

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.
STAFF RECOMMENDATION	Staff recommends approval upon resolution of the outstanding issues. The residential component of the proposal, which is the major element of the proposed development, is consistent with the <i>Midtown Morehead Cherry Area Plan</i> . However, the site plan does not ensure that the retail component will serve the immediate population, as recommended by the <i>Midtown Morehead Cherry Plan</i> . The current site plan would allow a single tenant anchor retail use up to 25,000 square feet or a coffee shop with a drive through. Both of these uses could serve a much greater area than the immediate population, as the <i>Midtown Morehead Cherry Plan</i> recommends.
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.

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 if a drive-through service window is incorporated.
 - 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 four to five-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 be 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.

- **Existing Zoning and Land Use**
 - The site is composed of a vacant office, three occupied offices and an undeveloped parcel.
 - The property around the site is zoned O-2 (office), B-1 (neighborhood business) and MUDD (mixed use development). Land uses in the area include single family, offices, a school and hospital facilities.
 - **Rezoning History in Area**

Petition 2012-050 approved the application of a PED (pedestrian overlay) district in accordance with the adopted *Midtown Morehead Cherry Area Plan*. The established pedestrian overlay involved approximately 374 acres located on the southwest side of I-277 beginning at Caldwell Street following south along Morehead Street, then continuing north along North Kings Drive to E. 3rd Street ending at Queens Road.
 - **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 residential portion of the petition is consistent with the *Midtown Morehead Cherry Area Plan*. However, the retail component is not consistent with the *Midtown Morehead Cherry Area Plan* because it cannot be determined if it will serve the immediate population.
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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:** CDOT has the following comments:
 - A Transportation Impact Analysis (TIA) was requested but has not been received. Specific TIA comments will be provided after the document has been submitted for review.
 - Amend Note 4(a) to accommodate a five-foot bicycle lane along Kenilworth Avenue, as recommended per the adopted area plan.
 - Request the petitioner dedicate 40 feet of right-of-way along East Morehead Street measured from the centerline of the existing right-of-way into the site.
 - The requested second exit-only driveway onto East Morehead Street will be evaluated for appropriateness upon receipt of the TIA.
 - **Vehicle Trip Generation:**
 - Current Zoning: 5,700 trips per day.
 - Proposed Zoning: 5,400 trips per day.
 - **Connectivity:** 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:** The trees in the right-of-way of East Morehead Street are protected by the Tree Ordinance and need to be protected and preserved during all phases of construction. Permission has been obtained to remove one tree for a proposed driveway. It is highly recommended that a certified arborist be retained throughout the project to oversee that tree preservation measures are followed.
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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 site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Limit the maximum commercial/retail square footage to 15,000 square feet and add a note that the square footage may be increase up to 25,000 for a grocery use.
 2. Clarify the meaning of the term "commercial uses".
 3. Provide definition and examples of proposed residential supportive services and active space.
 4. Amend Note 6(c) to specify that a signed agreement between the petitioner and Monticello Terrace Condominiums will be provided prior to subdivision approval.
 5. Amend Note 6c to indicate that the wall between the Monticello Terrace Condominiums may be removed if the Monticello Terrace Condominium site is redeveloped to a non-residential use.
 6. Prohibit drive-through windows as an accessory for restaurants, coffee shops and indicate that only one drive-through window/pneumatic tube will be allowed for financial institutions.
 7. Address Transportation comments.
 8. Address Urban Forestry comments.
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Attachments Online at www.rezoning.org

- Application
- 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

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