
REQUEST	Current Zoning: UMUD, uptown mixed use district and UMUD-O, uptown mixed use district, optional Proposed Zoning: UMUD-O, uptown mixed use district, optional and UMUD-O, SPA, uptown mixed use district, optional, site plan amendment
LOCATION	Approximately 10.90 acres generally surrounded by North College Street, East 9 th Street, North Brevard Street, and East 7 th Street.
SUMMARY OF PETITION	<p>The petition proposes optional variations from the UMUD minimum standards to:</p> <ul style="list-style-type: none">• allow encroachments into the setbacks along the rail corridor and East 9th Street ,• modify the signage provisions, and• reduce the urban open space requirements for office uses. <p>Additional minor optional provisions are requested to help facilitate the development of the site.</p>
STAFF RECOMMENDATION	Staff recommends approval this petition upon resolution of the outstanding issues. This petition is consistent with the <i>Center City 2010 Vision Plan</i> .
Property Owner	7 th Street Investors, LLC and 9 th Street Investors, LLC
Petitioner	Levine Properties, Inc.
Agent/Representative	Jeff Brown and Keith MacVean, King & Spalding, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following optional variations from the minimum standards of the UMUD section of the City of Charlotte Zoning Ordinance.

- Encroachment of a private street and certain other improvements and activities into the rail corridor 35-foot setback.
 - Private street, associated streetscape, and related improvements between East 7th Street and East 9th Street. This may include, but is not limited to: paving materials, sidewalk improvements, irrigation, utility connections, telecommunication facilities, electrical outlets, water spigots, bollards, benches, street trees, landscaping, and lighting.
 - Temporary structures such as, but not limited to: vendor/sales stands, kiosks, tents for dining, mobile restrooms, crowd control and security features, and temporary signs and banners.
 - The private street may be temporarily closed and used for public or private events.
 - Concrete pavers will be utilized as the principal paving material for the private street.
 - A seven-foot planting strip and eight-foot sidewalk will initially be placed on west side of the private street. The seven-foot planting strip will be replaced with trees in tree grates as the site develops. A seven-foot planting strip will be established along the eastern side of the private street.
 - Backflow preventer will not be visible to pedestrians along the private street and may be placed within the interior of buildings.
- Encroachment of building canopies, similar overhang structures, and door swings of buildings into the rail corridor 35-foot setback. If door swings encroach into the rail corridor, the rail corridor sidewalk will be increased to maintain an eight-foot dimension and architectural/site elements will be provided to direct pedestrians away from the door swings.

- Encroachment of an access way for service vehicles into the rail corridor 35-foot setback for the existing “Dixie’s Tavern” building.
 - Service area access drive will be integrated into the overall pedestrian area so that it is functional yet unobtrusive. Tryon Street Blend concrete pavers will be used within the rail corridor setback. Portions of the drive outside the rail corridor setback will be constructed of the same material used in the First Ward Park.
 - Dumpster and recycling containers will not be located within the rail corridor setback and will be screened with a masonry wall with decorative steel gates.
 - Dumpster and recycling collections will occur before 7:00 am or after 7:00 pm.
- Modify the signage provision to identify the site and tenants within the buildings.
 - Wall signs may cover up to 15 percent of a wall or 300 square feet, whichever is less.
 - Up to five detached signs may be allowed above the seven-foot maximum height for detached signs, provided they do not exceed 20 feet in height.
 - Allowable signage types include all detached and attached signs permitted in UMUD along with the following: 1) computer programmable L.E.D. systems with full-color, full-matrix displays, 2) full color outdoor video display, 3) message centers including ticker tape type moving messages, 4) signs with movable parts, 5) movie type projected images from either direct projection or rear screen projection and 6) murals and artwork.
 - The following signs will not be permitted: 1) billboards, 2) vinyl signs, 3) roof signs and 4) pole/pylon signs in excess of seven feet.
- Modify the urban open space requirements for office uses.
 - Reduce the amount of urban open space by 50 percent due to the proximity of the site to the proposed First Ward Park.
 - Required urban open space must be visible and accessible to a public street or the sidewalks associated with the transit corridor or the proposed First Ward Park.
- Minimum 30-foot right-of-way for the realignment and reconstruction of 8th Street through the proposed First Ward Park from Brevard Street to the rail transit corridor.
- Temporarily screen the unfinished portion of the underground parking structure located near the intersection of the rail transit line and East 9th Street with fencing and other materials. This includes during construction of the parking structure and for the first 12 months after issuance of the certificate of occupancy.
- Allow a blend of concrete pavers, other than the Tryon Street Blend, in the rail corridor setback between East 7th Street and East 9th Street, subject to Planning Department and CATS approval.
- Eliminate a required street tree and reduce the 16-foot setback to eight feet along East 9th Street to accommodate the installation of a valet drop-off lane.
- Encroachment into the required 16-foot setback along East 9th Street for the installation of building columns/blades.
- **Existing Zoning and Land Use**

The subject properties are occupied by restaurant, office and parking uses. All adjacent properties are zoned UMUD and UMUD-O and developed with office, retail, institutional and cultural uses.
- **Rezoning History in Area**

Recent rezonings include: Petition 2007-107, which approved a UMUD-O request to allow encroachments into the setback and reduce urban open space requirements. Petitions 2008-129, 2010-016, 2010-017, and 2010-018 approved UMUD-O requests for sign options. Petition 2006-031 approved a UMUD-O to move overhead utility lines instead of burying the utility lines.
- **Public Plans and Policies**
 - The *Center City 2010 Vision Plan* (2000) envisions the Uptown as having a variety of living, entertainment, and cultural activities.
 - This petition is consistent with the *Center City 2010 Vision Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:**
 - All areas identified as encroachment into the transit setback shall be documented through the completion of an encroachment agreement with terms and conditions acceptable to the City/CATS.
 - All of Petitioner's improvements within the transit setback shall conform to the clearance requirements of the City/CATS (e.g. canopies and building improvements shall be a minimum of 10 feet from all catenary poles and overhead wires).
 - More detail can be found in the CATS memo located online.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** The Center City Street Enhancement Standards Map establishes a proposed setback of 16 feet measured from the back of future curb along 9th street. The conditional plan proposes permanent on-street parking which complies with the Center City Plan for 9th street. The proposed 16-foot setback needs to be measured from the back of the recessed parking curb line to allow for an 8-foot hardscape planting strip with trees in tree wells and an 8-foot sidewalk.

The operational use of the permanent on-street parking spaces will be determined during the urban plan review process. CDOT requests the label "valet drop-off lane" for the on-street parking spaces to be removed from the site plan. Should recessed on-street parallel parking be constructed on the site's 9th Street frontage, CDOT will manage this parking area which could be used for short-term metered parking/loading zone/valet drop-off as approved by CDOT.

 - **Vehicle Trip Generation:** With the array of uses allowed in UMUD and UMUD-O zoning categories, a wide range of trip generation is possible for either the existing or proposed zoning scenarios. Given the sites proximity to the extensive street network in the area, there should not be significant impacts to the transportation system resulting from this rezoning.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - Minimizes impacts to the natural environment by building on an infill lot and being located along a rapid transit line.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Address CATS comments.
 2. Address CDOT comments.
 3. Clarify Note C.1.b. by indicating on how many occasions per year and for what period of time temporary buildings, structures, and utility connections will be allowed within the private street.
 4. Clarify Note C.1.c. by indicating on how many occasions per year and for what period of time the private street will be closed for public or private events.

5. Modify Note C.3.a. to indicate the access way for service vehicles along the rail corridor setback will be constructed with pavers that are of a color and pattern that will lessen the impact of debris and will be cleaned regularly to avoid staining and odors from the dumpster/recycling area.
 6. Remove the turnaround area for the access way for the service vehicles from the setback and pedestrian area along East 8th Street and place behind the proposed maintenance building.
 7. Provide a signage package which identifies the locations and dimensions of signs identified within Note C.4.
 8. Eliminate the following three sign types identified under Note C.4.b. as permitted signage: 1) computer programmable L.E.D. systems with full-color, full-matrix displays; 2) full color outdoor video display; 3) message centers including ticker tape type moving messages.
 9. Clarify Note C.4.b. by indicating that the permitted sign type identified as "movie type projected images from either direct projection or rear screen projection" is for special events and will be on a temporary basis not to exceed a total of 20 days within a calendar year.
 10. Modify Note C.4. by eliminating the duplicate (a) and (b) subsections.
 11. Modify Note C.4. to limit the height of detached signs to 15 feet rather than the 20 feet proposed.
 12. Eliminate the valet drop-off lane along East 9th Street.
 13. Maintain the 16-foot setback along East 9th Street from the back of curb of the valet drop-off, if the valet drop-off is approved, and eliminate Notes C.6.d. and C.6.e.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Park and Recreation Department

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