



# Brevard Street

## Text Amendment

### August 11, 2009

Charlotte - Mecklenburg  
Planning Department

## TONIGHT'S AGENDA

- Welcome and Introductions
- Background, Purpose and Process
- Presentation of Draft Text Amendment Provisions
- Review and Discussion of Follow-Up Information from the June 25<sup>th</sup> meeting
- Discussion of Key Issues
- Wrap Up and Next Steps



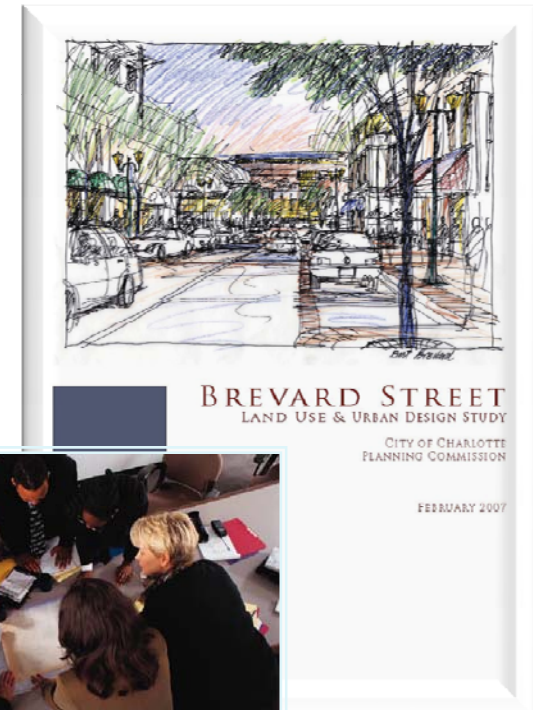
## WELCOME AND INTRODUCTIONS

- Name
- Are you a Property Owner? Adjacent Owner? Neighborhood Representative? Interested Citizen?



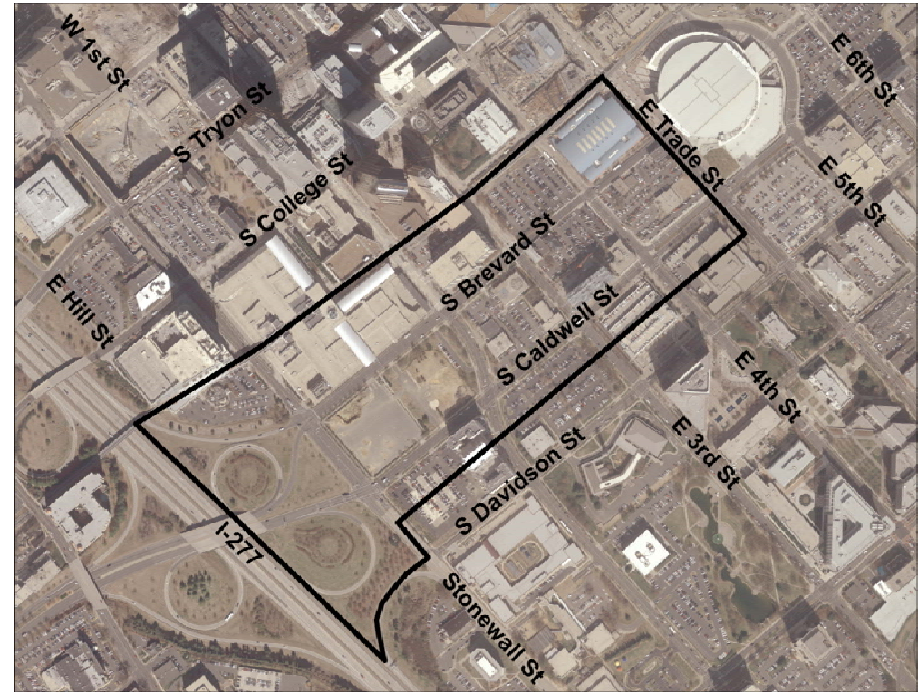
## BACKGROUND

- Maximize potential for development around City Investments:
  - Time Warner Cable Arena (\$258M)
  - Convention Center and Expansion (\$153M)
  - City Investment in NASCAR Hall of Fame (\$195M)
- Brevard Street Land Use and Urban Design Plan
  - Adopted by City Council in March of 2008
  - Vision: Create Signature Street, great public place
  - Stakeholder process, 3 public workshops
- Stakeholder process to assist with the development of preliminary modifications to the Zoning Ordinance regulations

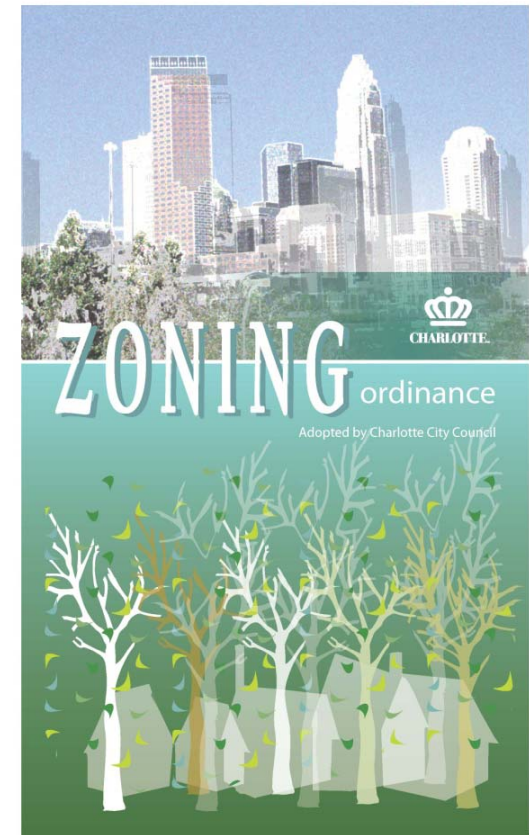


Roughly bounded by:

- The South Corridor LRT
- East Trade Street
- South Caldwell Street and
- I-277



- Review Brevard Street Land Use and Urban Design Plan
- Review preliminary modifications to the Zoning Ordinance based on the recommendations in the Brevard Street Plan
- Receive feedback on issues
- Present draft Text Amendment



## PROCESS AND TIMELINE

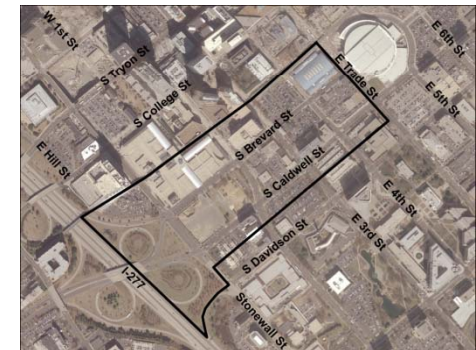
### 7 month process

- June 25<sup>th</sup> Plan overview, presentation of preliminary modifications to the Zoning Ordinance; hear feedback on proposed changes
- July 29<sup>th</sup> & August 11: Respond to feedback, continued discussion
- August 27: Present draft text amendment to stakeholders
- September: File Text Amendment
- December: Public hearing on text amendment
- January: City Council decision
- February/March: Incorporate text amendment into Zoning Ordinance

PRELIMINARY  
MODIFICATIONS TO THE  
ZONING ORDINANCE



- UMUD regulations achieve part of the Brevard Street Vision.
- To fully transform the Area into a vibrant, people-oriented place, the Plan suggests modification of the UMUD zoning regulations to implement the recommendations and achieve the Vision.
- Staff has initiated the identification of preliminary modifications to the UMUD standards that would supplement or modify existing standards in the Brevard Street Area.
- Stakeholder feedback and suggestions are always welcome.
- Revisions have been made based upon comments received from the last meeting.



## PRELIMINARY TEXT MODIFICATIONS

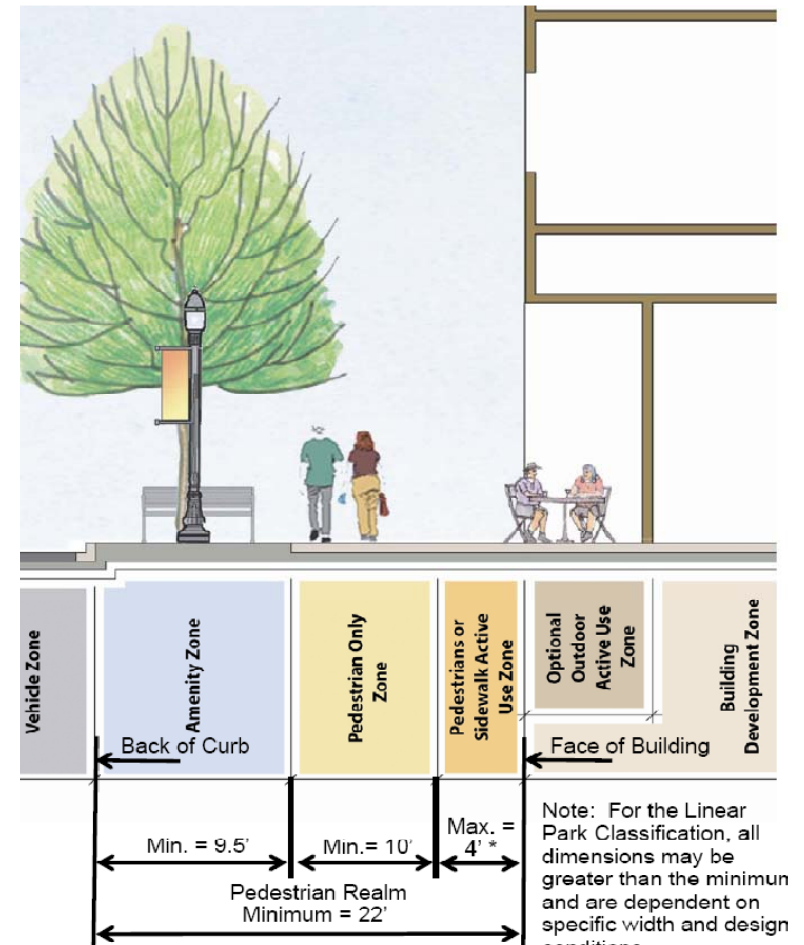
### Minimum Setback

- New Buildings:
  - Brevard: Min. 22'
  - Caldwell: Min. 16'
  - Measured from back of curb



UMUD Setback: 12' or  
Center City Transportation Plan: 22'

Activity Relationships and Dimensional Standards:  
The "Signature Pedestrian Street" and The "Linear Parks"



\* Sidewalk Active Use Zone may be wider as long as the minimum Pedestrian Only Zone is maintained

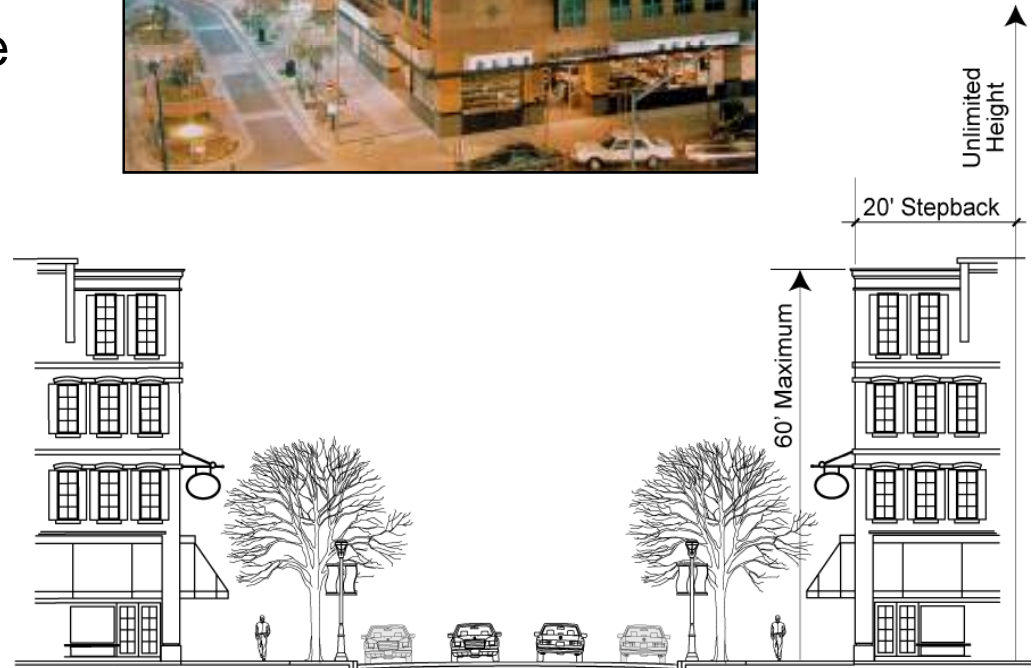
## PRELIMINARY TEXT MODIFICATIONS

### Building Height:

- Maximum 60' along Brevard and Caldwell
- The height is unlimited over 60' if the upper portion of the building is stepped back 20' from the minimum setback.



**UMUD: Unlimited, except no structure over 60' on a lot abutting residential district with residential use can cast a shadow greater than 20' across the property line.**



## PRELIMINARY TEXT MODIFICATIONS

### First Floor Retail

- New Buildings: Minimum of 50% of net first floor shall be designed to accommodate retail activities.

**UMUD:** New buildings over 100,000 sq. ft. must have a minimum of 50% of the net first floor designed for retail activities. Also applies to expansions where over 100,000 sq. ft is added to the street level area.



## PRELIMINARY TEXT MODIFICATIONS

### Street Level Facades: An unbroken “storefront” appearance

- New Buildings on Brevard Street:
  - 80% of first floor linear façade shall accommodate retail activities.
- New Buildings on Other Streets:
  - Minimum of 75% of first floor façade to accommodate retail activities.
- Retail First Floor:
  - Clear vision glass windows and doors.
  - No reflective or spandrel glass.



**UMUD: Transparent windows and doors on at least 50% of the first floor street frontage.**

## PRELIMINARY TEXT MODIFICATIONS

### Variation in Building Façade Every 60'

- Articulation, architectural elements, color variation or other elements.



**UMUD: No blank walls over 20'**

## PRELIMINARY TEXT MODIFICATIONS

### Parking for New Residential Uses

- Maximum of 1.6 parking spaces per unit

**UMUD: Minimum of one (1) parking space per residential unit**



## PRELIMINARY TEXT MODIFICATIONS

### Structured Parking Facilities

- No access to/from Brevard
- Access from other streets
- Transition area for vehicle stacking between the back of sidewalk and entrance, exit gates and/or pay station

**UMUD:** New structured parking facilities along Tryon Street can not have access along Tryon.

**Along Trade Street** can have “right in” and “right out” access.

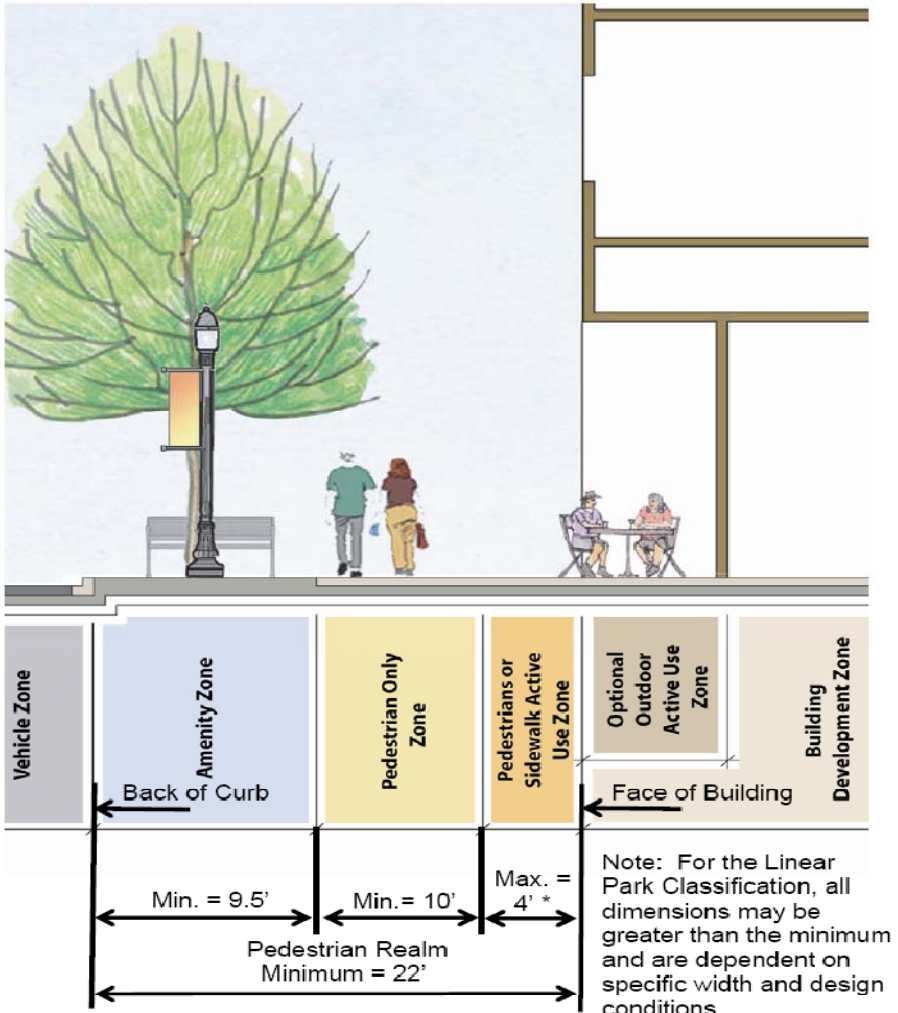




FOLLOW UP INFORMATION AND  
DISCUSSION  
FROM THE JUNE 25<sup>TH</sup> MEETING

## What are the Brevard Street Cross-Section Dimensions?

**Staff Response:** The typical cross-section will likely represent an interpretation of the *Center City Transportation Plan's* signature street standards applied to the specific objectives established in the *Memorable Streets - Brevard Street Connectivity Study*.

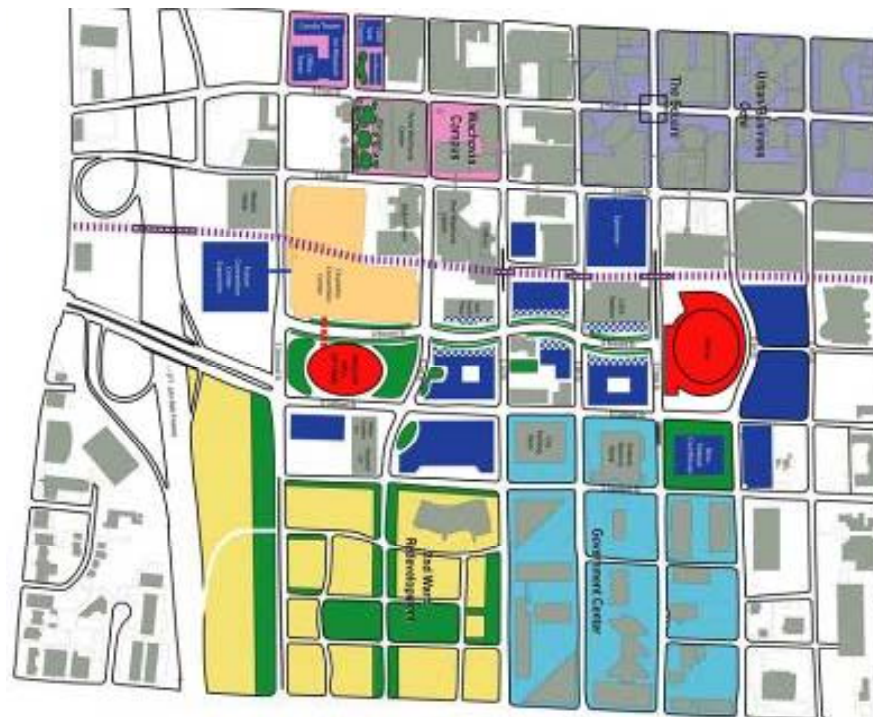


\* Sidewalk Active Use Zone may be wider as long as the minimum Pedestrian Only Zone is maintained.

## Will there be any taking of property to achieve the serpentine curve of Brevard?

### Staff Response:

- The serpentine curve to Brevard Street is not being considered at this time in the conceptual engineering phase.
- If additional right-of-way is needed, the City will purchase the needed right-of-way at fair market value.



If the Brevard Street façade is to be 100% retail activities, will a lobby entrance count as retail?

## Staff Response:

- Staff has modified the retail activity percentage from 100% to 80% of the first floor linear façade along Brevard.
- A lobby entrance would not count toward the retail activity.



If 50% of the net first floor is to accommodate retail activities, would a lobby count as retail?

**Staff Response:** The UMUD standards allow 50% of the square footage of a hotel lobby to count towards the required retail space. Other lobbies would not count towards retail activities.



Is the vision for Brevard Street realistic? How long will it take to achieve?

## Brevard Street

**Staff Response:** The *Brevard Street Land Use and Urban Design Plan* established a vision for the area given the City's investment in the NASCAR Hall of Fame (\$195 million), the Convention Center and its expansion (\$153 million), and the Time Warner Cable Arena (\$258 million).

While staff is unable to estimate how much time it will take to achieve the vision, the City is confident it will transform per the plan over time.



Illustrate the proposed streetscape impacts on the existing development.

## Brevard Street

**Staff Response:** The conceptual engineering plan is still in the development phase, and a draft should be available in September, with adoption in early 2010.



Are UMUD urban open space regulations too strict?  
Can other nearby urban open space or the setback  
count toward the urban open space requirement?

## Brevard Street

**Staff Response:** Since the adoption of urban open space regulations in the 1980's, urban open space and amenities have been effectively provided in Uptown.

- If the property line of a site is within 200 feet of the property line of a publicly owned and useable open space, (measured along the public right-of-way line) then up to 50% of the required urban open space may be provided on an enclosed ground floor level.
- Urban open space must be provided behind the required setback and on private property.
- Balconies, porches, rooftops and outdoor dining do not count toward urban open space.





Is outdoor dining permitted in the setback?  
Should it be located adjacent to the building vs.  
near the curb?

## Brevard Street

### Staff Response:

- Outdoor dining may occur within the 22' setback only if an “Outdoor Dining Right-of-way Encroachment Agreement” is approved on an annual basis with CDOT, and specific conditions are met.
- Outdoor dining may occur in an urban open space area, provided that no more than one-half of the open space maybe used for dining.



Has a study been done of the proposed setbacks that addresses the limitation on square footage?

## Brevard Street

### Staff Response:

- Buildings in the Brevard Street Area do not have a limitation on the square footage since they can have an unlimited height over 60' if the upper portion of the building is stepped back 20' from the minimum setback



Is the maximum parking standard for residential too stringent? Why regulate it?

## Brevard Street

### Staff Response:

- The *Brevard Street Land Use and Urban Design Plan* adopted by City Council recommends that parking for new residential uses should be limited to the maximums specified in the TOD zoning district, which is 1.6 spaces per unit.
- The current UMUD regulations require residential dwellings have a minimum parking requirement of 1.0 space/unit.



Has the County undertaken an air quality analysis for parking decks, based on the number of spaces?

## Brevard Street

**Staff Response:** The Mecklenburg County Air Pollution Control Ordinance (2009) contains regulations that require a transportation facility permit for :

- Construction of a new or expansion of an existing parking deck or garage resulting in a parking capacity of at least 750 spaces, or a potential open parking area of at least 225,000 square feet.
- Modification of an existing parking deck or garage with a parking capacity of at least 750 spaces that will expand by at least 250 spaces beyond the last permitted number of spaces.



A stakeholder remembered hearing in the past that there would be no underground parking in this area because it was too expensive. Where will new parking be located?

## Brevard Street

**Staff Response:** Providing underground parking is expensive, and is a decision made by property owners. New parking is required to be located on-site, on the street, shared, or leased.



Parking minimums in UMUD are too low;  
customers and clients have no place to park.  
Parking is too costly.

## Brevard Street

**Staff Response:** Public parking availability in Uptown has increased since last year. There are 4,000 to 5,000 vacant parking spaces available Uptown on any given day. The parking deck at the NASCAR Hall of Fame will provide an additional 400 parking spaces, and there will be an additional 30 on-street parking spaces along Brevard, created between the NASCAR Hall of Fame and the Time Warner Arena.



Will the impact of the Brevard Street Plan and the resulting text amendment modifications increase or decrease values?

**Staff Response:** The City has invested over \$600M in the area, with the NASCAR Hall of Fame, the Time Warner Arena, and the Convention Center and its expansion. Being between these uses can only add value to the property.



If the front façade of a building includes an entrance area with a lobby, would the entrance area frontage be counted toward the 80% retail frontage? What if the lobby provides access to retail from the inside of the building?

**Staff Response:** An entrance area with a lobby would not count toward retail frontage, even if access to retail occurs interior to the building. However, if the retail component is located on the street or right-of-way façade, and it reads as “storefront”, then the façade frontage of the store itself, would count toward the 80%. The remaining part of the entrance area and lobby would not count.





# DISCUSSION OF KEY ISSUES

## WRAP UP AND NEXT STEPS

### Wrap Up Summary

### Additional Comments?

Sandra Montgomery at [smontgomery@ci.charlotte.nc.us](mailto:smontgomery@ci.charlotte.nc.us)  
or 704 336-5722

Website for viewing Brevard Street Plan, Minutes, Agendas and Information:

<http://www.charmeck.org/Departments/Planning/Rezoning/Stakeholder+Groups/Text+Amendment+Stakeholder+Group/Brevard+Street+Stakeholders.htm>

Next Meeting: August 27, 2009  
6-8 pm  
Room 280