

<b>REQUEST</b>	Current Zoning: O-2 PED, office, pedestrian overlay district Proposed Zoning: MUDD-O, mixed use development district, optional
<b>LOCATION</b>	Approximately 2.08 acres located on the northwest corner of East Morehead Street and Kenilworth Avenue.
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 30,540 square feet of office uses and a drug store with optional provisions to allow a drive through service window and encroachments into the required setback.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Edward H. Springs Interiors, Inc. and Edward H. Springs Lincoln Harris LLC Walter Fields, III
<b>COMMUNITY MEETING STATEMENT OF CONSISTENCY</b>	Meeting is required and has been held. Report available online. 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 Allen seconded by Commissioner Labovitz).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Modified the design of the buildings so they are more urban in nature and better reflect the character and scale of the Dilworth neighborhood.</li> <li>2. Added notes that commit to various architectural treatments for Building B to provide pedestrian interests along all facades.</li> <li>3. The drive through service window area was not relocated but is located on the side of the building that does not front a public street and is in an area that does not create conflicts with pedestrian circulation. CDOT studied the drive through service window configuration and has no issue with the location.</li> <li>4. Removed the screen wall illustrated in front of Building B along Kenilworth Avenue.</li> <li>5. Indicated the existing trees along East Morehead Street may be removed due to their previously identified deteriorated condition in order to install necessary roadway improvements.</li> <li>6. Modified the sign package to indicate the signage illustrated on the plans shall comply with MUDD signage regulations.</li> <li>7. Addressed CDOT's issue by providing a note that indicates the petitioner will construct roadway improvements within the public right-of-way to prevent left turns into or out of the site as approved by CDOT.</li> <li>8. Increased the width of the buffer along the western property line abutting single family residential from 10 feet to 15 feet.</li> <li>9. Provided a winding path along the East Morehead Street frontage of Building B along with benches to allow for additional pedestrian interactivity and community interest with regard to the panels located on building façade.</li> <li>10. Increased the size of the public open space area at the corner of East Morehead Street and Kenilworth Avenue from 500 square feet to 950 square feet.</li> <li>11. Removed "TS" from the "Elevation Legend" and the building elevations.</li> <li>12. Provided a note on the site plan that specifies the retail use will be restricted to a drug store with such being defined.</li> </ol>
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13. Provided a planting detail of the proposed 15-foot wide buffer along the rear property line that indicates an increased quantity of plantings and indicates the type of plant materials.

**VOTE**

Motion/Second: Allen/Eschert  
 Yeas: Allen, Eschert, Johnson, Labovitz, and Phipps  
 Nays: None  
 Absent: Griffith  
 Recused: Lathrop

**ZONING COMMITTEE DISCUSSION**

Staff presented the petition to the committee members, indicated there were no outstanding issues, and noted the items that had been added to the site plan following the previous Zoning Committee meeting. Staff also indicated the petitioner had limited the retail use to a drug store. The site plan defines a drug store as “a retail store where medicines and miscellaneous articles are sold”.

One committee member questioned why the meeting between the petitioner and the Dilworth Community Development Association (DCDA) to address the concerns listed in the motion at the October 3<sup>rd</sup> Zoning Committee meeting did not occur. The Zoning Committee suspended their rules to allow a representative from the community (Cynthia Schwartz) to respond to the question. The representative stated the community had no issue with lighting due the results of a photometric study provided by the petitioner, the petitioner had committed to limiting the retail use to a drug store at the previous meeting, and finally it was stated that any potential conflicts between pedestrian circulation and the drive through lane should be handled by City staff. The community’s issue dealt with the drug store use. The representative concluded by stating the only other issue that could have been discussed was the urban design characteristics of the development but that item was removed from the motion.

A committee member questioned if there were any transportation issues. Staff indicated there were no issues. It was noted that any use developed on the subject site will have the same access constraints. CDOT staff indicated they had studied a similar drive through layout in the SouthPark area and found no maneuvering issues. It was also noted that the location of the drive through minimizes any potential conflicts with pedestrian circulation.

Another committee member was concerned if a precedent would be set if the drive through is approved within a pedestrian overlay area. Staff indicated that an approval of a drive through on this site would not set a precedent because all cases would be evaluated individually. This petition has the drive through oriented away from the public street and in a location that minimizes conflicts with pedestrian circulation areas.

The Zoning Committee members then discussed the meaning of the wording within the Midtown Morehead Cherry Area Plan which states “some retail to serve the immediate population also may be appropriate”. This was also the item the Mayor indicated during the public hearing that he would be looking to the Zoning Committee for guidance. Staff stated the term “immediate” was not defined within the plan and also noted the wording does not prohibit the retail use from serving other neighborhoods. One committee member stated the development would serve the immediate population which includes individuals that both live and work within the area. In closing, another committee member stated that more clarification should be provided within future area plans regarding this topic.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW****• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A 30,540 square foot development limited to office uses, with up to 14,540 square feet also allowed to be occupied with a drug store use.
- Two right in/right out driveways provided into the site. One from Kenilworth Avenue and the other from East Morehead Street.
- Eight-foot planting strips and six-foot sidewalks will be provided along both Kenilworth Avenue and East Morehead Street per the adopted streetscape plan.
- A 26-foot building setback from the back of curb along East Morehead Street.
- A 22-foot building setback from the back of curb along Kenilworth Avenue.
- Minimum 15-foot wide buffer provided abutting single family residential, which is not required by the MUDD zoning regulations.
- Two open space areas improved with seating and landscaping will be provided. One internal to the site for the occupants of the development and the second located on the corner to serve the neighborhood.
- Detached lighting will have full cut-off lighting fixtures and shall be limited to 18 feet in height.
- No “wall-pak” type lighting will be allowed.
- Site lighting, excluding architectural and security, will be limited to ½ hour before and ½ hour after the operation hours of the retail use.
- Retail hours of operation will be limited to 6:00 a.m. to 12:00 a.m.
- Building height not to exceed 46 feet.
- Building elevations are provided.
- Trash pick-up and service deliveries are limited to the hours of operation but no later than 7:00 p.m.
- Any drive through service window will be located in the rear or side of the building and will not directly front Morehead Street or Kenilworth Avenue.
- Sign package provided.
- Optional provisions include:
  - To allow for a drive through service window limited to a drug store or a financial institution.
  - To allow for an entrance stoop with steps to encroach up to eight feet into the 22-foot pedestrian plan setback along Kenilworth Avenue.

**• Public Plans and Policies**

- The *Midtown Morehead Cherry Area Plan* (2012) recommends a mix of residential, office, medical office, and institutional uses. The plan also indicates retail to serve the immediate population may be appropriate. The vision for the overall Morehead Area is to become more pedestrian friendly and strengthen its mix of uses, while preserving its historic character and sensitivity to the scale of the Dilworth neighborhood.
- The petition is consistent with the *Midtown Morehead Cherry Plan*.

**• Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.

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

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business 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 issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** 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.
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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
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Shad Spencer (704) 353-1132