

REQUEST	Current Zoning: B-2, general business Proposed Zoning: MUDD-O, mixed use development district-optional
LOCATION	Approximately 2.81 acres located on the south side of East Third Street and surrounded by South Kings Drive, Charlottetowne Avenue, and Cherry Street.
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the MUDD district while incorporating the majority of the streetscape requirements set forth in the draft <i>Midtown Morehead Cherry Area Plan</i> . The site is consistent with the land use recommendations set forth in the draft <i>Midtown Morehead Cherry Area Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Wells Property Number One, LLC Wells Property Number One, LLC FMW Real Estate
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the <i>Draft Midtown Morehead Cherry Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Johnson).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended proposed zoning to reflect MUDD-O. 2. Recessed parallel parking shown in correct location. 3. Amended notes under heading of Optional Provisions to state that the building setback line along Cherry Street is 11 feet from back of the future non-recessed proposed curb line, and to request a reduction of the 8-foot planting strip along the site's Cherry Street frontage and allow the street trees to be located within the recessed parking curb extensions. 4. Amended Note B under the heading of Optional Provisions to state that the petitioner shall install on-street, recessed parallel parking along the site's frontage on Cherry Street. 5. Amended Note D under the heading of Setbacks/Streetscape to state that that the petitioner shall install on-street, recessed parallel parking along the site's frontage on Cherry Street. 6. Provided a cross-section of Cherry Street improvements. 7. Amended Note E under the heading of Setbacks/Streetscape by adding a time frame for improvements on Cherry Street.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Dodson/Firestone</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Firestone, Johnson, and Rosenburgh</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Allen, Griffith and Phipps</td> </tr> <tr> <td>Recused:</td> <td>Zoutewelle</td> </tr> </table>	Motion/Second:	Dodson/Firestone	Yeas:	Dodson, Firestone, Johnson, and Rosenburgh	Nays:	None	Absent:	Allen, Griffith and Phipps	Recused:	Zoutewelle
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Yeas:	Dodson, Firestone, Johnson, and Rosenburgh										
Nays:	None										
Absent:	Allen, Griffith and Phipps										
Recused:	Zoutewelle										

ZONING COMMITTEE DISCUSSION Staff presented the petition to the Committee and indicated the outstanding issues had been addressed.

STAFF OPINION Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**
 - The site plan accompanying this petition contains the following provisions:
 - Allows all uses permitted in the MUDD district.
 - Maximum building height of 100 feet.
 - Streetscape improvements and setbacks set forth in the draft *Midtown Morehead Cherry Area Plan* as follows:
 - S. Kings Drive: 24-foot setback, 8-foot planting strip, 8-foot sidewalk, and 8-foot paved amenity zone.
 - Third Street: 16 foot setback, 8-foot planting strip and 6-foot sidewalk.
 - Charlottetowne Avenue: 22-foot setback, 8-foot planting strip and 6-foot sidewalk.
 - Cherry Street: 11-foot setback, reduced planting strip and 6-foot sidewalk.
 - A 16-foot setback on Third Street as discussed previously with petitioner and upon which the site plan was developed instead of a 22-foot setback.
 - Exclusion of vinyl as a permitted exterior building material except for soffits and windows.
 - CATS concrete passenger shelter pad adjacent to the site on East Third Street.
 - Optional provisions to allow:
 - An 11-foot setback on Cherry Street from the back of the future non-recessed curb.
 - A minimum 6-foot sidewalk adjacent to the back of curb along the site's frontage on Cherry Street. A planting strip will not be provided if parallel parking is installed on Cherry Street adjacent to the site. In the event that parallel parking is not installed on Cherry Street, a minimum 5-foot planting strip and 6-foot sidewalk will be provided along the site's frontage on Cherry Street.
 - **Public Plans and Policies**
 - *Midtown Morehead Cherry Area Plan* (draft) recommends a mixture of residential, office, and/or retail land uses.
 - *Central District Plan* (1993) recommends a mixture of residential, office and/or retail land uses.
 - The petition is consistent with the draft *Midtown Morehead Cherry Area Plan*, with the exception of the setback on Third Street.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The impact on the schools cannot be determined due to unspecified proposed uses.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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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*.
 - Minimizes impacts to the natural environment by building on an infill lot that scores high on GDP for accessibility and connectivity.
 - Facilitates the use of alternative modes of transportation by providing a bus shelter waiting pad.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sonja Sanders (704) 336-8327