

<b>REQUEST</b>	Current Zoning: O-2, office Proposed Zoning: MUDD(CD), mixed use development district, conditional
<b>LOCATION</b>	Approximately 1.50 acres located on East Morehead Street between Kenilworth Avenue and Monticello Trail.
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 250 multi-family units and up to 10,000 square feet of residential supportive services.
<b>PROPERTY OWNER</b>	1321, LLC; 1329, LLC; and Morehead Property Investments, LLC
<b>PETITIONER</b>	Morehead Property Investments, LLC
<b>AGENT/REPRESENTATIVE</b>	DAS Architecture, Inc.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-1 to <b>DEFER</b> this petition to the October 3, 2012 Zoning Committee meeting.
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<b>VOTE</b>	Motion/Second: Zoutewelle/Griffith
	Yeas: Allen, Dodson, Griffith, Phipps, Rosenburgh and Zoutewelle
	Nays: Firestone
	Absent: None
	Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff noted this petition had been automatically deferred twice because of motions for approval by the Committee failing at two previous meetings. Staff indicated that the petitioner was again requesting a deferral due to building code changes and impacts on the design of the proposed building. Staff stated that the Mecklenburg County Building Code Administrator confirmed that changes to the Energy Code had come into effect in March of this year, and that other changes to the Building Code were scheduled to be effective this Friday, June 1<sup>st</sup>. The Building Code Administrator also confirmed that new code changes could greatly impact development proposals that had used previous codes, as well as the cost of the project. Building Code staff has seen several projects have to go back and reassess design and cost feasibility due to changes in codes. Staff stated that the petitioner would use the three month deferral to reassess the design of the building under the new codes.

The Committee inquired about the existing site plan and the history of deferrals on this petition. Staff responded that the reassessment of the building design would take into consideration the existing site plan. Staff revisited the history of the deferrals on this petition, including the protest petition resulting in the request not be heard by City Council in November due the election year, along with procedural deferrals. The Committee inquired about "average height" as noted and proposed on the site plan. The Zoning Administrator spoke to the Zoning Committee, confirming there is no definition of "average height" in the Zoning Ordinance. The Zoning Administrator reviewed the definitions for "height" (based upon average grade) and "maximum height" (highest point to lowest point irrespective of grade). Upon a majority vote, the Committee voted to approve the deferral request. However, some Committee members indicated that another deferral request would not be granted for this petition.

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details (Update based upon revised site plan submitted 05/25/2012)**
  - The site plan accompanying this petition contains the following provisions:
    - Maximum of 250 multi-family dwelling units (166.7 dwelling units per acre) and up to 10,000 square feet of residential supportive services, including but not limited to: leasing office, fitness center, laundry, and coffee shop.
    - A freestanding commercial building is not permitted.
    - Maximum building height of 100 feet, with building height along Monticello Terrace property to be limited to a maximum average height of 85'. Primary building face on rear to be limited to a maximum average height as defined in the Zoning Ordinance of 85'. However, portions of the building height in the rear may exceed 85' but any portions of the building above 85' must step back a minimum of an additional five feet (5') per floor.
    - Setbacks, side yards and rear yards as follows:
      - A 26-foot setback at street level up to the second floor. At and above the second floor window projections, balconies, architectural elements will be permitted to encroach a maximum six feet into the 26-foot setback for up to 25 percent of the building along that façade.
      - Minimum 10' side and rear yards at residential levels above parking levels above parking levels (not at parking garage levels).
      - Primary residential building face to be established 15' from the rear property line with no screening. Balconies and other architectural elements are allowed within this 15' zone.
      - Where 10' setback is applied along the East Elevation, balconies will all be inset or 'Juliet' balconies, not to extend beyond the primary residential building face. Other architectural elements may extend beyond the primary residential building face up to 2' but will not be closer than 8' to the property line.
      - Where 10' setback is applied along the East Elevation, patios or common spaces at grade level of the building will not be permitted.
      - Where 10' setback is applied along the East Elevation, the building will not be split along that elevation.
    - Dedication of 40 feet of right-of-way along East Morehead Street, with right-of-way dedicated to be extended to the back of the sidewalk to include the full width of the sidewalk should the sidewalk width go beyond the 40 indicated.
    - Possible driveway connection to be provided at the rear for through-block connectivity to Harding Place.
    - Parking will be located in a parking structure below the residential portion of the building, with visitor/short term parking possibly located at grade. Any portion of the parking structure located above grade and less than 5' from any property line will be a solid wall with an architectural finish.
    - Two driveways may be permitted onto East Morehead Street as shown on site plan. The petitioner will work with CDOT and NCDOT to reduce the number of driveways to one if possible. Number of driveways will depend upon how development of each parcel occurs.
    - Until each phase or building is occupied, existing drives will remain.
    - Proposed building(s) will be articulated with a variety of materials including but not limited to brick, stone, cast stone, precast concrete, cementitious siding, stucco, EIFS, and metal panel.
    - The petitioner commits to preserving the street trees along East Morehead Street.
    - The petitioner will hire a licensed arborist and work with City Arborist in working to preserve street trees and those on adjacent properties that may be adversely affected by construction of this development.
    - Landscape details have been provided depicting landscape treatment around building, along with a screening/fence concept between the subject property and Monticello Terrace Condominiums.
    - The petitioner will reconstruct the wall between the subject property and Monticello Terrace Condominiums, as well as the two portions running perpendicular to the property line, to a height of eight feet minimum. The wall design, and additional landscaping, screening, and lighting, will be developed in agreement with the Monticello Terrace Condominiums. Wall materials will be consistent with the existing wall construction.

- Solid waste containers to be located within the service area/loading dock within the building and serviced by private waste removal contractors.
- Additional language relating to storm water has been provided that states the petitioner will endeavor to eliminate any erosion related impact to adjacent properties.
- **Public Plans and Policies**
  - The request is consistent with the *Central District Plan*, the *General Development Policies* and the recently adopted *Midtown Morehead Cherry Area Plan* in terms of uses. The six-foot setback reduction for up to 25 percent of the building above the second floor is not consistent with the proposed setback. However, this deviation is intended to enhance and add interest to the façade and provide appropriate balance from a streetscape perspective.

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

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 11 students, while the development allowed under the proposed zoning will produce 26 students. Therefore, the net change in the number of students generated from existing to proposed is 15 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.

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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - This request proposes redevelopment of an urban site.

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**OUTSTANDING ISSUES**

- No issues.

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review

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