

REQUEST	Current Zoning: MUDD-O, mixed use development, optional Proposed Zoning: MUDD-O SPA, mixed use development, optional, site plan amendment.
LOCATION	Approximately 1.3 acres located on the southeast corner at the intersection of Metropolitan Avenue, South Kings Drive, and Baxter Street. (Council District 1- Kinsey)
SUMMARY OF PETITION	The petition proposes a site plan amendment to a portion of the Metropolitan planned development to allow a 285-foot high building containing a maximum of 155 multi-family dwelling units and/or a 175-room hotel.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Golden Triangle #2, LLC Golden Triangle #2 Jeff Brown and Keith MacVean, Moore and Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8
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, based on information from the staff analysis and the public hearing by a 4-1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Walker).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Condensed the verbiage in Note 1C by removing reference of uses, sidewalks, structures, buildings, building elevations and other site elements as "schematic." 2. Amended Note 2C by reducing the optional request from 750 square feet of sign area per wall or 20% of the wall area to which attached, whichever is less, to a request allowing up to two wall signs with up to 400 square feet of sign surface area for each tenant and/or use located on the site located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors. <p>In addition, reduced the request for a digital wall sign from 380 square feet to 300 square feet, and specified that the digital wall sign may be used:</p> <ol style="list-style-type: none"> (i) to advertise and identify tenants and merchandise located and sold at Metropolitan, (ii) to advertise and identify events occurring at Mid-Town Park and on the Sugar Creek Greenway, and (iii) as a screen for motion pictures (e.g. movies, tv shows and the like), and (iv) to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events. <ol style="list-style-type: none"> 3. The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent
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- of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and Major Events as defined above a majority of the time the sign is in use.
4. Limited the location of proposed digital wall signs to the portion of the building wall that faces S. Kings Drive and the first 30 linear feet of the building wall that faces Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area.
 5. Clarified that the digital wall signage requested on the building wall adjacent to Mid-Town Park may be used as a screen for motion pictures (e.g. movies, TV shows and the like), as opposed to being a separate request to allow a portion of the building wall along the southern property boundary to be used as a screen.
 6. Amended Note 2E to state that the digital wall signs, which have replaced the request for use of a portion of the building wall along the southern property boundary as a screen for projected images and activities associated with the Sugar Creek Greenway, may be used to advertise and identify tenants and merchandise located and sold at Metropolitan, in addition to events occurring at Mid-Town Park and on the Sugar Creek Greenway, and to promote major events.
 7. Amended Note 5A to indicate that "concept imagery" is intended only to illustrate examples of a building façade that meets the criteria set forth in the Architectural Guidelines and is not a specific or binding building elevation, nor are they a full list of possibilities.
 8. Amended Note 5G to state that the zoning boundary for the site will not be modified by a shift in the property line to accommodate shared site elements as described above.
 9. Amended Note 5H to specify architectural guidelines for the Urban Edge portion of the building by removing subjective language "establish a stylish, memorable and highly visible building element" and added a note stating that a pedestrian scale edge will be created at the ground floor with display windows, awnings, integral planters and other features that will complement the other portions of the building and the focal point feature.
 10. Clarified that sign options are additions/modifications to the standards for signs in the MUDD district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.
 11. Amended Note 5J to state that building service areas will be located internally and screened from view with masonry walls a minimum of five feet in height.
 12. Deleted the minimum ordinance requirement regarding screening requirements in Note 6D.
 13. Provided a note detailing that urban open space areas will be provided on the ground floor along the Greenway Entry portion of the building as well as on an upper floor of the building.
 14. Addressed Park and Recreation comments by amending Note 5F to state that the petitioner will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park.
 15. Provided the existing approved entitlement for the rezoning site, which is 155 multi-family residential dwelling units, to CDOT as requested. CDOT determined the trip generation under the current zoning as 1,030 trips per day.
 16. Amended Site Development Data and Permitted Uses to reflect proposed uses as up to 155 multi-family dwelling units and/or a hotel with up to 175 hotel rooms together with accessory uses, as allowed in the MUDD zoning district.

17. Amended Site Location in Note 1A to delete replace a "mixed use building containing multi-family residential dwelling units and a hotel" with "a building containing multi-family residential dwelling units and/or a hotel on an approximately 1.30 acre site located at the intersection of South Kings Drive and Metropolitan Avenue."
18. Added Note 4D that states "The petitioner recognizes that due to the limited space around the Site and existing neighborhood constraints, a portion of construction parking and material staging will need to be located off-site."
19. Amended Notes 5E, 5H and 5I to reference display cases/windows and provided a definition of display cases/windows.
20. Amended Note 4D by adding "The location of the construction parking and material staging will be approved by CDOT as part of construction plan review approval."

VOTE

Motion/Second: Walker/Allen
 Yeas: Allen, Dodson, Nelson and Walker
 Nays: Labovitz
 Absent: Sullivan
 Recused: Ryan

ZONING COMMITTEE DISCUSSION

Staff presented this item and stated all outstanding issues were addressed. Staff noted that the existing development rights on the site are 155 multi-family residential dwelling units, which CDOT has determined will result in 1,030 trips per day under the current zoning. Staff explained that the site may be developed with multi-family units and/or hotel rooms.

A committee member asked about the conversion provision. Staff responded that the number of residential units can be increased by a maximum of 25 units (resulting in 180 multi-family units) if the number of hotel rooms is reduced by 25 and the number of hotel rooms can be increased by a maximum of 25 rooms (resulting in 200 rooms) if the residential units is reduced by 25 units. A committee member questioned how residential units and hotel rooms compare, in terms of density. Another committee member responded that it is hard to compare residential units and hotel rooms because the square footages and occupancy do not align. A committee member questioned the maximum height allowed under the existing zoning. Staff answered that the existing maximum height is 250 feet and the requested maximum height is 285 feet.

MINORITY OPINION

A minority of the Zoning Committee felt the proposed building would be overbuilt for the area and the height of 285 feet would make it one of the tallest buildings in the immediate area outside of center city.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Background**
 - The subject property was part of a larger rezoning in 2005 for the Metropolitan development, Petition 2005-60, that rezoned 26.6 acres on the west side of South Kings Drive, south of East Third Street and north of Baxter Street to MUDD-O (mixed use development, optional) and UR-C(CD) (urban residential-commercial, conditional). The development rights for the subject property identified as "Component C" allows the

following:

- 413,000 square feet of commercial uses (retail and restaurants);
 - 256 residential units;
 - Conversion rights allow flexibility between the allowed uses.
 - Subject property has been developed with approximately 192,000 square feet of retail/restaurant uses, 183,000 square feet of office uses, and 101 residential units.
 - Primary residential building was limited to 250 feet in height.
 - Primary office building was limited to 165 feet in height.
 - **Proposed Request Details**

The site plan amendment contains the following changes:

 - One building containing a maximum of 155 multi-family dwelling units and/or a 175-room hotel.
 - Up to 25 additional residential units may be added by converting hotel rooms at a rate of one for one.
 - Up to 25 additional hotel rooms may be added by converting residential dwelling units at a rate of one for one.
 - Building materials include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, and stucco and tile cladding. Vinyl siding and unfinished concrete masonry units are prohibited as exterior building materials.
 - Building facades designed to reduce mass, scale and appearance of large unadorned walls. Specific frontage types are identified as a) greenway entry; b) park protection; and c) urban edge, with architectural guidelines provided for each.
 - Endeavor to enter into an agreement with County Parks and Recreation to provide shared site elements that may be located on the site and/or the adjoining park property including, but not limited to, bathrooms, gathering space, outdoor seating areas, storage and landscaping areas. In addition, will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park.
 - Optional provisions include:
 - Building height of up to 285 feet.
 - Allow two detached signs with 36 square feet of sign area and up to five feet in height.
 - Allow two wall signs with up to 400 square feet of sign surface area for each tenant and/or use to be located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign face area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors.
 - Allow up to 300 square feet of digital wall signage that may be used to (i) advertise and identify tenants and merchandise located and sold at Metropolitan, (ii) advertise and identify events occurring at Midtown Park and on the Sugar Creek Greenway, and (iii) as a screen for motion pictures (e.g. movies, TV shows and the like), and (iv) to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events. The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and major events for a majority of the time the sign is in use.
 - Limit the location of proposed digital wall signs to the portion of the building wall that faces South Kings Drive and the first 30 linear feet of the building wall that faces Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area.
 - **Public Plans and Policies**
 - The *Midtown Morehead Cherry Area Plan* (2012) recommends continued build-out of the Metropolitan planned development for residential, office and/or retail uses. It further encourages future changes to the approved site plan that improve the pedestrian experience with active uses along the site perimeter.
 - 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 issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - **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.
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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 providing pedestrian facilities beyond required.
 - 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
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools 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

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