

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

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Plan Consistency</u> The proposed use is consistent with the <i>Elizabeth Area Plan</i> recommendation for a mix of residential, office and retail uses in the area in which the site is located.</p> <p>The proposed height of 58 feet for Building A and 48 feet for Building B is inconsistent with the <i>Elizabeth Area Plan</i> 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.</p> <p><u>Rationale for Recommendation</u></p> <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. • The proposed site plan includes a mix of active residential and nonresidential uses on the ground floor that are oriented to the sidewalk network. • The petition also provides architectural design commitments for the ground floor and street facing facades that encourage pedestrian activity and complements the pedestrian environment. • 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. • The development will be divided into two buildings and as a result will decrease the massing from the single building originally proposed. • The development provides parking beyond the ordinance requirements in order to ensure that parking demand will be met onsite.
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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, 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.
- 14-foot setback along Caswell Road, which includes an eight-foot planting strip and six-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.
- A note that allows for the Elizabeth Community Association to review the site plan and building elevations during the urban review process. The association can ascertain whether such plans and building elevations comply with the approved rezoning plan and communicate any concerns to the Planning Department.
- 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.
 - Deviation from the adopted streetscape along North Caswell from eight-foot planting strip and eight-foot sidewalk to an eight-foot planting strip and six-foot sidewalk.

• **Existing Zoning and Land Use**

- Rezoning petition 1993-025 and 1997-066 rezoned the subject property from B-1 (neighborhood business) to NS (neighborhood services) to permit the expansion of an existing restaurant use.
- The subject property is currently occupied by a mixture of office, retail and eating/drinking/entertainment establishments (EDEE).
- The properties to the north, south and east are zoned B-1 (neighborhood business), B-2(CD) (general business, conditional), NS (neighborhood services), and MUDD-O (mixed use development, optional), and are developed with retail and restaurant uses or under development for residential uses.
- The properties to the west are zoned R-43MF (multi-family residential) and O-2 (office) and developed with residential and office structures.

• **Rezoning History in Area**

- Petition 2014-084 rezoned property located at 1905 East Seventh Street from B-1 (neighborhood business) to MUDD-O (mixed use development, optional) to permit 91 multi-family dwelling units which are currently under construction.

- **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.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

1. Provide an eight-foot planting strip and eight-foot sidewalk along Caswell Road.
2. Modify the required setback along North Caswell Road to 16 feet.
3. Label five-foot pedestrian connection along the northern edge of the development.
4. Modify Note 5C to be consistent with how height is measured in the Zoning Ordinance.
5. Modify Note 5R to read: "Petitioner will provide a signed letter from the Elizabeth Community Association stating the funds for community art have been received by the Elizabeth Community Association. The letter will be provided to the Planning Department before the first Certificate of Occupancy."
6. Modify Note 10A to read: "A signed letter from the Elizabeth Community Association, stating that they have reviewed and approved elevations, will be submitted to the Planning Department prior to initiation of the Urban Review Process."

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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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