

REQUEST

Current Zoning: O-2 (office) and R-43MF (multifamily residential)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 2.397 acres located along the northeast side of 5th Street, the southwest side of Park Drive, and north of Caswell Road.



SUMMARY OF PETITION

The petition proposes to allow a mix of residential and non-residential uses (including a cell tower) on parcels built with an office, quadraplex, vacant parcel, and a private school (Kings College).

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Gramma's Girls Property III LLC; Zalecki Family Limited Partnership
Keith Corp 5th Street
Bridget Grant/Moore & Van Allen

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 *Elizabeth Area Plan* recommendation for office/residential for the majority of the site and **inconsistent** with the recommendation for institutional for the remainder of the parcel.

Rationale for Recommendation

- The request is currently developed with institutional, office, and residential uses.
- The request is generally consistent with the adopted plan.
- The proposed development is consistent with the mix of institutional, office, and residential developments in the surrounding area.
- The parcel is less than .25 mile of the Hawthorne/5th Stop on the LYNX Gold Line.

- The proposed uses and site design will provide the desired uses and form of development near the streetcar.
- The project commits to 8-foot sidewalks and 8-foot planting strips along abutting rights-of-way.

The approval of this petition will revise the adopted future land use as specified by the *Elizabeth Area Plan*, for a portion of the site from current recommended institutional to office/residential.

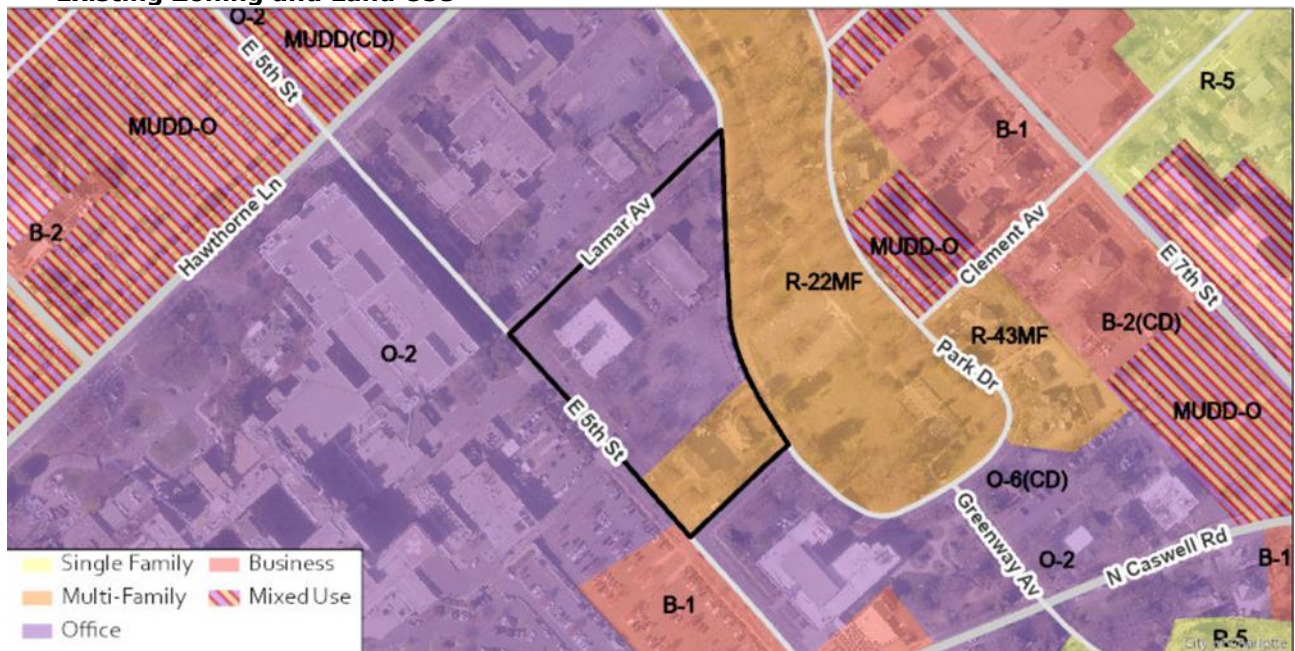
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- **Development Area A:**
 - Up to 120,000 square feet of gross floor area to be devoted to office and/or medical office, uses with below grade parking.
 - Allows 3,500 square feet of rooftop event/gathering space (EDEE type 2) with accessory rooftop outdoor space.
 - Notes the hours of operation for event/gathering uses on the site shall be from 5:00 p.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 10:00 p.m. on weekends.
 - Outdoor music performances and amplified outdoor music is prohibited.
- **Development Area B:** Allows structure parking (accessory to the principal building), a cell tower (to be relocated to on top of proposed parking structure), and up to ten (10) 16 single-family attached (townhome-style) residential units (either for sale or for rent).
- **Development Area C:** Preserves as a minimum of three thousand (3,000) square feet of open space with improved landscaping and seating areas.
- Limits residential uses to a maximum building height of 55 70 feet.
- Limits non-residential uses to a maximum building height of 85 feet.
- Limits total number of buildings on site to 3 2, not including the accessory parking structure.
- Building elevations and renderings depicting the residential and non-residential uses, and public sidewalk connections renderings.
- **Requests the following optional provisions:**
 - To not require doorways to be recessed into the face of the building(s).
 - To allow the use of opaque and spandrel glass as noted under Architectural Standards.
 - To allow 10x10 site triangles as permitted by Section 12.109 of the ordinance.
 - To not require the cell tower located on the parking structure in Development Area B to be indiscernible.
- **Proposes the following transportation commitments:**
 - Proposes access onto East 5th Street, Lamar and Clement Avenues, and Park Drive.
 - Proposes 8-foot sidewalk and 8-foot planting strip along East 5th Street, Lamar and Clement Avenues, and Park Drive.
 - Proposes parking for office uses to be provided at a rate of 5 parking spaces per 1,000 square feet of gross floor area, and parking for event/gathering space to share parking with such office uses. Proposes residential parking to be provided at a rate of 2 spaces per unit.
 - Modifies the traffic signal at 5th Street and Hawthorne as set forth in the associated Traffic Impact Study subject to approval by CDOT.
 - Subject to CDOT approval, petitioner will convert the intersection of Park Drive and Greenway Avenue to a three-way stop.
- **Proposes the following architectural standards-office building:**
 - A combination of architectural masonry, architectural precast concrete, and architectural metal products on the primary building. Vinyl will not be a permitted exterior cladding material on the building.
 - Unless otherwise specified, prohibits fiber cement (hardiplank) and/or EIFS on the non-residential building.
 - Brick, stone or architectural block on the exterior building materials for all retaining walls installed on the Site.
 - A minimum of 30% of glazing provided on the ground floor along Lamar and 50% of the glazing provided on the ground floor along East 5th Street shall be clear vision glass. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk. The use of spandrel glass shall be limited the balance of the glazing provided on the ground floor, to the upper stories, and between floor lines.
 - Incorporates a minimum of 30% masonry materials such as brick, stone, and/or architectural precast concrete on the facades of first/ground floor of the buildings along streets.

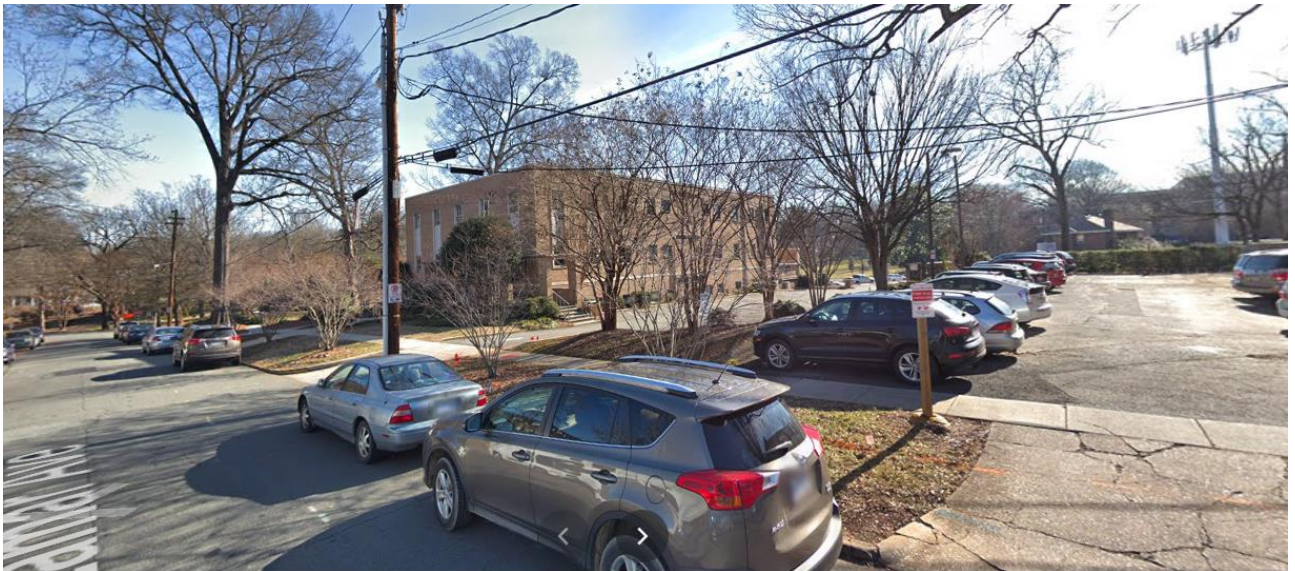
- Avoids expanses of blank walls greater than 20 feet in all directions utilizing architectural features such as but not limited to banding, medallions or design features or materials.
- Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
- Proposes a minimum of 20% transparency on all upper stories of multi-story buildings.
- Notes the exterior vertical walls of the structured parking facility that are visible from public rights of way or adjacent parcels of land shall be clad in architectural masonry and architectural masonry clad precast concrete with masonry accents and/or include public art or screening as generally depicted on the relevant conceptual, architectural renderings and brick clad precast with masonry accents and/or include public art or screening as generally depicted on the relevant conceptual, architectural renderings.
- Parking structures shall be designed so that vehicles parked on all levels of the structure and associated lighting are screened by a wall or panel measuring a minimum of 48 inches in height.
- Proposes the following architectural standards-residential:
 - Units will be constructed of materials consistent with those required for the primary office building structure. Fiber cement may only account for a maximum of 25% of the exterior building materials.
 - Notes usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches, when provided, should be covered and be at least 6' 8" feet deep.
 - Specifies blank wall expanses will be limited to 10 feet on all building levels.
 - Notes it is understood that parking will be provided on the ground floor of the residential building. As such, the ground floor shall be treated with decorative louvers, changes in material patterns, enhanced landscaping, seat walls with landscaping, façade recesses to create seating areas, or other architectural details to create visual interest. Evergreen foundation plantings, where utilized to treat blank walls, shall be a minimum of 8' upon installation.
- **Existing Zoning and Land Use**



The rezoning site is developed with offices, apartments, and parking area associated with Kings College. The parcel is surrounded by a mix of offices, retail, and institutional (St. Johns Baptist Church, Presbyterian/Novant Health), and park uses in various zoning districts.



Rezoning site from E. 5th Street.



Rezoning site from Lamar Avenue.



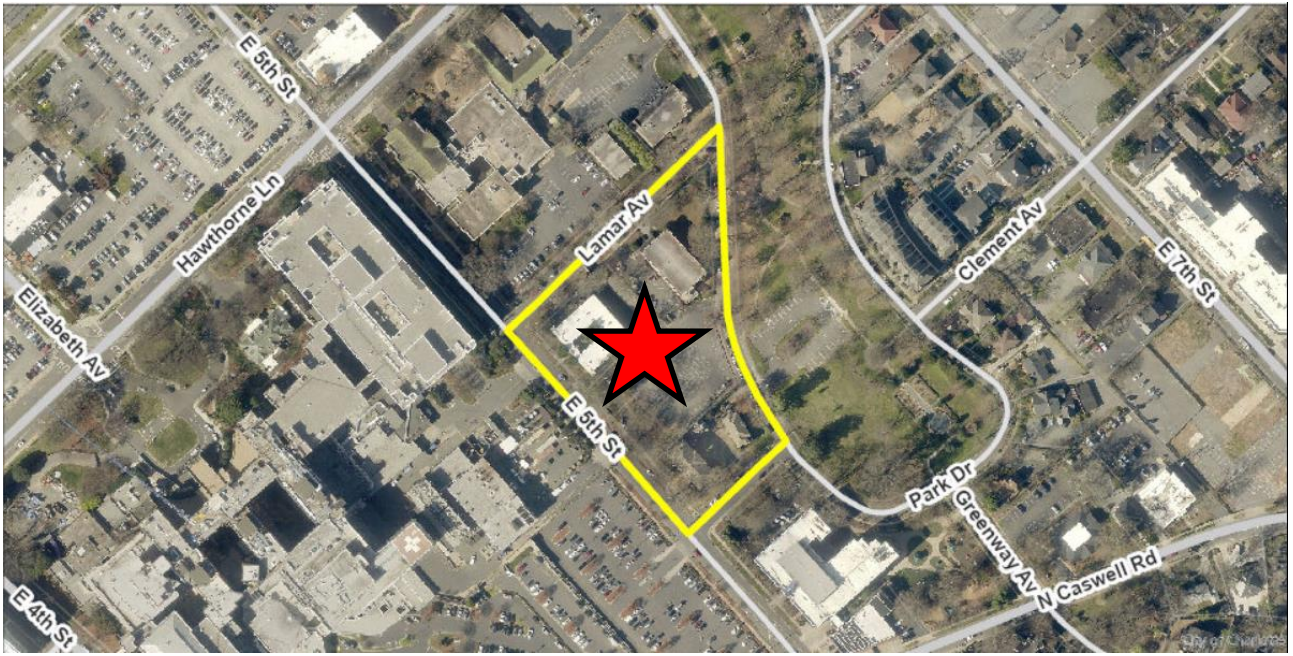
Rezoning site from Clement Avenue.



East of the site is Independence Park.

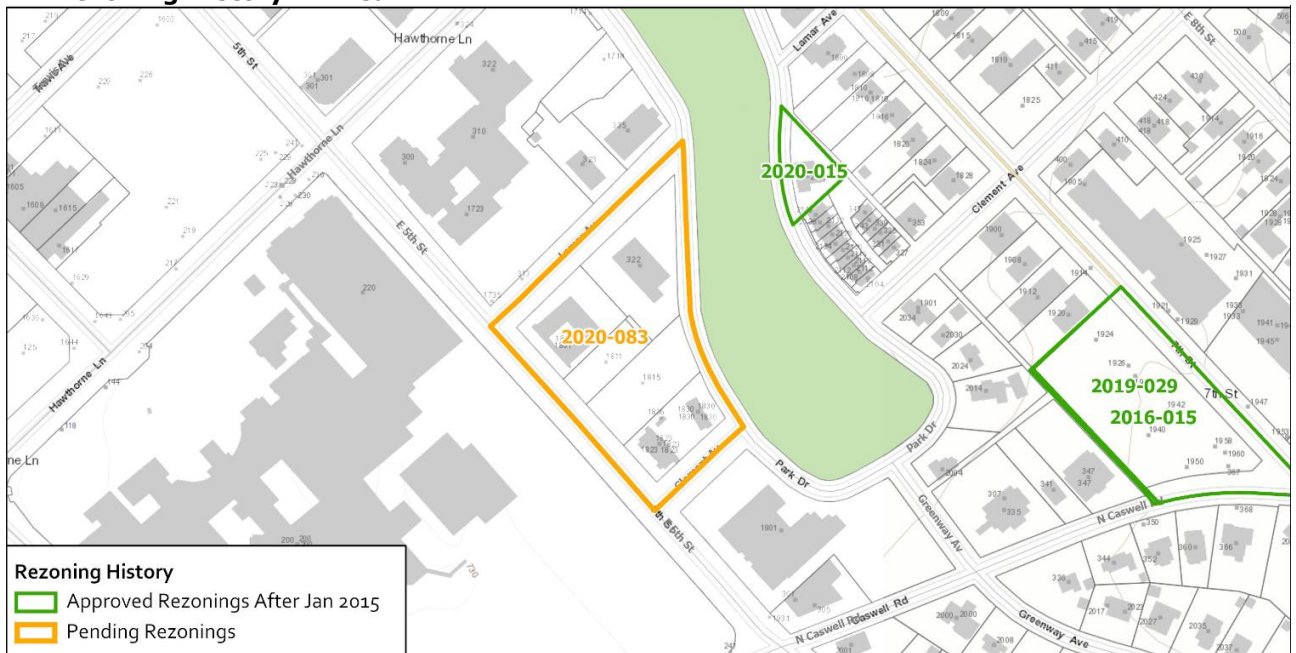


West of the rezoning site are Presbyterian/Novant and office/retail uses.



The rezoning site (denoted by red star) is surrounded by institutional, office, park, and residential uses.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-015	Rezoned 0.23 acres from R-43MF to MUDD-O to allow an office building with residential above.	Approved
2019-029	MUDD-O site plan amendment for 1.68 acres to amend previously approved site plan to allow office and retail uses and associated structured parking.	Approved
2018-122	Rezoned 0.24 acres from B-2 to MUDD-O to retain existing buildings with possible expansions and new outdoor areas, and to allow most uses in MUDD.	Approved
2017-177	Rezoned 3.4 acres from O-2 and MUDD-O to MUDD-O and MUDD-O SPA to allow office, retail, EDEE, and hotel uses.	Approved
2017-161	Rezoned 1.76 acres from O-2, B-2, and NS to MUDD-O to allow all non-residential uses in MUDD.	Approved

2016-015	Rezoned 1.68 acres from NS to MUDD-O to allow the redevelopment of a site with a mixed use development.	Approved
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• **Public Plans and Policies**



- The *Elizabeth Area Plan* (2011) recommends office/residential for the majority of the site, and institutional for the remaining portion.

• **TRANSPORTATION SUMMARY**

- The site is located on a major collector road (5th Street) and on local roads (Park Drive, 5th Street, Clement Avenue, and Lamar Avenue), all maintained by the City. A Traffic Impact Study (TIS) was approved on January 21, 2021. The Petitioner will modify the traffic signal at 5th Street and Hawthorne as set forth in the associated TIS subject to approval by CDOT. The petitioner is providing an 8-foot planting strip and 8-foot sidewalk, per City Ordinance, which also supports Charlotte WALKS, and will contribute toward pedestrian improvements for the Elizabeth neighborhood. The petitioner will install a pedestrian crosswalk at Greenway and Caswell within the existing road section. All outstanding CDOT comments have been addressed.

• **Active Projects:**

- None identified.

• **Transportation Considerations**

- No outstanding issues. 1. Addressed

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 650 trips per day (based on 19,300 sq ft junior college; 15,060 sq ft office; 12 apartment units).

Entitlement: 650 trips per day (based on 19,300 sq ft junior college; 15,060 sq ft office; 12 apartment units).

Proposed Zoning: 4,215 trips per day (based on 120,000 sq ft medical office; 10 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 12 students, while development allowed under the proposed zoning may produce 3. Therefore, the net increase in the number of students generated from existing to proposed zoning may produce 0 students.

- The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Eastover Elementary remains at 98%
 - Sedgefield Middle remains at 73%
 - Myers Park High remains at 125%.
- See advisory comments at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Lamar Avenue and a 6-inch main along E 5th Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Lamar Avenue and an 8-inch main along E 5th Street.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. ~~The petitioner shall revise newly added Conditional Note f. by removing the Greenway and Caswell pedestrian crossing reference. The petitioner updated Conditional Note f. with their January 12, 2021 site plan, but this comment remains outstanding as further revision is needed- remove reference to Greenway and Caswell pedestrian crossing.~~ **Addressed**

- f. In an effort to further support pedestrian mobility for residents within the Elizabeth area, the Petitioner shall ~~install a pedestrian crosswalk at Greenway and Caswell within the existing road section subject to approval by CDOT. In the event the crosswalk is not approved, the Petitioner shall (y)~~ contribute an amount equal to \$40,000 (the "Ped Improvements Contribution Amount") to the City of Charlotte for the purpose of a pedestrian improvement assessment, design and/or construction of sidewalk, and/or other pedestrian connections in the Elizabeth neighborhood. The Ped Improvements Contribution Amount will be delivered to the City prior to issuance of the first certificate of occupancy for the project contemplated by this Rezoning Petition.
- g. The Petitioner shall modify the traffic signal at 5th Street and Hawthorne as set forth in the associated Traffic Impact Study subject to approval by CDOT.

Site and Building Design

2. ~~Amend optional request to allow doorways to not be recessed if the entrance is 4 feet behind sidewalk.~~ **Rescinded.**
3. ~~Clarify why an optional request is needed for the site triangles. If what is proposed is permitted per Section 12.109 then an optional request is unnecessary.~~ **Rescinded.**
4. ~~Clarify if the existing cell tower will be relocated on site. Do not see the location on the plan. Add cell tower use to the allowed uses on the technical data sheet. Clarify location of cell tower.~~ **Addressed**
5. ~~Clarify what is event and gatherings.~~ **Addressed**
6. ~~Clarify and add a note that this use is EDEE type for the rooftop outdoor space/event space. Site plan need to be updated to allow uses in all development notes.~~ **Addressed**
7. ~~Replace "should" with "shall" in all development notes.~~ **Addressed**

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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