

**REQUEST**

Text amendment to Section 9.703.

**SUMMARY OF PETITION**

The petition amends office zoning districts (O-1, O-2, and O-3) to modify the standards for retail, indoor recreation, and eating/drinking/entertainment establishments (Type 1 and Type 2) when located in a pedestrian overlay (PED).

Retail, indoor recreation and eating/drinking/entertainment uses are currently allowed, under prescribed conditions, within the office zoning districts when the uses are located in hotels and motels, multi-family buildings, or office buildings.

The proposed modifications to the prescribed conditions for these uses revise the size limitations, external entrances, and display of merchandise. The petition will bring these conditions into alignment with the purpose of the Pedestrian Overlay District (PED) by allowing these uses to be designed so they are more pedestrian oriented.

**PETITIONER  
AGENT/REPRESENTATIVE**

Pappas Properties  
Walter Fields, III, Walter Fields Group

**COMMUNITY MEETING**

Meeting is not required.

**STATEMENT OF  
CONSISTENCY**

- The Zoning Committee found this petition to be consistent with the *Centers, Corridors and Wedges Growth Framework*, based on information from the staff analysis and the public hearing, and because it meets the plan goals to provide:
  - A greater mix of commercial uses; and
  - A range of choices for employment and entertainment opportunities.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The existing office zoning districts currently limit the size and design of retail, indoor recreation and eating/drinking/entertainment establishment (Type 1 and Type 2) uses in a manner unsupportive of the goals of the pedestrian overlay district (PED). The proposed amendment changes certain standards to better support a pedestrian friendly environment and reinforce the purpose of the PED zoning district; and
  - The proposed amendment increases the amount of allowable retail, indoor recreation and eating/drinking/entertainment establishment uses to encourage more ground floor activation; and
  - The proposed amendment revises the design standards for external entrances and merchandise display to support active street-oriented retail uses; and
  - The proposed amendment clarifies the standards on location of these uses;

By a 6-0 vote of the Zoning Committee (motion by Labovitz seconded by Wiggins).

**ZONING COMMITTEE  
ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

**VOTE**

Motion/Second: Wiggins / Dodson  
Yeas: Dodson, Eschert, Labovitz, Majeed, Sullivan, and Wiggins

	Nays:	None
	Absent:	Lathrop
	Recused:	None
<b>ZONING COMMITTEE DISCUSSION</b>	Staff presented a brief overview of the text amendment. A Commissioner asked if outdoor display of merchandise was allowed. Staff responded that merchandise could be displayed outside or could be visible from outside the building.	
	Staff noted that this petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> . There was no additional discussion.	
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.	

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The text amendment contains the following provisions:

- Clarifies the requirements for retail, office, eating/drinking/entertainment establishments (EDEE) and indoor recreation located in office districts (O-1, O-2 and O-3) by adding new subsections that separate the requirements based on whether the use is located in a pedestrian overlay (PED) or not.
- Provides prescribed conditions for retail, office, indoor recreation, and eating/drinking/entertainment establishments (EDEE) in the office zoning districts (O-1, O-2 and O-3) with a pedestrian overlay (PED), for:
  - Retail and EDEE uses in hotel or motel buildings with at least 75 rooms;
  - Retail, office, indoor recreation and EDEE uses in multi-family buildings with at least 50 units; and
  - Retail and EDEE uses in office buildings that are part of a development with at least 30,000 square feet of office use.
- Allows amount of the retail, office, indoor recreation or EDEE uses as follows:
  - For hotel/motel buildings, retail and EDEEs may occupy up to 20% of the gross floor area of the hotel or motel buildings located within the development, and only locate on the ground floor, mezzanine or the top floor of any component of the structure. No more than 30% of the allowable floor area provided for these uses to be located on the top floor of any component of the structure. Currently, the square footage allowed for these uses is 75 square feet per room. The existing standards do not limit the location of these uses.
  - For multi-family buildings, retail, office, indoor recreation and EDEE uses may occupy up to 20% of the gross floor area of multi-family buildings located within the development if the establishment(s) is on the ground floor or mezzanine level. Currently, the square footage allowed for these uses in the office districts is 25 square feet per dwelling unit, up to 10,000 square feet. The existing standards do not limit the location of these uses.
  - For retail establishments and EDEEs in office buildings, these uses may occupy up to 20% of the square footage of the office buildings located within the development if the establishment(s) is on the ground floor or mezzanine level of an office building. Currently the square footage is limited to 20% of the gross floor area on the lot, and does not allow the calculation to be based on the development. In addition, the use is not required to be located within an office building but can be located within the office development.
- Requires Type 2 EDEEs to be subject to the standard separation requirements for these uses. A Type 2 EDEE is a business where alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment.
- Requires that any rooftop outdoor seating/activity area for an eating/drinking/entertainment establishment (Type 1 or Type 2) be located at least 250 feet from the nearest property line of any residential use (single family, duplex, triplex or quadraplex only) or vacant lot located in a single family zoning district. The existing standards require a 100 foot separation for an outdoor seating/activity area operating between the hours of 11:00 PM and 8:00 AM only for an EDEE (Type 2). Currently, there are no supplemental regulations pertaining to rooftop facilities.
- Permits ground floor retail, office, indoor recreation or EDEE uses to display merchandise that is visible from outside the building. The current zoning text does not allow the merchandise to be visible from outside.
- Allows ground floor retail, office, indoor recreation or EDEE uses to have entrances external to

the building. The current text allows external entrances when these uses are in office or hotels/motels, but does not allow them when the uses are in multi-family buildings.

- **Public Plans and Policies**

- The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a greater mix of commercial uses, and a range of choices for employment and entertainment opportunities.

- **TRANSPORTATION CONSIDERATIONS:** No issues.

- CDOT's review of this rezoning petition is intended to ensure consistency with the Transportation Action Plan (TAP). The TAP seeks to ensure that Charlotte's transportation network supports current and future land uses and includes streets that provide safe and comfortable mobility for motorists, pedestrians, bicyclists, and transit users.
- CDOT does not have any comments on this text amendment.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sandra Montgomery (704) 336-5722