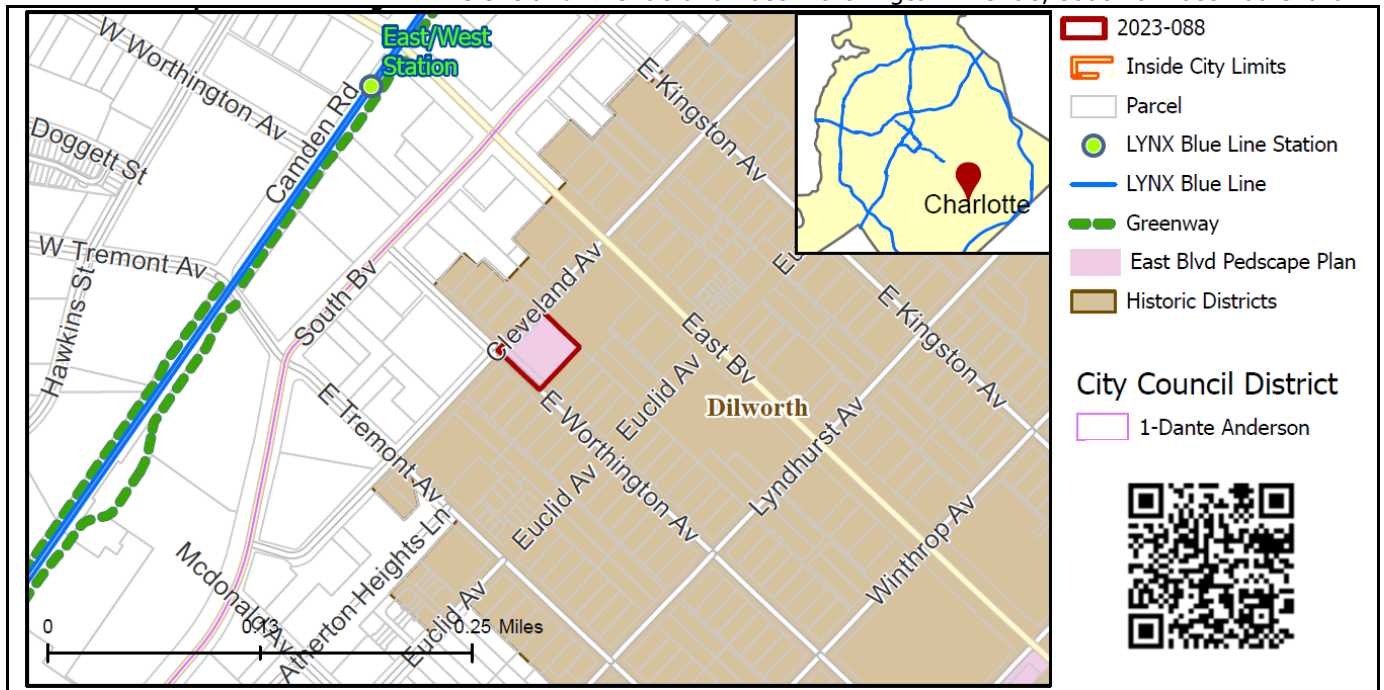


REQUEST

Current Zoning: NS HDO (neighborhood services, historic district overlay)
Proposed Zoning: NC(EX) HDO (neighborhood center, exception, historic district overlay)

LOCATION

Approximately 0.517 acres located at the southeast intersection of Cleveland Avenue and East Worthington Avenue, south of East Boulevard.



SUMMARY OF PETITION

The petition proposes to allow neighborhood center uses in the existing building on the site in addition to the relocation of the historic Leeper & Wyatt building to the portion of the site that is currently utilized as surface parking.

PROPERTY OWNER

On Cleveland, LLC

PETITIONER

On Cleveland, LLC

AGENT/REPRESENTATIVE

Sarah Stewart, Dogwood Engineering

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 47

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *2040 Policy Map* recommendation for Neighborhood 1.

Rationale for Recommendation

- Located on the edge of the Dilworth Historic District, this corner lot sits among adaptively reused structures that house a variety of commercial and office uses servicing surrounding residents. Although in close proximity to the dense transit-oriented development along South Boulevard, projects in this area must balance historic preservation and contextual sensitivity with the demands for new development.
- The site is currently designated as the Neighborhood 1 Place Type, however, this does not reflect the previous uses on the site as a restaurant and church nor does it reflect the building form in place. This

lot is adjacent to a strand of Neighborhood 1 designated lots but does not abut any single detached homes. The application of the Neighborhood Center Place Type on this parcel would more accurately convey the previous uses on the parcel and establishes a transition for this area which is located against TOD-zoned parcels in the Regional Activity Center Place Type to the west and south and more the moderately-dense zoning and uses to the north and east which are under the Neighborhood 1 and Neighborhood Center Place Types.

- Conditional rezonings requesting EX (exception) provisions allow flexibility in quantitative zoning and cross-section standards if a petition is able to provide community benefits. This type of rezoning grants the consideration of unique and innovative projects that can further the goals of the *2040 Comprehensive Plan* but may not otherwise fit typical ordinance standards. The use of an EX (exception) conditional rezoning petition is appropriate for this proposal given the historic relevance of the Leeper & Wyatt building as the oldest surviving retail brick commercial building in Dilworth's old business district. This building was constructed in 1903 and is designated as a local historic property by the Charlotte-Mecklenburg Historic Landmarks Commission and its relocation to the Dilworth Historic District ensures its continued preservation. In addition to the adaptive reuse of the existing building on the site and the Leeper & Wyatt building, this petition proposes publicly accessible open space along East Worthington Avenue.
- The majority of the EX provisions being requested are to accommodate the historic design of the buildings and existing development footprints. Zoning standards such as minimum transparency levels or blank wall requirements cannot be met in this proposal without modifying the historic design, negating the purpose of the project.
- The site currently sacrifices approximately half of its area for a surface parking lot. In densifying communities such as these, surface parking lots are not preferred uses and do not mirror the pedestrian environment envisioned for the Neighborhood Center Place Type. This petition does however still provide parking spaces through a combination of off-street, on-street, and off-site leased parking spaces while proposing a site design that uses the lot area with much greater efficiency.
- This project will be reviewed by the Historic District Commission and must comply with all historic district regulations.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities
 - 9: Retain Our Identity & Charm

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 to Neighborhood Center for the site.

PLANNING STAFF REVIEW

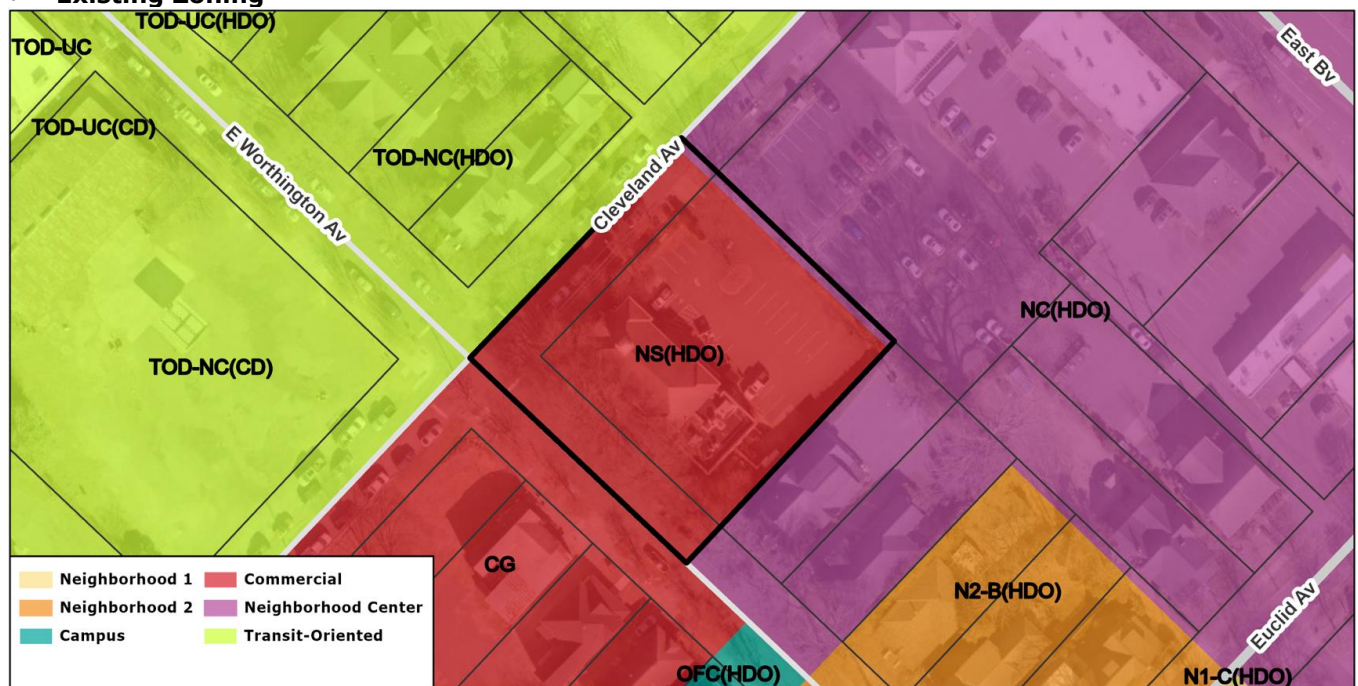
• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

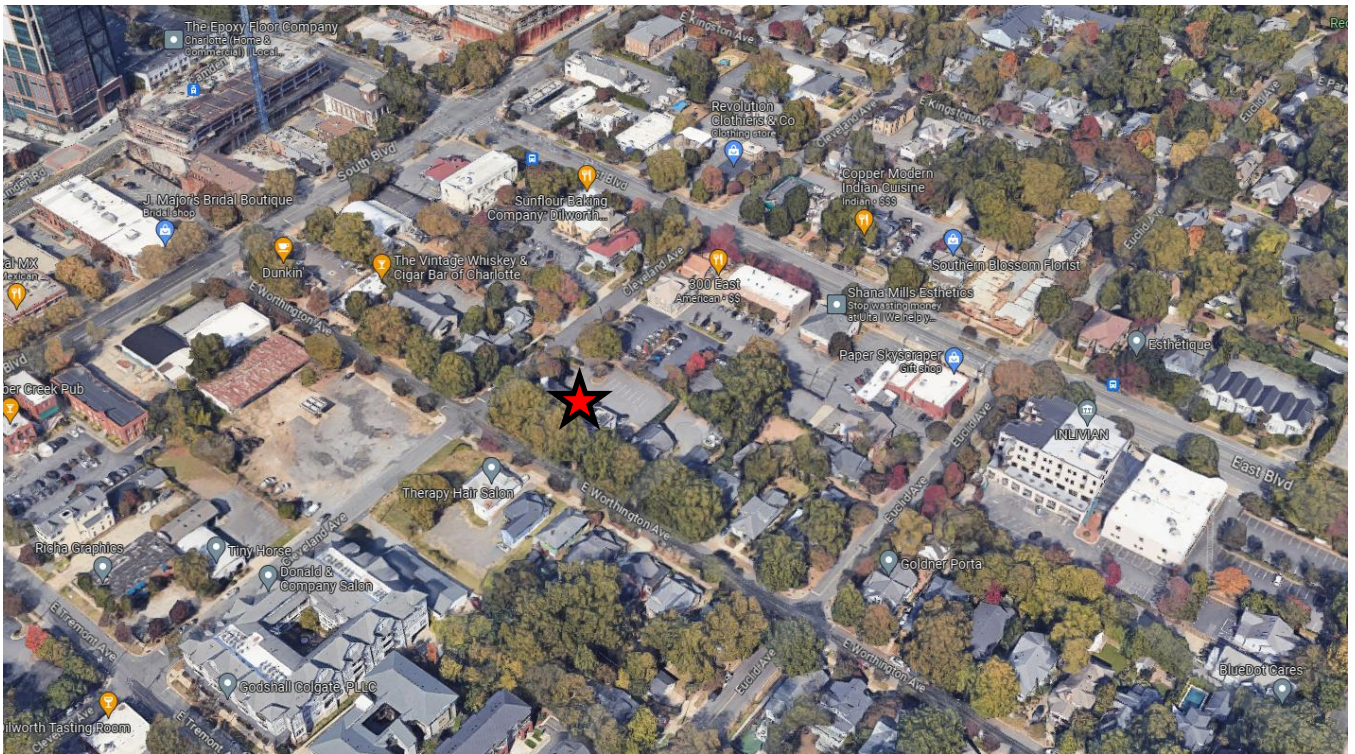
- Allows all uses permitted by-right and under prescribed conditions in the Neighborhood Center Zoning District and further specifies that there will be restaurant/bar uses on the site.
- Commits to adaptively reuse the existing building on the site in addition to relocating the Leeper & Wyatt building onto the northeastern portion of the site.
- Requests EX Provisions:
 - Modifies the required minimum parking spaces for restaurant/bar uses in the NC district from 22 off-street parking spaces to 4 off-street spaces.
 - Modifies streetscape standards such that the existing street sections may remain to protect mature trees and the current building envelope.
 - Modifies landscape yard requirements for lots abutting the Neighborhood 1 Place Type from a 25' Class B landscape yard to a 3.75' landscape yard to accommodate the existing development envelope.

- Modifies the rear setback requirement for lots abutting the Neighborhood 1 Place Type from 20' to 10' to accommodate existing and proposed development envelopes.
- Modifies minimum building length as a percentage of lot width from 60% to 46.5% to accommodate the existing building envelope and the relocation of the historic building.
- Modifies the maximum blank wall area requirement for all frontages from 20' to match the existing conditions of the two buildings and protect their historic design.
- Modifies ground floor and upper floor transparency requirements to match the existing conditions of the two buildings and protect their historic design.
- Provides public benefits as required for the application of EX provisions:
 - Proposes the adaptive reuse of the existing building on the site as well as the Leeper & Wyatt building.
 - Commits to the preservation of a designated local historic property through the relocation of the Leeper & Wyatt building from 1923 South Boulevard to the subject site.
 - Provides publicly accessible open space along East Worthington Avenue totaling 1,123 square feet.
- Vehicular access to the site will be via Cleveland Avenue
- Provides 10 short-term bicycle parking spaces and 3 long-term parking spaces.
- Provides 4 off-street parking spaces, 8 on-street parking spaces, and 10 off-site spaces through parking lease agreements.
 - ~~Off-site leased parking spaces for non-residential uses shall be provided for a minimum of five years, terminable by the landlord in specified situations. The tenant will not be required to renew the lease following the initial lease term, nor shall a new or renewed lease be required in the event of a change of use of the development site or termination of the lease by the landlord.~~ Off-site leased parking spaces for non-residential uses may be located no more than 800' walking distance from the development. This off-site parking shall be approved by the zoning administrator. The petitioner commits to provide 10 leased spaces for 5 years but in the event that public parking becomes available, the petitioner reserves the right to have staff review the site to prove that the parking requirement has been met without the leased spaces.
- Reserves 10% of the site for open space, with 50% of the open space being publicly accessible. Open space at the ground level shall include a combination of plantings and hardscape features.

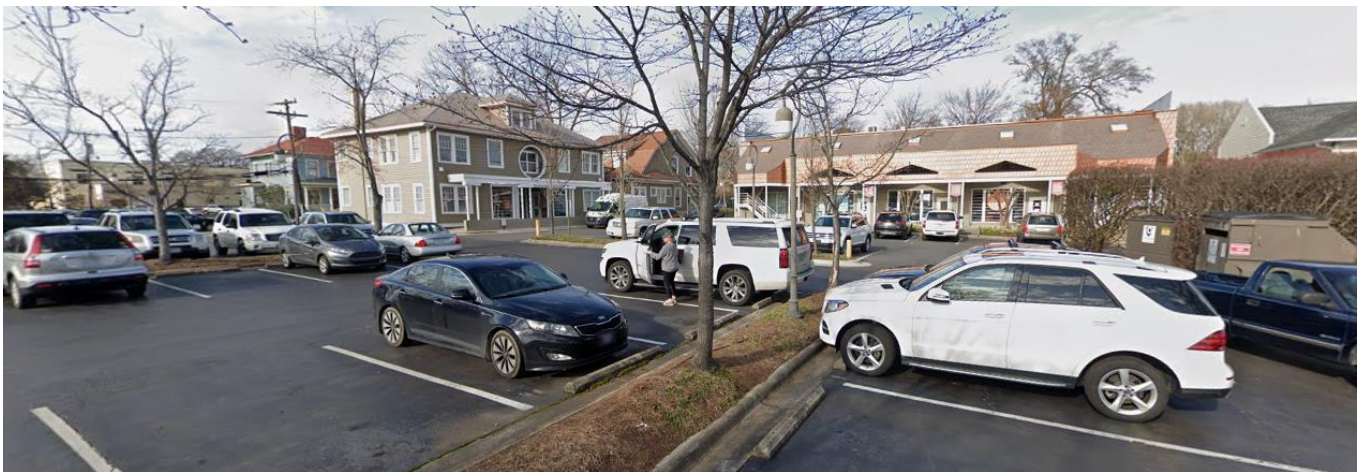
• **Existing Zoning**



- The site is currently zoned NS HDO and is in an area with N2, CG, NC, N1, and various TOD zoning. The parcels along the southeast side of Cleveland Avenue are within the Dilworth Historic District.



- The subject site is denoted with a red star and houses a former church that was most recently used as a restaurant. It is in an area with retail, office, multi-family residential, single family residential, and mixed-use developments.



- Directly north of the site is a parking area for businesses in the Street Car Station commercial area.



- East of the site is a law office in what was formerly a single family home, this type of adaptive reuse is common along the corridor.

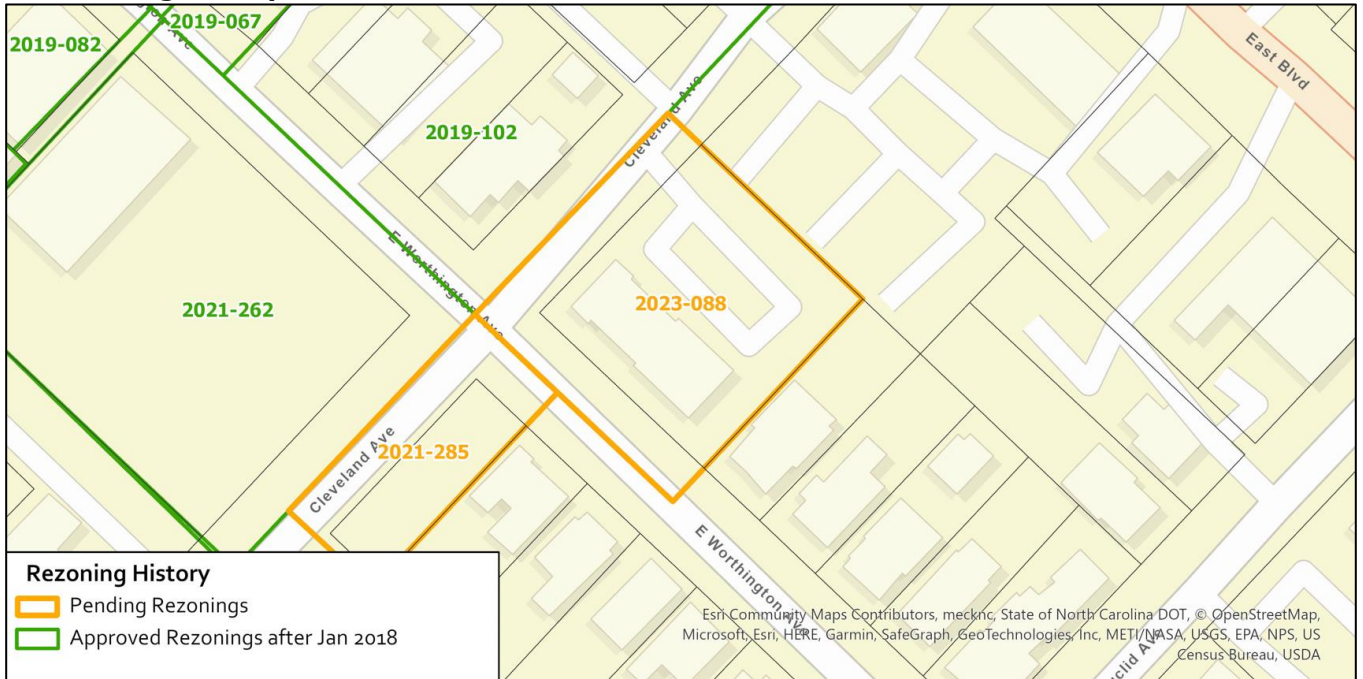


- South of the site is a vacant lot that has a pending rezoning (2021-285). There is also a hair salon south of the subject site next to the vacant lot.



- West of the site are attached residential units and a law office.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-067	Rezoned 0.15 acres from B-1 to TOD-UC.	Approved
2019-082	Rezoned 0.32 acres from B-1 to TOD-UC.	Approved
2019-102	Rezoned 1,7771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC, or TOD-TR.	Approved
2021-262	Rezoned 1.14 acres from TOD-M(O) to TOD-NC(CD) and TOD-UC(CD).	Approved
2019-067	Rezoned 0.15 acres from B-1 to TOD-UC.	Approved
2021-285	Requesting to rezone 0.15 acres from CG HDO to MUDD-O HDO.	Pending

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends Neighborhood 1 for the site.

• **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Cleveland Avenue, a City-maintained local street and Worthington Avenue, a City-maintained local street. A Traffic Impact Study (TIS) is not required for this site due to the site generating site trips below ordinance thresholds and/or not meeting additional TIS triggers. All outstanding CDOT issues have been addressed.

• **Active Projects:**

- Courtyard Dilworth Hotel (LDUTOD-2019-00002)
 - New hotel and parking deck being constructed on the western corner of Cleveland Avenue and Worthington Avenue.

• **Transportation Considerations**

- No Outstanding Issues.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (the site is currently not in use).

Entitlement: 445 trips per day (based on 5,254 square feet of restaurant uses).

Proposed Zoning: 1,115 trips per day (based on 13,259 square feet of restaurant uses).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.

- **Charlotte-Mecklenburg Historic Landmarks:** No outstanding issues. On September 11, 2023 the Charlotte-Mecklenburg Historic Landmarks Commission passed a resolution of support for petition 2023-088. The Commission noted that the petition “offers the best available solution for the preservation of the Leeper & Wyatt building, a local historic landmark so designated by the Charlotte City Council for more than three decades because of the building’s special significance in terms of its history, architecture, and/or cultural relevance to the City of Charlotte.”
- **Charlotte-Mecklenburg Schools:** The zoning district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Cleveland Ave and an existing 6-inch water distribution main located along E Worthington Ave. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Cleveland Ave and an existing 8-inch gravity sewer main located along E Worthington Ave.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:** See advisory comments at www.rezoning.org
- **Urban Forestry / City Arborist:** No comments submitted.

OUTSTANDING ISSUES

Transportation

- 1.—~~Cleveland Avenue and Worthington Avenue are both shown as 30’ wide streets on current site plans. These streets must be at least 41’ wide from back of curb to back of curb per CLDM U-05. Additionally, each road must label and dimension future back of curb location to the centerline.~~
Addressed
- 2.—~~Add a conditional note specifying “A Right of Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner’s/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.”~~**Addressed**
- 3.—~~Add a conditional note specifying “the Petitioner shall dedicate and convey in fee simple all rights-of-way to the City before the site’s first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2’ behind back of sidewalk where feasible.”~~**Addressed**
- 4.—~~Add a conditional note specifying “All transportation improvements will be approved and constructed before the site’s first building certificate of occupancy is issued.” The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes and approved by CDOT.~~**Addressed**

REQUESTED TECHNICAL REVISIONS

Transportation

- 5.—~~Revise the site plan to show the centerline on each public street. Dimension the right-of-way and the back of curb from the centerline.~~**Addressed**

Site and Building Design

- 6.—~~Update labeling on the site plan to list the setback against the N1 parcel as the rear setback rather than side setback.~~**Addressed**
- 7.—~~Update the wording in the parking summary table to clearly distinguish between ordinance requirements, and the various types of parking being provided. The ordinance requires 22 off-street spaces for restaurant/bar uses, what is being provided through the EX provision is 4 off-street spaces. Separately from that, the proposal includes 8 on-street spaces and 10 off-site leased spaces. Rather than listing out the parking as being in the two categories of on-site and off-site, it should be listed as off-street, on-street, and off-site leased spaces.~~**Addressed**
- 8.—~~Consider revising the listed maximum height in the table and the conditional notes to a rounded number rather than listing inches to accommodate unforeseen circumstances or errors in the height measurements for the historic building.~~**Addressed**
- 9.—~~Update the conditional notes for the EX provision regarding parking to clearly state that the ordinance requirement is for 22 off-street spaces, and the proposal is to provide 4 off-street spaces. Remove references to the on-street and leased spaces from this conditional note in the EX section and move that language regarding the other parking to a separate section that details the three types of parking spaces being provided.~~**Addressed**

- ~~10. In the Streetscape and Landscaping section of the notes, modify the language to read as follows, "the petitioner shall comply with the setback and landscape yard requirements of the NC district unless otherwise specified by the requested EX provisions of this conditional plan."~~ **Addressed**
- ~~11. Modify the language for the off-site vehicle parking conditional note to be consistent with feedback received from the Zoning Administrator.~~ **Addressed**
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Additional information (department memos, site plans, maps etc.) online at www.rezoning.org
Planner: Holly Cramer (704) 353-1902