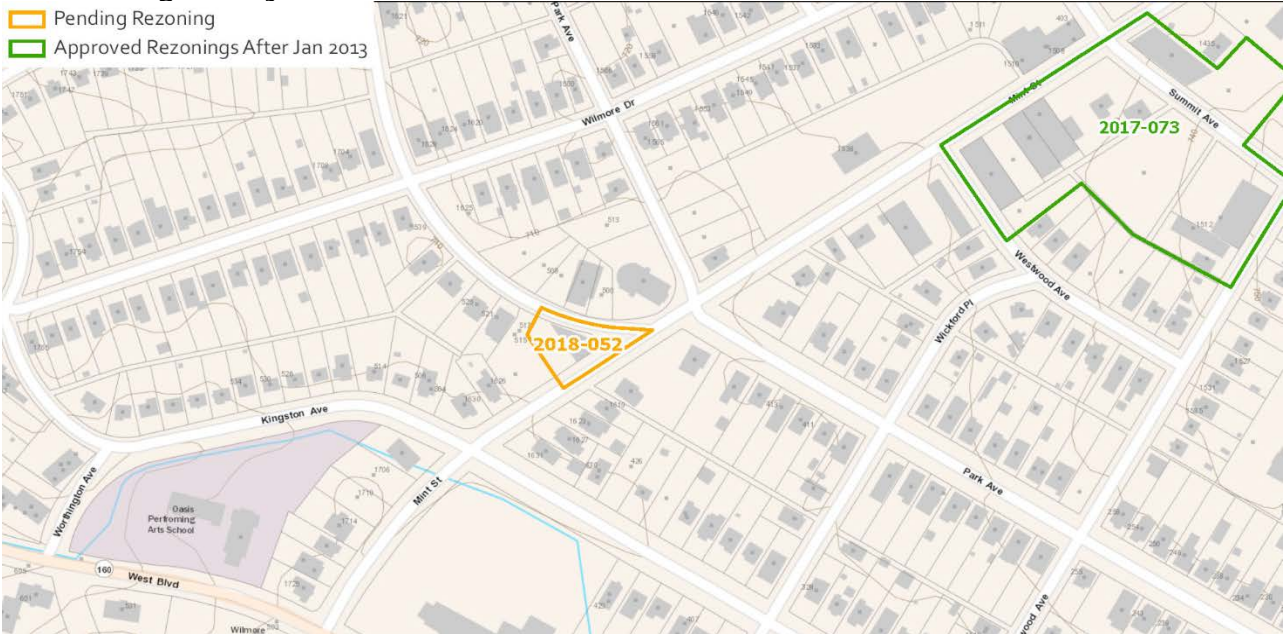
Properties to the west are developed with single family homes.



- Rezoning History in Area**

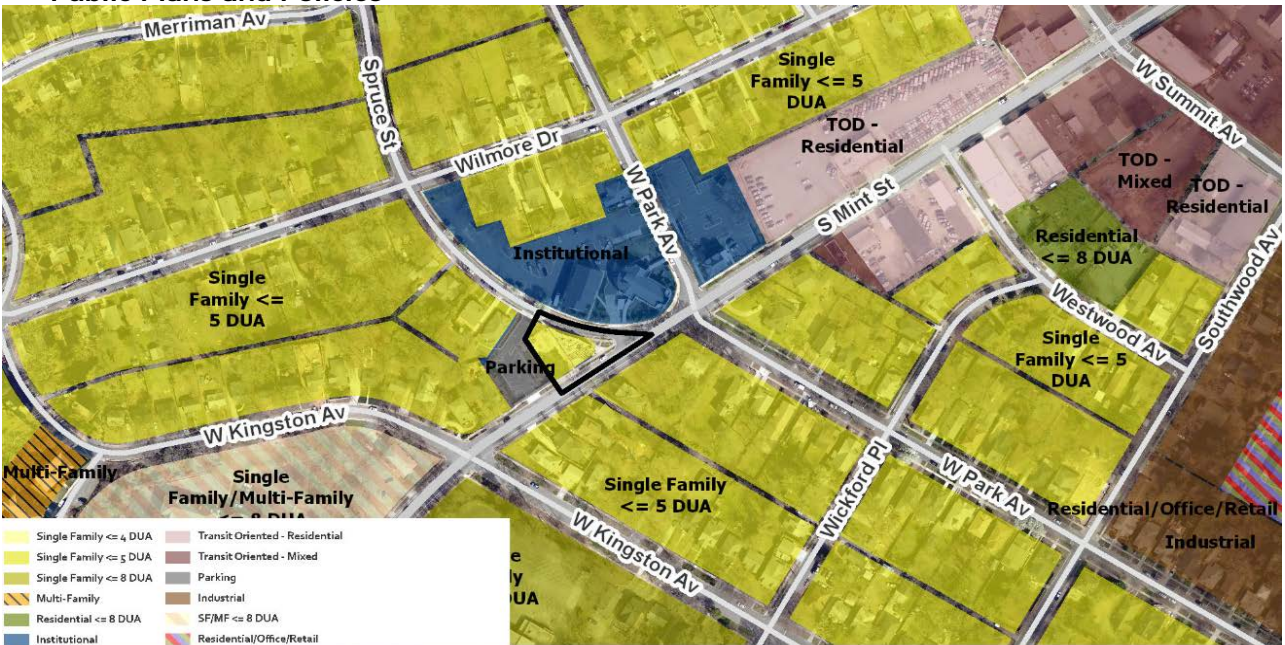
  Pending Rezoning

  Approved Rezonings After Jan 2013



Petition Number	Summary of Petition	Status
2017-073	Rezoned a total of 9.13 acres and numerous properties in the area to establish TS-Overlay (transit supportive overlay). The underlying zoning did not change.	Approved

- Public Plans and Policies**



- The *Central District Plan* (1993) recommends residential up to five dwelling units per acre for the subject site.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the intersection of a minor thoroughfare and a local street. CDOT requests the petitioner address outstanding issues including improvements to the pedestrian infrastructure to help support the proposed development.
  - See Outstanding Issues, Notes 5-6.
  - **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 730 trips per day (based on 3,200 square feet of retail).

Entitlement: 730 trips per day (based on 3,200 square feet of retail).  
Proposed Zoning: 840 trips per day (based on 4,000 square feet of retail).

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

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** No comments submitted.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing six-inch water distribution main located along Spruce Street and existing eight-inch and 12-inch distribution main along Mint Street. The site has limited sewer capacity in the area.
- **Engineering and Property Management:**
  - **Arborist:** Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting.
  - See Outstanding Issue, Note 4.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**

Site and Building Design

1. Clearly label and show proposed setback for the existing building along Spruce Street and South Mint Street.
2. Label existing planting strip width along South Mint Street.
3. Modify note 7.B. to read "Petitioner may possibly demolish the existing paving and walls in the public right-of-way at the intersection of Mint Street and Spruce Street."

Environment

4. Submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right of way. Tree survey may be completed by landscape architect, surveyor, or other land development professional.

Transportation

5. Revise the site plan and conditional note "b" under Optional Provisions to show eight-foot back of curb sidewalk on Spruce Street and South Mint Street where an eight- foot planting strip and five-foot sidewalk is not achievable.
6. Find an alternative location for the trash and recycling enclosure in the parking lot area and use the driveway to access the street or show how the trash and recycling will function without blocking the sidewalk.

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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 Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools 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