

REQUEST	Current Zoning: I-2(CD) (general industrial, conditional) Proposed Zoning: MUDD(CD) (mixed use development, conditional) with five year vested rights
LOCATION	Approximately 20.91 acres located at the intersection of NC Music Factory Boulevard and Hamilton Street generally surrounded by Interstate 77, West Brookshire Freeway, and Seaboard Coast Line Railroad. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes a maximum of 670,000 square feet of non-residential uses, a 200-room hotel, and 440 dwelling units.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>Center City 2020 Vision Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Silver Hammer Properties, LLC and Hamilton Street Properties, LLC Silver Hammer Properties, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

PLANNING STAFF REVIEW

• **Background**

- The subject site was rezoned under petition 1986-022, which allowed a maximum of 325,000 square feet for fabrication and manufacturing uses and prohibiting commercial billboards as a permitted use.
- The adjacent properties, owned by a related entity, form what is known as the "NC Music Factory." The properties have undergone multiple rezonings over the years. However, the development rights that existed pursuant to the rezoning petitions have not been exhausted. The owner wishes to incorporate a portion of the development rights into the properties under consideration by this petition in order to mitigate traffic impacts.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Three development areas; A, B and C.
- Up to 670,000 square feet of non-residential uses. Retail sales and eating/drinking/entertainment establishments are limited to 10,000 square feet.
- Maximum of 200 hotel rooms.
- Up to 440 residential dwelling units.
- An additional 90,000 square feet of non-residential uses, excluding retail uses and eating/drinking/entertainment establishments may be developed by reducing the amount of residential units at the rate of one residential unit per 1,000 square feet of gross floor area devoted to nonresidential uses.
- Up to 160 additional residential units may be developed by reducing the amount of non-residential gross floor area permitted at the rate of 1,000 square feet of gross floor area per residential unit.
- Transfer of development rights under petition 2014-022 to the subject site.
- Three internal private streets with cross-sections showing planting strips and sidewalks.
- Access to the site will be provided from Hamilton Street.
- Eight-foot planting strip and six-foot sidewalk along Hamilton Street.
- Architectural design guidelines for portions of the site to regulate how buildings will address public streets, private streets, open space areas, and parking areas.
- Proposed building elevations of building proposed in Development Area A.
- Maximum building height of 120 feet.
- Maximum detached lighting height of 25 feet.
- Building materials will be a combination of glass, brick, stone, simulated stone, precast stone, precast concrete, aluminum store front and curtain wall systems, architectural concrete, metal panels, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material

- will not be allowed except on windows and soffits.
- Commits to filing an Administrative Amendment to reduce the development rights on the adjacent "NC Music Factory" site.
- **Existing Zoning and Land Use**
 - The subject properties are developed with an office warehouse use, an eating, drinking, and entertainment establishment, and a parking lot. Surrounding properties bounded by Interstate 77 and West Brookshire Freeway consist of the NC Music Factory, which is comprised of office, retail and entertainment uses in MUDD-O (mixed use development, optional) zoning, and office/warehouse uses and vacant lots in I-1 (light industrial) and I-2 (general industrial). Property located on the south side of the railroad tracks is zoned UR-3 (urban residential) and is occupied with a cemetery.
- **Rezoning History in Area**
 - Petition 2014-22 approved MUDD-O SPA (mixed use development, optional, site plan amendment) for 9.18 acres located on the northeast corner at the intersection of Hamilton Street and NC Music Factory Boulevard to allow the installation of five detached digital solar powered advertising signs.
 - Petition 2011-03 approved a MUDD-O SPA (mixed use development, optional, site plan amendment) for 1.77 acres along the east side of Hamilton Street between Seaboard Street and West Brookshire Freeway to allow an optional provision for a two-sided roof mounted sign.
- **Public Plans and Policies**
 - The *Center City 2020 Vision Plan* (2011) recommends a variety of residential, office, retail, entertainment, and cultural uses for the subject site.
 - The petition is consistent with the *Center City 2020 Vision Plan* (2011).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT requests the following changes to the rezoning plan:

Study Intersection - 1

1. North Graham Street and North Carolina Music Factory Boulevard
 - a. CDOT agrees with the proposed traffic and pedestrian improvements at this intersection, with the exception of adding a crosswalk and pedestrian poles to the NB N Graham approach. After further review CDOT staff requests a crossing be added at this location. See Figure 1. The only other reasonable mitigation would be to add the 2nd right turn. Given that adding the dual rights is of marginal benefit and would widen the intersection to make crossing more difficult for pedestrians, we do not recommend it at this time. Instead, CDOT recommends additional pedestrian improvements at Study Intersection 3 and for the petitioner to contribute to an adjacent City project to add sidewalk from West 10th Street to West 12th Street.

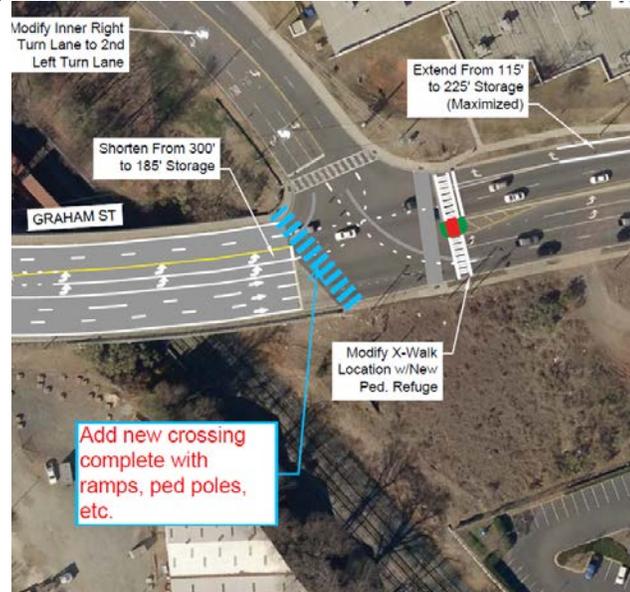


Figure 1

Study Intersection – 2

2. North Graham Street and Statesville Road

- a. CDOT agrees that no other reasonable traffic mitigations at this intersection are possible at this time.

Study Intersection – 3

3. North Graham Street and West 12th Street

- a. CDOT agrees with the proposed mitigations except for the statement regarding pedestrian accommodations at this intersection. The only crossing that exists at this intersection is a skewed crossing located on the SB approach with no refuges. Thus, CDOT requests that the existing crossing be brought up to current standards and new crossings with pedestrian refuges be added. There will be signal pole relocation, pedestrian pole additions, and other incidental signal work as part of this project. See Figure 2 below for a conceptual plan.

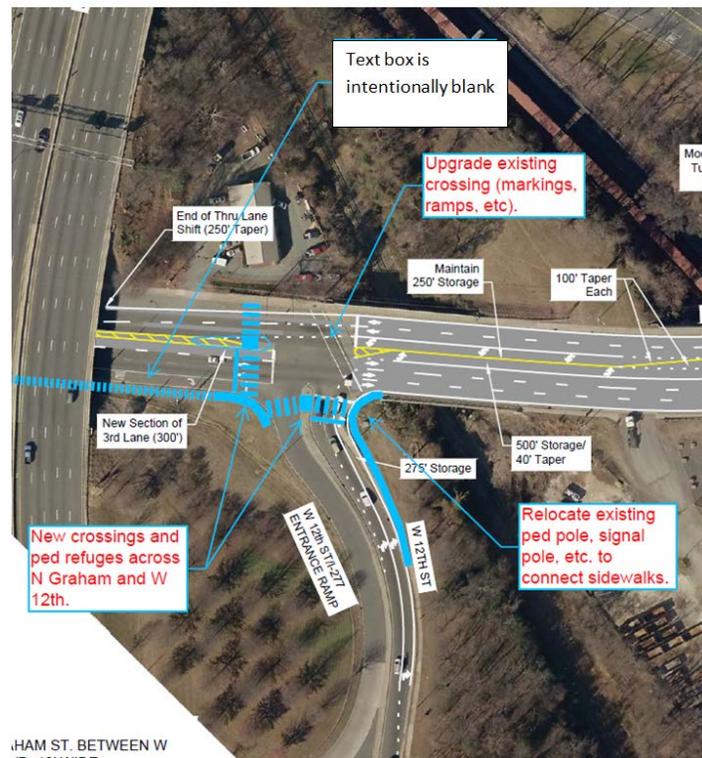


Figure 2

4. CDOT requests the petitioner investigate extending North Carolina Music Factory Boulevard (NCMFB) into the new development area to receive a large portion of vehicular trips to the office and parking areas. By doing this, the intersection of NCMFB and Hamilton Street becomes realigned to a T-intersection configuration. The petitioner should analyze this T-intersection and make recommendations as to the appropriate traffic control device (e.g. stop signs or signal). See Figure 3 below.

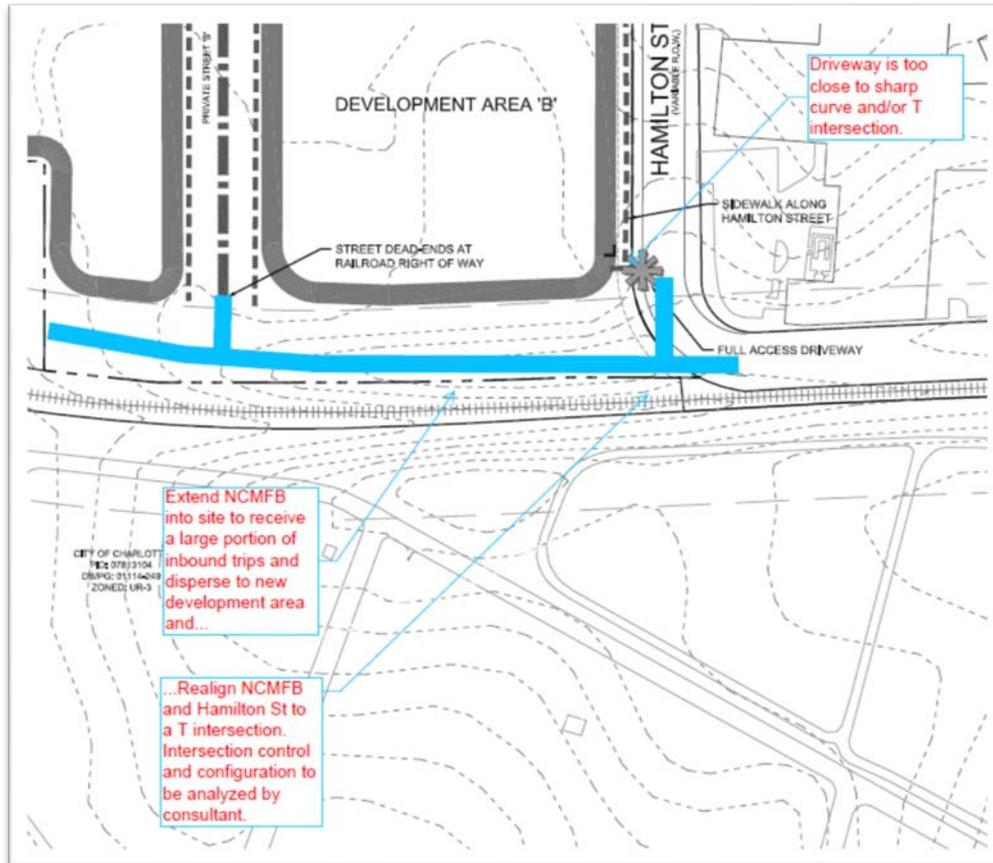


Figure 3

5. CDOT has concerns over the current lane configuration and streetscape elements of Hamilton Street and whether the current 4-lane undivided, tapering down to 2-lanes can process the future trips associated with this development. Also, there are overlapping parallel parking markings for entertainment special events. Overlapping special event traffic and office traffic could cause congestion along Hamilton Street if the parking spaces are occupied. In addition, the existing sidewalk widths along Hamilton Street need to be 8' minimum given the character and density of the proposed development. CDOT requests the petitioner analyze the repurposing of Hamilton to the following cross-section: 8' sidewalk, 8' planting strip, 2.5' curb and gutter, 11' through lanes, 12' two-way left-turn lane, 5' parallel parking, 2.5' curb and gutter, 8' planting strip, 8' sidewalk (where possible). This layout would allow curb extensions at intersections to shorten pedestrian crossing distances. See Figure 4 below.



Figure 4

6. CDOT requests the petitioner show building design and parking deck placement in a manner, which encourages pedestrians to cross in logical places; preferably at intersections.
7. CDOT requests the petitioner explore traffic calming measures within the Historic Greenville Community to the north of the site. Due to the sizable change of entitlements to include up to 660,000 square feet of office space, it is foreseeable that a significant portion of the office workers may utilize neighborhood streets on a daily basis to access Statesville Avenue and Oaklawn Avenue.
- **Vehicle Trip Generation:**
Current Zoning: 17,200 trips per day.
Proposed Zoning: 16,000 trips per day.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 188 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 188 students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** Petitioner should provide a wetlands letter and show tree protection areas for trees in the public right-of-way.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** Dedicate and convey area for the Irwin Creek Greenway to Mecklenburg County.
 - **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Submit an administrative amendment for the adjacent parcels rezoning by petition 2014-022 to reduce the amount of developable square footage by what is being added to this site.
 2. Modify note 1(C) to include that all modifications will be in accordance with Section 6.2 of the Zoning Ordinance.
 3. Address Transportation comments.
 4. Address Engineering and Property Management comments.
 5. Address Mecklenburg County Parks and Recreation Department comments.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Solomon Fortune (704) 336-8326