

<b>REQUEST</b>	Current Zoning: UMUD (uptown mixed use) Proposed Zoning: UMUD-O (uptown mixed use, optional)
<b>LOCATION</b>	Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9 <sup>th</sup> Street. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses permitted in the UMUD (uptown mixed use), including high intensity residential, office, and retail, and requests optional site modification for balconies extending into the building setback.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Skyhouse Charlotte II, LLC Skyhouse Charlotte II, LLC Jeff Brown & Keith MacVean / Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to the location and selection of street trees, and the requested technical revisions.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Charlotte Center City 2020 Vision Plan</i>. While this plan does not make a specific land use recommendation for this site, it encourages active uses along the ground floor of North Tryon Street.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The proposal is for redevelopment of a 0.67 acre parcel located in the Fourth Ward neighborhood of Center City.</li> <li>• The <i>Center City Transportation Plan</i> identifies the section of West 9<sup>th</sup> Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9<sup>th</sup> Street.</li> <li>• The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking.</li> <li>• The proposed balconies will not interfere with the street or sidewalk activity.</li> <li>• The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects.</li> <li>• If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable.</li> </ul>
---------------------------------	--

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - A new 24-story building.
  - All uses permitted in the UMUD (uptown mixed use) district in the new building.
  - A 16-foot setback along West 9<sup>th</sup> Street and a 14-foot setback along North Church Street.
  - Recessed on-street parking on West 9<sup>th</sup> Street.
  - Site will comply with UMUD (uptown mixed use) requirements set forth in the Zoning Ordinance, with the exception of the following optional request:
    - To allow balconies to extend up to seven feet into the required setback along West 9<sup>th</sup> Street. The proposed balconies will maintain a minimum clearance of 15 feet between the bottom of the balconies and the sidewalk above West 9<sup>th</sup> Street, and will not encroach into

the street right of way. This is a site-specific proposal which will allow the indicated addition of on-street parking along the West 9<sup>th</sup> Street frontage.

- **Existing Zoning and Land Use**

- The subject property is in the Fourth Ward neighborhood, is currently vacant and is zoned UMUD (uptown mixed use). It is the second phase of a larger high rise residential development. The first nearly identical building is completed and occupied, and a parking garage between the two buildings is under construction.
- The surrounding properties are zoned conventional UR-3 (urban residential), UR-C (urban residential, commercial), and UMUD (uptown mixed use) and are vacant or developed with urban residential and commercial uses. The Fourth Ward Historic District is immediately across North Church Street to the west.
- See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- There have been no rezonings in the immediate area in recent years.

- **Public Plans and Policies**

- The *Charlotte Center City 2020 Vision Plan* (2011) does not make a specific land use recommendation for this site. However, the plan encourages active uses along the ground floor of North Tryon Street as well as new residential opportunities.
- The *Center City Transportation Plan* (2006) encourages recessed on-street parking on both the north and south sides of West 9th Street, although this has been foregone in some residential locations.
- The petition supports the *General Development Policies-Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

#### TRANSPORTATION CONSIDERATIONS

- This rezoning will allow for the implementation of on-street parking along 9<sup>th</sup> Street, which is consistent with the *Center City Transportation Plan*, and will not adversely impact the pedestrian environment
- **Vehicle Trip Generation:** The petition will not affect the number of vehicle trips.

#### DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The proposed zoning district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** Large maturing trees are to be planted along East 9<sup>th</sup> street. The proposed balconies will extend five additional feet from the building face and will be in conflict with the natural growth of these trees resulting in the trees to be pruned from their natural form. See outstanding issue, note 1.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

#### OUTSTANDING ISSUES

##### Site and Architectural Design

1. Revise site plan to incorporate provision of street trees with minimal conflict with balconies through tree selection, spacing, or other means.

#### REQUESTED TECHNICAL REVISIONS

1. Delete page 2 (site survey).
2. Provide notes clarifying the intent and commitments related to the inclusion of pages 3 and 4.

#### Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan

- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Transportation Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Urban Forestry Review

**Planner:** Solomon Fortune (704) 336-8326