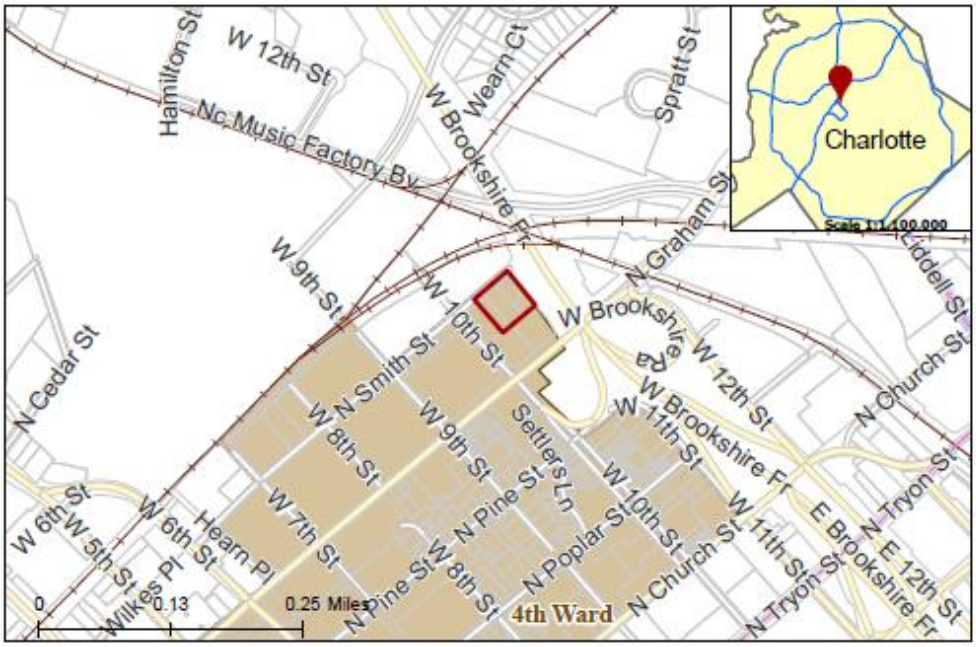
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-092
Post Hearing Staff Analysis
January 2, 2020

REQUEST	Current Zoning: I-1 HD-O (light industrial, historic district overlay) Proposed Zoning: UMUD-O HD-O (uptown mixed use, optional, historic district overlay)
LOCATION	Approximately 0.98 acres located on the east corner of the intersection of North Smith Street and West 10th Street, south of Brookshire Freeway.



SUMMARY OF PETITION	The petition proposes to allow a high rise mixed-use building on acreage currently developed with industrial structures located in 4th Ward.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	LKN Holdings, LLC Carolina Development Group NC, LLC Matt Langston
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Charlotte Center City 2020 Vision Plan.* While this plan does not make a specific land use recommendation for the site, the plan encourages future development that contributes to the overall viability and livability of Center City. <u>Rationale for Recommendation</u> • The proposal allows a site previously used for a distribution warehouse and associated parking and maneuvering, to be developed with 320 residential units and 5000 square feet of retail. Use of UMUD (uptown mixed-use development) zoning

applies standards and regulations to create the desired form and intensity of development.
- UMUD (uptown mixed-use development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- The UMUD standards and allowed uses will promote development that supports the Charlotte Center City 2020 Vision Plan's goal of creating a viable and livable Center City.

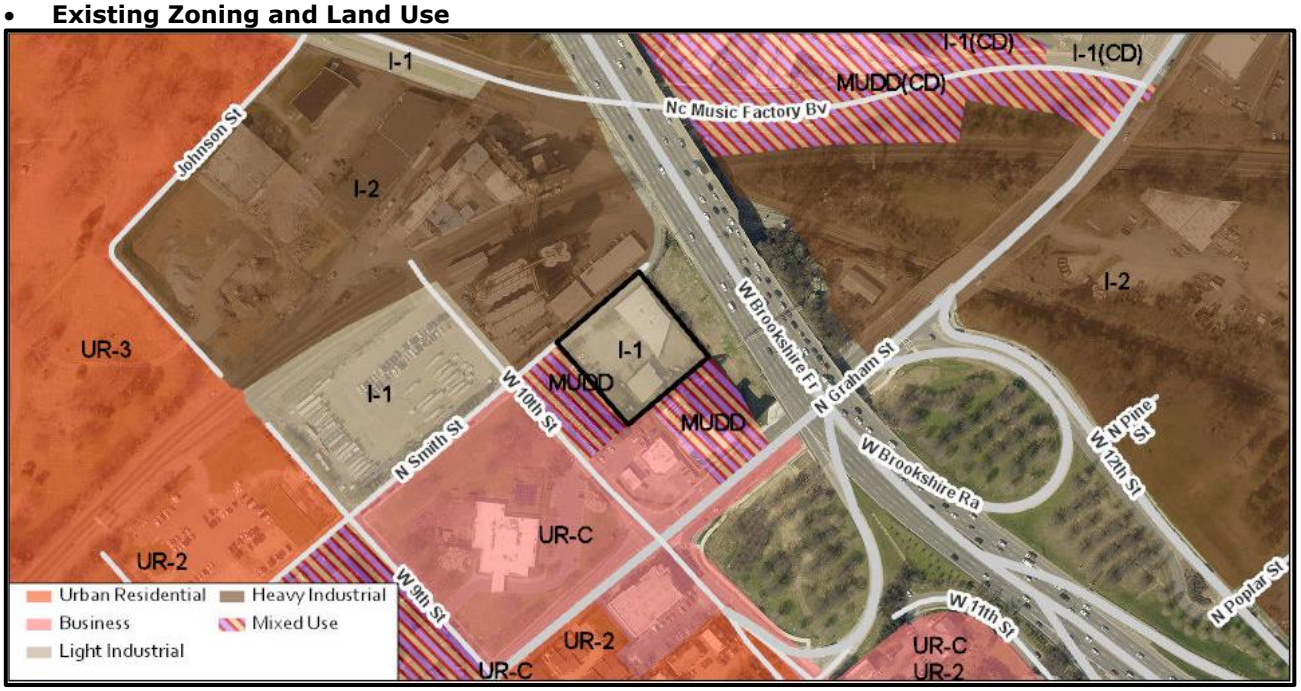
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 350 multi-family dwelling units (condominium or apartment) and up to 5,000 square feet of commercial space, with structured parking.
  - Proposed 16-foot building setback behind back of curb along North Smith Street.

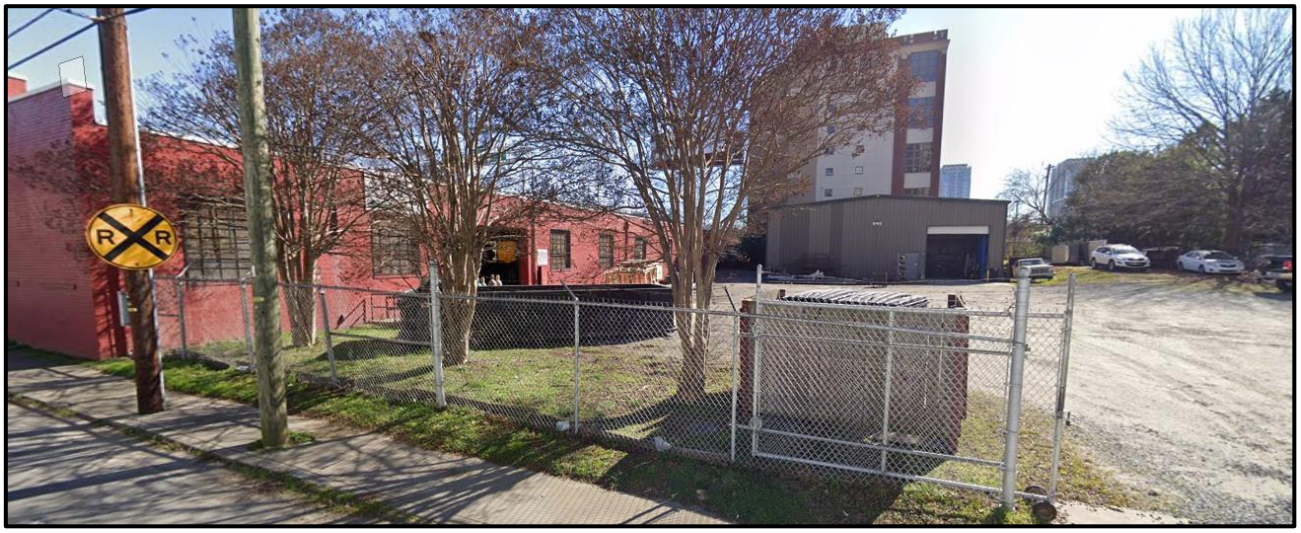
  Commits to the following transportation improvements:
  - Two points of access via North Smith Street.
  - Proposed 8-foot sidewalk and 8-foot planting strip along North Smith Street frontage.
  - Prior to issuance of first certificate of occupancy for a dwelling unit for the site, petitioner will dedicate and convey to the City of Charlotte (subject to a reservation for any necessary utility easements) those portions of the site located immediately adjacent to North Smith Street as required to provide right-of-way measuring 34 feet from the centerline of existing North Smith Street.
  - Provides vehicle clearance for the ground floor, such that the service, delivery, and trash pickup areas are designed to accommodate an SU-30 vehicle.
  - All transportation improvements will be approved and constructed prior to the issuance of the first certificate of occupancy for a dwelling unit for the site.
  - Provides an additional continuous 11' wide travel lane on 10th Street between N. Smith Street and N. Graham Street, including acquiring any additional right-of-way, providing new curb and gutter, and pavement widening.
  - Provides accessible ramps to comply with PROWAG Guidelines on 3 of the 4 corners of the N. Graham Street and 10th Street intersection (SE corner already improved).
  - Provides Accessible Pedestrian Signalization (APS) Improvements at Graham Street and 10th Street.

  Commits to the following architectural standards:
  - Maximum height in stories will be per ordinance (combined-structured parking and residential/commercial) with optional rooftop amenity space atop structured parking.
  - Primary exterior building materials to be a combination of portions of the following: brick veneer, precast, or similar masonry products, stone, manufactured stone, cementitious siding, metal, or glass. The street level façade along North Smith Street will be designed per ordinance and referenced sub-sections to include storefront glass, entry level vestibules and screening for parking structures.
  - Vinyl, EIFS or Masonite may not be used as an exterior building material on any building to be constructed on the site. Vinyl may be used on windows, doors, soffits, trim and railings.
  - Provides color renderings/perspectives of proposed building.

- **Existing Zoning and Land Use**



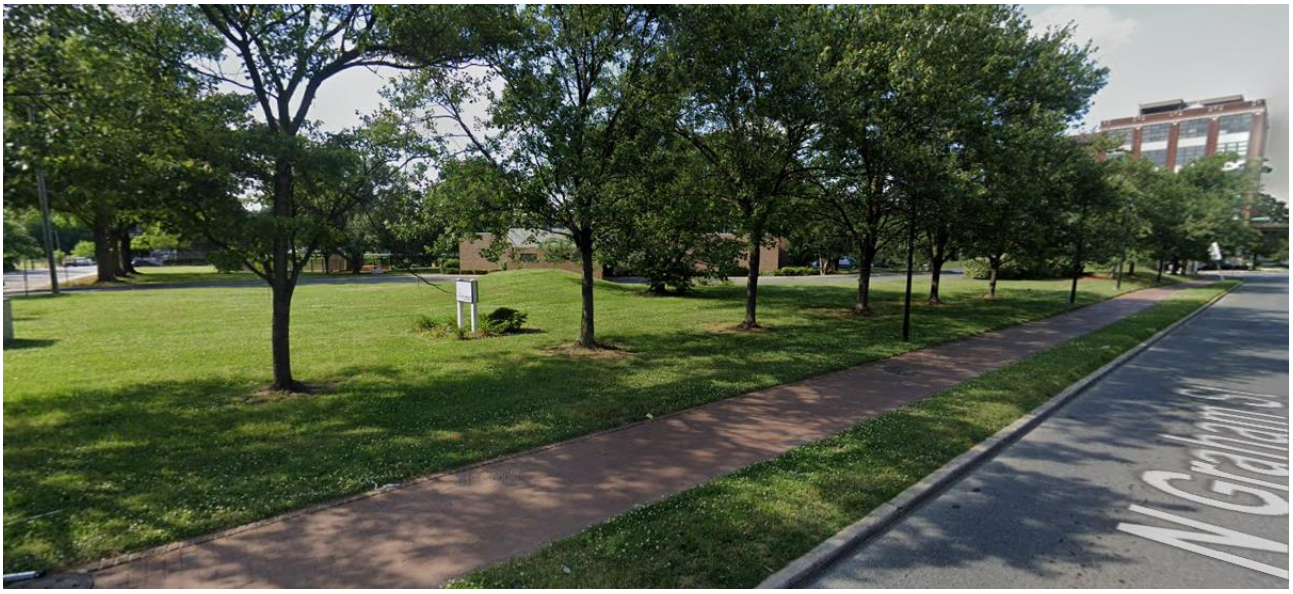
- The site is developed with industrial buildings and parking and is surrounded by a mix of retail, educational, industrial/warehouse uses and residential development located in industrial, mixed use development, and urban residential districts. Brookshire Freeway is to the northeast.



The site is developed with industrial buildings and parking.

North and west are industrial uses. East is Brookshire Freeway.

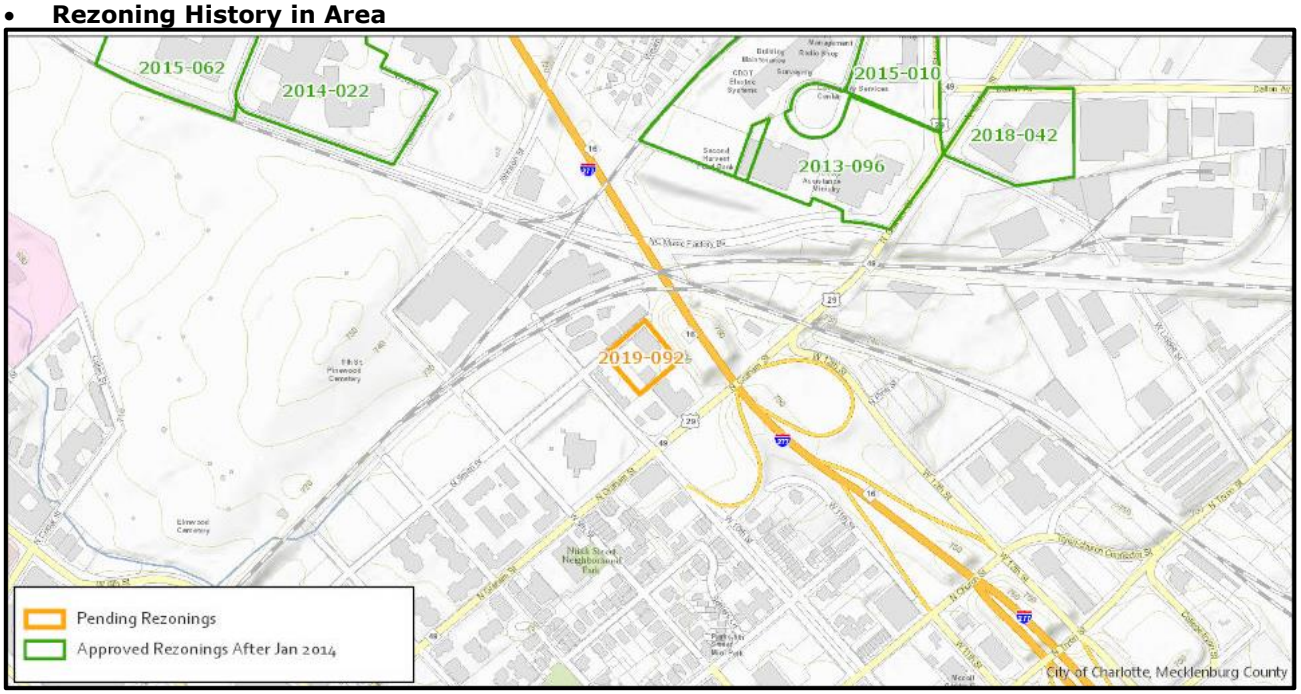
South is a residential development and a convenience store with fuel sales.



An educational facility is located to the southwest.

The rezoning site is surrounded by a mix of residential and non-residential uses.

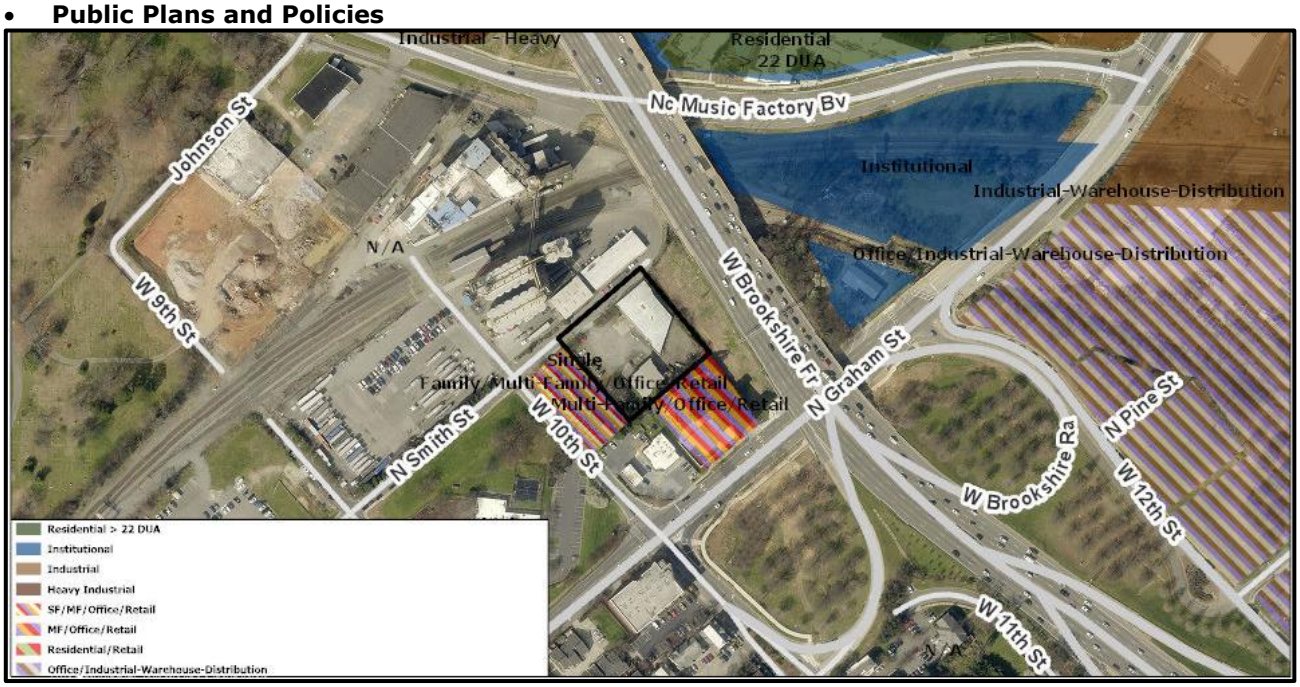
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-042	Rezoned approximately 3.148 acres from I-2 to MUDD-O to allow 50,000 square feet of various uses allowed in MUDD with up to 12,000 square feet of Types 1 and 2 EDEE and brewery uses, and 15,000 square feet of retail uses.	Approved
2015-062	Rezoned approximately 20.91 acres from I-2(CD) to MUDD(CD) with 5-year vested rights to allow 670,000 square feet of non-residential uses, a 200-room hotel, and 440 dwelling units.	Approved
2015-010	Rezoned approximately 2.6 acres from O-6(CD) to MUDD-O to allow an interior expansion to an existing institutional use to allow a maximum building are of 50,000 square feet.	Approved

2014-022	MUDD-O SPA to allow the installation of five detached digital solar powered advertising signs.	Approved
2013-096	Rezoned 15.13 acres from I-1 and I-1(CD) to I-1(CD) and I-1(CD) SPA to accommodate the expansion of the Second Harvest Food Bank of Metrolina.	

- **Public Plans and Policies**



  - The *Charlotte Center City 2020 Vision Plan* encourages future development to preserve and enhance the existing Center City neighborhoods.

- **TRANSPORTATION CONSIDERATIONS**
- ~~The site full transportation summary will be provided after the site plan is revised. Due to this petition being submitted as a conditional rezoning request and significant increase in trips generated for the proposed rezoning, CDOT encourages the petitioner to update the proposed site plans to address the Outstanding Issues below. This site has very "limited site access"; therefore, a Traffic Impact Study (TIS) was required and reviewed by CDOT. The revised site plan needs to include all NCDOT and CDOT's TIS traffic mitigation requirements.~~ The petitioner has agreed and committed to implement all of the traffic mitigations requirements identified in the TIS. In addition, the petitioner commits to install streetscape requirement along all public streets.
  - ~~See Outstanding Issues, Notes 1-3.~~ Addressed.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 60 trips per day (based on 11,500 square feet of warehouse).
    Entitlement: 60 trips per day (based on 11,500 square feet of warehouse).
    Proposed Zoning: 2,380 trips per day (based on 350 dwellings; 5,000 square feet retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org regarding the alternative Silver Line light rail system. The site associated with Petition #2019-092 is located approximately 200 feet from the proposed Lynx Silver Line light rail transit corridor alignment. During the planning and design phase (est. to begin December 2019), CATS will re-evaluate the alignment which may or may not impact properties in this rezoning petition.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org regarding the need for affordable housing units in the City of Charlotte.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 38 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 38 students.

- The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
  - First Ward Elementary from 105% to 108%
  - Sedgefield Middle from 87% to 89%
  - Myers Park High remains at 119%.

- **Charlotte Water:** See advisory comments at www.rezoning.org. Charlotte Water has accessible water system infrastructure via an existing 12-inch water distribution main located along North Smith Street. Charlotte Water has sanitary sewer system infrastructure via an existing an existing 10-inch gravity sewer main located along North Smith Street.

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at www.rezoning.org regarding Irwin Creek, an impaired/degraded stream, storm water quality treatment, and volume and peak control.
  - **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org regarding air quality and ground water.

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. ~~The petitioner needs to revise the site plan and conditional notes to provide an additional continuous 11' wide travel lane on 10th Street between Smith Street and Graham St., including acquiring any additional right-of-way, providing new curb/gutter, pavement widening, an 8' planting strip, and 6' sidewalk along 10th Street's south side.~~ Addressed.
2. ~~The petitioner needs to revise the site plan and conditional notes to provide accessible ramps to comply with PROWAG Guidelines on the three (3) of the four corners of Graham Street and 10th Street.~~ Addressed.
3. ~~The petitioner needs to revise the site plan and conditional notes to provide Accessible Pedestrian Signalization (APS) improvements at Graham Street and 10th Street.~~ Addressed.

REQUESTED TECHNICAL REVISIONS

4. ~~Remove headings with no development notes from the site plan.~~ Rescinded.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Claire Lyte-Graham (704) 336-3782