

REQUEST	Proposed Zoning: UMUD-O, SPA, uptown mixed use district, optional, site plan amendment
LOCATION	Approximately 0.54 acres located on the northern corner at the intersection of South Caldwell Street and East Third Street.
CENTER, CORRIDOR OR WEDGE	Center
SUMMARY OF PETITION	This petition proposes a site plan amendment to allow all uses in UMUD.
STAFF RECOMMENDATION	Staff recommends approval this petition upon resolution of the outstanding issues. This petition is consistent with the <i>Center City 2010 Vision Plan</i> .
Property Owner	Small Brothers Charlotte, LLC
Petitioner	James Small
Agent/Representative	Charles M. McClure
Community Meeting	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Background**
This property was rezoned on January 22, 2002 to allow the construction of 127 residential condominium units on top of a 308-space parking deck, and a minimum of 1,600 square feet of ground floor office/retail space. The following optional provisions were approved as part of this request:
 - Encroachment into the required 12-foot setback along Caldwell and East Third Streets (no less than 70 feet above the sidewalk to prevent conflicts with the required street trees).
 - Maneuvering of service vehicles into the right-of-way at the loading/service areas along Caldwell Street between the hours of 10 p.m. to 6 a.m.
- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Retention of the originally approved optional provisions from Petition 2001-135.
 - Expansion of uses to allow all uses within the UMUD district will be permitted.
 - Re-installation of street trees removed by previous developer.
 - Restrictions related to location and time of loading and unloading associated with the building.
 - Requirement that any use requiring check-in will occur on the second floor (first parking level) of the parking deck.
 - Limitation on the location and size of service vehicles.
 - Commitment to work with CDOT during construction plan approval process to resolve ingress/egress driveway circulation issues and pedestrian site issues.
- **Existing Zoning and Land Use**
The subject site contains an unfinished high-rise residential condominium development. All adjacent properties are zoned UMUD and UMUD-O and developed with office, retail, institutional and cultural uses.
- **Rezoning History in Area**
Recent rezonings in the area include: Petition 2007-120 approved a UMUD-O request to allow additional signs and allow the required street trees to be relocated into the plaza area of the Nascar Hall of Fame complex. Petition 2008-096 established UMUD zoning on right-of-way that was released due to the realignment of the I-277/South Boulevard Interchange. Petition 2008-129 approved a UMUD-O site plan amendment to allow the option to add signage for the City of Charlotte Arena.

- **Public Plans and Policies**

- The *Center City 2010 Vision Plan* (2000) envisions the Uptown as having a variety of living, entertainment, and cultural activities.
 - This petition is consistent with the *Center City 2010 Vision Plan*.
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PUBLIC INFRASTRUCTURE (see full department reports online)

- **Vehicle Trip Generation:**

Current Zoning: 635 trips per day.
Proposed Zoning: 2,000 trips per day.

- **CDOT:** CDOT has submitted the following requirement that must be satisfied prior to driveway permit approval and should be shown on the site plan as appropriate:
 1. Reservation of adequate sight triangles at the existing /proposed East Third and Caldwell Streets entrances and where public sidewalks are affected by vehicles exiting the site.
 - **Charlotte Fire Department:** No comments received.
 - **CATS:** No issues.
 - **Connectivity:** No issues.
 - **Neighborhood and Business Services:** No issues.
 - **Schools:** CMS does not comment on UMUD rezoning petitions because of the wide range of uses permitted.
 - **Park and Recreation:** No comments received.
 - **Urban Forestry:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** No issues.
 - **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - Minimizes impacts to the natural environment by building on an infill lot.
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OUTSTANDING ISSUES

- The petitioner should:
 1. The petitioner should show on site plan reservation of adequate sight triangles at the existing /proposed East Third and Caldwell Streets entrances, along with provision of 10' x 10' pedestrian sight triangles where public sidewalks are affected by vehicles exiting the site.
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Attachments Online at www.rezoning.org

- Application
- CATS Review
- CDOT Review
- Community Meeting Report
- LUESA Review
- Neighborhood and Business Services Review
- Site Plan
- Storm Water Review
- Urban Forestry