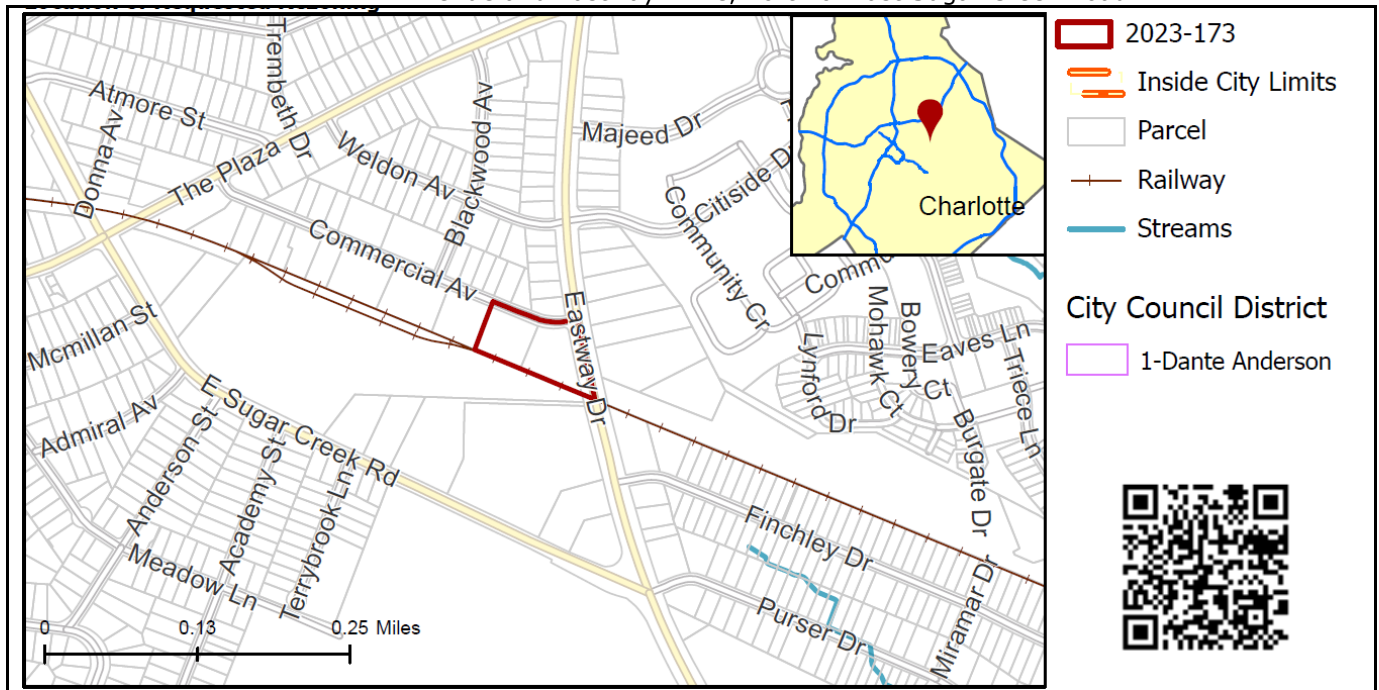


**REQUEST**

Current Zoning: OFC (office flex campus) and ML-1 (manufacturing & logistics - 1)  
Proposed Zoning: IMU (innovation mixed-use)

**LOCATION**

Approximately 2.06 acres located at the southwest intersection of Commercial Avenue and Eastway Drive, north of East Sugar Creek Road.



**SUMMARY OF PETITION**

The petition proposes to allow all uses in the innovation mixed-use district on parcels that are largely vacant aside from the cell tower located on the site's western edge.

**PROPERTY OWNER**

NXT Acquisition, LLC

**PETITIONER**

Josaih Boling

**AGENT/REPRESENTATIVE**

Gary Cummings, V3 Southeast

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 4

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for Innovation Mixed-Use on a portion of the site and **inconsistent** with the recommendation for Neighborhood 2 for the remainder of the site.

Rationale for Recommendation

- Located between The Plaza and Eastway Drive corridors, Commercial Avenue hosts various industrial, commercial and institutional uses, some of which service nearby residents in the Neighborhood 1 areas that comprise much of this area.
- The innovation mixed-use zoning district is compatible with the adjacent uses and zoning, almost all of which is ML-1. The innovation mixed-use zoning district is intended for areas such as these which are situated against former or transitioning industrial areas that may also abut

neighborhoods or activity centers with a mix of office, commercial, and residential uses. The application of the IMU zoning district would provide a better transition between the industrial development along Commercial Avenue and the largely residential uses to the north and east.

- The proposal would bring the site into consistency with the portion of the *2040 Policy Map (2022)* that calls for the Innovation Mixed-Use Place Type for half of the rezoning site as well as the vast majority of the parcels along Commercial Avenue.
- The portion of the site designated as Neighborhood 2 on the *2040 Policy Map* is not reflective of the existing zoning or uses. Bringing the site in its entirety under one Place Type would be more appropriate than reserving the corner parcel along Eastway Drive as Neighborhood 2 when it is not adjacent to any other parcels under the same Place Type or multi-family residential uses.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
  - 1: 10 Minute Neighborhoods

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map* from Neighborhood 2 for a portion of the site to Innovation Mixed-Use.

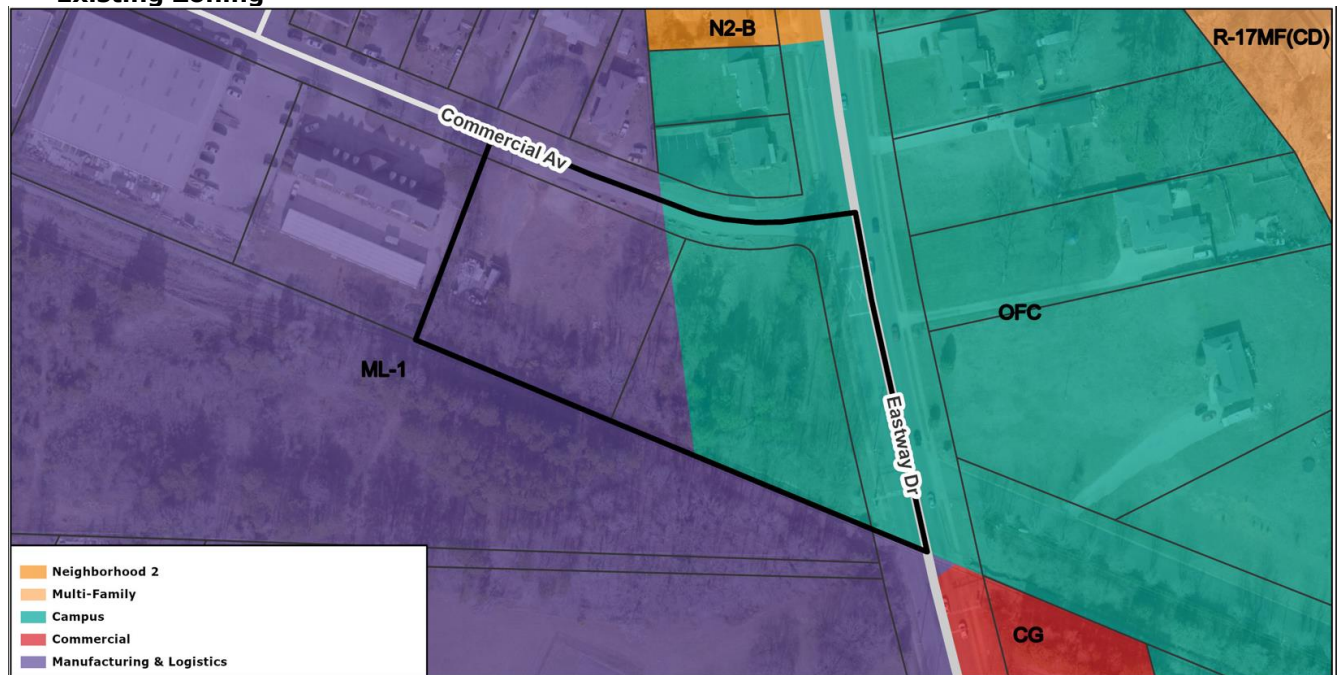
**PLANNING STAFF REVIEW**

• **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.

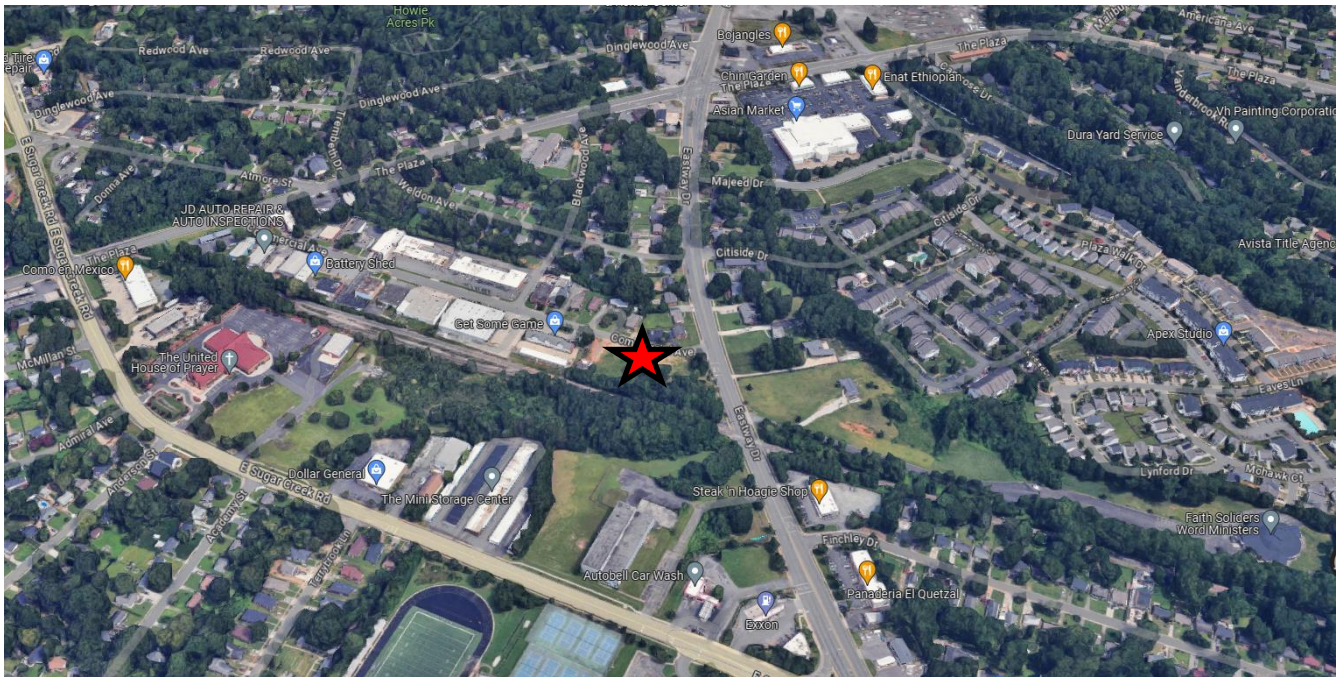
- Proposes to allow all uses permitted by-right and under prescribed conditions in the innovation mixed-use zoning district.

• **Existing Zoning**



- The site is currently zoned ML-1 and OFC and is in an area with OFC, CG, ML-1, N2-B and R-17MF(CD) zoning.





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



- North of the site are commercial and single family residential uses.



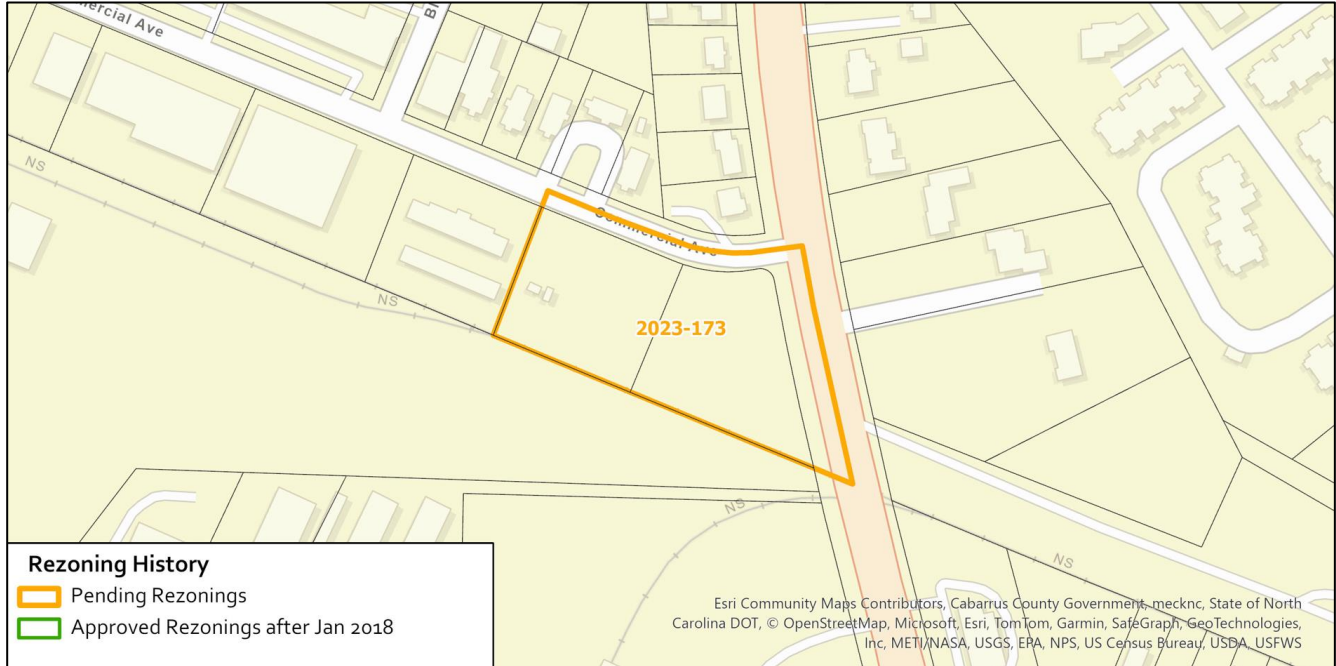
- East of the site are single family residential uses.



- South of the site are commercial uses.

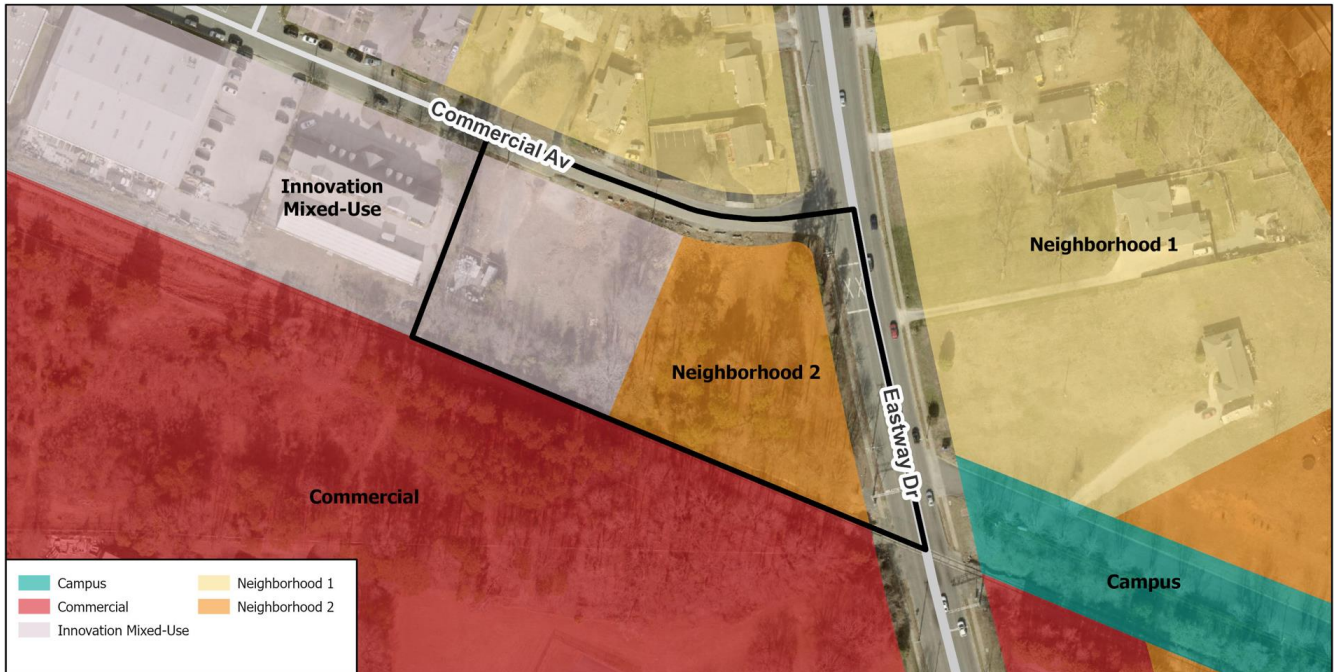


• **Rezoning History in Area**



- There have been no recent rezonings in the area.

• **Public Plans and Policies**



- The 2040 Policy Map (2022) calls for Innovation Mixed-Use and Neighborhood 2.

• **TRANSPORTATION SUMMARY**

- The site is located adjacent to Commercial Avenue, a City-maintained local street, west of Eastway Drive, a State-maintained major arterial. A Comprehensive Transportation Review (CTR) is not necessary for the complete review of this petition due to the conventional rezoning. A CTR will be required during permitting if the site generates site trips over ordinance thresholds. The site will be subject to transportation improvements in accordance with the UDO and the adopted CDOT Streets Map. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated with this place type and zoning district.

• **Active Projects:**

- There are no active projects near the site.

- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 0 trips per day (this site is vacant).
    - Entitlement: 420 trips per day (based on office and light industrial uses).
  - Proposed Zoning: Too many uses to determine trip generation.

#### **DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined. Existing school utilization percentages are as follows:
  - Highland Elementary currently at 123%
  - Martin Luther King, Jr Middle currently at 95%
  - Garinger High currently at 99%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water main along Eastway Dr. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Eastway Dr. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No comments submitted.
- **Long Range Planning:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry / City Arborist:** No comments submitted.

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**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**  
**Planner:** Holly Cramer (704) 353-1902