

## **\*PRE-HEARING STAFF ANALYSIS\***

### **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

### **Summary**

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.

### **Consistency and Conclusion**

The petition is consistent with the Center City 2010 Vision Plan, which recognizes Fourth Ward as a residential community and encourages new home construction with increased densities on vacant tracts. The site is located within a designated Historic District and must adhere to the design standards of the Historic District Commission. The aforementioned optional requests are only applicable to a 0.35 acre portion of the site designated as Development Alternative A. The remainder of the site is zoned UMUD and will be developed under the existing district standards. Therefore, from a land use perspective, this petition is considered appropriate for approval.

### **Existing Zoning and Land Use**

The subject properties are zoned UMUD and currently used as surface parking lots. Adjacent properties bounded by North Cedar Street, West Ninth Street, North Tryon Street and West Fourth Street are zoned UMUD, UMUD-O, MUDD(CD), UR-1, UR-2, UR-3 and UR-C. With the exception of vacant lots and a cemetery, properties are used for residential, office and commercial purposes.

### **Rezoning History in Area**

Petition 99-84 rezoned approximately 3 acres located on the west side of Church Street, between West Fifth Street and West Trade Street and east of South Poplar Street from UMUD to UMUD-O to allow additions to First Presbyterian Church. Petition 99-73 rezoned approximately 1.19 acres located on the northwest corner of North Church Street and West Seventh Street from UR-2 and UMUD to MUDD(CD) to allow for a 74 unit condominium project. Approximately 2.5 acres located on the south side of West Seventh Street between North Graham Street and North Smith Street were rezoned from UR-3 to MUDD(CD) via Petition 98-66 and proposed a 335,500 square foot building containing up to 315 dwelling units, with retail or office space located on the street level.

### **Public Plans and Policies**

**Center City 2010 Vision Plan (2000).** The Center City 2010 Vision Plan, which recognizes Fourth Ward as a residential community and encourages new home construction with increased densities on vacant tracts.

## **Proposed Request Details**

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.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** Trip generation for this petition has not been calculated, because the purpose of the rezoning is not to change any development rights but to deviate from a UMUD standard. The deviations from UMUD standards are not expected to change the size of the allowed development or change the trip generation.

**CATS.** CATS did not comment on this petition.

**Connectivity.** Connectivity will be addressed through the residential plan review process.

**Storm Water.** Storm Water Services notes that no significant impacts due to drainage are foreseen due to this request.

**School Information.** School comments were not received at the time that this report was generated.

## **Outstanding Issues**

**Land Use.** The petition is consistent with the Center City 2010 Vision Plan, which recognizes Fourth Ward as a residential community and encourages new home construction with increased densities on vacant tracts. The site is located within a designated Historic District and must adhere to the design standards of the Historic District Commission. The aforementioned optional requests are only applicable to a 0.35 acre portion of the site designated as Development Alternative A. The remainder of the site is zoned UMUD and will be developed under the existing district standards.

**Site plan.** The following site plan comments are outstanding:

- Amend optional request 1(B) to state that portions of the Transportation Study have been produced but not yet adopted.
- Note 1(C) and Note 3 seem to state the same intent. Neither are optional requests and are otherwise permitted in the zoning ordinance.
- Notes 3, 4 and 5 are not optional requests and need to be removed from the heading of optional provisions.