

REQUEST

Text amendment to Section 9.703

SUMMARY OF PETITION

The petition proposes to modify the office zoning district (O-1, O-2, and O-3) standards for retail uses and eating/drinking/entertainment establishments (Type 1 and Type 2), with most changes related to office zoning with a pedestrian overlay (PED). The retail and eating/drinking/entertainment uses are currently allowed, under prescribed conditions, within the office zoning districts when the uses are located in hotel/motels, multi-family buildings, and/or office buildings.

However, the prescribed conditions limit the size of such uses, prohibit entrances external to the building, prohibit the display of merchandise, and limit the wall signage. The proposed modifications to the prescribed conditions for retail uses and eating/drinking/entertainment establishments are to bring them into alignment with the purpose of the PED overlay district by allowing these uses to be designed so they are more pedestrian oriented and to adjust the square footage limitations so they are consistent throughout the office zoning district provisions.

PETITIONER

Pappas Properties

AGENT/REPRESENTATIVE

Walter Fields, III, Walter Fields Group

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to:

- Conflicting prescribed conditions for eating/drinking/entertainment establishments regarding separation from single family residential that differ from those currently established; and
- The addition of eating/drinking/entertainment (EDEE) uses (Type 2), as a new use allowed in multi-family buildings located in the office zoning districts. A Type 2 EDEE is a business where alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment.

Plan Consistency

The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a greater mix of commercial uses, and a range of choices for employment and entertainment opportunities.

Rationale for Recommendation

- Retail, office and eating/drinking/entertainment establishments are already permitted in the office zoning districts (O-1, O-2 and O-3), with prescribed conditions:
 - As an accessory use to a hotel or motel;
 - In multi-family buildings, (retail and Type 1 eating/drinking/entertainment establishments only); and
 - In office buildings.
- The text amendment adds or modifies prescribed conditions when a site is zoned office with a pedestrian overlay (PED).
- The requested text amendment changes are designed to allow standards that support a pedestrian friendly environment and that reinforce the purpose of the PED zoning district. These include allowing external entrances, permitting merchandise to be visible from outside the building, and limiting the location of these uses to the ground floor and mezzanine, except for hotels and motels where the use is also allowed on rooftops.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The text amendment contains the following provisions:

- For hotel and motel buildings located in an office district (O-1, O-2 or O-3) with a pedestrian overlay (PED), allow retail establishments and any type of eating/drinking/entertainment establishments within the hotel/motel building per the following:
 - Allow as a principal or accessory use within a hotel or motel building. Current standards allow these establishments, but require that they be accessory uses to the hotel/motel, and they must be located in a hotel or motel with a minimum of 75 rooms.
 - Allow use to occupy up to 20% of the building square footage if the establishment(s) is on the ground floor or mezzanine level. Currently, the square footage allowed for these uses is 75 square feet per room.
 - Allow only 30% of the square footage of these uses to be located on the roof. The existing standards do not limit the location of these uses.
 - Allow external entrances to the establishment(s). Currently, the establishment(s) must be entered from inside the hotel/motel.
 - Allow the establishment(s) to display merchandise visible from outside. This is currently not allowed.
 - Allow one wall sign up to 16 square feet for each establishment. The existing regulations limit the signage to 16 square feet for all establishments.
 - Locate any outdoor seating and activity area, which operates between 11 pm and 8 am and is associated with an EDEE use (Type 1 or 2), at least 250 feet away from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district. Currently, there is a required 100-foot separation distance, from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district, for EDEEs with outdoor seating and activity areas operating between 11 pm and 8 am.
- For office buildings located in an office district (O-1, O-2 or O-3), allow retail establishments and any type of eating/drinking/entertainment establishments (EDEE) building per the following:
 - Continue to allow retail or EDEEs in office buildings of at least 30,000 square feet.
 - Limit the square footage of the retail or EDEE to 10% of the square footage of the lot or planned development. Currently the square footage is limited to 10% of the lot, and does not allow the calculation to be based on the planned development.
 - Continue to require the retail or EDEEs to be accessed from inside the building. This does not change the current standards.
 - Require that merchandise is not visible from outside the building. This does not change the current standards.
 - Allow a total of 16 square feet for all retail and EDEE establishments. This does not change the current standards.
- For office buildings located in an office district (O-1, O-2 or O-3) with a pedestrian overlay, allow retail establishments and any type of eating/drinking/entertainment establishments (EDEE) building per the following:
 - Continue to allow retail or EDEEs in office buildings of at least 30,000 square feet.
 - Limit the square footage of the retail or eating/drinking/entertainment establishments to 20% of the square footage on the lot or planned development. Currently the square footage is limited to 20% of the lot, and does not allow the calculation to be based on the planned development.
 - Allow the retail or EDEEs to be located on the ground floor or mezzanine level. Currently, the use is only allowed on the ground floor.
 - Continue to allow the retail or EDEEs to be accessed from the exterior of the building. This does not change the current standard.
 - Allow merchandise to be visible from outside the building. This does not change the current standard.
 - Allow signs to be 16 square feet per retail or EDEE establishment. This does not change the current standard.

- Adds mixed-use buildings located in an office district (O-1, O-2 and O-3) as a type of building in which a retail or eating/drinking/entertainment establishment may be located and uses the same standards as those for the office buildings, as describe above with the following exception:
 - The principal use of the lot is a mixed-use building.
 - For multi-family buildings located in an office district (O-1, O-2 or O-3), allow retail establishments, any type of eating/drinking/entertainment establishments (EDEE) and indoor recreation in multi-family buildings per the following:
 - These establishments will continue to be allowed if buildings contain at least 50 units, the establishment(s) occupy no more than 25 square feet per dwelling unit, up to 10,000 square feet, the establishment does not have access from outside, and merchandise will not be visible from outside. The only proposed change is the addition of Type 2 EDEEs which allow alcohol to be served.
 - For multi-family buildings located in an office district (O-1, O-2 or O-3) with a pedestrian overlay (PED), allow retail establishments, any type of eating/drinking/entertainment establishments and indoor recreation in multi-family buildings per the following:
 - Occupy up to 20% of the building square footage if the establishment(s) is on the ground floor or mezzanine level. Currently, the square footage allowed for these uses is 25 square feet per dwelling unit, up to 10,000 square feet.
 - Allow external entrances to the establishment(s). Currently, the establishment must be entered from inside the multi-family building.
 - Allow the establishment(s) to display merchandise visible from outside. This is currently not allowed.
 - Allow one wall sign up to 16 square feet for each establishment. The existing regulations do not specify the sign size but allow signage per the multi-family district.
 - Locate any outdoor seating and activity area, which operates between 11 pm and 8 am and is associated with an EDEE use (Type 1 or 2), at least 250 feet away from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district. Currently, there is a required 100-foot separation distance, from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district, for EDEEs with outdoor seating and activity areas operating between 11 pm and 8 am.
 - **Public Plans and Policies**
 - The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a greater mix of commercial uses, and a range of choices for employment and entertainment opportunities.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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OUTSTANDING ISSUESText Amendment Revisions

1. Replace Section 9.703(12)(g)(5) in its entirety with: "No outdoor seating/activity area for an Eating, Drinking, and Entertainment Establishment (Type 1 or Type 2) that is proposed to be located on the roof of a hotel or motel shall be located within 250 feet to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district."
2. Delete the text in Section 9.703(27)(b)(5) related to separation distances, and add new subsection references to the current prescribed conditions related to separation distances for Eating, Drinking and Entertainment Establishments (Type 2) uses:
 - Add a new subsection (h) to Section 9.703(12) that reads, "Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546."
 - Add a new subsection (6) Section 9.703(27)(b) that reads, "Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546."
3. Remove the text "(Type 1 and Type 2)" in Section 9.703(27)(a), and replace with "(Type 1 only)" to allow only retail, office, and Type 1 Eating, Drinking and Entertainment Establishments, as allowed uses in multi-family buildings located in the office zoning districts.
4. For hotel/motel uses and multi-family uses, clarify whether any of the existing standards will still apply.
5. Eliminate standards for mixed-use buildings as the standards for the uses within the buildings would apply. For example, if a mixed use building includes office and multi-family uses, the proposed retail and EDEE uses would need to meet the standards for being located in an office building and the standards for being located in a multi-family building. If the standards conflict, the more restrictive would apply.
6. Eliminate changes to the office district if it is zoned office but does not have with a pedestrian overlay (PED) to retain the intent of the text amendment to address retail and EDEE uses in an office district with a PED overlay.

REQUESTED TECHNICAL REVISIONS

1. Under Section 9.703(12)(g), change the text from "that are not accessory uses to the hotel or motel use" to "and located in a hotel or motel use."
 2. Renumber Section 9.703(27)(b)(6) to Section 9.703(27)(b)(5).
 3. Remove the text "(Type 1 and Type 2)" in Section 9.703(27), since subsection (a) and (b) should not refer to both uses, after the above outstanding issues are addressed.
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Attachments Online at www.rezoning.org

- Application
- Department Comments
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

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