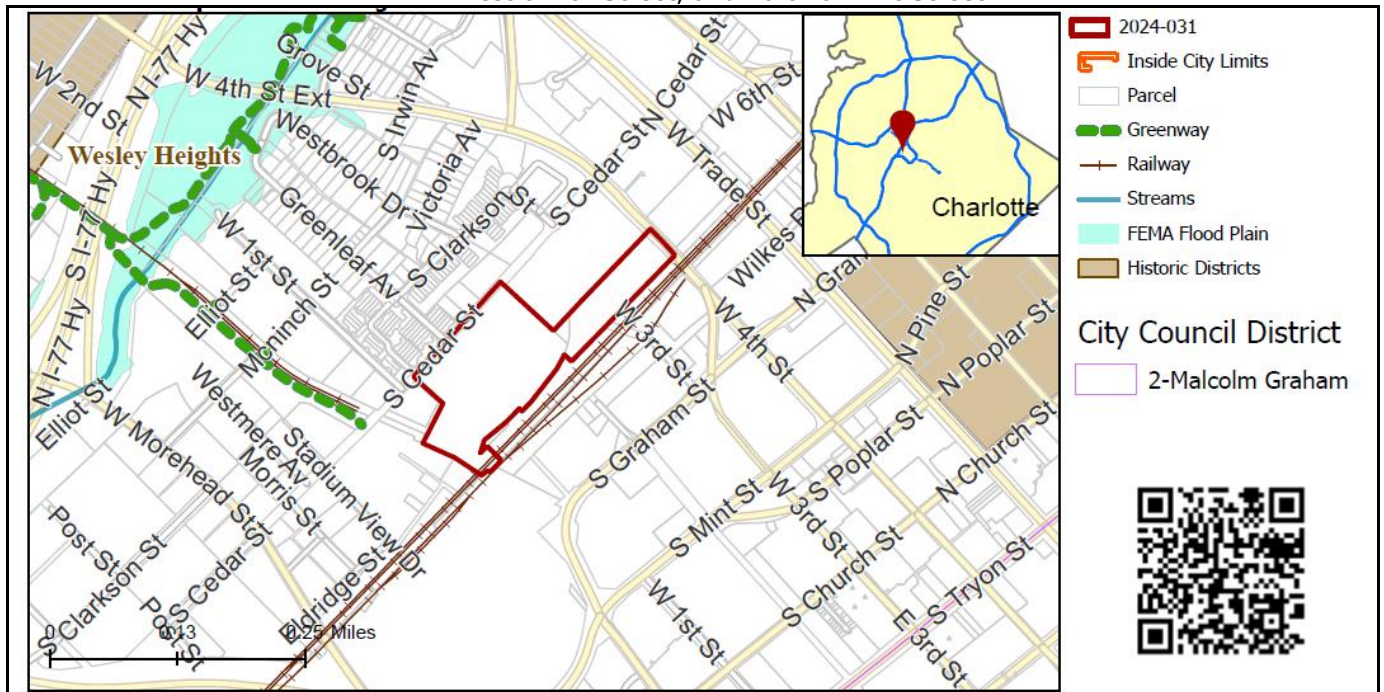


REQUEST

Current Zoning: MUDD-O (mixed-use development district, optional) CAC-2 (community activity center – 2), and N2-C (neighborhood 2 – C)
Proposed Zoning: UE(EX) (uptown edge, exception)

LOCATION

Approximately 12.04 acres located on the east side of South Cedar Street, west of 4th Street, and north of Mint Street.



SUMMARY OF PETITION

The petition proposes to allow for the redevelopment and expansion of the existing Panthers’ Practice Facilities and associated accessory uses.

PROPERTY OWNER

Panthers Stadium, LLC and City of Charlotte

PETITIONER

Panthers Stadium, LLC

AGENT/REPRESENTATIVE

Jeff Brown, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 34

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

- Sporting facilities and entertainment developments more broadly prompt unique zoning scenarios that may challenge typical regulations, requiring innovative solutions to contend with ordinance standards. EX petitions are a type of conditional rezoning that allow for flexibility in quantitative zoning and streetscape standards 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.

- The nature of practice facilities mean that atypical building and site design standards may be necessary to accommodate the uses. This proposal requests a number of EX provisions related to modifying standards including variables such as transparency requirements and blank wall areas. Many of these requests are quantifiable in nature and are applicable under the EX guidelines.
- This site would serve to provide complimentary uses to the Panthers Stadium. The rezoning site may be assessed in tandem with the stadium property for some standards because it is a unified development. However, further details are needed to clarify what elements of this rezoning proposal related to the EX public benefits may occur on the stadium portion of the property.
- The associated uses of a practice facility including sporting events, festivals, and commercial operations are in alignment with the adopted Regional Activity Center Place Type.
- The existing N2-C zoning on the portion of the site that is Development Area B is not reflective of existing uses or the adopted Place Type. The proposed Uptown Edge zoning district better suits the Regional Activity Center Place Type.
- This site is located directly along the proposed LYNX Silver Line and the petitioner notes that they will continue to collaborate with CATS regarding future rail right-of-way. Redevelopment of areas along what will be a major transit corridor will help to directly support the transit infrastructure while also providing a mechanism for the public to easily access a site that is in the densest part of the City.
- The area that comprises Development Area B is currently underutilized as a vacant lot. Given the situational context of the parcel, the development of Uptown Edge uses on the site would be a preferred outcome over the existing condition.
- The proposal is mindful of the adjacent residential areas on the northwest side of South Cedar Street and provides specific conditions that prioritize sensitivity to those neighbors related to signage orientation, maximum building height, and use limitations for Development Area A.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods
 - 4: Trail & Transit Oriented Development

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes two development areas:
 - Development Area A may be developed with practice and training facilities, fieldhouse facilities, indoor seating for sports events and performances, up to 5,000 seats for outdoor uses, sports operations, reception facility uses, periodic outdoor markets, mobile food and retail vendor uses, public transit facility uses to accommodate the future rail right-of-way, and all accessory uses permitted in the UE district.
 - Proposes a maximum building height of ~~70' 80'~~ for Development Area A.
 - Development Area B may be developed with all uses permitted by-right and under prescribed conditions in the UE district.
 - Proposes a maximum building height of 150' for Development Area B.
- Notes that this rezoning site may be viewed as a planned/unified development with the stadium property.
- Notes that the shared-use pedestrian path from Graham Street along Development Area A that extends to the future Irwin Creek Greenway shall not be a frontage and may be closed during events and sequentially shall not be subject to UDO regulations applicable to frontage types until the proposed Cycle Track improvements across adjacent parcels are completed. The petitioner may seek a text amendment ensuring that such frontage standards do not apply to the site development which if approved would be applicable to this rezoning. However, if it in the future it is determined that the pedestrian connection on the site is a frontage then applicable EX provisions setout regarding build-to-zones, build-to-percentages, and the like are included in this conditional plan.
- Notes that any building 100' or greater from a frontage is not subject to regulations within the UDO which are applicable to frontage types.

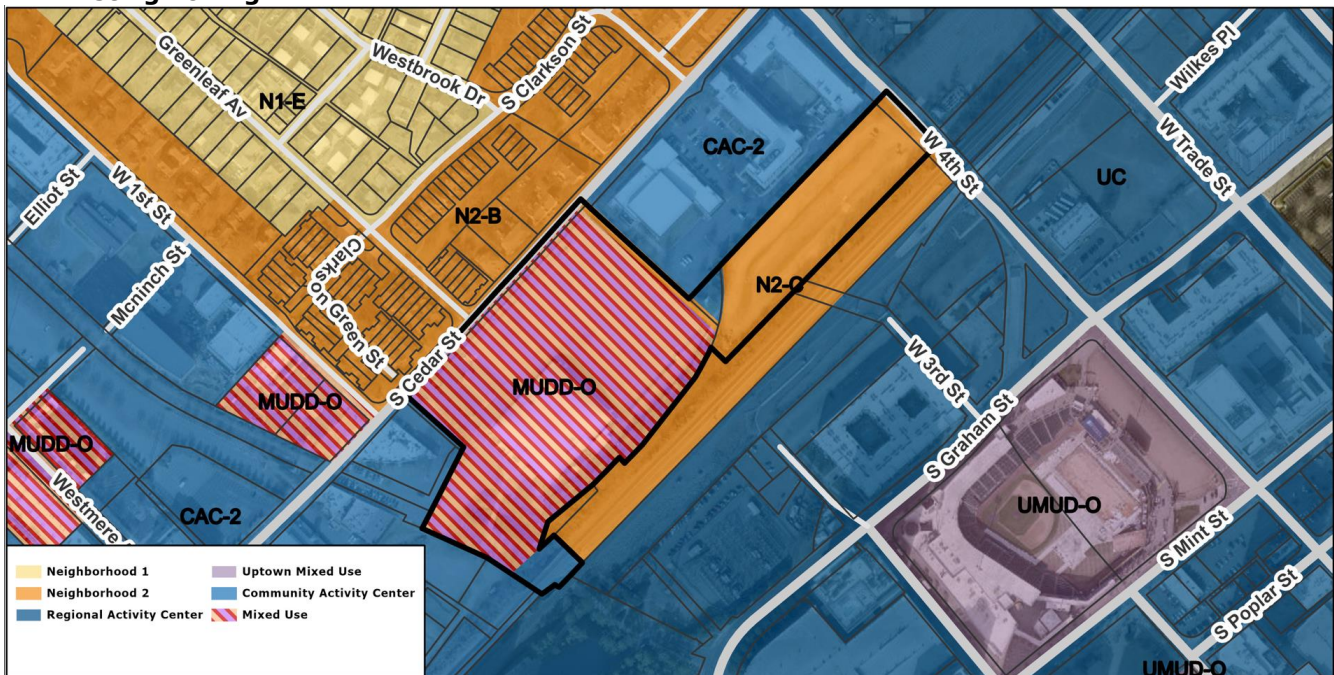
- Requests EX provisions and specifies that the required public benefits for the EX request may include at least one benefit from at least two of the below categories. However, it is understood that the pedestrian pathway will be one of the features implemented. ~~publicly accessible open space, public plazas and open spaces, outdoor recreational features, and streetscape improvements. The following modifications to zoning standards are requested:~~
 - Sustainability: installation of on-site renewable energy generation such as solar panels, reuse of storm water for on-site irrigation, and other similar features.
 - Public Amenity:
 - Installation of public art features for which the petitioner shall seek the input of the City's Urban Design Center regarding possible artists that may be selected by the petitioner. The petitioner shall interview at least one such artist as a finalist for the public art, but the final selection shall be the petitioner's choice.
 - ~~• Community access on a periodic basis to the practice facilities for events or activities.~~
 - The installation of public plazas or open space in excess of ordinance requirements, of at least 5,000 square feet. The petitioner shall identify the general location and nature of the public plaza as part of the land development submittal process.
 - City Improvements: construction of a shared-use path to provide linkage to the tunnel near Graham Street and the Clutch parking parcel which connects to the greenway that extends to Irwin Creek.
 - EX Provision to Article 12.3.A:
 - The frontage setback line along Cedar Street may be reduced from 20' to 16'.
 - The frontage built-to-zone is increased from 0'-20' to 0'-200' along Fourth Street and to 0'-650' along the pedestrian connection.
 - The site shall have a minimum build-to-percentage of 40% rather than 80% along Cedar Street and Fourth Street, as well as along the pedestrian connection if applicable.
 - EX Provision to Article 12.3.B: the minimum building height may be reduced from 24' to 10' for accessory buildings.
 - EX Provision to Article 12.3.C:
 - The minimum building length percentage shall be reduced from 60% to 25% within Development Area A and from 60% to 50% within Development Area B (excluding future CATS ROW).
 - Blank wall dimension limits shall be increased from 20' to 40'.
 - The minimum ground floor height shall be decreased from 16' to 10' for accessory buildings.
 - EX Provision regarding the established setback and surface parking: the site is part of a unified development that includes the stadium development which is bounded by Cedar Street, Fourth Street, and the pedestrian connection. A 20' public open space area will be provided abutting the East 4th Street frontage which will create the established setback along this street frontage. A 5' public open space area will be provided along the pedestrian connection if it is deemed a frontage which will create the established setback. Within Development Area B, surface parking and maneuvering may be located behind this determined established setback. The public open space abutting East 4th Street shall have a minimum depth of 20' from the back of sidewalk along East 4th Street rather than 50' from the ROW to create the established setback. The public open space abutting the pedestrian connection shall have a minimum depth of 5' rather than 50'. The public open space will be designed per the design requirements within table 16.2 of the ordinance for public open space.
 - EX Provision to Article 12.3.D: in Development Area A, ground floor transparency shall be reduced from 50% to 5% and upper floor transparency shall be reduced from 15% to 5%.
 - EX Provision to Article 12.3.F: the number of prominent entrances may be reduced to one entrance on either Fourth Street or Cedar Street.
 - EX Provision to Article 12.4: the stadium property can be utilized to count towards open space requirements and the required 10% of the site to be reserved for open space shall be reduced to 2%. It is understood that open space counted from the stadium property to satisfy open space requirements for this site may not be used to satisfy the stadium property's open space requirements for a future development of the stadium property.
 - ~~• EX Provision to Article 16.2: if outdoor practice fields are to be illuminated, such lighting will comply with the exterior lighting provisions of the ordinance.~~
 - ~~• EX Provision to Article 19.2: the site shall have no vehicle parking minimums or maximums.~~
 - EX Provision to Article 19.3: up to 30 20 short-term bicycle parking spaces will be provided based on a minimum ratio of 1/5000 square feet of new gross floor area. and may be located more than 120' from an entrance to the building and on the stadium property.

- ~~EX Provision to Article 19.6: surface parking and maneuvering may be located between the principal building and the Fourth Street frontage. Such parking shall be located a minimum of 20' from the back of the sidewalk. Public open space shall be provided within the 20'.~~
- ~~EX Provision to Article 19.7: the site shall be allowed parking structure design options A, B, C, and D with a 5' landscape yard.~~
- EX Provision to Articles 20, 15, and 17: the required green area may be reduced from 15% to 10%. The outdoor practice fields shall not be considered built-upon area. Internal plantings and compliance with applicable tree related provisions of the ordinance may be made available pursuant to the alternative compliance provisions of urban forestry.
- EX Provision to Article 22: signage of all types allowed in the UE district shall be permitted.
 - Signs may display advertising associated with sports operations on-premises or off-premises.
 - More than one electronic sign per lot shall be allowed and each allowed sign type may be electronic provided, however, no electronic signs shall face on Cedar Street that are located within 250' from the Cedar Street boundary line. This distance reference is to permit such a sign on a building that may be located within the narrow building envelope area of Development Area A adjacent to the rail-line ROW that could be construed as facing Cedar Street but is located a large distance from Cedar Street.
 - Electronic signage shall be allowed to operate under the same criteria as electronic signs in the UC district the same regulations permitted in the UC district.
 - Up to two ground signs are permitted. One may have a maximum area of 50 square feet and 8' 11" in height. The second sign may have an area of 1,250 square feet and 40' in height. The second ground sign must be located at least 220' from South Cedar Street and shall not face towards residential uses along the northwest side of South Cedar Street. Digital and other ground mounted wayfinding signage may be installed in addition to other ground mounted signage subject to the limits on certain wall-mounted signage facing Cedar Street.
 - Wall mounted signage shall have a maximum square footage equal to 30% 40% of the building wall square footage on which they are located. These signs shall have flexibility in the locations and design standards. Wall mounted signage facing Cedar Street within 250' of Cedar Street boundary shall not exceed the ordinance size and shall not be electronic. This distance reference is to permit such a sign on a building that may be located within the narrow building envelope area of Development Area A adjacent to the rail line ROW that could be construed as facing Cedar Street but is located a large distance from Cedar Street.
 - ~~The total area of all banners along a wall shall not exceed 1,000 square feet or 10% of the wall area, whichever is greater. There are no maximum display time periods.~~
 - Painted wall signs may be installed on the roof with a combined maximum square footage equal to 40% of the roof square footage on which they are located.
 - Commercial and non-commercial flags are not subject to Article 22.6.E.
 - ~~Banners may be placed/located on any fencing or walls erected on the site without limitation as to the number of banners and for how long the banners may stay in place. Up to 50 banners may be erected on the site and may be displayed throughout the calendar year as long as any graphics located on the banners, other than artwork, is oriented inward. Banners with graphics that are oriented toward a frontage or adjacent property, other than artwork, shall comply with the ordinance.~~
- EX Provision to Article 33.4: streetscape element standards shall be modified to allow the existing streetscape to remain with a 7' planting strip and 7' sidewalk.
- In addition to allowing all signage types in the UE district, proposes that the petitioner may seek administrative approval for a master signage package for the rezoning site which may provide additional flexibility appropriate and in keeping with the overall intended use and design intent of the development.
- As depicted on the site plan, a pedestrian shared-use path connection shall be provided on the site to provide a linkage from the existing Irwin Creek Greenway to the tunnel near Graham Street. The petitioner will collaborate with the City and AP Foundry to provide an uninterrupted pedestrian path connecting Cedar Street across portions of the City parcel and the AP parcel.
 - The connection shall include a continuous 17' wide concrete paved surface for the portion of the path that is located within this rezoning boundary. The path will be 12' wide across portions of the City parcel, and 10' wide for a small portion of the path directly abutting Cedar Street. The City may seek to widen the pedestrian connection along the proposed 12' and 10' portions of the path to 17' in connection with Cycle Track improvements.
 - This path shall not have stairs, except those that are ADA compliant, and shall include wheel stops where necessary. Lighting and wayfinding signage may be provided if needed. The path shall remain open for continuous public use subject only to required maintenance and repair

needs and momentary closures for player and employee personnel walking to and from the stadium.

- The extended connection shall include realignment of the painted crosswalk along Cedar Street.
- The petitioner shall provide the pedestrian connection no later than May 31, 2025.
- The petitioner shall meet the green area requirements of the ordinance.
- Required internal trees may be planted anywhere on parcel 073-281-01 and any trees that cannot be reasonably planted on the designated parcels may be planted on public property and/or in the public ROW if such plantings meet the intent of the requirement. The City will identify planting locations. The petitioner may agree to contribute a one-time payment to support tree planting and the Tree Care Project to meet the internal trees requirement.
- The petitioner and City will mutually develop and agree upon a tree canopy plan outlining any non-standard and alternative efforts to meet the green area and/or internal trees requirement. Tree canopy plans shall be developed and finalized prior to initial land development plan approval. All terms of the canopy plan and amendments shall be mutually agreed upon by both the petitioner and City.
- The Cedar Street building façade shall contain design features that engage the pedestrian experience.
- The current fence along Cedar Street shall be replaced with an improved treatment consisting of composite panel connections and metal trim within 3 months of completing the reconfiguration of the fields.
- The petitioner acknowledges that certain sacrificial type vertical improvements may be located within portions of the CATS ROW subject to approval by CATS.

• **Existing Zoning**



- The site is currently zoned CAC-2, MUDD-O, and N2-C. The existing MUDD-O plan was approved in 2019 and allowed for the development of the Panthers’ Practice Facility.



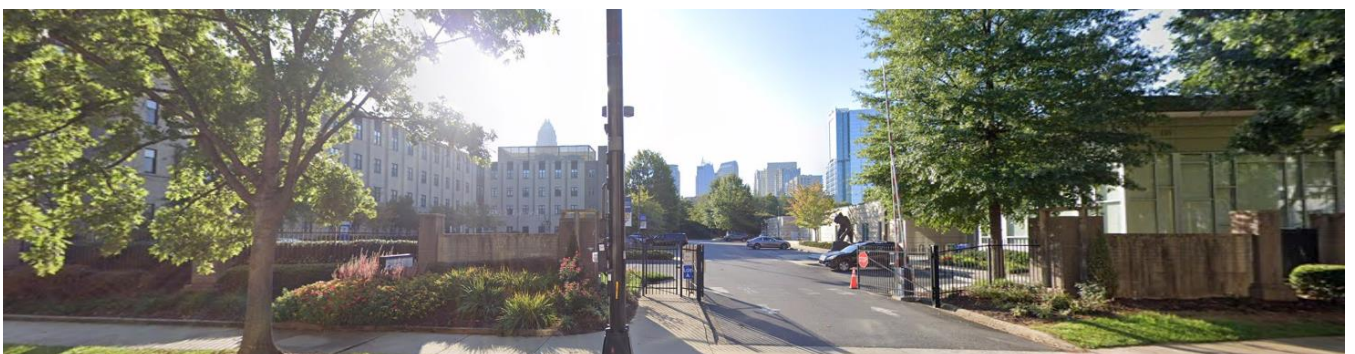
- The subject site is denoted with a red star and is in an area with various uses including multi-family residential, commercial, office, institutional, entertainment facilities, and mixed-use developments.



- North of the site are multi-family attached and stacked developments.



- South of the site is the Panthers Stadium.

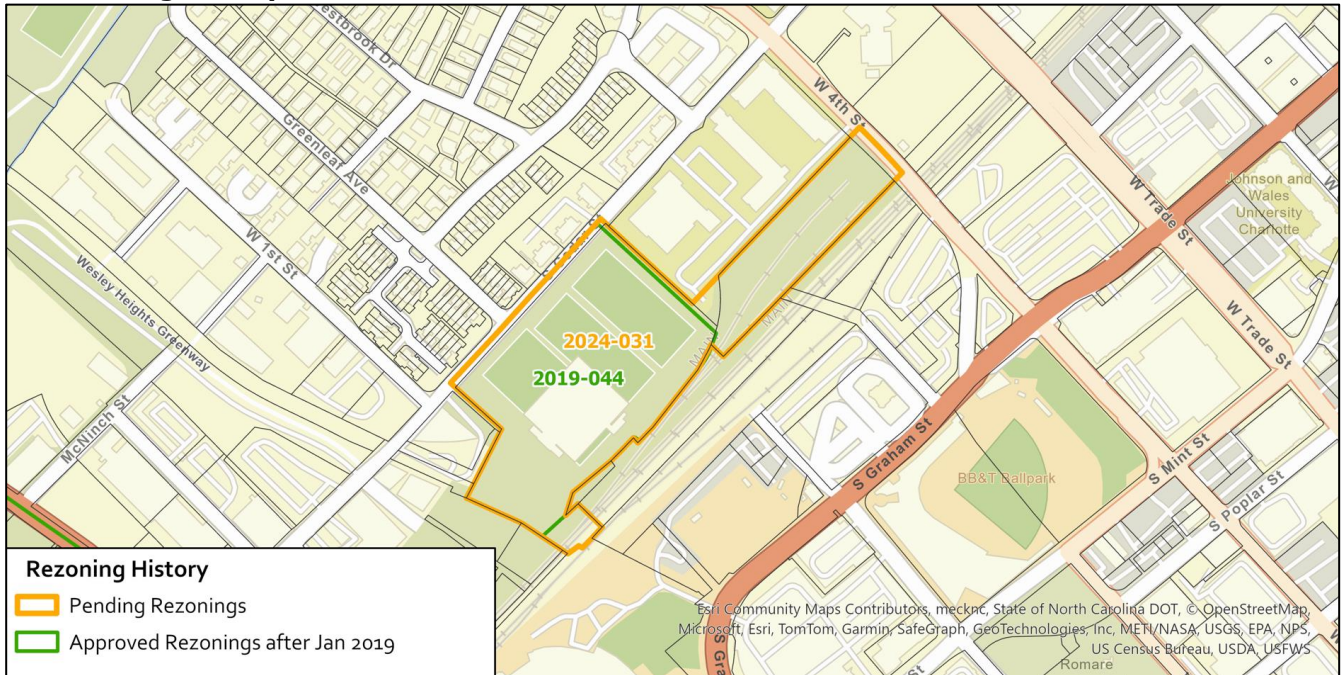


- East of the site are numerous facilities for Johnson & Wales University.



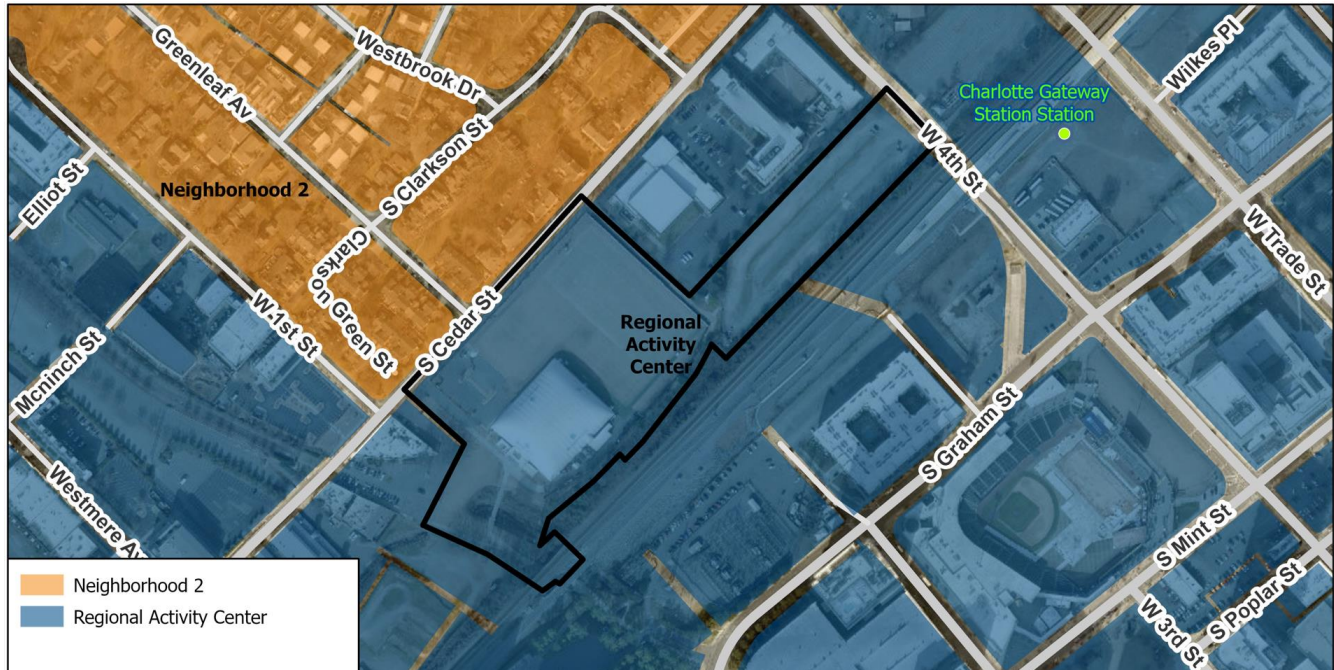
- West of the site are several commercial uses.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-044	Rezoned 8.60 acres from UR-3 to MUDD-O.	Approved

• **Public Plans and Policies**



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

• **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Cedar Street, a City-maintained minor arterial, and Greenleaf Avenue, a City maintained local street. A Traffic Impact Study (TIS) is not required for the site due to the development generating site trips under ordinance thresholds and not meeting additional TIS triggers.

• **Active Projects:**

- CIP - Hill Street Storm Drainage Improvement Project
 - Project ID: PM67111003
 - Location Description: The project area is bordered by 1st Street and I-77 to the north, Tryon Street to the south, Stonewall Street and 1st Street to the east and Palmer Street to the west.
 - Project Description: Install and/or repair drainage infrastructure.
 - Project Type: Storm Water
 - Project Phase: Design
 - Anticipated Completion Date: TBD
 - Project Manager: David Estochen David.Estochen@charlottenc.gov
- CIP - LYNX Silver Line
 - Project ID: 04000
 - Location Description: Proposed Light Rail project from Central Piedmont Community College in the Town of Matthews to Monroe Road and Independence Boulevard through Uptown Charlotte then along Wilkinson Boulevard to the City of Belmont
 - Project Description: Proposed LYNX Silver Line light project from the Town of Matthews through Southeast and West Charlotte to the City of Belmont
 - Project Type: Transit
 - Project Phase: Design
 - Project Manager: Andy Mock - amock@charlottenc.gov

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: Trip generation numbers are unavailable for practice facilities.

Entitlement: Trip generation numbers are unavailable for practice facilities.

Proposed Zoning: Trip generation numbers for the proposed redevelopment will be assessed during permitting and any resulting comprehensive transportation reviews or traffic impact studies required would take place at that time.

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **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 8-inch water distribution main along W 4th St and an existing 6-inch water distribution main along S Cedar St. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along W 4th St and an existing 8-inch gravity sewer main along S Cedar 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 outstanding issues.
- **Stormwater Services Land Development Engineering:** See advisory comments at www.rezoning.org
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Transportation

1. ~~Add a conditional note specifying "A Right of Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right of way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements."~~ **Addressed**
2. ~~Add a conditional note specifying "the Petitioner shall dedicate and convey in fee simple all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible."~~ **Addressed**
3. ~~Add a conditional note specifying "All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued."~~ **Addressed**

Land Use

4. ~~Revise the proposed EX benefits to list what city improvement, public amenity, or sustainability measure is being provided with details such as which streetscape improvements are being provided that exceed ordinance standards and the square footage, location, and features of the public open space. Add a conditional note stating that the proposed public benefits in this rezoning may not be used to satisfy any public benefit requirements for future rezonings.~~ **Partially Addressed**
5. ~~Remove notes B and C under the EX provisions that notes which standards can be modified through an EX request since the language incorrectly references standards that cannot be modified with an EX request.~~ **Addressed**

Site and Building Design

6. ~~Add a proposed maximum building height for Development Area B.~~ **Addressed**
7. ~~Add details clarifying which proposed standards may be met on the stadium portion of the property in explicit and clear language.~~ **Addressed**
8. ~~Clarify if the EX provision for Article 12.3 regarding minimum building length standards is being sought for all frontages.~~ **Addressed**
9. ~~Clarify if the EX provision for Article 12.3 regarding transparency standards is being sought for all frontages.~~ **Addressed**
10. ~~Remove the EX provision for Article 16.2 regarding exterior lighting if no modifications to the zoning standards are proposed.~~ **Addressed**
11. ~~Modify the EX provision for Article 19.3 to propose a new maximum distance from the entrance where the bicycle parking will occur.~~ **Addressed**

- ~~12. Modify the EX provision for Article 19.6 regarding the design of surface parking and parking lots. As written, the standard being modified is not a quantifiable standard nor is the proposed modification quantifiable. **Addressed**~~
- ~~13. Remove the EX provision for Article 19.7 regarding the design of parking structures as this is not a quantifiable zoning standard that can be modified through EX. **Addressed**~~
- ~~14. Add typical cross sections for rideshare areas that would be expected along South Cedar Street and West Fourth Street. **Addressed**~~
- ~~15. Modify the EX provisions for Article 22 and section 4 of the conditional notes to remove all language except that which references a master signage package and the commitment to not orient signage towards the residential uses along Cedar Street. **Rescinded**~~

Environment

- ~~16. Modify the EX provision for Articles 20, 15, and 17 regarding green area percentage requirements in accordance with guidance from Urban Forestry. What is considered built-upon area must comply with the ordinance. **Addressed**~~
- ~~17. Work with Urban Forestry to provide the required tree survey. **Addressed**~~

OUTSTANDING ISSUES AFTER PUBLIC HEARING

Land Use

- ~~18. Revise the proposed EX benefits to commit to providing the improved shared use path as a City Improvement rather than listing this as an option for a community benefit. **Addressed**~~
- ~~19. Revise the proposed EX benefits regarding public art features to state 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**~~

Infrastructure

- ~~20. Revise the conditional notes on the pedestrian pathway to note that what is being proposed is the reconstruction and improvement of the existing pathway to a 12' shared use path. Add notes on any additional improvements such as lighting or signage. Indicate that public access to the path will function similarly to current operations. **Addressed**~~

Site and Building Design

- ~~21. Modify the EX language regarding the established setback and surface parking (footnote #9) to adhere to the most recent language of the clean up text amendment, 2024-033. Coordinate with the UDO team to ensure that the language of the condition complies with how the ordinance prescribes established setbacks. **Addressed**~~
- ~~22. Specify the maximum number of banner signs that may occur on the site and clarify the maximum time limitations the banners may stay up with UDO staff to ensure compliance with the ordinance. **Addressed**~~

REQUESTED TECHNICAL REVISIONS AFTER PUBLIC HEARING

Land Use

- ~~23. Reword section e of the general provisions on the statement of intent regarding the planned/unified development. As written, the language is unclear. **Addressed**~~
- ~~24. Ensure consistency in wording throughout the conditional notes so that when the rezoning site is referenced it is listed as "rezoning site" and when the separate stadium property is referenced it is listed as "stadium property"; references to the stadium property and rezoning site in the aggregate should be referred to as "the unified development area." **Addressed**~~
- ~~25. Modify language regarding the Alternative Compliance Review processes to read as, "an alternative compliance review process may be utilized in the future as applicable in adherence with the UDO." **Addressed**~~

Site and Building Design

- ~~26. Modify the EX provision for Article 12.4 regarding open space to more clearly state that the open space requirement is being reduced for the rezoning site and the specified minimum open space for the rezoning site may occur on the stadium property, but this open space cannot be used to satisfy the stadium property's base open space requirements should future development occur on the stadium property. **Addressed**~~
- ~~27. Clarify bullet 2 of the EX provisions regarding signage. **Addressed**~~

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org
Planner: Holly Cramer (704) 353-1902