



## **Memo**

To: Honorable Mayor Armitage; City Council  
From: Bryan Myrkle, Community Development Director  
Date: September 2, 2022  
Re: Request for rezone – 243 State St., including need for variance

## **Background**

As City Council members no doubt remember, a prospective purchaser of the property at 243 State St has requested the City consider rezoning the property from I-1 Light Industrial to MX-1 Mixed Use Overlay District. The purpose of the rezone would be to allow him to create a small residential apartment for himself within the building where he would also be conducting an auto repair business.

MX-1 is an overlay district, meaning that if MX-1 is applied to the parcel, use and development can proceed according to either the mixed-use designation, or the original, underlying industrial designation.

The MX-1 zoning designation was created in Charlotte in 2014, and has not been frequently used. While the primary purpose for the designation was to allow for mixed-use residential and commercial development outside the downtown district, a light industrial component was included at the time. Furthermore, the applicant has indicated that he would be able to comply with most or all of the other conditions of the ordinance.

The City of Charlotte Planning Commission held the required public hearing at its August meeting, and there were no comments received from the public on this issue. However, the Planning Commission did discuss the proposal extensively, and is unanimously recommending its adoption with a variance addressing those aspects of the building that deviate from the normal MX-1 zoning standards.

As previously discussed, because this building is not a downtown-style commercial storefront, it does not have certain site features that are assumed by the MX-1 ordinance. The building has fewer street-facing windows than technically required, as well as customer parking in the front instead of the rear, and only a single story rather than multiple stories.

The Planning Commission did not feel that these conditions warrant a denial of the request; and constitute a deficiency in a seldom-used part of our ordinance, rather than a problem with

the proposal. As all variances require justification for approval, city staff believes it is sufficient to note that it would be very impractical for this reuse to require the relocation of a parking lot, the construction of a second story and the installation of new storefront windows.

Overall, the Planning Commission was very supportive of this request and this proposed reuse of the property.

### **Recommendation**

- 1.) Approve the second reading and adoption of the ordinance that would rezone 243 State Street from I-1 Light Industrial to MX-1 Mixed Use Overlay.
- 2.) Approve a variance to the required conditions of an MX-1 zoning classification, to include a reduction in the number of street-facing windows, the location of customer parking and the requirement that the building be 2 or more stories.

### **Financial Impacts**

Other than the indirect impact associated by the reuse and redevelopment of an existing structure here in the City, there is no financial impact.

### **Suggested Motion**

[I move that] City Council approve the second reading and adoption of Ordinance No. 2202-05.

[I move that] Zoning Board of Appeals approve a variance from MX-1 zoning standards in regard to the number of street-facing windows, the location of customer parking and multi-story construction at 243 State Street for the purposes of rezoning.