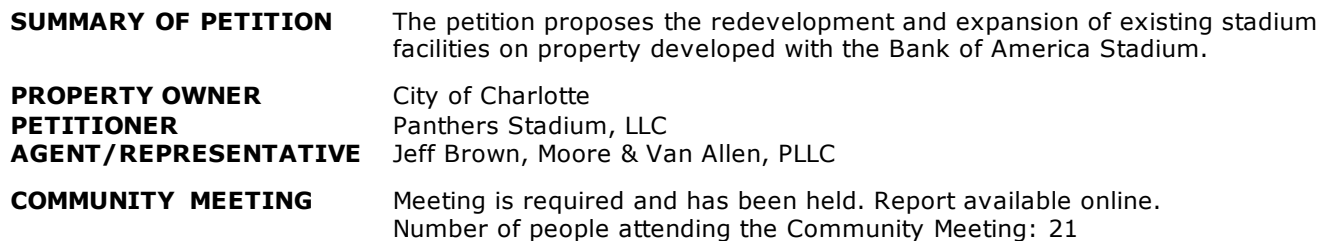




Current Zoning: UC (Uptown Core)
Proposed Zoning: UC(EX) (Uptown Core, Exception)

Approximately 25.30 acres located east of West Morehead Street, north of South Mint Street, and west of South Graham Street.



Staff recommends approval of this petition.

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

- Developments such as stadiums and their associated facilities result in unique zoning scenarios that challenge typical ordinance regulations and prompt innovative solutions to contend with regulatory limitations. 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.

- A stadium and its associated facilities have atypical site and building designs that do not adhere to the base standards of the UC zoning district. Consequently, this proposal requests EX provisions to modify standards such as blank wall areas and transparency levels.
- This petition would allow the site to be redeveloped and updated under a UDO zoning district to better utilize the property and enhance public use of a site that serves as an economic hub and community focal point.
- The petition commits to several public benefits in exchange for requested EX provisions. Publicly accessible open space that amounts to at least 25% or greater above ordinance requirements will be reserved across the site and adequately amenitized to function as public plazas and festival spaces. The petitioner also commits to provide two pedestrian pathways, one between Morehead Street and Mint Street and one that is a continuation of a shared-use path from the practice facilities site which will extend from the existing tunnel under the railroad underpass to connect to Graham Street. These are vital connections that will enhance pedestrian functionality across the subject site while also providing mobility options to surrounding areas. Alternative pedestrian improvement public benefits may be provided if the petitioner is unable to construct the first priority pathways for reasons outside of their control.
- This site is located directly along the proposed LYNX Silver Line. Development of areas along what will be a major transit corridor will help to 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 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 Development Areas A1, B1, B2, and B3.
- Proposes to allow all uses permitted in UC including: stadium; practice/training facilities and field house; sports operations, activities, events, and wagering facilities authorized under State Law; Live Performance Venue-Indoor and Outdoor (including without limitation Temporary Outdoor Entertainment); Restaurant/Bar; Retail; Personal Services; Office; Reception Facility; Mobile Food and Retail Vendor; lodging and overnight stays, including without limitation for players, personnel, vendors, visitors and others associated with users of the allowed principal uses among other uses.
- Requests EX provisions and specifies that the required public benefits for the EX request includes the following:
 - Petitioner shall satisfy the public amenity public benefit category with the creation of publicly accessible open space areas to be maintained at a minimum of 25% greater area than full ordinance requirements for publicly open space as part of the site. At the time of land development permitting, such open space areas shall include elevated materials such as pavers or stone elements, decorative plantings/landscaping, seating elements, and pedestrian-scale lighting. Additional improvements to the open space area of the same categories must be installed prior to May 31, 2030 and will be particularly localized along the periphery of the open space away from locations of heavy security and pedestrian flow. By May 31, 2030, enhanced open space areas shall have a minimum of 30% of their area open to pedestrian traffic. Enhanced open space areas which are not open to pedestrian traffic shall include one tree per 2,000 square feet of area, three planter pots each a minimum of 7 square feet per 2,000 square feet of area, and 250 square feet of ornamental plants per 2,000 square feet of area. All open space areas will have a minimum size of 1,500 square feet and a minimum dimension of ~~25'~~ 30' in any direction. The location of the areas may shift as development takes place or activities and operations are adjusted throughout the life cycle of the site. Such areas shall be closed periodically due to security and safety needs of associated events on the site. At least one required open space area on the site will include a public art feature to be installed by May 31, 2030. In connection to the art feature, the petitioner shall procure from Urban Design Center staff the most recent list of creative pool artists at the time of land development submittal. The petitioner shall interview at least one artist from this list as a finalist for the art feature though final selection of the artist is the petitioner's choice. The proposed art will be located so that it is visible to the public.

- Petitioner shall use diligent good faith efforts to provide for the construction of two items to satisfy the city improvement public benefit category:
 - 1) New construction of a minimum 10' pedestrian pathway connection between Morehead Street and Mint Street which shall be accessible to the public with limited restrictions associated with event days as well as repairs and maintenance. Such a pathway shall be provided upon the earlier of A) the issuance of certificates of occupancy for the construction of new buildings or expansion of building in the aggregate of 5,000 square feet or greater within Development Area B2 or B) May 31, 2030.
 - 2) New or adjusted construction of a ~~minimum 10'~~ shared-use path connection as a continuation of the shared-use path connection from the Panthers Practice Facilities site, to extend from the existing tunnel under the railroad underpass to connect to Graham Street, dependent on physical constraints. The path shall be accessible to the public with limited restrictions associated with event days as well as repairs and maintenance. The path shall be 16' in width where possible, and 12' in width where topographical or other site constraints limit the path. Efforts shall be made to reduce stairs as much as is feasible, but grade changes will require a section of stairs and accessible ramps. During construction, good faith diligent efforts will be undertaken to limit closure for construction of the shared use path to as short a time period as is reasonably possible. Such a pathway shall be provided upon the earlier of A) the issuance of certificates of occupancy for the construction of new buildings or expansion of building in the aggregate of 5,000 square feet or greater within Development Area B2 or B) May 31, 2030.
 - Evidence of compliance with the benefits described above will be provided no later than May 31, 2030.
- If the petitioner is unable to provide the first priority city improvement category pedestrian paths due to physical constraints and regulatory approvals via third party land owners among other factors beyond the petitioner's control – the petitioner may provide the below alternative city improvement public benefits:
 - Commits to provide sidewalk improvements to support pedestrian mobility of 250' of existing substandard sidewalk along the Duke Energy Sub Station. Will improve the sidewalk to 6' in width.
 - Will install pedestrian crossing improvements at Graham Street such as striping, pedestrian signalization, and/or other crossing design features located at the termination of the existing or the improved pedestrian connection extending from the practice facilities or an alternative appropriate location.
- Requests EX provisions as follows below:

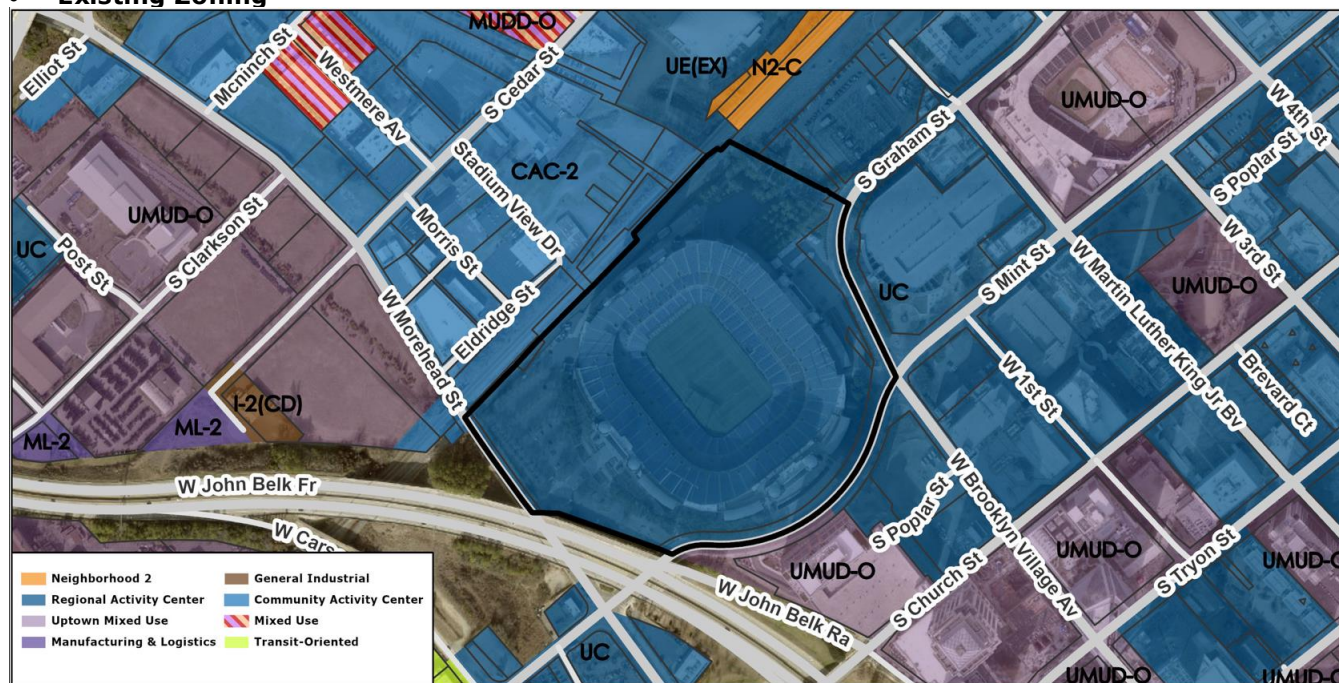
Ordinance Standard	UDO Article Reference	UDO Requirement	Requested EX Standard	Applicable Development Areas
Frontage Build-to-Zone	Article 12.3.B	0-10'	0-50' 0-350'	All A1 (along West Morehead Street)
Minimum Build-to-Percentage for Structures	Article 12.3.B	80%	50%	All
Minimum Building Height	Article 12.3.C	40'	10' for freestanding accessory buildings not to exceed 25,000 square feet	All
Maximum Building Length Along a Frontage	Article 12.3.D	400'	1,500'	A1
Maximum Blank Wall Area	Article 12.3.D	50' for limited access frontage 20' for all other frontages	Maintain 50' for limited access frontage 40' for all other frontages	A1

Ordinance Standard	UDO Article Reference	UDO Requirement	Requested EX Standard	Applicable Development Areas
Maximum Blank Wall Area Above 50'	Article 12.3.D and 37.2.C.3.b.ii.D	50' for limited access frontage 20' for all other frontages	Not applicable to upper floors	A1
Minimum Ground Floor Height	Article 12.3.D	16'	10' for new construction 10' for freestanding accessory buildings not to exceed 25,000 square feet	A1 All
Maximum Prominent Entry Spacing	Article 12.3.D	250'	500'	All
Ground Floor Transparency	Article 12.3.E	80% for 4-5 lane avenues and boulevard frontages 60% for all other frontages	50% 5%	B1, B2, B3, B4 A1
Upper Floor Transparency	Article 12.3.E	25% for 4-5 lane avenues and boulevard frontages	5%	A1
Exterior Lighting Regulations and Design	Article 16.2.C	Luminaire max height of 65' to be extinguished 1 hour after the end of an event.	Max height of 250' to be extinguished 4 hours after the end of an event.	A1
Surface Parking and Parking Lots	Article 19.6 Table 19-4	Surface parking, driveways, circulation, and maneuvering may not occur within the established setback.	Surface parking, driveways, circulation, and maneuvering may be reconfigured on the site but may not increase in size and may be located in the established setback but not within the required setback.	All
Bicycle Parking	Article 19.9.B	Short-term bicycle parking shall be no more than 120' from an entrance to the building.	350'	All
Parking Structures	Article 19.7 Table 19-5	Parking structure design options A, B, and C.	Design option D with 5' setback/landscape area.	B1, B2

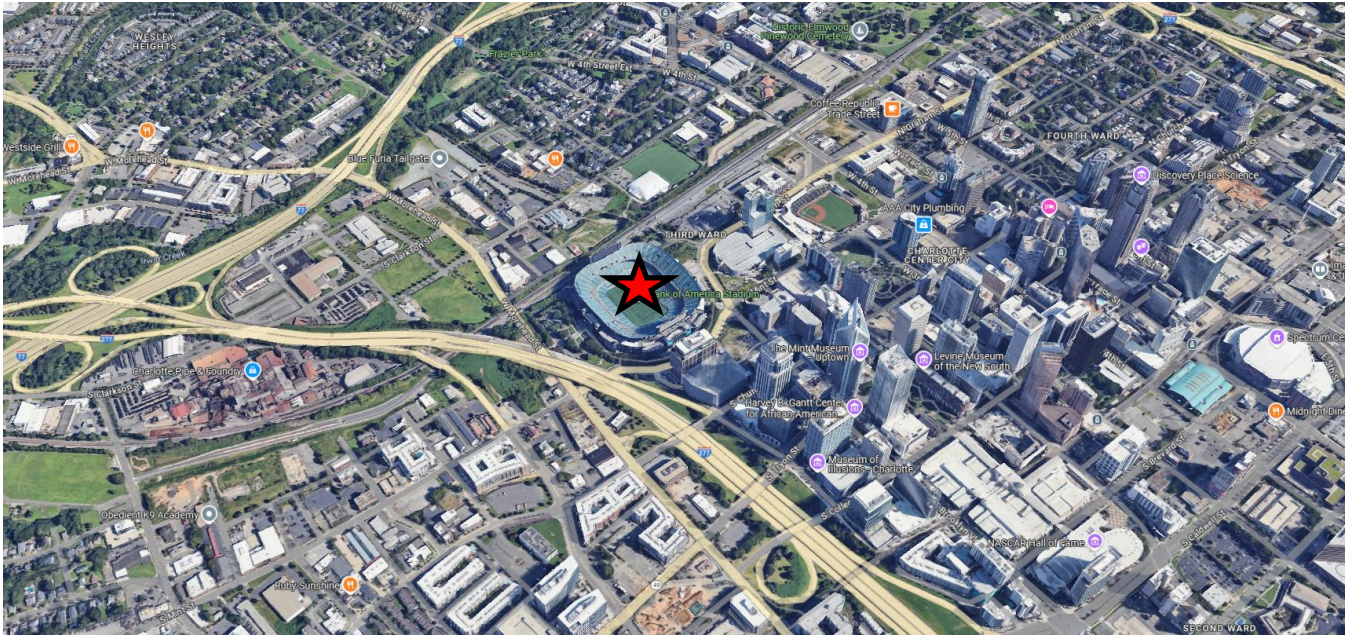
- Requests EX provisions to Articles 22 and 37.2.C.3.b.ii.B related to signage including advertising operations, electronic signs, the number and size of ground signs, size and location of wall-mounted signage, size of ribbon boards, size and location of entrance tunnel signage, banner size, and size limitations of flags.
- Requests EX provisions to Article 33.3 and 33.4 for street standards:

- The existing curb line for the West Morehead Street frontage shall remain rather than be relocated so that the future back of curb is 30' from the centerline.
- Graham Street and Mint Street standards require a 10' sidewalk and 8' amenity zone with tree grates from the existing back of curb. The petitioner will provide a 10' sidewalk with the flexibility to provide alternative planting conditions including planting strips that may vary in width (may be reduced to 2' in limited locations due to site constraints).
- Notes that the site shall have no maximum parking requirement.
- Commits to provide a maximum total of 40 short-term bicycle parking spaces.
- Notes that the petitioner may seek administrative approval of a master signage package for the site.
- Provides transportation commitments:
 - Streetscape improvements to West Morehead Street will be made as new development occurs.
 - Each of the following transportation improvements will be completed prior to May 31, 2030:
 - Streetscape improvements along West Morehead Street shall be constructed before a certificate of occupancy is issued for new building expansions or new buildings of ~~20,000~~ 5,000 square feet or greater within Development Areas B1 and/or B2.
 - Streetscape or transportation improvements along Mint and Graham Streets shall be constructed before a certificate of occupancy is issued for new building expansions or new buildings of ~~20,000~~ 5,000 square feet or greater within Development Areas A1 and/or B4.
- Notes that the petitioner shall work in good faith with Urban Forestry to protect existing trees located within certain portions of the rights of way of Mint Street and Graham Street where practicable but subject to development plans, health of trees, security, and other factors, some trees may need to be removed.

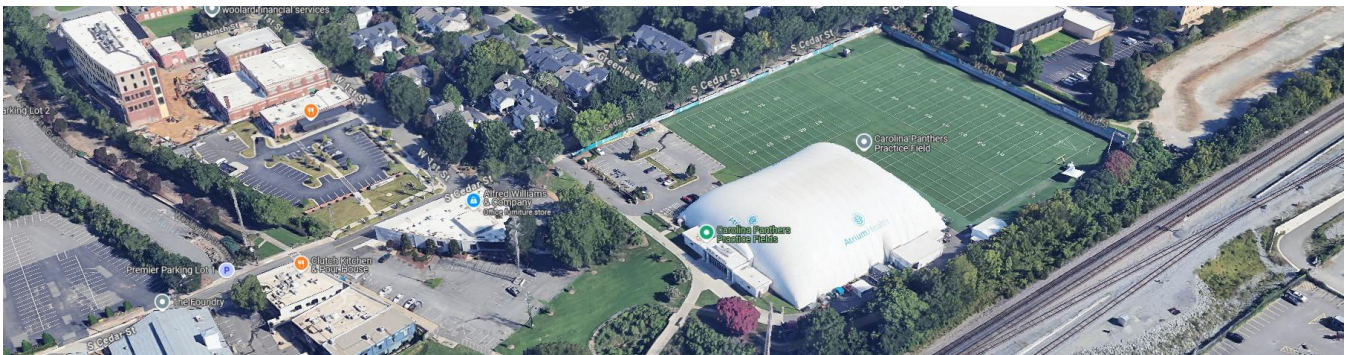
• **Existing Zoning**



- The site is currently zoned UC (Uptown Core) and is in an area with UC (Uptown Core), UMUD-O (Uptown Mixed-Use Development, Optional), CAC-2 (community Activity Center-2), MUDD-O (Mixed-Use Development District, Optional), UE(EX) (Uptown Edge, Exception), and N2-C (Neighborhood 2-C) zoning.



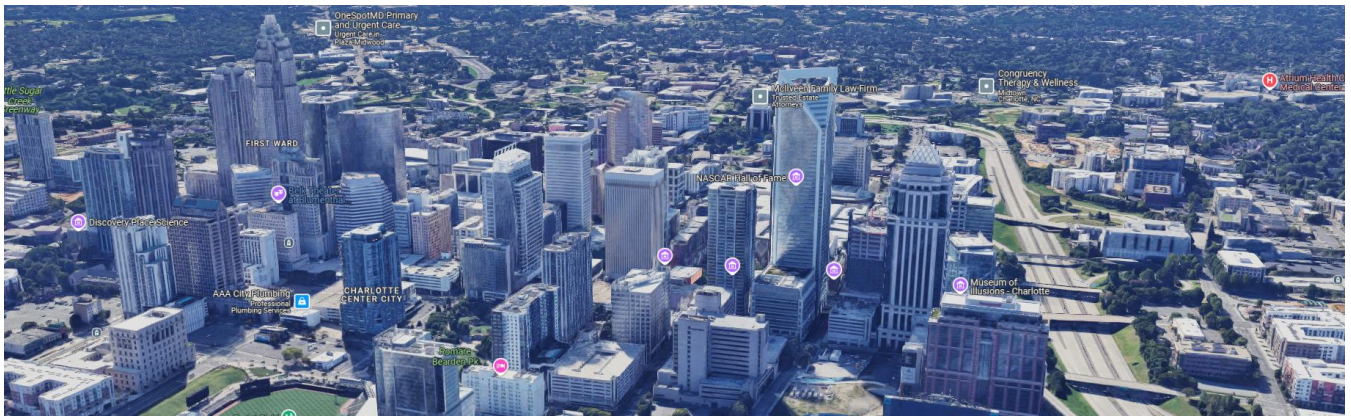
- The subject site is denoted with a red star, is located within Uptown, and is generally surrounded by a mix of uses including dense vertical mixed-use structures, the associated practice facility site, multi-family developments, recreational uses, and Interstate 277 and Morehead Street bounds the property's south and western edges.



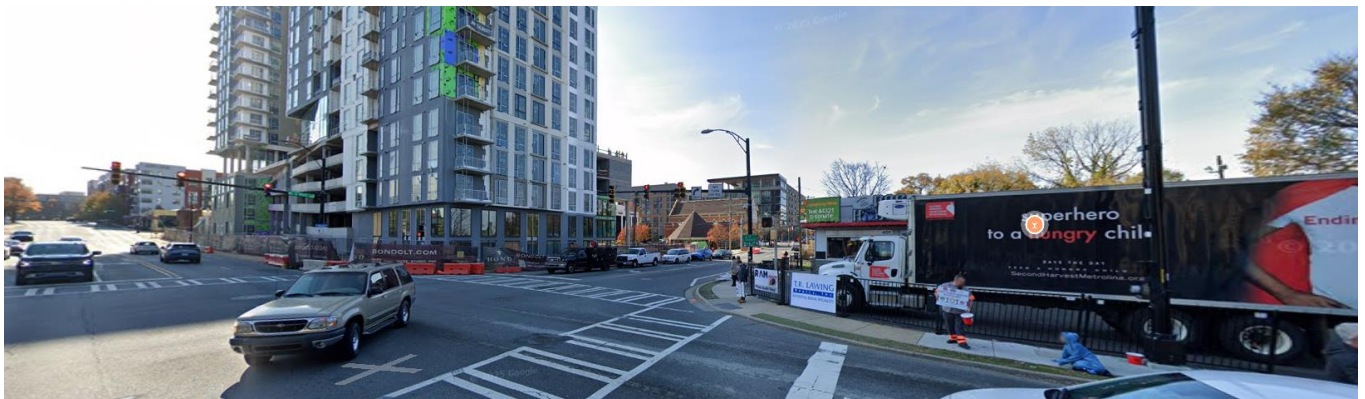
- The associated practice facilities are located north of the site. Commercial and multi-family residential uses are also north of the subject property.



- Directly east of the site is a parking structure integrated with office, residential, and hotel uses.

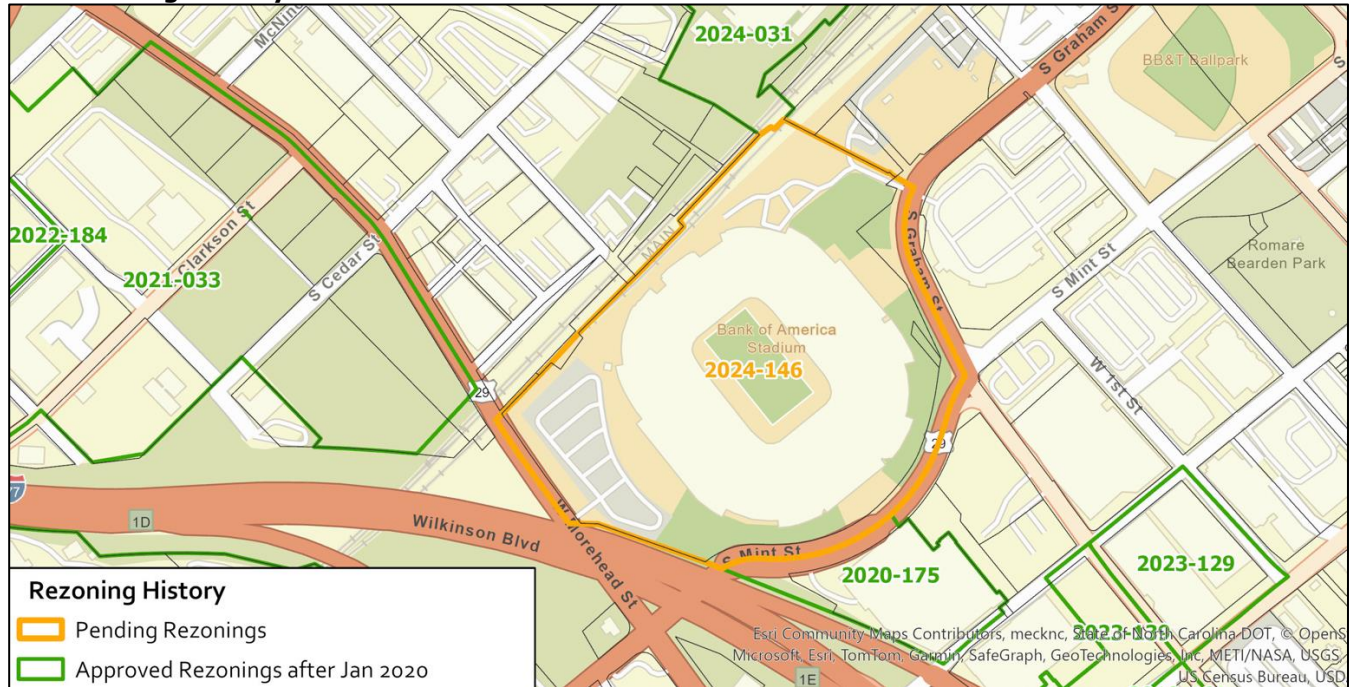


- South of the site are the City's densest building forms many of which are office uses with ground floor commercial space; but this area also includes multi-family residential, institutional, and recreational uses among others.



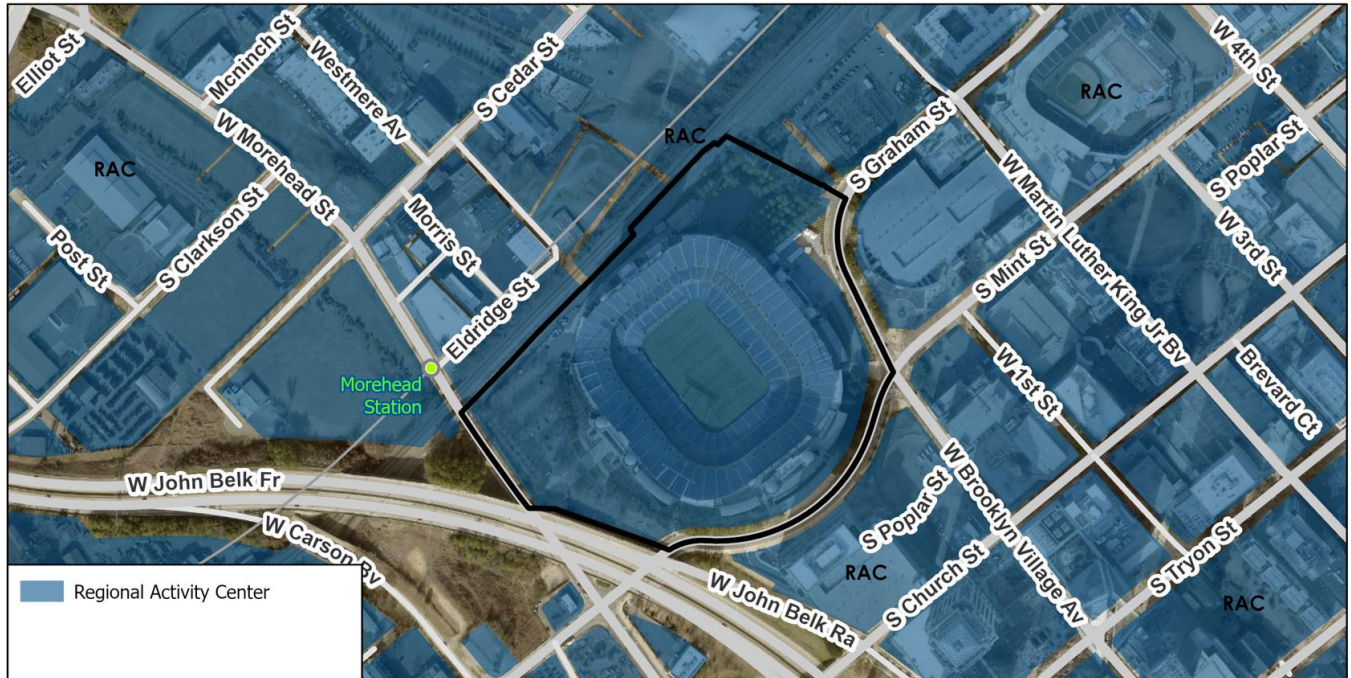
- Interstate 277 is along the site's western boundary as well as West Morehead Street which houses a range of residential and commercial uses along this section of the corridor.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2020-175	Rezoned 1.96 acres from UMUD (Uptown Mixed-Use Development) to UMUD-O (Uptown Mixed-Use Development, Optional) to allow for skyline signs.	Approved
2021-033	Rezoned 55 acres from MUDD-O (Mixed-Use Development District, Optional), I-2 (General Industrial), and I-2(CD) (General Industrial, Conditional) to UMUD-O with 5-years vested rights (Uptown Mixed-Use Development, Optional) to allow for 1,000 residential units, 2,000,000 square feet of office, and 50,000 square feet of retail uses.	Approved
2022-184	Rezoned 2.13 acres from ML-2 (Manufacturing & Logistics-2) to UC (Uptown Core) to allow for all uses permitted by-right and under prescribed conditions in the UC district.	Approved
2023-129	Rezoned 1.48 acres from UMUD-O (Uptown Mixed-Use Development, Optional) to UMUD-O SPA (Uptown Mixed-Use Development, Optional, Site Plan Amendment) to allow for two skyline signs.	Approved
2023-139	Rezoned 1.62 acres from UMUD-O (Uptown Mixed-Use Development, Optional) to UMUD-O SPA (Uptown Mixed-Use Development, Optional, Site Plan Amendment) to allow for three electronic changeable copy signs.	Approved
2024-031	Rezoned 12.04 acres from CAC-2 (Community Activity Center-2), MUDD-O (Mixed-Use Development District, Optional), and N2-C (Neighborhood 2-C) to UE(EX) (Uptown Edge, Exception) to allow for the redevelopment and expansion of practice facility uses.	Approved

- **Public Plans and Policies**



- The 2040 Policy Map (2022) calls for the Regional Activity Center Place Type for the site.

- **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Mint Street, a State-maintained major arterial, and Graham Street, a State-maintained, major arterial. 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. There are no further outstanding Transportation comments.

- **Active Projects:**

- CIP - Hill St. Shared Use Path
 - Project ID: PMES221728
 - Location Description: Install shared use path from Mint St to Church St adjacent to Hill St.
 - Project Description: Install shared use path from Mint St to Church St adjacent to Hill St.
 - Project Type: Pedestrian and Bike
 - Project Phase: Construction
 - Anticipated Start Date: Early 2022; Anticipated Completion Date: Late 2024
 - PM: Ryan Fakhreddin - ryan.fakhreddin@charlottenc.gov

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 93,046 trips per day (based on stadium uses).

Entitlement: 93,046 trips per day (based on stadium uses).

Proposed Zoning: 93,046 trips per day (based on stadium uses).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No comments submitted.
- **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 Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main along S Mint St. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along S Mint 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:** See advisory comments at www.rezoning.org
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Transportation

- ~~1. Conditional note 6.d. regarding improvements to South Graham Street and South Mint Street needs to be updated to state that the development will construct the required streetscape. CDOT requires clear language about it being constructed as part of this development when triggered according to ordinance requirements.~~ **Addressed**
- ~~2. Revise language for the second city improvement public benefit to wholly commit to construction of option (ii) completion of the shared use path between Graham Street and the proposed practice facility path.~~ **Addressed**
- ~~3. Provide more specific and committal language about when the city improvement benefits will be completed by.~~ **Addressed**
- ~~4. Revise site plan and conditional note(s) to commit to updating conditional note 6.e. and change triggers for streetscape to align with UDO requirements or request an EX provision to modify this standard. Streetscape upgrades are required per ordinance when triggered. Adjustments to small portions of streetscape due to topography, trees, etc. may be made during the permitting phase according to allowable exceptions.~~ **Addressed**
- ~~5. 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." Conditional note 6.b. does not read clearly enough to verify the understanding that all right of way that is required by ordinance will be dedicated. Update to read exactly as shown above or update existing note(s) so that it is very clear what improvements would not have right of way dedicated.~~ **Addressed**

Site and Building Design

- ~~6. Revise public amenity language to add more detail regarding closures of the space, such as no more than 24 hours around certain events. Provide quantitative measures for how frequently per square foot elements will be placed in the open space including but not limited to seating, lighting, and plantings. Increase the minimum depth of the space from 25' to 50'. Commit to providing a public art feature within an open space area using previously provided public art feature language from UDC but with slight modifications to note that rather than the petitioner "seeking input from UDC" during the land development process regarding possible artists, the petitioner will procure the most recent list of creative pool artists from UDC. Additionally, the public art feature language should reflect that the location, type of art, and size of the art must be determined during land development processes. Clarify reasoning as to why this benefit cannot be completed earlier than May 31, 2030.~~ **Addressed**

Environment

- ~~7. Work with Urban Forestry on protecting existing trees located within the ROW since the existing curb is to remain and revise conditional notes to commit to this.~~ **Addressed**

REQUESTED TECHNICAL REVISIONS PRIOR TO PUBLIC HEARING

Site and Building Design

- ~~8. Remove reference to Alternative Compliance Review Board process in note 3.b. as it is unnecessary.~~ **Addressed**
- ~~9. Add EX provisions related to exterior lighting, design of surface parking, design of bicycle parking, and design of parking structures to the EX table.~~ **Addressed**

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