

**REQUEST** Current Zoning: MUDD-O (PED), mixed use development, optional, pedestrian overlay, MUDD (CD) (PED), mixed use development, conditional, pedestrian overlay, O-2 (PED), office, pedestrian overlay  
Proposed Zoning: MUDD-O SPA (PED), mixed use development, optional, site plan amendment, pedestrian overlay and MUDD-O (PED), mixed use development, optional, pedestrian overlay

**LOCATION** Approximately 2.65 acres located on the north side of East Morehead Street and south side of Kenilworth Avenue, between East Morehead Street and Harding Place.  
(Council District 1- Kinsey)

**SUMMARY OF PETITION** The petition proposes to allow the development of an integrated mixed-use development that may accommodate up to 380 dwelling units with 10,000 square feet of residential supportive services and up to 25,000 square feet of commercial uses, including one drive-through service window that may be allowed only within the parking garage. Retail uses are limited to 15,000 square feet except a grocery store may develop up to 25,000 square feet.

**PROPERTY OWNER** FMF Morehead, LLC  
**PETITIONER** FMF Morehead, LLC c/o Dustin Slack  
**AGENT/REPRESENTATIVE** Collin Brown/Bailey Patrick, Jr.

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.  
**STATEMENT OF CONSISTENCY** This petition is found to be consistent with the *Midtown Morehead Cherry Area Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Walker).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Limited the maximum commercial square footage that may be devoted to retail uses to 15,000 square feet, except in the case of a grocery store, up to 25,000 square feet of grocery store uses shall be allowed.</li> <li>2. Clarified the meaning of the term "commercial uses" by amending Note 3 as follows: "Commercial uses shall include retail, general office, medical office, grocery store, financial institution, pharmacy, and restaurant uses.</li> <li>3. Provided a definition and examples of proposed residential supportive services and active space as follows: Note 3. "Residential Supportive Uses shall mean nonresidential uses that serve residents living within the site. Residential supportive uses may include, but shall not be limited to laundry rooms, fitness facilities, coffee bars, and pet grooming areas."</li> <li>4. Limited drive-through windows as an accessory for pharmacy and financial service uses only.</li> <li>5. Addressed Transportation comments as follows: <ol style="list-style-type: none"> <li>a. Amended Note 4a regarding the bicycle lane along Kenilworth Lane to state "the petitioner shall be permitted to provide a four and one half foot bike lane and a two-foot curb and gutter, in order to accommodate a bike lane along Kenilworth Avenue. The contemplated location of the proposed new curb line is generally depicted on Sheet RZ-1."</li> </ol> </li> </ol>
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6. Addressed Urban Forestry comments by Amending Note 7(a) to note that the petitioner shall construct berm features to establish a tree protection area along Morehead Street as generally depicted on Sheet RZ-1. Construction of said berm feature requires that the sidewalk in that area be less than eight feet along Morehead Street.
7. Reflected existing right-of-way along East Morehead Street as 80 feet, which negates the request for dedication of 40 feet of right-of-way along East Morehead Street.
8. Specified the approximate location of tree and 2-foot curb and gutter along Kenilworth Avenue.
9. Relabeled bike lane along Kenilworth Avenue as a 4-foot, 6-inch bike lane instead of a 5-foot bike lane.
10. Amended Note 2(f) to specify that building access features shall include but not be limited to: area drains, guard rails, steps, ramps, landings, small retaining/cheek walls, and footings as necessary to accommodate entry features.
11. Added Note 2(g) to reflect a reduced parking strip dimension along a portion of Morehead Street, in order to accommodate tree preservation goals as depicted on Sheet RZ-1.
12. Amended Note 3 to note that hours of operation for retail uses shall be limited to 6:00 a.m. to 12:00 a.m. Hours of operation for restaurant uses shall be limited to 6:00 a.m. to 2:00 a.m.
13. Amended Note 6(a) to indicate that an 8-foot planting strip and an 8-foot sidewalk shall be provided along Morehead Street and Kenilworth Avenue except in specific areas shown on Sheet RZ-1 where deviations are necessary for tree preservation or to allow trees to be placed in tree wells to enhance a sense of entry.

**VOTE**

Motion/Second:	Allen/Walker
Yeas:	Allen, Dodson, Eschert, Labovitz, Low, Ryan and Walker
Nays:	None
Absent:	None
Recused:	None

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the current status of the petition, stating that there are no outstanding issues. Staff noted that the site plan has been amended to specify and limit the type and square footage of retail uses proposed such that they will serve the immediate population, as recommended in the adopted area plan. A commission member asked if the proposed driveway locations on East Morehead Street are the same as per the latest approved petition on the site. Staff indicated that the driveway locations have not been amended.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2008-137 rezoned a 1.3-acre portion of the subject site located on the south side of Kenilworth Avenue from O-2 (office) to MUDD-O (mixed use development, optional), to allow the construction of a mixed use building and associated parking deck with:
    - A maximum square footage of 155,000
    - Retail sales limited to 22,000 square feet
    - Restaurants limited to 5,000 square feet of the 22,000 retail square footage
    - 133 residential units with a conversion factor that would allow up to 155 units
    - Optional provisions to allow the building height up to 140 feet and alternative location for water quality features.
  - A 0.20-acre portion of the subject site located on the west side of Harding Place was rezoned from MUDD-O (mixed use development, optional) to O-2 (office) via petition 2010-001. This was a conventional rezoning with no associated site plan.

- Petition 2011-068 rezoned 1.50 acres of the subject site located on East Morehead Street from O-2 (office) to MUDD(CD) (mixed use development, conditional) to allow:
  - Up to 250 multi-family units;
  - Up to 10,000 square feet of residential support services such as but not limited to a leasing office, fitness center, laundry, and coffee shop; and
  - Building height of 85 feet along the common property line with Monticello Terrace and 100 feet elsewhere.
- In July 2012 a Pedestrian Overlay (PED-O) was established along the Morehead Street corridor per the recommendations of the *Midtown Morehead Cherry Area Plan* (2012). The Pedestrian Overlay (PED-O) promotes development with a mixture of uses in a pedestrian oriented setting of moderate intensity. Many of the standards established by the PED (Pedestrian Overlay) district are also required in the MUDD (mixed use development). Therefore the overlay does not apply to properties zoned MUDD (mixed use development). The streetscape requirements set forth in the adopted plan are applicable in the area zoned PED (pedestrian Overlay).
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - This rezoning combines two previously rezoned petitions and retains many of the previous uses and conditions, such as allowing residential and commercial uses, and specific conditions regarding treatment of the proposed building abutting Monticello Terrace Condominiums. The 140-foot maximum height allowed in the 2008 petition was reduced to 100 feet in 2011 and is carried over in the current petition.
  - Maximum of 380 multi-family residential dwelling units.
  - Maximum of 10,000 square feet of residential supportive services.
  - Commercial uses up to 25,000 square feet. All principal and accessory uses allowed in the MUDD (mixed use development) district are permitted.
  - Commercial square footage limited to 15,000 square feet except a grocery store may develop up to 25,000 square feet.
  - Maximum building height limited to 100 feet and seven stories.
  - A drive-through service window is allowed for retail pharmacy, financial service, or coffee shop uses only. One drive-through service window is permitted on the site.
  - A minimum four-foot to four and a half-foot wide bicycle path will be provided along Kenilworth Avenue.
  - Vehicular access provided through the site from East Morehead Street to Harding Place.
  - Exterior building materials may include brick, stone, cast stone, precast concrete, cementitious siding, stucco, EIFS and metal panels.
  - At least one pedestrian entrance will be accessible from East Morehead Street and a minimum of two pedestrian entrances will be provided along Kenilworth Avenue.
  - Active space for residential supportive services will provided at street level along identified portions on either side of the porte-cochere on East Morehead Street.
  - An eight-foot planting strip and eight-foot sidewalk will be provided along East Morehead Street and Kenilworth Avenue, with an eight-foot planting strip and six-foot sidewalk along Harding Place.
  - A minimum eight-foot high wall will be provided between the site and the Monticello Terrace Condominiums.
  - Existing overhead power lines at the rear of the site will be relocated underground.
  - The proposed open space area along Kenilworth Avenue will be improved with features that will create a sense of entry and accommodate public use.
  - Freestanding lighting shall not exceed 20 feet in height.
  - Seasonal lighting prohibited on the exterior portions of individual residential units facing the Monticello Terrace Condominiums.
  - Building elevations are provided.
  - Optional requests include:
    - Allow water quality and storm water detention facilities within setbacks and beneath sidewalks. (This is carried over from the 2008 rezoning).
    - Allow parking and maneuvering within the porte-cochere area along Kenilworth Avenue.
    - Allow a 16-foot setback from the back of curb on Kenilworth Avenue.
    - Allow a 14-foot setback from the back of curb on Harding Place.
    - Allow up to 220 square feet of attached signage along each of the East Morehead Street and Kenilworth Avenue frontages.
    - Allowance of one drive-through service window on the site.
    - Allow building access features to extend in to the setbacks.
    - Reduced planting strip dimension along a portion of Morehead Street to accommodate tree preservation goals.

- **Public Plans and Policies**

- The *Midtown Morehead Cherry Area Plan* (2012) recommends mixed use pedestrian oriented development, to include residential, office, medical office, and institutional uses. Limited retail that would serve the immediate population may be appropriate with the incorporation of design features that preserve the existing tree canopy.
  - The petition is consistent with the *Midtown Morehead Cherry Area Plan*.
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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.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** 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*.
    - Facilitates the use of alternative modes of transportation by being located in a pedestrian overlay district.
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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
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Sonja Sanders (704) 336-8327