

REQUEST	Current Zoning: NS (neighborhood services) Proposed Zoning: MUDD-O (mixed use development, optional), with five-year vested rights
LOCATION	Approximately 1.68 acres located on the northwest corner at the intersection of East Seventh Street and North Caswell Road. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the redevelopment of a site in the Elizabeth neighborhood with a mixed use development to include residential, retail, eating/drinking/entertainment establishments (EDEEs), and office uses.
PROPERTY OWNER	Redan Boulevard East Seventh Street LLC c/o College Street Partners, LLC
PETITIONER	FCD-Development, LLC
AGENT/REPRESENTATIVE	John Carmichael/ Robinson Bradshaw & Henson
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 59
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found the proposed uses to be consistent with the <i>Elizabeth Area Plan</i>; however, they found the proposed height to be inconsistent with the <i>Elizabeth Area Plan</i> based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The plan recommends a mix of residential, office and retail uses in the area in which the site is located; and• The proposed height of 58 feet for Building A and 48 feet for Building B is higher than the recommendation of a maximum building height of 40 feet along Seventh Street, except for a corner element of 60 feet at the intersection of Seventh Street and Caswell Road.• However, 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:<ul style="list-style-type: none">• The proposed development will provide a mix of residential and non-residential uses that will reinforce Seventh Street as Elizabeth's primary retail corridor; and• The proposed site plan includes a mix of active residential and nonresidential uses on the ground floor that are oriented to the sidewalk network; and• The petition also provides architectural design commitments for the ground floor and street facing facades that encourage pedestrian activity and complement the pedestrian environment; and• The proposed maximum building height of 58 feet for the building at the corner of East Seventh Street and Caswell Road, and the maximum building height of 48 feet for the second building fronting Seventh Street, is inconsistent with the plan recommendation for a maximum building height of 40 feet; however, the increase in height above the plan recommendation for the majority of the development will accommodate usable ground floor non-residential uses; and• The development will be divided into two buildings and as a result will decrease the massing from the single building originally proposed; and• The development provides parking beyond the ordinance requirements in order to ensure that parking demand will be met onsite;

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

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. An eight-foot planting strip and an eight-foot sidewalk have been shown along Caswell Road. 2. A 16-foot setback has been labeled and shown along North Caswell Road. 3. The five-foot pedestrian connection along the northern edge of the development has been labeled. 4. Note 5C has modified to be consistent with how height is measured in the Zoning Ordinance; total height of the proposed buildings will be 58 feet for building A and 48 feet for building B. 5. Note 5R has been modified to read: "Petitioner will provide a signed letter from the Elizabeth Community Association to the Planning Department stating the funds for community art have been received by the Elizabeth Community Association prior to the first Certificate of Occupancy." 6. Note 10A has been modified to read: "A letter and elevations will be provided to the Elizabeth Community Association when plans are submitted to the City of Charlotte for review".
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VOTE

Motion/Second: Labovitz / Eschert
 Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins
 Nays: None
 Absent: Dodson
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff noted that this petition is inconsistent in regards to height with the *Elizabeth Area Plan* but the proposed use is consistent with the *Elizabeth Area Plan* and that the proposal had several outstanding issues that have been addressed since the public hearing.

One Commissioner asked if staff was comfortable with the proposed scale and massing and design of the proposed buildings. Staff responded that they were comfortable with the scale and massing and the conditional site plan provides architectural standards for the proposed buildings. There was no further discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - On March 21, 2016, the City Council held a public hearing on this request to rezone the subject site from NS (neighborhood services) to MUDD-O (mixed use development, optional), with five-year vested rights. At that meeting several neighborhood members voiced concerns about the parking, site access, and massing of the proposed building. There have been significant changes to the site plan since the first public hearing. They include: breaking the development into two proposed buildings, setback modifications, building elevations, and changes in the requested optional provisions. Due to the number of changes to the site layout and conditional notes, staff felt another public hearing would allow for the public and City Council to review and comment on the new site plan.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Allowance for up to 100 multi-family residential units, and 30,000 square feet of non-residential uses which may be devoted to office, retail and eating/drinking/entertainment establishments

(EDEE) in two buildings.

- 21-foot setback along Seventh Street, which includes an eight-foot sidewalk and six-foot planting strip.
- 16-foot setback along Caswell Road, which includes an eight-foot planting strip and eight-foot sidewalk.
- Five-foot wide pedestrian connection along the northern edge of the building.
- Maximum building height of 58 and 48 feet for the two buildings along Seventh Street façade and along the proposed alley façade.
- Building elevations labeled with proposed building materials.
- Prohibition on the use of thin brick, concrete masonry unit (CMU), vinyl except for soffits and window trim, and non-architectural concrete masonry units.
- Two proposed vehicular access points along Seventh Street and Caswell Road.
- Proposed open space area with public art at the intersection of Caswell Road and Seventh Street.
- Notes for vehicular access to the structured parking via an existing alley that will be upgraded.
- One parking space per 250 square feet for retail uses, one space for 333 square feet for office uses, one space per 100 square feet for eating/drinking/entertainment establishments and one space per each bedroom per dwelling unit.
- A note that eating/drinking/entertainment establishments (EDEE) may not play live or recorded music after 11:00 PM outdoors.
- The petitioner will provide a signed letter from the Elizabeth Community Association stating the \$25,000 dollars for a community improvement project have been received by the Elizabeth Community Association. The letter will be provided to the Planning Department before the first Certificate of Occupancy for a new building constructed on the site.
- At the time the Petitioner submits site plans and building elevations to the City of Charlotte for the urban review process, the petitioner will also submit copies to the Elizabeth Community Association Board for the purpose of notifying them of the commencement of the urban review process for this development. A decision as to whether or not the site plans and building elevation comply with the Rezoning Plan will be made solely by the Planning Department and other applicable governmental departments.
- Requested optional provisions:
 - Upper level balconies may encroach up to five feet into the setbacks along all public streets.
 - The proposed open space/plaza area may encroach into the setbacks along Seventh Street and Caswell Road.
- **Public Plans and Policies**
 - The *Elizabeth Area Plan* (2011) recommends a mix of residential, office and retail uses for the area in which the site is located. Single use residential development may have densities greater than 22 dwelling units per acre. In general, buildings in this area should not exceed 40 feet in height. However, the intersection at East Seventh Street and North Caswell Road is identified as a location appropriate for increased height, up to 60 feet, at the corner.
- **TRANSPORTATION CONSIDERATIONS**
 - This site is at the intersection of Seventh Street and North Caswell Road. The area plan calls for the Seventh Street cross-section to remain the same. The petitioner completed a traffic analysis at CDOT's request to ensure the site access worked with the reversible lane conditions on Seventh Street. The access proposed for the site allows for internal circulation between uses and enables access from both Seventh Street and Caswell Road. The rezoning will improve the pedestrian environment by implementing streetscape improvements on the frontage. Although the existing intersection of Seventh Street and Caswell Road will need improvements over time, the physical constraints on this intersection are not located on this corner, and therefore there are no opportunities to make intersection improvements with this project. This proposal does not significantly increase the entitlements on the site and CDOT has no outstanding concerns.
 - Vehicle Trip Generation:
 - Current Zoning:
 - Existing Use: 630 trips per day (based on 7,000 square feet of restaurant use).
 - Entitlement: 2,400 trips per day (based on 8,000 square feet of retail and 12,000 square feet of restaurant uses).
 - Proposed Zoning: 2,500 trips per day (based on 100 apartment units, 15,000 square feet of office uses and 15,000 square feet of retail uses).

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 issues.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** The site has water and sewer system availability for the rezoning boundary via an existing six and eight-inch water main along Seventh Street and North Caswell Road and eight-inch sewer main located along Seventh Street.
 - **Engineering and Property Management:** Site shall comply with the City of Charlotte Tree Ordinance.
 - **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

- 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
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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