



Zoning Committee

REQUEST

Current Zoning: CG (general commercial)
Proposed Zoning: MUDD-O (mixed-use development district, optional)

LOCATION

Approximately 1.63 acres located along the northeast side of East 7th Street, south of Lamar Avenue, and north of Clement Avenue.
(Council District 1 - Anderson)

PETITIONER

CRD Elizabeth, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **consistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

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

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The Elizabeth community is defined by low to mid-rise development along pedestrian corridors that seamlessly transition to surrounding single family neighborhoods with a unique and established character. This site is directly among a flourishing mix of uses in structures that prioritize sensitivity to abutting homes and often inhabit single family homes themselves.
- This swath of the corridor was designated as the Neighborhood Activity Center (NAC) Place Type to reflect its role as an existing hub for neighborhood services and needs. This Place Type is intended to facilitate middle density mixed-uses that consciously integrate into the surrounding residential areas.

- The *2040 Policy Map* was adopted in 2022 as Planning staff worked to complete the complimentary Unified Development Ordinance (UDO), which was adopted in June of 2023 and replaced our City's legacy zoning ordinance, under which this rezoning request was submitted. The proposed conditional MUDD zoning district does not exist in the UDO. As the UDO's complimentary policy document, the *2040 Policy Map* prescribes place types across all City and ETJ properties and outlines desired land uses, building forms, character, mobility, and more for each place type. These place types are broader than the more distinct and specific zoning districts in the UDO, but each place type has a clear set of compatible and consistent UDO zoning districts. Petitions such as these which request legacy districts are assessed on a case-by-case basis to determine what elements may be considered consistent with the prescribed place type. Because the legacy zoning districts were not intended to match the place types outlined in current policy, legacy district petitions, especially with nuanced contextual factors, are almost always neither fully inconsistent nor consistent with the prescribed place types. Sequentially, many variables of this proposal have been weighed to determine consistency with the NAC Place Type including the proposed land uses, building form, mobility, buffers, etc.
- The NAC Place Type supports low to mid-rise building forms, and the complimentary Neighborhood Center zoning district allows for building heights to exceed 65 feet, up to 80 feet, with the application of bonus menu provisions. The petitioner has committed to provide a contribution to the Housing Trust Fund that aligns with what bonus menu provisions are required to allow for building heights above 65 feet in the NC zoning district. This contribution, which will support affordable housing in Charlotte, speaks to the intent of the NAC Place Type although a portion of the proposed structure would exceed 65 feet when located within 200 feet of property lines designated as Neighborhood 1 Place Type on the *2040 Policy Map*.
- The proposal specifies a height plane transition across the site so that the portions of the building within 80 feet of the rear property line do not exceed 45 feet. This height transition is similar to what would be prescribed in the NC zoning district when abutting single family areas, which prohibits building heights above 50 feet

when located within 100 feet of Neighborhood 1 property lines.

- Although densification is expected along this corridor, new developments must be cognizant of the fabric of the Elizabeth community and operate as transitional spaces between the single family residential areas and the intensifying focal point of goods and services along East 7th Street.
- The uses allowed in the proposal are consistent with the NAC Place Type, and although not all portions of the plan align exactly to how a similar development would look in the NC zoning district, the petitioner has added several conditions to the plan to show an effort to meet the NAC Place Type vision.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 3: Housing Access for All
 - 4: Trail & Transit Oriented Development

Motion/Second: Sealey / Whilden

Yeas: Neeley, Russell, Sealey, Welton, Whilden

Nays: Lansdell

Absent: Winiker

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the *2040 Policy Map*.

Commissioner Lansdell commented that he was previously in opposition to this petition due to transportation issues. Commissioner Lansdell asked about the driveway design standards for the parking deck access off Lamar Avenue. CDOT staff responded that it would have a 10x10 sight triangle and they will have to show that in permitting. Details on the driveway standards are found in Article 31 of the UDO. The Streets Manual will also dictate driveway requirements during permitting. Commissioner Lansdell responded that this driveway entrance is still a concern especially for pedestrian safety.

Commissioner Sealey asked how trip generations are made and noted that he believes the actual trip generation will be lower given mobility options in the area. CDOT staff responded that trip generations are made based on national data for specific uses. The data that is available supports the trip generation numbers shown in the staff analysis.

There was no further discussion of this petition.

MINORITY OPINION

This petition does not adequately address, or compensate in its land use request, safety on our roadways. This could negatively

impact the welfare of our communities as it does not significantly improve ingress and egress to the site on Lamar Avenue

PLANNER

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