

<b>REQUEST</b>	Current Zoning: UMUD (uptown mixed use) Proposed Zoning: UMUD-O (uptown mixed use, optional)
<b>LOCATION</b>	Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9 <sup>th</sup> Street. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses permitted in the UMUD (uptown mixed use), including high intensity residential, office, and retail, and requests optional site modification for balconies extending into the building setback.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Skyhouse Charlotte II, LLC Skyhouse Charlotte II, LLC Jeff Brown & Keith MacVean / Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>Charlotte Center City 2020 Vision Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• While the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The <i>Center City Transportation Plan</i> identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and</li> <li>• The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and</li> <li>• The proposed balconies will not interfere with the street or sidewalk activity; and</li> <li>• The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and</li> <li>• If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable;</li> </ul> <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Wiggins).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added that "The Petitioner will work with the City Urban Forester and the Planning Department on the location and selection of the proposed street trees along W. 9<sup>th</sup> Street to minimize the potential conflict with the proposed balconies."</li> <li>2. Pages two, three and four have been removed from the submittal.</li> </ol>
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<b>VOTE</b>	Motion/Second:	Wiggins/Majeed
	Yeas:	Dodson, Wiggins, McClung, Sullivan, and Majeed
	Nays:	None
	Absent:	Eschert, Labovitz, and Nelson
	Recused:	Lathrop
<b>ZONING COMMITTEE DISCUSSION</b>	Staff presented this item and noted that all the outstanding issues had been addressed. There was no further discussion of the petition.	
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.	

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

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A new 24-story building.
- All uses permitted in the UMUD (uptown mixed use) district in the new building.
- A 16-foot setback along West 9<sup>th</sup> Street and a 14-foot setback along North Church Street.
- Recessed on-street parking on West 9<sup>th</sup> Street.
- Site will comply with UMUD (uptown mixed use) requirements set forth in the Zoning Ordinance, with the exception of the following optional request:
  - To allow balconies to extend up to seven feet into the required setback along West 9<sup>th</sup> Street. The proposed balconies will maintain a minimum clearance of 15 feet between the bottom of the balconies and the sidewalk above West 9<sup>th</sup> Street, and will not encroach into the street right of way. This is a site-specific proposal which will allow the indicated addition of on-street parking along the West 9<sup>th</sup> Street frontage.

• **Public Plans and Policies**

- The *Charlotte Center City 2020 Vision Plan* (2011) does not make a specific land use recommendation for this site. However, the plan encourages active uses at the ground floor of buildings.
- The *Center City Transportation Plan* (2006) encourages recessed on-street parking on both the north and south sides of West 9th Street, although this has been foregone in some residential locations.
- The petition supports the *General Development Policies – Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

**Transportation Considerations:** No issues.

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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**OUTSTANDING ISSUES**

- 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 Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Transportation Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** Solomon Fortune (704) 336-8326