

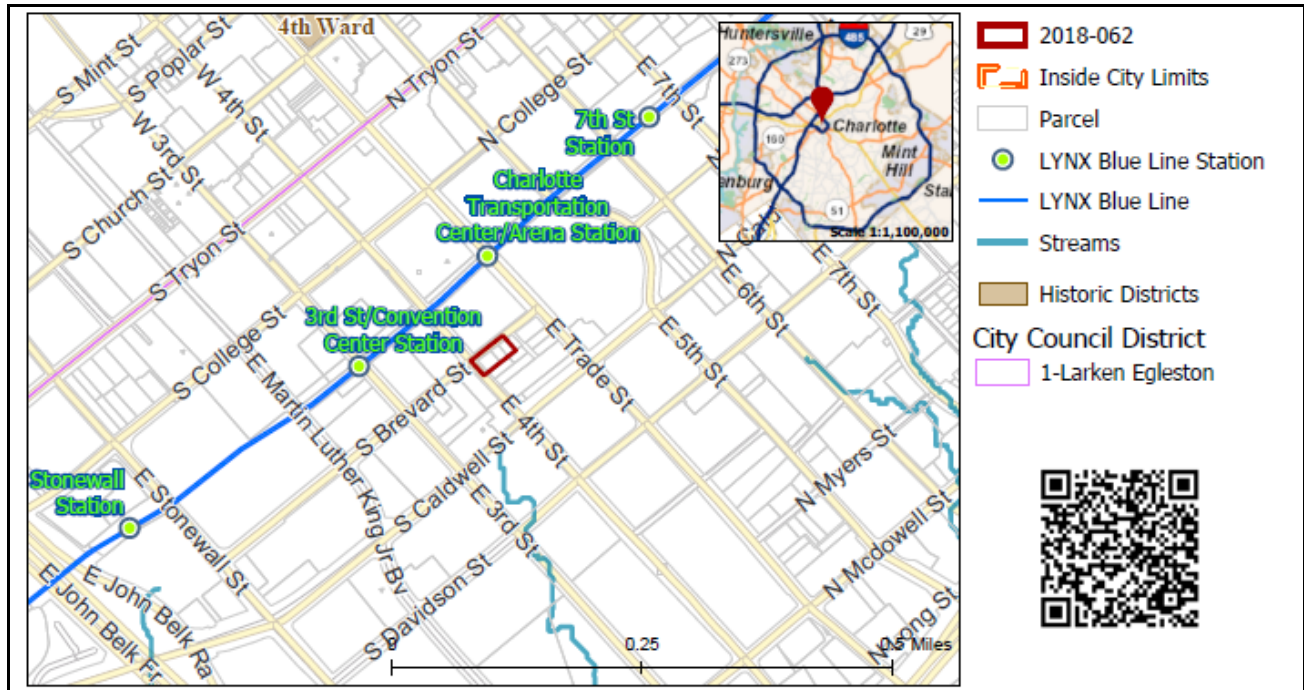
July 31, 2018

**REQUEST**

Current Zoning: UMUD (uptown mixed use)  
 Proposed Zoning: UMUD-O (uptown mixed use, optional)

**LOCATION**

Approximately 0.36 acres located on the south side of South Brevard Street, east of 4<sup>th</sup> Street.  
 (Council District 1 - Egleston)



**SUMMARY OF PETITION**

The petition proposes to allow the development of multi-story building to allow all uses permitted in the UMUD (uptown mixed use) district and requests optional site modifications.

**PROPERTY OWNER**

Roy T Number Thirteen, LLC & Roy T Number Three, LLC

**PETITIONER**

BPR Properties, LLC

**AGENT/REPRESENTATIVE**

John Carmichael, Robinson Bradshaw & Hinson, P.A.

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 3

**STAFF**

**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Charlotte Center City 2020 Plan* and the *Brevard Street Land Use & Urban Design Plan* which calls for high intensity mixed use and pedestrian-oriented urban form.

The petition is inconsistent with the design recommendations of the *Brevard Street Land Use and Urban Design Plan*, which call for specific building setback and upper story step backs along Brevard Street.

Rationale for Recommendation

- The proposed development supports the land use recommendations of the *Charlotte Center City 2020 Plan* and the *Brevard Street Land Use & Urban Design Plan* for high intensity mixed use development.
- The proposed development supports the activation of Brevard Street as envisioned in the *Brevard Street Land Use & Urban Design Plan*.

- The requested modifications to the building setback and upper story step backs allow a small parcel with limited depth to be developed while supporting the overall design intent of street activation and pedestrian-scaled building form.

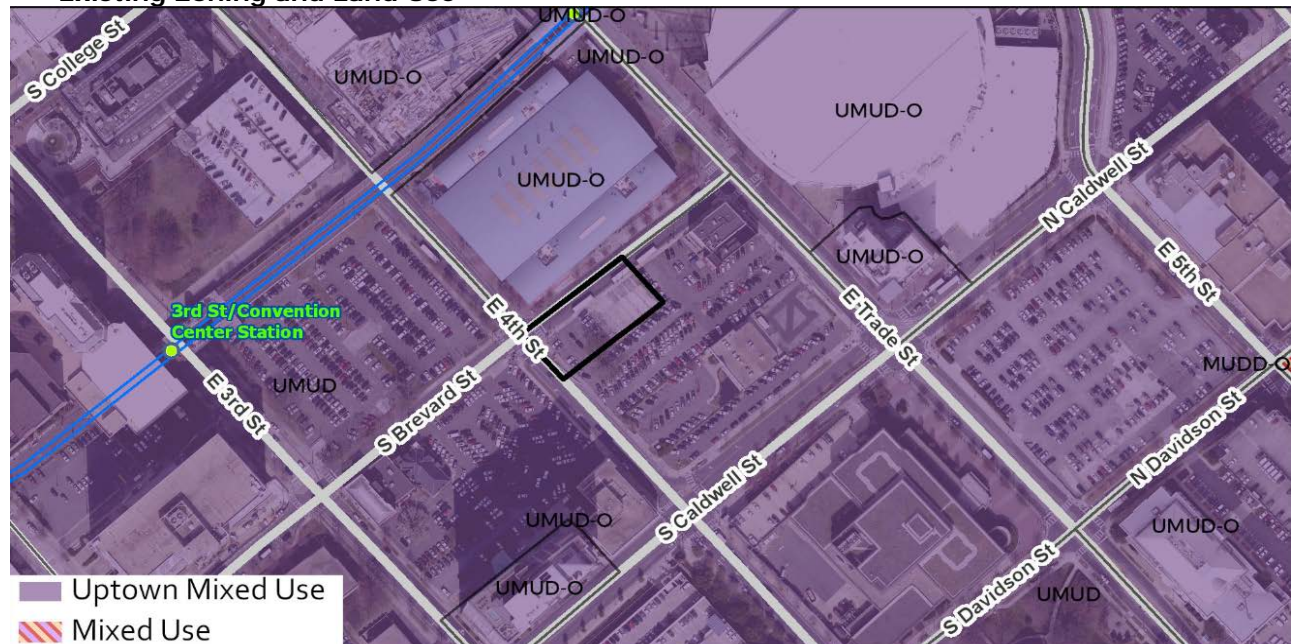
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows the development of multi-story building for all uses permitted in the UMUD (uptown mixed use) district.
- Provides a 26-foot setback for the building face at the street level.
- Provides a 16-foot setback along 4<sup>th</sup> Street which includes an eight-foot planting strip and eight-foot sidewalk.
- Minimum 10 foot building step back along the rear property line.
- Minimum 20 foot spacing between the support columns.
- Minimum 15 foot clear height for the proposed arcade.
- Optional provisions along Brevard Street:
  - Allows a 16-foot setback for the second story up to 60 feet of building height. The ordinance required setback is 22 feet.
  - Allows all portions of the building above 60 feet to be located 26 feet behind the back-of-curb instead of the 42 feet required by the ordinance.
  - Allows the structural support columns to be located within the required 22-foot setback.
  - Allows for a maximum number of seven columns in the setback.

### • Existing Zoning and Land Use



- The subject property is zoned UMUD (uptown mixed use) and developed with a surface parking lot.
- The surrounding properties are zoned UMUD (uptown mixed use) and UMUD-O, (uptown mixed use, optional) and developed with commercial buildings, City of Charlotte Transportation Center, and The Spectrum Center (The Hive).

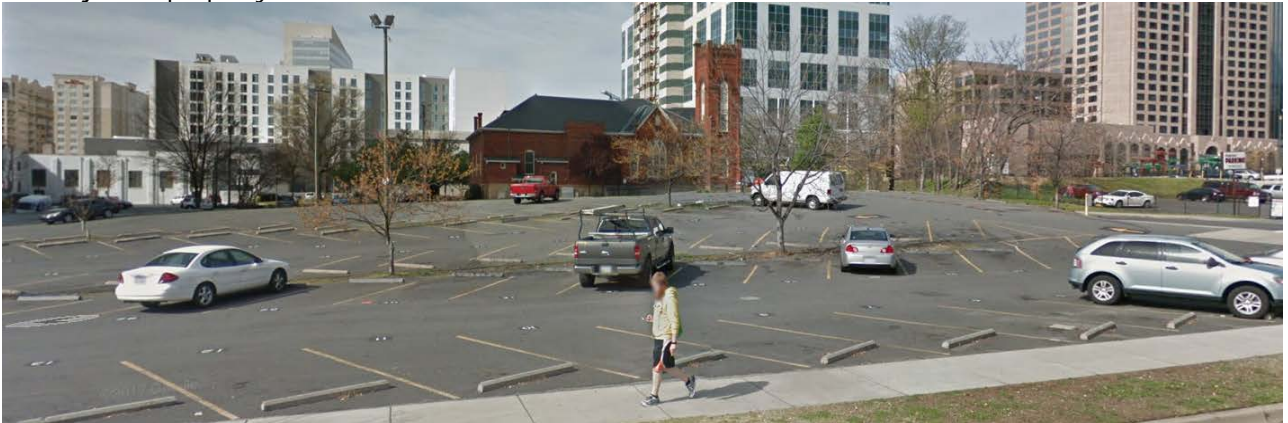




The subject property is zoned UMUD (uptown mixed use) and developed with surface parking.



The adjacent property across South Brevard Street is the Transit Center.



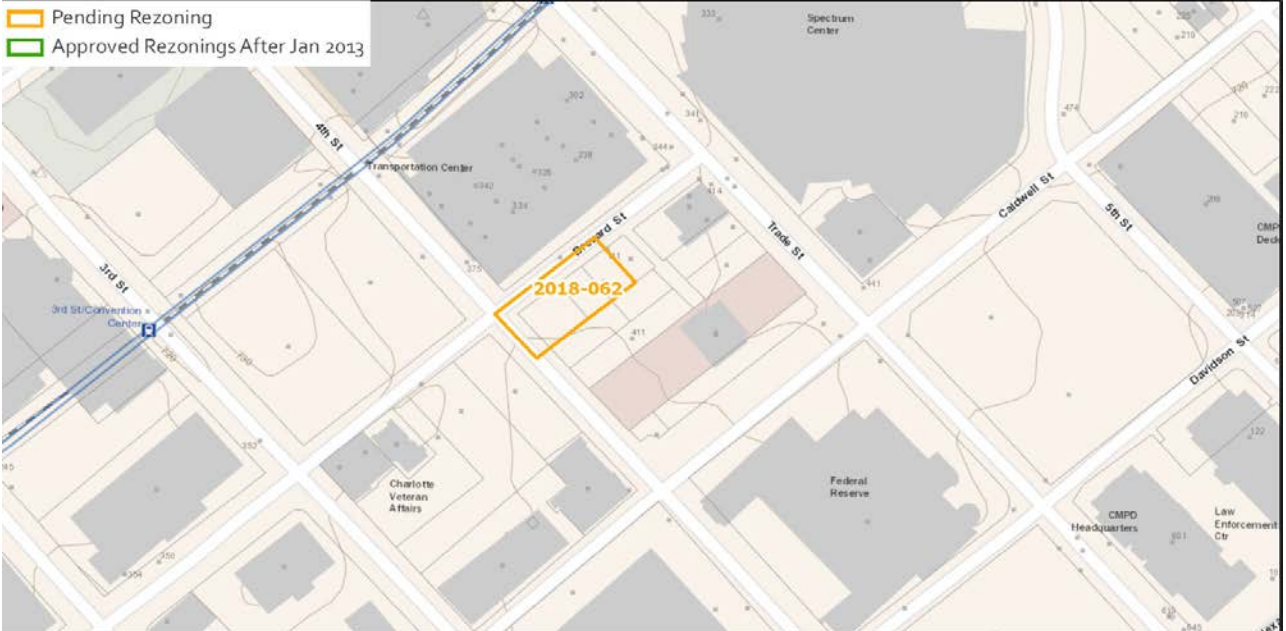
The adjacent property across East 4th Street is a surface parking lot.





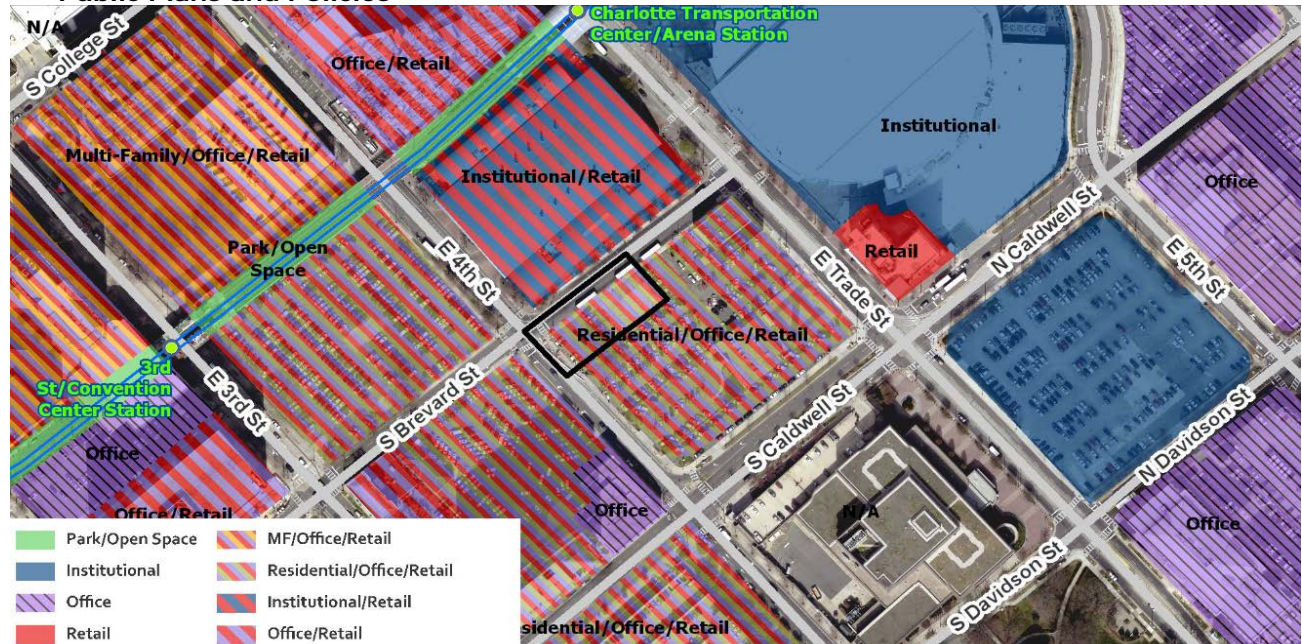
The surrounding block is surface parking. (The subject property is represented by the red star.)

- **Rezoning History in Area**



- There have been no rezonings in the area in the past five years.

- **Public Plans and Policies**



- *Charlotte Center City 2020 Plan* (2011) recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities.
- *Brevard Street Land Use & Urban Design Plan* (2008) recommends mixed use multi-family, office, and retail uses in a walkable form for the area in which the subject property is located, and provides specific streetscape and setback guidelines for properties along this segment of South Brevard Street.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the intersection of two major thoroughfares and is within the limits of the *Brevard Street Plan*. The site plan commits to meeting the intent of the streetscape plan identified in the *Brevard Street Plan*. CDOT requests that the petitioner address the remaining outstanding issues.
  - No outstanding issues.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: Allows a wide range of uses.
      - Entitlement: Allows a wide range of uses.
    - Proposed Zoning: Allows a wide range of uses.

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

- **Charlotte Area Transit System:** See Outstanding Issues, Note 15.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** No comments submitted.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing eight-inch water distribution mains located along Brevard Street and 4<sup>th</sup> Street.
- **Engineering and Property Management:**
  - **Arborist:** Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.



- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Site and Building Design

- ~~1. Clarify the optional request to allow the columns to encroach into the required setback by indicating where they will be located.~~ Addressed
- ~~2. Clearly label the column locations on the Brevard Street section and site plan.~~ Addressed
- ~~3. Eliminate from the optional provisions the setback numbers that meet or exceed the ordinance standards.~~ Addressed
- ~~4. For optional provision 2.C. eliminate the language related to allowing the height of the building to be 60 feet.~~ Addressed
- ~~5. Provide a minimum height of 15 feet for the first floor and the arcade.~~ Addressed
- ~~6. Provide a 10-foot clear zone from the back of the proposed columns and the front of the building.~~ Addressed
- ~~7. Reduce the number of columns along Brevard Street to enhance the pedestrian sidewalk system.~~ Addressed
- ~~8. Remove the maximum number of floors on the petition.~~ Addressed
- ~~9. Remove the floor dimensions for each floor.~~ Addressed
- ~~10. Add a note committing to the stepback on the back side of the building or remove it from the section diagram.~~ Addressed

### Transportation

- ~~11. The petitioner has committed to reducing the number of building columns and to maximize the space between the face of building and the back of the columns. The petitioner should revise the site plan and show the changes and dimensions.~~ Addressed
- ~~12. Revise the site plan to show the curb radius at the site's corner to meet USDG guidelines.~~ Addressed
- ~~13. Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right of way set at two feet behind back of sidewalk where feasible.~~ Addressed
- ~~14. Confirm if the optional requests will result in an encroachment into the street right-of-way. If so, acknowledge in the notes that an encroachment agreement will be required and that approval of the petition does not implicitly grant such approval.~~ Addressed

### Infrastructure

- ~~15. Provide a bus waiting pad along Brevard Street along the eastern side of the site.~~ Outstanding

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## 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 Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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