

REQUEST

Current Zoning: UC (uptown core)
Proposed Zoning: UC(EX) (uptown core, exception)

LOCATION

Approximately 1.90 acres bound by the north side of East Trade Street, west side of North Davidson Street, south side of East 5th Street, and east side of North Caldwell Street.



SUMMARY OF PETITION

The petition proposes to allow the development of the Charlotte Hornets practice facilities and associated accessory uses on a lot that is currently used as surface parking.

PROPERTY OWNER

City of Charlotte

PETITIONER

Charlotte PEC, LLC

AGENT/REPRESENTATIVE

Keith MacVean, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of one requested technical revision.

Plan Consistency

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

Rationale for Recommendation

- Developments such as sporting facilities often result in unique zoning scenarios that challenge typical ordinance regulations and prompt innovative solutions to contend with zoning limitations in projects like this petition. Exception (EX) conditional rezonings are a mechanism by which quantitative and some qualitative zoning and streetscape standards may be modified in exchange for the commitment to public benefits in at least two out of three categories: city improvements, public amenities, and sustainability measures. EX petitions should be reserved for situations

where extenuating circumstances make meeting ordinance standards an undue burden.

- Sporting facilities and their associated accessory uses have atypical site and building designs to accommodate their uses. This proposal requests EX provisions to modify standards such as transparency levels and minimum ground floor height. The vast majority of the EX requests in this petition are quantifiable in nature and are found to be reasonable given the context of the site and intended uses.
- The site is currently underutilized as a surface parking area in the densest core of the City where vertical mixed-uses and generally intense development is preferred. This rezoning and its associated uses of a practice facility including sporting events and commercial operations would shift the use of the site to be in alignment with the adopted Regional Activity Center Place Type.
- Two substantive public benefits are committed to as part of this EX request. The building developed on the site will comply with green building standards by being Leadership in Energy and Environmental Design (LEED) certified or by using other equivalent green building standards. The petitioner also commits to providing a public art feature on the site and will seek input from the City's Urban Design Center regarding potential local artists.
- This site will be easily accessible from various public transportation options as it is a tenth of a mile from the Charlotte Transportation Center and will be serviced by the LYNX Blue Line light rail, the LYNX Gold Line streetcar, and various bus routes. Redevelopment of underutilized lots such as these along major transit corridors help to directly support transit infrastructure while also providing a mechanism for the public to easily access a site in the City's core.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods
 - 4: Trail & Transit Oriented Development
 - 7: Integrated Natural & Built Environments

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes to allow all uses permitted by-right and under prescribed conditions under the UC district; including, without limitation: an indoor sports training and practice facilities/courts, sports operations and activities, restaurant/bar, retail, personal services, and medical offices.
- Requests EX provisions and specifies that the required public benefits will include green building standards to be LEED certified (or the equivalent) and a public art feature for which the petitioner will seek input from the Charlotte Urban Design Center **during the land development process** regarding possible artists. The petitioner shall interview at least one artist from the City's creative pool as a finalist for the public art, but the final selection shall be the petitioner's choice. **The petitioner will prioritize the use of local artists when selecting the public art to be installed.**
 - EX Provision to Article 12.3.A:
 - The frontage setback line may be reduced by 5' as measured from the future back of curb along Caldwell Street, E. 5th Street, and North Davidson Street to allow for cantilevered occupiable space located a minimum of 20' above the adjacent sidewalk grade.
 - EX Provision to Article 12.3.C:
 - The minimum ground floor height may be reduced from 16' to 12' only for the portions of the building constructed and used as a parking structure.
 - EX Provision to Article 12.3.D:
 - The minimum ground floor transparency along N. Davidson Street and E. 5th Street may be reduced from 60% to 20%. Where transparency is not provided, pedestrian-scale interest and activity shall be created through the inclusion of at least one architectural element.
 - EX Provision to Article 19.7:
 - The site will utilize parking structure design option C with a reduction from 90% active ground floor uses to 10% active ground floor uses along E. 5th Street and N. Davidson Street.

- ~~EX Provision to Article 20.17:~~
 - ~~The petitioner may plant required internal trees anywhere onsite per Article 20.17. Any internal trees that cannot reasonably be planted onsite may be planted on public property and/or public street right of way in Uptown so long as such planting locations meet the general purpose and intent of the ordinance standard. The City shall direct the petitioner where and when to plant. The petitioner may alternatively agree to contribute a one time payment to the City to support a City managed tree planting and tree care project to meet the internal trees requirements. Payment total will be based on quantity of trees and planting estimates. The project shall be implemented in Uptown or the immediately adjacent areas.~~
- EX Provision to Article 22:
 - Signage may display on-premises advertising and/or advertising associated with sports operations, activities, and events whether on premises or in the adjacent arena on PID 080-013-20
 - Requests to allow one additional electronic or static wall sign along the N. Caldwell Street frontage that is up to 380 square feet in area.
- EX Provision to Article 33.3:
 - Allow the existing curb to remain along N. Caldwell Street and a portion of N. Davidson Street. ~~The partial relocation of the curb line along N. Davidson St. will only occur if the petitioner is not able to secure approval from Duke Energy to locate the buildings transformers and switch gears in underground vaults. If a partial curb line relocation occurs the required sidewalk alignment will be designed to be consistent across the Site's frontage on N. Davidson St.~~
- The petitioner may seek an administrative approval of a master signage package and such a master signage package may provide additional flexibility deemed appropriate in keeping with the overall intended use and design intent of the development.
- Includes the following transportation provisions:
 - Access to the site via E. 5th Street, Caldwell Street, and N. Davidson Street. Access from N. Davidson Street and Caldwell Street will be a limited access driveway.
 - Commits to dedicate and convey in fee simple all rights-of-way to the City. An additional 8' from the existing back of curb will be dedicated along E. 5th Street, N. Caldwell Street, and N. Davidson Street. A public access easement and sidewalk utility easement will be provided for any of the proposed sidewalks located along the public streets.
 - All transportation improvements will be approved and constructed prior to the building's first certificate of occupancy being issued.
- The building façade along the southern site boundary will be treated with murals and/or other elements to create a visually interesting building façade until such time as it is covered by the adjacent development.
- Up to 250 parking spaces will be provided and will be available for public parking subject to restrictions regarding times of the day and week when spaces will be made available. A cost of a fee for the use public parking spaces may be charged.

• **Existing Zoning**



- The site is currently zoned UC and is in an area with UC, UMUD-O, MUDD-O, CAC-2, and N2-C zoning.



- The subject site is denoted with a red star and is in an area with a range of uses including, commercial, office, institutional, entertainment facilities, multi-family residential, and mixed-use developments.



- The Spectrum Center is northwest of the site. This petition allows for sporting and practice facilities related to the Spectrum Center.



- The structure northeast of the site supports AT&T utilities.

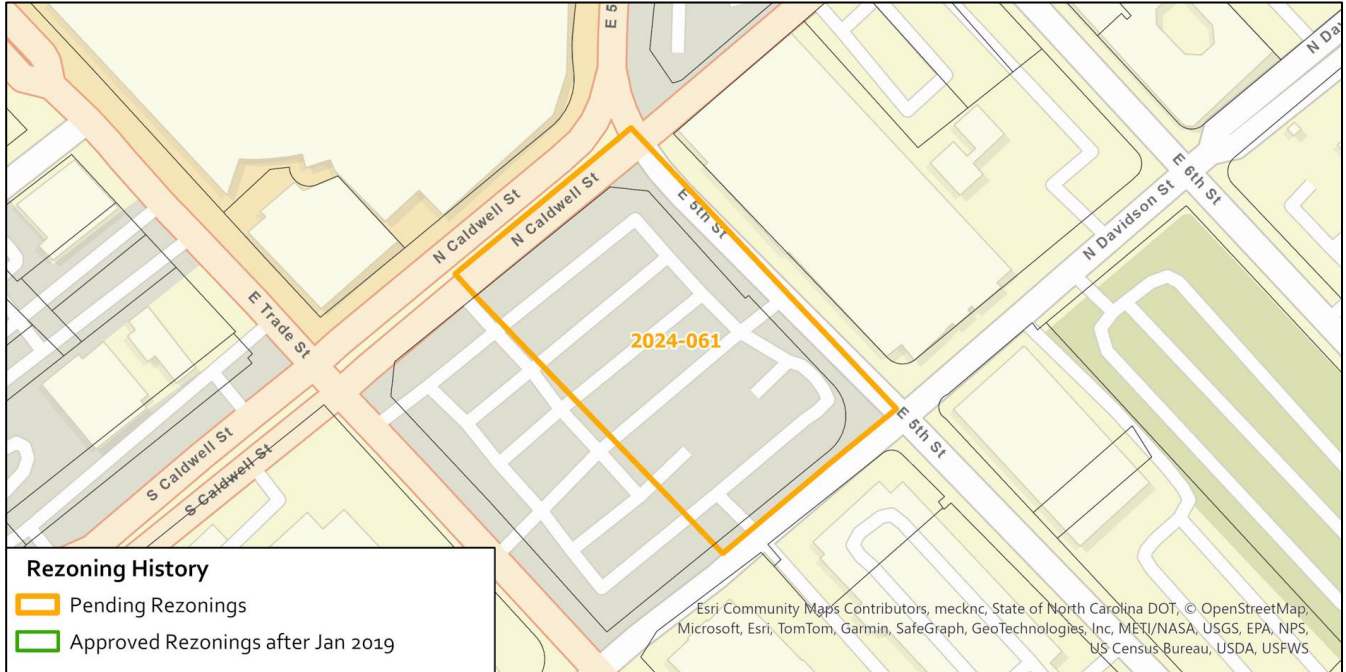


- Southeast of the site are offices for the Charlotte-Mecklenburg Police Department.



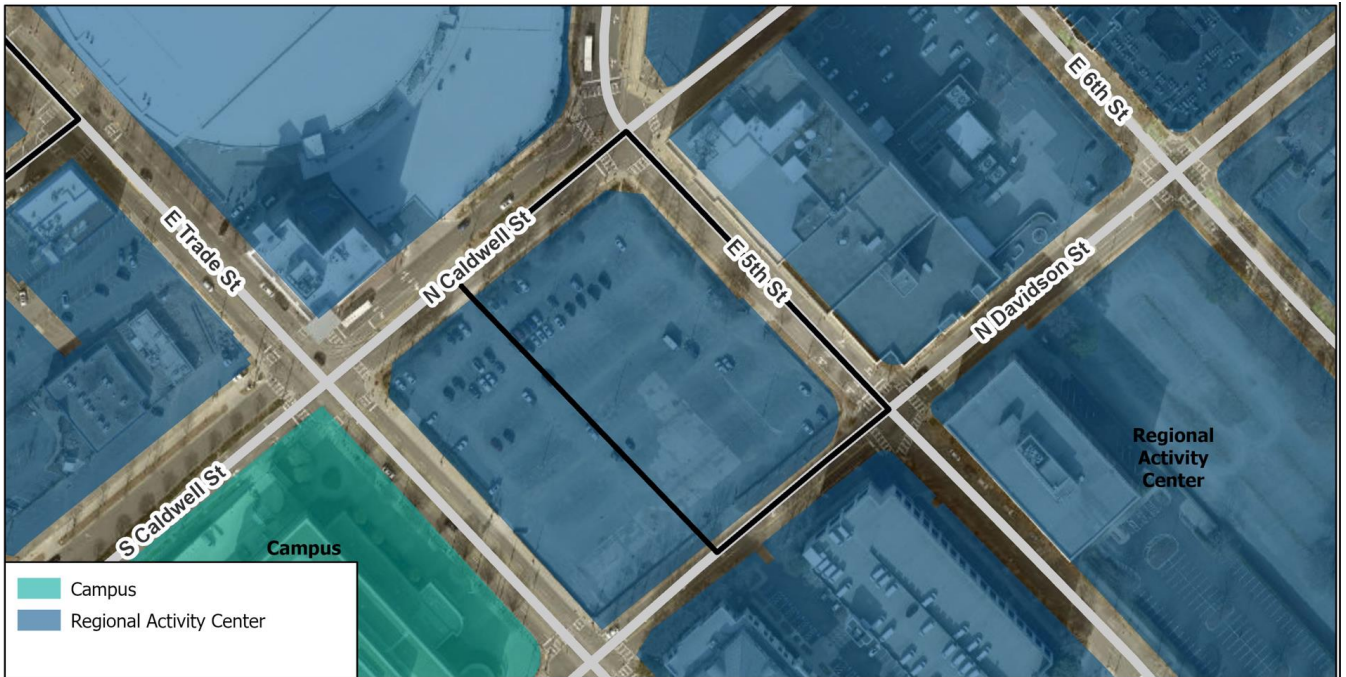
- Southwest of the site are Federal Reserve offices.

• **Rezoning History in Area**



- There have been no recent rezonings in the immediately adjacent area.

• **Public Plans and Policies**



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

- **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Davidson Street, a City-maintained minor arterial, and Fifth Street, a City-maintained major arterial. A Comprehensive Transportation Review (CTR) is not necessary for the complete review of this petition due to the UC-EX zoning. A CTR will be required during permitting if the site generates site trips over ordinance thresholds. There are no further outstanding CDOT comments.
- **Active Projects:**
 - CIP – Uptown Cycle Link
 - Project ID: PMES211697
 - Location Description: S. Mint Street and N. Pine Street from W. Palmer Street to 6th Street; W. Hill Street from S. Tryon Street to S. Mint Street; Davidson Street from E. 4th Street to E. 6th Street; and a new connector from S. Cedar Street To Graham Street
 - Project Description: Construct a network of dedicated, separate bike lanes in the center city, linking together other bikeways into and across the center city, making the overall network more continuous and navigable.
 - Project Type: Pedestrian and Bike
 - Project Phase: Planning
 - Anticipated Start: Mid 2021
 - Anticipated Completion: Early 2024
- **Transportation Considerations**
 - No Outstanding Issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: trips are not applicable, the existing use is a surface parking lot.
 - Entitlement: too many uses to determine trip generation.
 - Proposed Zoning: too many uses to determine trip generation.

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along N Caldwell St. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along N Caldwell St and an existing 8-inch gravity sewer main located along N Davidson St. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.
- **Long Range Planning:** See advisory comments at www.rezoning.org
- **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 Requested Technical Revisions, Note 9.
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 7.

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Transportation

- ~~1. Recommit to provide the public parking spaces, otherwise the location of the future curb and gutter along N. Caldwell Street needs to be moved 7' from the existing curbline as stated in the Streets Map.~~
Addressed
- ~~2. Along N. Davidson Street, the location of the future curb and gutter needs to be moved 7' from the existing curbline. On the site plan callouts, remove the word "optional" regarding the 7' to the future back of curb measurement.~~ **Addressed**
- ~~3. Revise the EX provision to Article 33.3 to remove N. Davidson Street as being exempt to the Streets Map standards.~~ **Addressed**

4. ~~Revise the site plan and conditional notes to have the sidewalk alignment be consistent across the site's entire N. Davidson Street frontage.~~ **Addressed**

Site and Building Design

5. ~~Due to the site's prominent visibility and the nature of EX requests, modify the notes committing to a public art feature to the following, "The petitioner shall utilize no less than two (2) City of Charlotte Placemaking Creative Pool artists from a list managed by the UDC to incorporate public art into the site's overall design. Selection/curation and location of public art features shall be subject to the approval by the City's Urban Design Center (UDC)."~~ **Addressed**

6. ~~Provide notes on the 250 parking spaces and detail what restrictions are being proposed.~~ **Addressed**

Environment

7. ~~Collaborate with the Urban Forestry team on the EX provision language for Article 20.17.~~ **Addressed**

REQUESTED TECHNICAL REVISIONS PRIOR TO PUBLIC HEARING

Site and Building Design

8. ~~State the purpose of the limited access driveway in the conditional notes.~~ **Addressed**

Environment

9. ~~In "e" of the general provisions, separate out the language regarding storm water and urban forestry into two separate notes.~~ **Addressed**

Land Use

10. ~~Add language stating that the requested EX provisions in this conditional plan are only applicable for sporting facilities and accessory uses on the site.~~ **Addressed**

REQUESTED TECHNICAL REVISIONS AFTER PUBLIC HEARING

Site and Building Design

11. In the EX public benefit language regarding the public art feature, add language mirroring the note in section 6 stating that if the art were to be covered by new development then the art feature would be replaced elsewhere on the site to satisfy the EX public benefit requirement.

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

Planner: Holly Cramer (704) 353-1902