

**ZONING COMMITTEE
RECOMMENDATION
June 28, 2006**

Rezoning Petition No. 2006-55

Property Owner: Preferred Parking Service, Inc.

Petitioner: The VUE Charlotte, LLC

Location: Approximately 0.35 acres located north of the intersection of North Pine Street and West Fifth Street

Request: UMUD, uptown mixed use district to UMUD-O, uptown mixed use district – optional request

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of the petition.

Vote:

Yeas:	Carter, Cooksey, Farman, Howard, Ratcliffe and Sheild
Nays:	None
Absent:	Hughes

Summary of Petition

The petitioner seeks to develop a high rise residential tower together with other possible uses permitted under the UMUD zoning district on a 1.2 acre site located at the northeast intersection of North Pine Street and West Fifth Street. This petition seeks to rezone approximately 0.35 acres of the site from UMUD to UMUD-O to allow variations from the minimum UMUD standards for the area denoted as Development Alternative A. The balance of the development site will retain the existing UMUD zoning classification.

The optional request are as follows:

- Allow new building construction (including without limitation all building improvements and parking structures) located at least 30 feet above grade to encroach into the required setback along Pine Street for a distance up to two (2) feet.
- Balconies and other appurtenances located at least 30 feet above grade may encroach into the required setback along North Pine Street for a distance up to eight (8) feet.
- Clarify that Development Alternative A may take place in accordance with the setback and streetscape standards contemplated on the proposed site plan without regard to any policies,

guidelines, ordinances or regulations associated with the Center City Transportation Study, which seeks to establish guiding principles and policy recommendations regarding certain transportation and land use matters for streets and rights-of-way within Charlotte Center City, but has not yet been produced or adopted.

- Allow the developer to seek alteration(s) to the optional requests described in this rezoning petition upon application to the Charlotte-Mecklenburg Planning Director and any such alterations may be approved by the Planning Director, upon a determination that the same are substantially in keeping with the Optional provision(s) provided herein and with the overall intent and purposes of the UMUD district.
- The petitioners, its successors and assigns, reserves the right to develop the Development Site, and/or portions thereof, in a manner wholly different from the development depicted on the Technical Data Sheet and Schematic Site Plan (collectively, “Other Development Alternatives”) without the benefit of the Optional provision(s), provided that Other Development Alternatives are in accordance with UMUD requirements and minimum standards.

Zoning Committee Discussion/Rationale

Mr. MacVean explained that the petition seeks to allow new building construction located at least 30 feet above grade to encroach into the required setback along Pine Street for a distance up to two (2) feet and balconies and other appurtenances located at least 30 feet above grade to encroach into the required setback along North Pine Street for a distance up to eight (8) feet

Statement of Consistency

Commissioner Howard made a motion to find this petition consistent with the Center City 2010 Vision Plan (2000). Commissioner Ratcliffe seconded the motion, which was approved unanimously.

Vote

Upon a motion made by Sheild and seconded by Carter, the Zoning Committee unanimously recommended approval of this petition, as modified.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.