

REQUEST	Current Zoning: B-1, neighborhood business Proposed Zoning: MUDD-O, mixed use development district, optional
LOCATION	Approximately 1.766 acres located on the west side of East Morehead Street between Myrtle Avenue and Oriole Avenue.
SUMMARY OF PETITION	The petition proposes two office buildings with a total maximum building area of 84,500 square feet.
PROPERTY OWNER	The Duke Endowment
PETITIONER	The Duke Endowment
AGENT/REPRESENTATIVE	John Carmichael, Robinson, Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>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 Griffith seconded by Commissioner Zoutewelle).

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. Modified the maximum building heights for both Building A and Building B to be 62 feet to the top of the standing seam roof and a maximum of 47 feet to the top of the parapet of the buildings. These heights are measured from the average grade of the building wall along the streets from which these buildings front (i.e. Myrtle Avenue for Building A and Oriole Avenue for Building B). 2. Provided a building elevation of the roll-out trash and recycling enclosure along Myrtle Avenue and included a commitment for supplemental landscaping around the enclosure. 3. Provided a detail of the driveway/drop-off area and the open space at the corner of Morehead Street and Myrtle Avenue. The area is designed to appear as a plaza with the incorporation of plantings, hardscape, and outdoor seating. Indicated that the driveway will be constructed with pavers and/or stamped asphalt. 4. Modified Note 4F to indicate if ventilation openings are provided on the western side of the structured parking facility that ornamental metal grillwork will be provided for screening. 5. Provided a note that prohibits construction vehicles serving the site from parking on Lexington Avenue. 6. Provided a note indicated that the petitioner will make a formal request to CDOT to prohibit on-street parking along the site's frontages on Myrtle Avenue and Oriole Avenue. This request shall be limited to the site sides of Myrtle Avenue and Oriole Avenue. 7. Provided a note indicating that the petitioner will hire at least one off-duty law enforcement officer to manage traffic for any event at the site. 8. Provided a note indicating a minimum of 130 parking spaces within the parking structure.
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VOTE

Motion/Second: Griffith/Dodson
Yeas: Allen, Dodson, Firestone, Griffith,
Rosenburgh, and Zoutewelle
Nays: None
Absent: Phipps
Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff presented the petition to the Zoning Committee and indicated the modifications made to the site plan to address outstanding issues.

One committee member had concerns regarding the possibility of the traffic associated with the use being directed onto the local streets within Dilworth. This reasoning is due to the location of the driveway of the parking deck being on Oriole Avenue and there being no left turn movements allowed from Oriole Avenue onto Morehead Street or from Morehead Street onto Oriole Avenue. It was also stated that this concern is more of a broader issue as more development occurs along Morehead Street.

Another committee member questioned if the proposed streetscape associated with this petition is consistent with the streetscape requirements of the proposed pedestrian overlay district for Morehead Street. Staff indicated the streetscape is consistent with the pedestrian overlay standards.

A committee member questioned if parking could be restricted on Lexington Avenue since the petitioner had agreed to make a formal request to CDOT to prohibit on-street parking along their site's frontage along Myrtle Avenue and Oriole Avenue. CDOT staff indicated they typically do not restrict parking unless there is a parking problem. In addition, the residents along Lexington Avenue would probably want on-street parking for their guests.

There was also a question as to the number of parking spaces within the parking deck. The petitioner was asked by the Zoning Committee as to the parking needs of the proposed facility. The petitioner responded by indicating the events would be more similar to lectures and meeting; not parties. The petitioner also indicated if a large event is planned, off-site parking with valet or shuttle service would be provided. It was stated that there could possibly be six to seven events per year with up to 100 guests. The petitioner agreed to modify the note on the site plan to hire an off-duty law enforcement officer to manage traffic for any event. The petitioner also agreed to commit to a minimum of 130 parking spaces.

One committee member indicated the reason for the protest petition was because of the height of the development. The committee member continued by stated that the requested height is close to being aligned with the recently adopted text amendment regarding heights in residential districts (HIRD) even though those standards don't apply in this scenario.

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:

- Two office buildings equaling a maximum of 84,500 square feet; Building A with 47,500 square feet and Building B with 37,000 square feet.
 - A two-level parking structure located partially below grade with an elevated courtyard. The courtyard will contain landscaping, hardscape, pedestrian scale lighting, and outdoor seating.
 - Building A is limited to three stories and a maximum building height of 62 feet measured along the Myrtle Avenue frontage.
 - Building B is limited to three stories and a maximum building height of 62 feet measured along the Oriole Avenue frontage.
 - A 26-foot setback from the back of curb is provided along West Morehead Street and a 16-foot setback from the back of curb is provided along Myrtle Avenue and Oriole Avenue.
 - Eight-foot planting strips and six-foot sidewalks are provided along all street frontages.
 - Open space will be provided at the corner of Myrtle Avenue and Morehead Street and will contain landscaping, hardscape, and outdoor seating.
 - A 10-foot vegetative buffer is provided along the western boundary of the site next to a 10-foot alley which abuts the residential parcels fronting along Lexington Avenue.
 - Building elevations are provided which indicate building materials that include bluestone, limestone, terracotta, and a standing seam metal roof.
 - All freestanding lighting will be limited to 20 feet in height and be fully capped and shielded.
 - No "wall-pak" type lighting will be allowed.
 - Optional provision to allow parking and maneuvering between the building and both Myrtle Avenue and West Morehead Street.
- **Public Plans and Policies**
 - The *Midtown Morehead Cherry Area Plan* (2012) recommends mixed use pedestrian oriented development for the subject site.
 - The petition is consistent with the *Midtown Morehead Cherry Area Plan*.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** 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*.
 - Minimizes impacts to the natural environment by building on an infill lot.
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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 Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review

Planner: Shad Spencer (704) 353-1132