



## Zoning Committee Recommendation

Rezoning Petition 2022-099

December 5, 2023

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### REQUEST

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

### LOCATION

Approximately 0.94 acres located at the southeast intersection of Commonwealth Avenue and The Plaza, north of East Independence Boulevard.  
(Council District 1 - Anderson)

### PETITIONER

Levine Properties, Inc.

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

#### To Approve:

This petition is found to be **consistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

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

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- 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, which is echoed by the Pedestrian Overlay that was over the majority of the area. The proposal builds in a number of provisions to improve the area's pedscape, furthering the goal of a 10-minute neighborhood.
- 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.

- 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 single family neighborhoods to the east. Redevelopment at this site that introduces denser building forms and uses should be justified through appropriate community benefits that speak to the goals of the 2040 Comprehensive Plan as well as the neighborhood's needs. This project commits to providing community benefits consistent with Article 16 of the UDO to achieve any building height above 80 feet. This height bonus condition aligns with the less dense Community Activity Center zoning district, CAC-1. Additionally, the petitioner in collaboration with neighborhood organizations identified a number of financial and infrastructural commitments on the plan that address pedestrian improvements and communal open space among other provisions that speak to local concerns.
- This proposal would allow for an internal drive-through on the site as an accessory use to a financial institution. Such a use existed on the site but was removed a few years ago. The historical aspect of this accessory drive-through provides grounds for the request that is bolstered by the limitation of the use to a financial institution, orientation that is internal to the building, and screening of the facility from the street.
- 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 on parcels that are not directly abutting single family uses, such as this site.
- The petition could facilitate the following 2040 Comprehensive Plan Goals:
  - 1: 10 Minute Neighborhoods
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities
  - 7: Integrated Natural & Built Environments

Motion/Second: Sealey / Whilden

Yeas: Neeley, Sealey, Welton, Whilden

Nays: Russell, Winiker, Lansdell

Absent: None  
Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the *2040 Policy Map*.

Commissioner Winiker noted that there is a large amount of cut-through traffic generated by Commonwealth Avenue and Pecan Avenue. The initial proposal did not have much interest in dealing with local concerns, however, that has changed relatively recently. As a result, there are some fairly good resolutions to some issues in the current proposal. It seems that the remaining obstacle for the petition are the outstanding issues with CDOT. Commissioner Winiker added that it would be nice to see more commitments from CDOT on improvements to this area.

Commissioner Sealey echoed the comments of Commissioner Winiker and added that the area is one of the best transit connected areas in the City by bus.

Commissioner Russell asked for clarity on the changes to the height. Staff responded by saying that the initial proposal was for 150' in height, staff had requested a reduction in the height and conditions for bonus provisions that mirror the CAC-1 zoning district. The current site plan as a result now proposes a maximum height of 126' and commits to providing bonus provisions for any height achieved above 80'.

Commissioner Russell asked for clarity on staff's recommendation for approval of a petition that calls for an intensive auto use. Staff clarified that the drive-through proposed would be limited to use as the credit union that formerly existed on the site. Such a use is not comparable to other drive through facilities or even other bank drive through facilities in terms of the traffic generated given that the possible customer base is so much smaller.

Commissioner Lansdell noted that he would have liked to have seen more direct contributions to CDOT for pedestrian improvements. This building should be constructed for people rather than cars.

Chairperson Welton commented on the bus routes in the area and asked if the petitioner committed to adding a bus stop on the site. Staff responded that there was not a commitment to an additional bus stop as part of this proposal and CATS did not identify that as a request for the petitioner. Commissioner Winiker added that there is a bus stop very near to the site already.

Commissioner Welton summarized the feedback that has been received from the community. There is still some community concern over the height proposed, but the changes to the plan have a lot of support from the neighborhood organizations, particularly for the pocket park. Commissioner Welton asked why CDOT has hesitancy over the pocket park proposal through the

road diet. CDOT responded that they don't have an issue to doing improvements to The Plaza, there is just concern over how the future rail trail and larger transit plans will fit into the area. CDOT has shared with the petitioner their requested changes, and the petitioner and CDOT are actively working toward a resolution.

Chairperson Welton also relayed questions from the community over when CAC-1 versus CAC-2 levels of development are appropriate in this area.

Chairperson Welton expressed support for the addition to the plan that 5% of the residential units shall be reserved as short-term micro units or units functioning as a hotel.

Commissioner Welton expressed concern over the pocket park proposal and whether it would remain once the Silver Line comes under construction. Chairperson Welton responded that most of the area identified for the pocket park should be outside of the required Silver Line right-of-way.

Commissioner Winiker commented on the adjacent pending rezoning and how this area is undergoing substantial changes with these potential rezonings. Chairperson Welton added that there is no doubt that this neighborhood will continue to change and the scale of development will look a little different in the coming years.

There was no further discussion of this petition.

#### **MINORITY OPINION**

Given the heavy pedestrian use in an area that is otherwise the center of a social, economic, and living activity, CDOT has not engaged sufficiently with the neighbors and businesses in the area to protect pedestrian safety. Additionally, cut-through traffic should not be prioritized here absent a sufficient plan to address those issues.

#### **PLANNER**

Holly Cramer (704) 353-1902