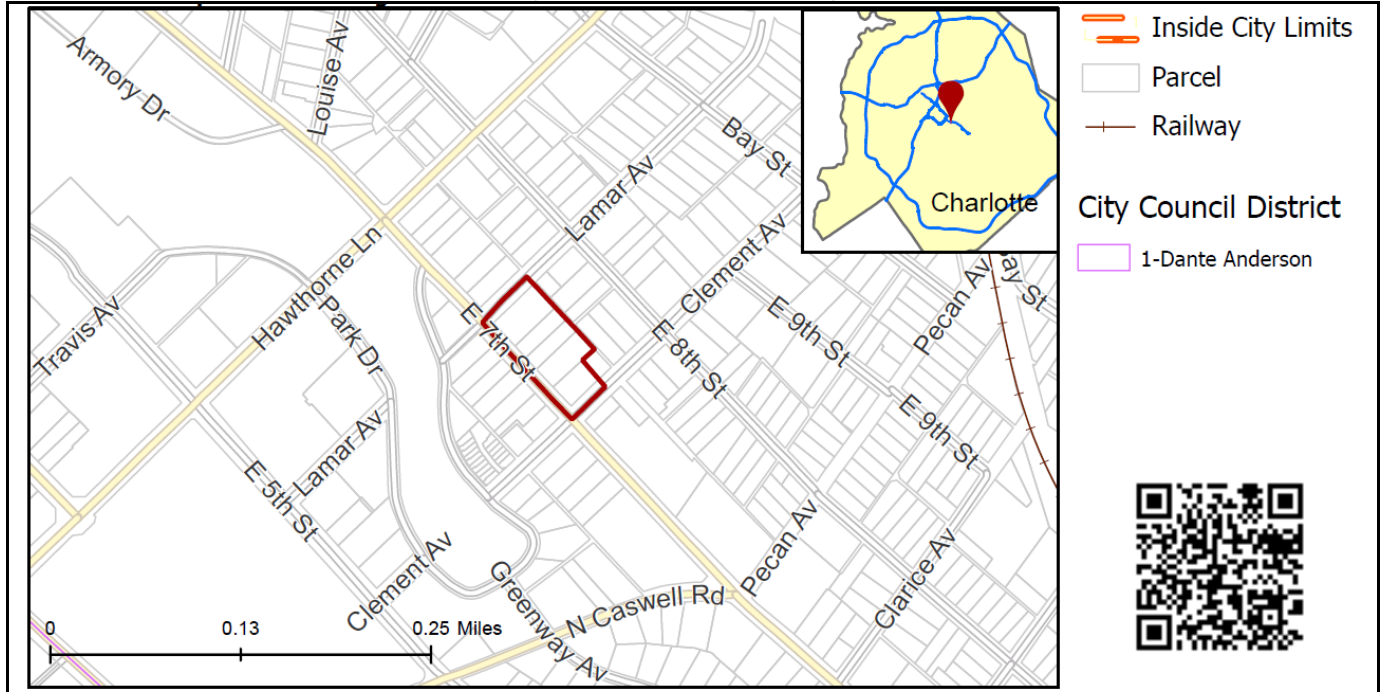


REQUEST

Current Zoning: CG (general commercial)
 Proposed Zoning: MUDD-O (mixed use development district, optional)

LOCATION

Approximately 1.63 acres located along the northeast side of East 7th Street, south of Lamar Avenue, and north of Clement Avenue.



SUMMARY OF PETITION

The petition proposes a multi-family residential development with some non-residential uses on an assemblage of parcels that are currently vacant.

PROPERTY OWNER

CRD Elizabeth, LLC

PETITIONER

CRD Elizabeth, LLC

AGENT/REPRESENTATIVE

Collin Brown and Brittany Lins, Alexander Ricks, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
 Number of people attending the Community Meeting: 54

STAFF RECOMMENDATION

Staff recommends approval of this upon resolution of a requested technical revision.

Plan Consistency

The petition is **consistent** with the 2040 Policy Map recommendation for Neighborhood Center.

Rationale for Recommendation

- The Elizabeth community is defined by low to mid-rise development along pedestrian corridors that seamlessly transition to surrounding single family neighborhoods with a unique and established character. This site is directly among a flourishing mix of uses in structures that prioritize sensitivity to abutting homes and often inhabit single family homes themselves.
- This swath of the corridor was designated as the Neighborhood Center (NC) Place Type to reflect its role as an existing hub for neighborhood services and needs. This Place Type is intended to facilitate middle density

mixed-uses that consciously integrate into the surrounding residential areas.

- The *2040 Policy Map* was adopted in 2022 as Planning staff worked to complete the complimentary Unified Development Ordinance (UDO), which went into effect in June of 2023 and replaced our City's legacy zoning ordinance, under which this rezoning request was submitted. The proposed conditional MUDD zoning district does not exist in the UDO. As the UDO's complimentary policy document, the *2040 Policy Map* prescribes place types across all City and ETJ properties and outlines desired land uses, building forms, character, mobility, and more for each place type. These place types are broader than the more distinct and specific zoning districts in the UDO, but each place type has a clear set of compatible and consistent UDO zoning districts. Petitions such as these which request legacy districts are assessed on a case-by-case basis to determine what elements may be considered consistent with the prescribed place type. Because the legacy zoning districts were not intended to match the place types outlined in current policy, legacy district petitions, especially with nuanced contextual factors, are almost always neither fully inconsistent nor consistent with the prescribed place types. Sequentially, many variables of this proposal have been weighed to determine consistency with the NC Place Type including the proposed land uses, building form, mobility, buffers, etc.
- The NC Place Type supports low to mid-rise building forms, and the complimentary Neighborhood Center zoning district allows for building heights to exceed 65 feet, up to 80 feet, with the application of bonus menu provisions. The petitioner has committed to provide a contribution to the Housing Trust Fund that aligns with what bonus menu provisions are required to allow for building heights above 65 feet in the NC zoning district. This contribution, which will support affordable housing in Charlotte, speaks to the intent of the NC Place Type although a portion of the proposed structure would exceed 65 feet when located within 200 feet of property lines designated as Neighborhood 1 Place Type on the *2040 Policy Map*.
- The proposal specifies a height plane transition across the site so that the portions of the building within 80 feet of the rear property line do not exceed 45 feet. This height transition is similar to what would be prescribed in the NC zoning district when abutting single family areas, which prohibits building heights above 50 feet when located within 100 feet of Neighborhood 1 property lines.
- The uses allowed in the proposal are consistent with the NC Place Type, and the petitioner has added several conditions to the plan to show an effort to meet the NC Place Type vision.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 3: Housing Access for All
 - 4: Trail & Transit Oriented Development

PLANNING STAFF REVIEW

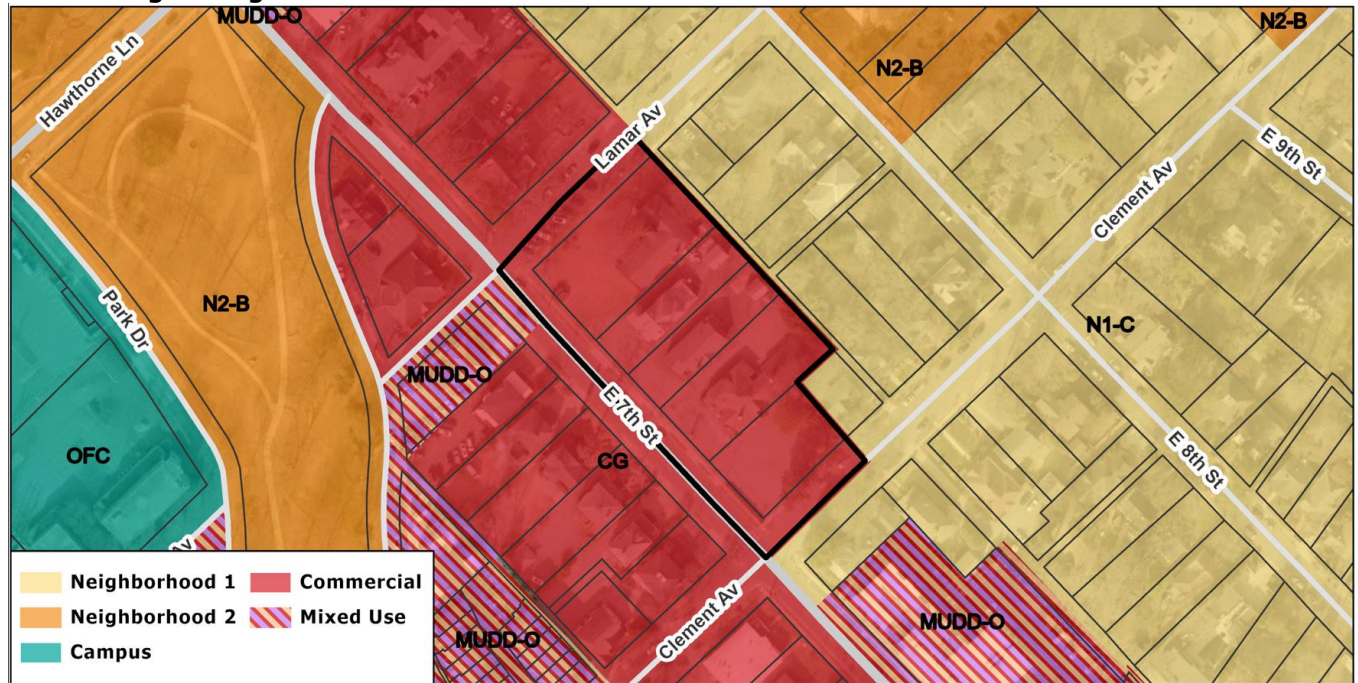
• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

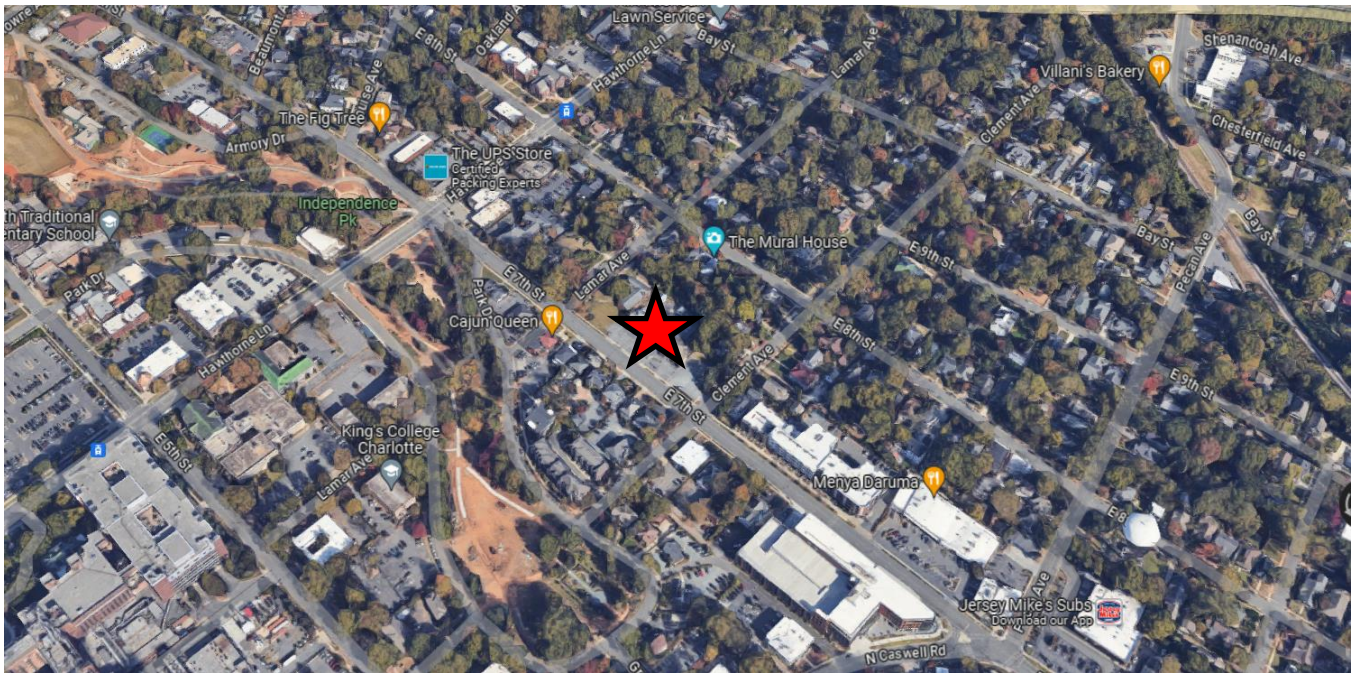
- Proposes the development of up to ~~213~~ 175 residential units and a maximum 5,600 square feet, of non-residential uses as permitted by-right and under prescribed conditions in the MUDD zoning district. **The petitioner commits to have a minimum of 4,000 square feet of these non-residential uses. In the event a third party pursues legal action relating to the retail use, the petitioner shall be permitted to proceed without the retail component, provided that the petitioner shall retain the option of re-introducing the retail component at a later date.**
- Prohibits the following uses: commercial self-storage buildings, auto service stations, commercial car washes, hotels, commercial car washes, and accessory drive-throughs. Additionally, amplified sound shall not be permitted in the amenity courtyard.
- Requests an optional provision to allow parking and maneuvering between buildings and streets by proposing one parking space on Clement Avenue.

- Commits to a minimum of ~~1-1~~ 1.25 parking spaces per residential unit.
- Proposes a maximum building height of 78', with a stepdown in height at the rear of the proposed building where the site is adjacent to single family uses. **The rear of the site closest to single family homes will be a maximum height of 45'. This height stepdown to 45' will extend for a minimum of 80' into the site as measured from the rear property line.**
 - **If any portion of the constructed building height exceeds 65', the petitioner shall provide a \$132,439.50 contribution to the Charlotte Affordable Housing Trust Fund prior to issuance of the first building certificate of occupancy.**
- Provides an 8' planting strip and 8' sidewalk along all three frontages.
- Commits to upgrade the rapid flashing beacon pedestrian crossing at Clement Avenue and East 7th Street or providing an upgraded pedestrian crossing at Lamar Avenue and East 7th Street.
- Provides bicycle parking within 50' of the entry of each commercial occupancy at a rate of 1 space per 500 square feet of gross floor area.
- Provides architectural standards related to preferred building materials, building massing and height, pedestrian oriented building placement, transparency requirements, screened dumpster enclosures and HVAC units, and noise and visual mitigation measures around outdoor amenities.
- Commits to a 20' rear yard area with plantings to provide screening against the adjacent single family homes. An 8' masonry wall will be provided along the rear property line as well.
- Provides screening details for the parking deck and notes that the intention is for the majority of the parking structure to be below-grade.
- Commits to freestanding lighting fixtures no more than 21' in height.

• **Existing Zoning**



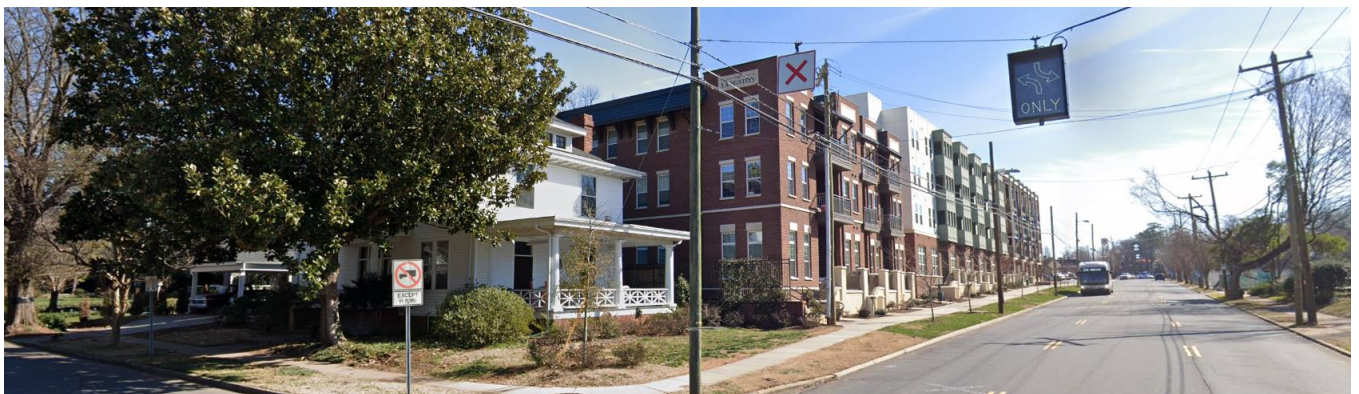
- The site is currently zoned CG and is in an area with N2-B, OFC, N1-C, MUDD-O, and CG zoning.



- The subject site is denoted with a red star and is in an area with commercial, office, single family residential, and multi-family residential development.



- North of the site are single family homes.



- East of the site is a single family home converted to office space (rezoning petition 2023-053) and a multi-family residential project.

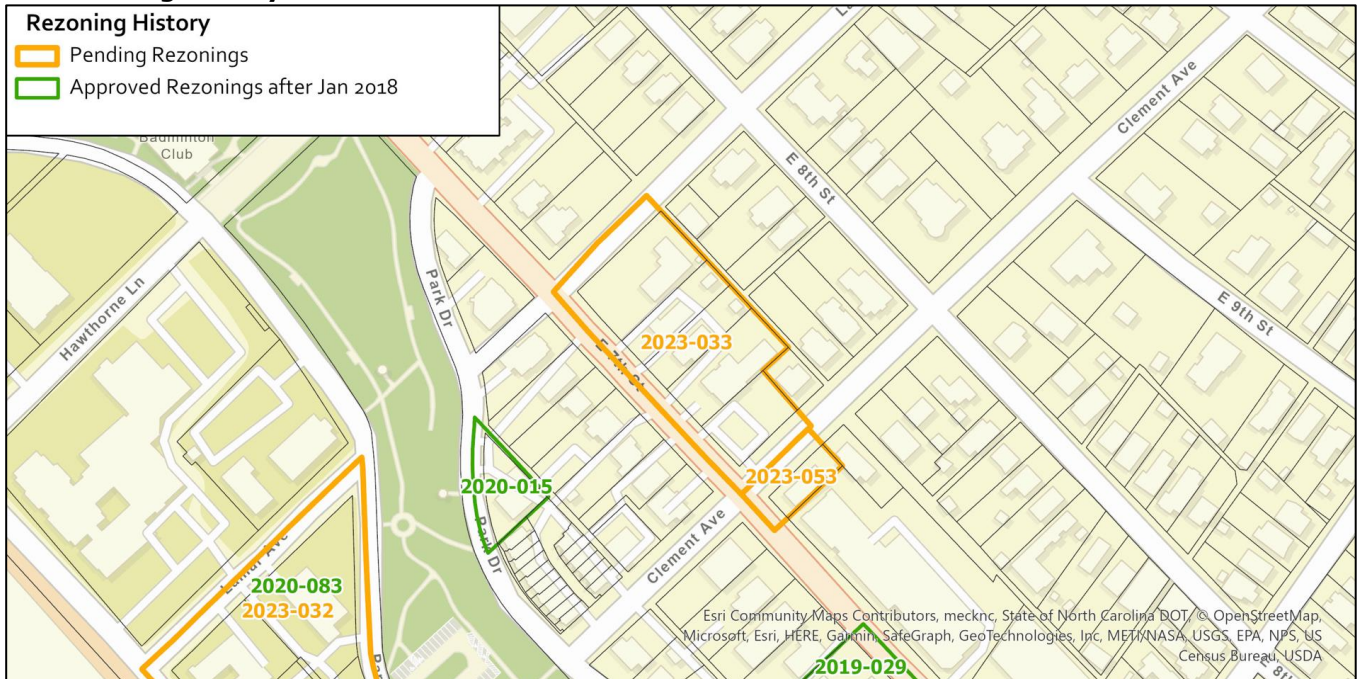


- South of the site are single family homes that have been adaptively reused for commercial and office uses.



- The parcel west of the site housed Royal Gardens, a retail establishment, for decades. The structure has been demolished in recent months.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-029	Rezoned 1.68 acres from MUDD-O to MUDD-O SPA.	Approved
2020-015	Rezoned 0.23 acres from R-43MF to MUDD-O.	Approved
2020-083	Rezoned 2.43 acres from O-2 to MUDD-O.	Approved
2023-032	Rezoning 2.43 acres from MUDD-O to MUDD-O SPA.	Approved
2023-053	Rezoning 0.31 acres from N1-C to NC(CD).	Pending

• **Public Plans and Policies**



- The 2040 Policy Map (2022) calls for Neighborhood Center.

• **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Seventh Street, a State-maintained major arterial, and Lamar Avenue, a City-maintained local street. The petitioner has committed to construction of new 8’ planting strip and 8’ sidewalks along Lamar Avenue, Clement Avenue, and East 7th Street. All outstanding CDOT comments have been addressed.

• **Active Projects:**

- CRD Elizabeth Bikeway Connection
 - Project ID PMES221723
 - Location: Several different locations In Elizabeth area
 - Project Description: Creating bike facilities in several different locations. To have safer conditions for bicyclists.
 - Project Type: Pedestrian and Bike
 - Project phase: Design
 - Anticipated Completion Date – Early 2025
- 7th Street Road Conversion/Resurfacing

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (the site is vacant).

Entitlement: 920 trips per day (based on 1.63 acres of commercial uses).

Proposed Zoning: 1,440 trips per day (based on 213 units and 5,600 sqft. of non-residential uses).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate 0 students, while development allowed with the proposed zoning may produce 39 students. Therefore, the net increase in the possible number of students generated from existing zoning to proposed zoning is 39.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Eastover Elementary from 73% to 77%
 - Sedgfield Middle remains at 66%
 - Myers Park High remains at 123%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Clement Ave and an existing 6-inch water distribution main location along E 7th St and an existing 6-inch main distribution main located along Lamar Ave. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Clement St and an existing 8-inch gravity sewer main located E 7th St and an existing 8-inch gravity sewer main located along Lamar Ave. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** See advisory comments at www.rezoning.org
- **Storm Water Services:** No comments submitted.
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Site and Building Design

1. Reduce maximum building height to no more than 65' and detail in the conditional notes how the height steps down to the adjacent N1 areas by including a maximum height for the rear of the building and noting where the height stepdown occurs in terms of the number of feet away from the N1 areas. **Addressed**

Land Use

2. Add a minimum square footage of the non-residential uses on the ground floor being committed to rather than just the maximum amount. **Addressed**

Transportation

3. Modify the sidewalk and the 2' behind the sidewalk to be located within the ROW or sidewalk utility easement. If the existing ROW is remaining on Lamar and Clement Avenue, then add sidewalk utility easement to encapsulate the sidewalk plus the 2'. **Addressed**

REQUESTED TECHNICAL REVISIONS PRIOR TO PUBLIC HEARING

Site and Building Design

4. Remove reference to conversion rights in maximum development section of the Site Development Data. **Addressed**

OUTSTANDING ISSUES AFTER PUBLIC HEARING

Land Use

5. Reduce the maximum building height to 65' and revise the proposed height transition detailed in the height plane exhibits and conditional notes so that no portion of the proposed building exceeds 50' in height when located within 100' of property lines in the Neighborhood 1 Place Type. **Addressed**

REQUESTED TECHNICAL REVISIONS AFTER PUBLIC HEARING

Land Use

6. Edit the listed number of residential units under the general provisions to note 175 rather than 213.

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

Planner: Holly Cramer (704) 353-1902