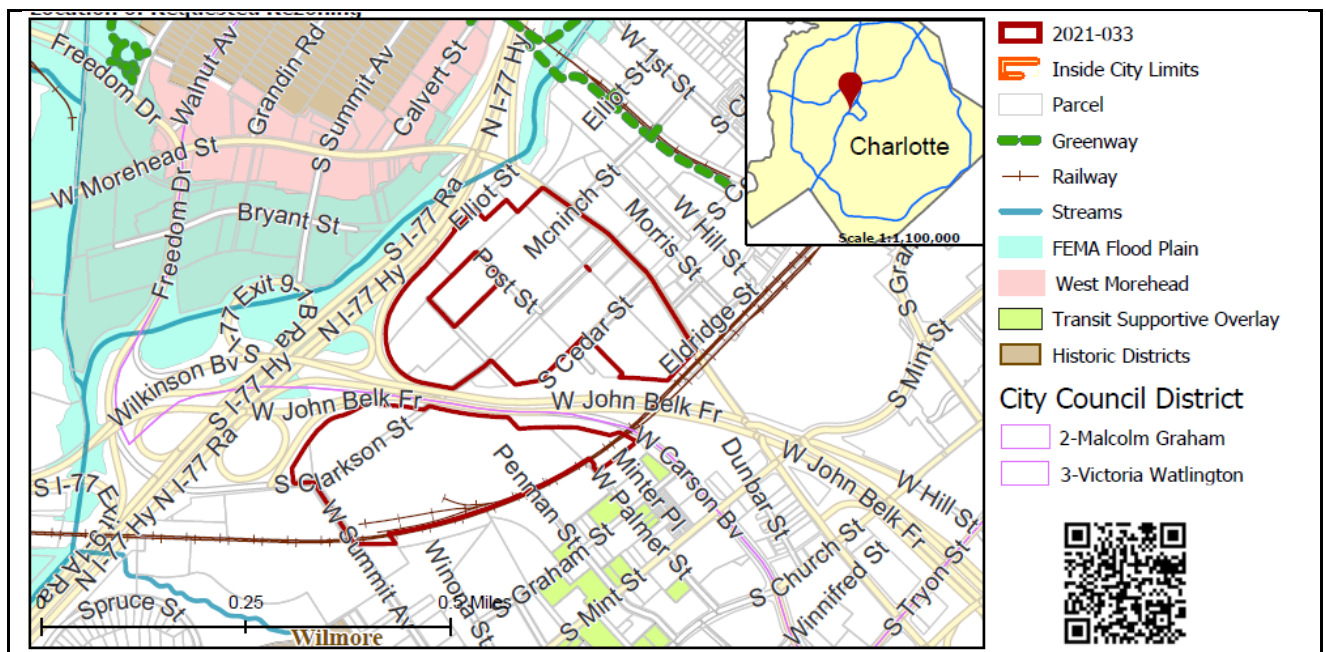


REQUEST

Current Zoning: MUDD-O (mixed use development, optional), I-2 (general industrial), and I-2(CD) (general industrial, conditional)
Proposed Zoning: UMUD-O (uptown mixed use, optional), with 5-year vested rights

LOCATION

Approximately 55 acres located along the north and south side of John Belk Freeway, east of Interstate 77, and northwest of South Mint Street.



SUMMARY OF PETITION

The petition proposes to permit all uses in the UMUD by right and under prescribed conditions; to allow optional provisions pertaining to frontage, special event off-street parking, and signage; and to provide phased transportation commitments that address the master planned nature of the proposed development of the site.

PROPERTY OWNER

Charlotte Pipe & Foundry Co

PETITIONER

Charlotte Pipe & Foundry Co

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: 1

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design.

Plan Consistency

The petition is **consistent** for the parcels north of I-277, with the land use recommendation of mixed-use, as specific in the adopted *West Morehead Corridor Vision & Concept Plan (2001)*. However, it is **inconsistent** with the adopted *Central District Plan (1993)* recommendation for industrial uses for the parcels south of I-277.

Rationale for Recommendation

- The subject site is within Center City and adjacent to a proposed future LYNX Silver Line station.
- The petition encourages future development to contribute to the overall viability and livability of Center City.
- The petition supports the *Center City 2020 Vision Plan (2010)* recommendation of enhancing existing neighborhoods with the concentrated development of high-density mixed-use neighborhood centers.
- The petition supports the *Center City 2020 Vision Plan (2010)* recommendation of creating mixed use neighborhoods near transit stations.
- The petition aligns with the zoning of many of the adjacent parcels.
- The petition also aligns with the draft *Charlotte Center City 2040 Vision Plan (not yet adopted)* idea to create a lively mixed-use district at this site

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan (1993)* from *industrial uses* to *mixed-uses* for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

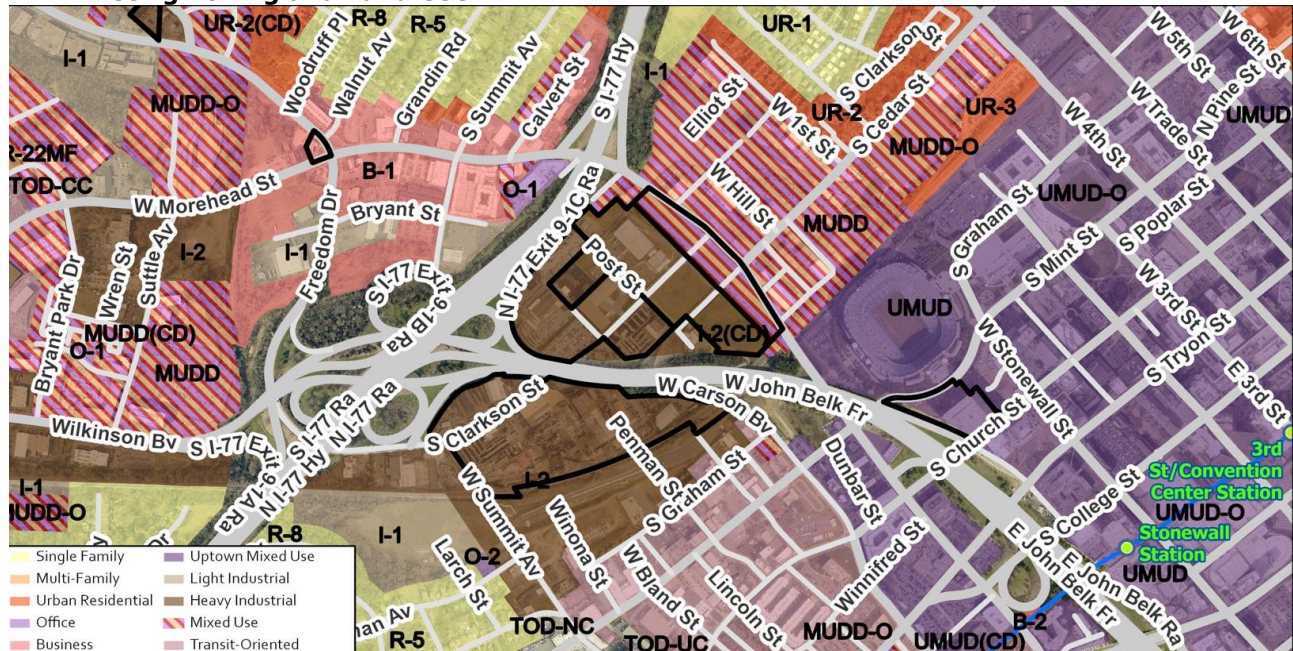
The site plan accompanying this petition contains the following provisions:

- Allows uses permitted by right or under prescribed conditions in the UMUD Zoning District, together with any incidental or accessory uses associated therewith.
- Illustrates site as Development Area A and Development Area B.
- **Proposes the following optional provisions:**
 - Except as may be expressly set forth in the Rezoning Plan, the frontage of the Site with I-77 and I-277 shall not be deemed public street frontage for design or other types of zoning regulations (see Section 9.906(2) of the Ordinance).
 - Allow temporary special event off-street parking as a principal use, for an unlimited number of special events per year, not to exceed 7 days in duration per event. The use shall be exempt from requirements related to installation of sidewalks, trees, and buffering or screening of parking. The use shall be located a distance of at least 200 feet from any single-family residential zoning district or land use (See Section 9.903(16.1) of the Ordinance for comparison).
 - Petitioner may seek approval by the Planning Director of a master signage package for the site in the manner set forth in Section 13.12.B of the Ordinance and such master signage package may provide additional flexibility that the Planning Director deems appropriate for the mixed-use integrated development of the kind contemplated by this rezoning (See Chapter 13 of Ordinance).
- **Transportation (Improvements) Phase 1A:**
 - Up to 500 residential units
 - Up to 500,00 square feet of office uses
 - Up to 6,250 square feet of EDEE uses
 - Development is subject to specified conversion rates.
 - Phase 1A may be modified in coordination with the Planning Director (or its assignee) so long as the resulting development is traffic neutral to these requested entitlements. Phase 1A will be located within Development Area A, except up to 25% of Phase I may be located within Development Area B.
- **Transportation (Improvements) Phase 1B:**
 - Up to 500 additional residential units above the Phase 1A entitlements
 - Up to 1,500,000 square feet of additional office uses
 - Up to 18,750 square feet of additional retail uses
 - Up to 18,750 square feet of additional EDEE uses
 - Phase 1B may be located within Development Area A, except up to 25% of Phase I may be located within Development Area B.
- **Transportation Phase I Alternative:** Phases 1A and 1B may alternatively be combined to include a sports/entertainment complex with a maximum of 250 residential units and 500,000 square feet of non-residential uses, subject to specified conversion rates. Phase I Alternative

may be located within Development Area A, except that up to 25% of Phase I Alternatively may be located within Development Area B.

- **Transportation Phase II** may include all development in excess of 1,000 residential units, 2,000,000 square feet of office, 50,000 square feet of retail uses, subject to conversion rights. Phase II may be located within Development Area A and B.
- **Transportation Conversion Rights:**
 - Residential dwelling units may be converted to hotel rooms (and vice versa) at a rate of 1 residential dwelling unit to 2 hotel rooms.
 - Residential dwelling units may be converted to non-residential uses (and vice versa) at a rate of 1 residential per 1,000 square feet of non-residential gross floor area.
 - A master development chart will be maintained and submitted with each new development.
- **NCDOT Interchange No Build Zone:** Temporarily designates a NCDOT interchange "No Build Zone" as generally depicted on the Rezoning Plan. The Petitioner shall work with NCDOT and CDOT on furthering the I-277 / I-77 interchange design in order to reach an agreement of future right-of-way reservation/dedication. No development shall occur in the No Build Zone(s) until an agreement of future right-of-way reservation/dedication occurs.
- **Transportation Improvement Phasing:**
 - *Phase 1A (required prior to issuance of first building certificate of occupancy for Phase IA)*
 - West Morehead and Cedar Street-install a westbound left turn lane on West Morehead Street maximizing the storage and taper prior to the railroad bridge. Install an eastbound left turn lane with 215 linear feet of storage.
 - *Phase 1B Off-site Transportation Improvements (required to be completed prior to the issuance of the first building certificate of occupancy for Phase IB)*
 - Install an additional left turn lane on the I-77 southbound ramp to West Morehead Street. The ramp will include dual left turn lanes and a dedicated turn lane maximizing storage to the gore area on the highway.
 - Install left turn lane improvements and a new traffic signal at McNinch Street and West Morehead Street.
 - Install a traffic signal and intersection improvements at Elliott Street/West Morehead Street/I-77 northbound ramp when development on the site creates a connection at Elliot Street to this intersection.
 - Modify the Carson Street off-ramp laneage to accommodate dual left turn lanes and a thru right lane.
 - Install a traffic signal at the intersection of Summit Avenue and Clarkson Street.
 - Alternative Compliance: if all parties in coordination with CDOT, NCDOT and the City of Charlotte as applicable, find that alternative transportation improvements may be preferred, above commitments may be modified by such parties.
 - *Phase 2* is intended to anticipate and accommodate additional development in excess of Phase IA and IB maximums. No permits nor certificates of occupancy may be issued with respect to Phase II development without both the determination, occurrence and documentation of Major Transportation/Improvement and additional transportation impact study(s) reasonably defined and reasonably acceptable to CDOT and NCDOT.
- **Phase 2 Major Transportation Investment/Improvements:**
 - The provision of Phase II Development is intended to anticipate and accommodate additional development in excess of Phase IA and IB maximums associated with, and supportive of, planned major transportation commitments, investments and improvements within Areas A and B.
 - Definition, determination and approval of an appropriate combination of major transportation investment/improvements necessary for any consideration of Phase 2 development will be made jointly and reasonably by the directors of Planning, CDOT, and NCDOT, as required, in accordance with customary guidelines for the same.
- **Reservation and Dedication of CATS Right-of-Way:**
 - Reserves the area identified on the rezoning plan as the "Light Rail Conceptual Right-of-Way Reservation," generally following parallel to the heavy rail alignment but may slightly deviate from this area, not to exceed 100' from the heavy rail right-of-way, as shown on the plan. Right-of-way area, once the final location is determined, will not exceed 70 feet in width.

- **Existing Zoning and Land Use**



- The rezoning site is developed with the Charlotte Pipe and Foundry and industrial uses and bisected by John Belk Freeway. A portion of the site abuts I-77 and Norfolk Southern Railroad.
- Approximately 17 acres of the subject site was rezoned from MUDD to MUDD-O and I-2(CD) via petition 2012-038, in order to allow uses as permitted in MUDD and industrial uses affiliated with Charlotte Pipe and Foundry.



The rezoning site located along S. Clarkson Street (above and below).

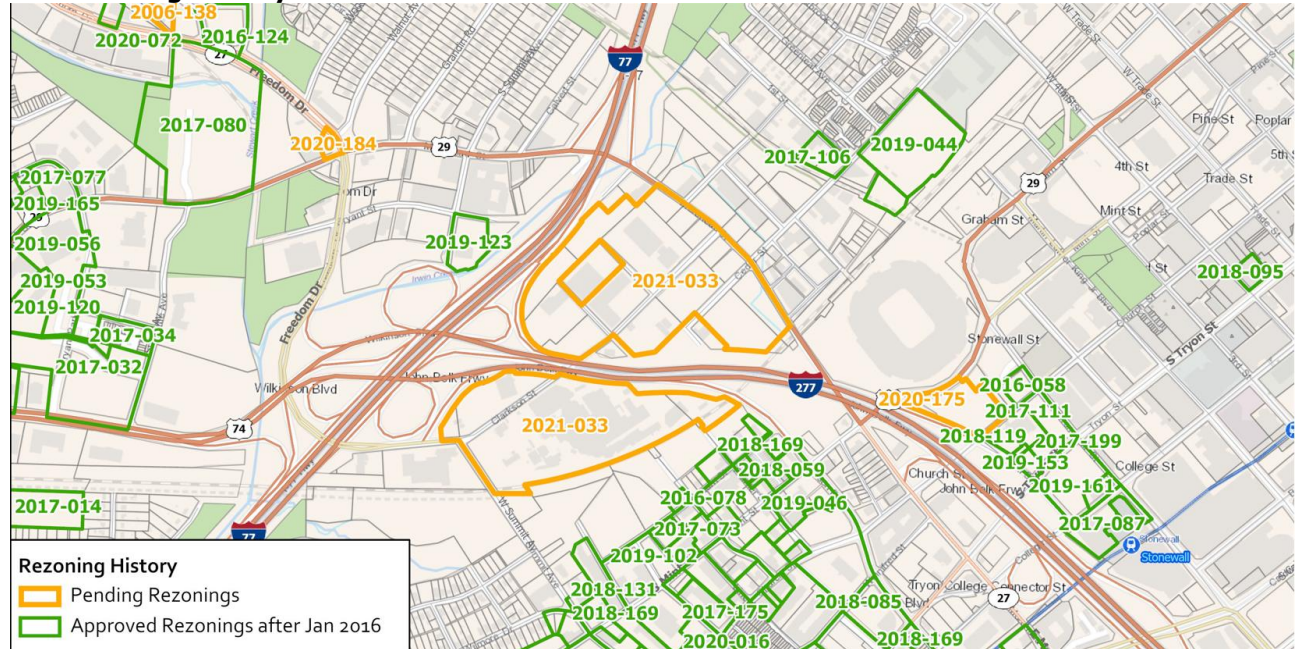


The site along W. Palmer Street.



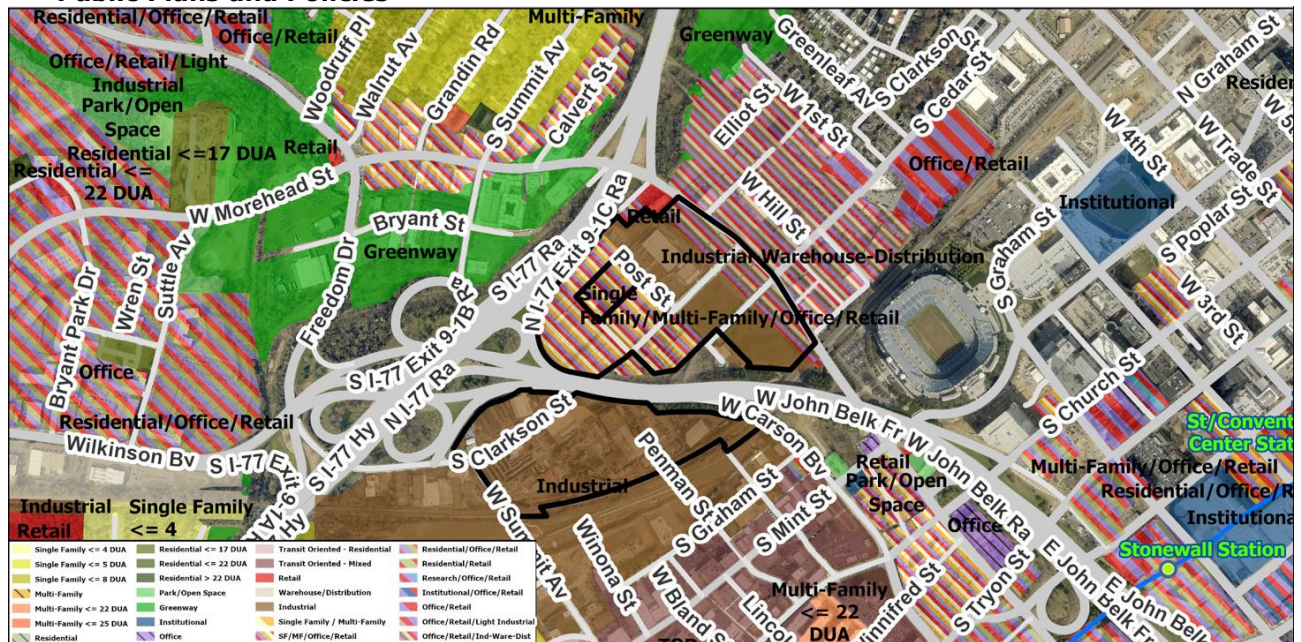
The site along W. Summit Avenue.

• Rezoning History in Area



| Petition Number | Summary of Petition | Status |
|-----------------|--|--------|
| | There have been numerous rezonings in the area over the past 5 years to accommodate a residential and nonresidential uses, including several transit oriented development rezonings along and adjacent to the LYNX Blue Line and LYNX Silver Line. | |

• Public Plans and Policies



- *West Morehead Corridor Vision & Concept Plan (2001)* – The plan calls for the parcels in the petition that are north of I-277 to be mixed-use.
- *Central District Plan (1993)* – The plan calls for the parcels in the petition that are south of I-277 for industrial uses.
- *Charlotte Center City 2020 Vision Plan (2010)* – The plan recommends the creation of mixed-use neighborhoods near transit stations.

- **TRANSPORTATION SUMMARY**

- The petition is located adjacent to West Morehead Street, a State-maintained major thoroughfare, South Clarkson Street, a City-maintained major collector, and South Cedar Street, a City-maintained local street, and east of the I-277 and I-77 freeway interchange (State-maintained). The petitioner submitted a Traffic Impact Study (TIS) to CDOT and NCDOT on 6/18/2021. All transportation improvements have been agreed upon between CDOT, NCDOT, and the petitioner. The petitioner has agreed to dedicate the right of way for the future Lynx Silver Line Light Rail and Rail Trail projects as well as commit to a “no-build” zone for a future I-77 and I-277 interchange improvements project. The specific transportation commitments in Sections V.4 Phase II Transportation Investments and Section V.4.f Reservation and Dedication of CATS Right of Way are being refined and will need to be incorporated into the final zoning commitments for Council approval. All CDOT comments have been addressed.
- **Active Projects:**
 - LYNX Silver Line Light Rail (and Rail Trail)
 - The refined alignment of the Silver Line will follow the freight rail corridor, with a planned station at Morehead St. The Rail Trail is also studying using some combination of Clarkson/Morehead/Cedar
 - <https://charlottenc.gov/cats/transit-planning/Pages/silver-line.aspx>
 - I-77 Managed Lanes (South Carolina state line to I-277/US-74)
 - Unfunded but Planned to begin ROW in FY 2029
 - NCDOT TIP# I-5718A
 - Widen existing freeway to 10 lanes by constructing managed lanes, reconstructing I-77/I-277 (Belk Freeway) interchange
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 2,048 trips per day (based on 597,544 square feet of manufacturing).
 - Entitlement: XX trips per day (based on 597,544 square feet Manufacturing, MUDD – too many uses to determine).
 - Proposed Zoning: 34,165 trips per day (based on 1,000 apartments, 50,000 square feet of retail, and 1,950,000 square feet of office/TIS submitted 06/18/2021).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** For over 20 years the Charlotte Area Transit System (CATS) has identified Independence Blvd as a rapid transit corridor. Various transit stations and vehicle technology have been studied during that time. In 2016, a 13-mile LYNX Silver light rail Locally Preferred Alternative (LPA) from Uptown Charlotte to the Town of Matthews was adopted by the Metropolitan Transit Commission (MTC). In November 2017, CATS staff began identifying alternative Silver Line light rail corridor alignments from Center City to Gaston County with the goal of completing the complete east - west Silver Line system by the year 2030. In January 2019, CATS staff recommended that the Southeast LYNX Silver Line continue through Uptown Charlotte to Wilkinson Blvd. with a terminus in the City of Belmont in Gaston County. The MTC adopted that recommendation, formally creating a continuous LYNX Silver Line light rail project from the Matthews to Belmont. Staff will present revisions of the adopted LPA to the MTC in April 2021. See Outstanding Issues 2-3.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **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:** Too many uses to determine.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along S Clarkson St. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. See advisory comments at www.rezoning.org

- **City Arborist:** No comments submitted.
- **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 outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Transportation

1. Right-of-Way Reservation Area Provisions. The Petitioner shall reserve, for the sole benefit of the City of Charlotte (and, as applicable, of any successor entity that assumes some or all of the City's responsibilities for providing light-rail service, such as a regional transit authority, with the City and all such successor entities collectively referred to as "CATS"), the area (the "Reservation Area") that is identified on the Rezoning Plan as the "Light Rail Conceptual Right-of-Way Reservation," which follows parallel to the heavy rail alignment but, subject to written approval of CATS, may slightly deviate from this area. The Reservation Area shall not extend more than one hundred (100) feet from the heavy rail right-of-way, as generally depicted on the Rezoning Plan.
 - a. Reservation Area Time Period. The Petitioner shall maintain the Reservation Area in full compliance with this Section V.f – including, by example only, in full compliance with Sections V.f.1.c and V.f.1.d – in perpetuity (subject to the reversion language in subsection V.f.1.e.)
 - b. The Reservation Area shall be seventy (70) feet in width and cannot be any wider. If CATS should determine, in its sole discretion, that the full seventy (70) feet is unnecessary for CATS's purposes, CATS shall, in writing to the Petitioner, release from the requirements of this Section V.f that portion of the Reservation Area that CATS determines is unnecessary.
 - c. Only the following construction, installation, and development activities are allowed within the Reservation Area, and no others: grading and the installation and maintenance of pavement, driveways, sidewalks, surface parking areas for bicycle, scooter or similar vehicles but excluding automobiles and trucks, landscaping, and comparable non-vertical improvements. For clarification only, none of the following may be placed, developed, constructed, installed, or maintained anywhere within the Reservation Area: (1) buildings or other vertical structures, (2) utility lines or facilities, (3) detention facilities, or (4) Wi-Fi, telecommunication or similar antennas or transmission devices for use by third parties to provide services to customers.
 - d. Nothing (including, by example only, any pavement, driveways, sidewalks, surface parking areas, landscaping, or other non-vertical improvements) may be placed, developed, constructed, installed, or maintained anywhere within the Reservation Area that, if the same is ever removed, would cause the Site or any part of it to violate any applicable law, ordinance, or regulation, including by example only any zoning or land use regulation or any provision of the approved Rezoning Plan.
 - e. If any portion of the Reservation Area is removed by CATS or the Metropolitan Transit Commission (the Metropolitan Transit Commission and, as applicable, any successor organizations to it are the "MTC") from the MTC's adopted plans and is not, within ninety (90) days, restored to an MTC transit plan, the requirements of this Section V shall cease applying to that portion of the Reservation Area, and this shall be documented by an administrative amendment to the Rezoning Plan.
2. **Right-of-Way Dedication**
 - a. The Petitioner shall permanently, irrevocably, and unconditionally (for any portion of the Reservation Area to which the requirements of this Section V.f have not ceased applying per operation of subsection V.f.1.e.), dedicate the Reservation Area (except for any portion of it that has been released by the City under Section V.f.1.b.) to CATS, without being owed any damages or compensation by CATS, upon the occurrence of either of the following:
 - i. The Petitioner notifying the City (including by notifying the Director of CATS or, if CATS no longer exists, the director of the successor agency or entity that provides public transit services for the City) in writing that the Petitioner seeks to dedicate all or a portion of the Reservation Area, and the City agreeing to accept that dedication; or
 - ii. Upon CATS securing sufficient funding – through a full funding grant agreement from the Federal Transit Administration ("FTA") or any other funding source or combination of sources – to commence construction of a light rail project on the Site, as well as CATS

obtaining, to the extent applicable, any other approvals from the FTA necessary for CATS to begin developing that light rail project.

- b. If the Reservation Area is dedicated to the City under this Section, at the Petitioner's request, CATS shall continue good-faith discussions with the Petitioner regarding the aesthetics of the light rail's alignment through the Site and will meet in good faith to discuss any questions, concerns, or ideas that Petitioner might have.

Site and Building Design

3. Provide some level of limitation on the number of days per year special events will be allowed or the number of special events per year. As written, this could be allowed every day of the year and would not be temporary.
4. Special event optional request references the language under Section 16.1, but omits 16.1(b) regarding the use not being for commercial parking.
5. Clarify special event optional request language to specify when temporary parking areas are developed with a long-term use, streetscape provisions are required.
6. Delete the optional sign request or be specific about what flexibility is being requested.

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





Planner: Claire Lyte-Graham (704) 336-3782







Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-033

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

| Goals | Goal Description | Relationship to Charlotte Future 2040 Comprehensive Plan |
|---|---|--|
|  | Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride. | ✓ |
|  | Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods. | N/A |
|  | Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction. | N/A |
|  | Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails. | ✓ |

| | | |
|---|---|---|
|  | <p>Goal 5: Safe & Equitable Mobility</p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p> |  |
|  | <p>Goal 6: Healthy, Safe & Active Communities</p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p> |  |
|  | <p>Goal 7: Integrated Natural & Built Environments</p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p> | <p>N/A</p> |
|  | <p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p> | <p>N/A</p> |
|  | <p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p> | <p>N/A</p> |
|  | <p>Goal 10: Fiscally Responsible</p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p> | <p>N/A</p> |