

Note: a protest petition has been filed for this petition. Sufficiency is to be determined.

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 a 175-room hotel.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Midtown Morehead Cherry Area Plan</i> , which recommends continued build-out of the Metropolitan planned development for residential, office and/or retail uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Golden Triangle #2, LLC Golden Triangle 32 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

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 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.

- 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 wall signs up to 750 square feet of surface area per wall or 20 percent of the wall area to which attached, whichever is less. Submittal of a signage package as part of the MUDD (mixed use development) approval process detailing the size, number and type of signs to be constructed on the site.
 - Allow up to 380 square feet of the allowed 750 sign area for each of the park projection and urban edge elevations to be used for digital wall signs, which may be used to advertise and identify tenants and merchandise located and sold at Metropolitan, as well as events occurring at Midtown Park and on Sugar Creek Greenway, and to promote major events. A minimum 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.
 - Allow a portion of the building wall along the southern property boundary to be used as a screen for projected images and activities associated with the Sugar Creek Greenway.
- **Existing Zoning and Land Use**
 - The subject property is currently developed with a sales office for the Metropolitan development. The Metropolitan mixed use development consisting of retail, residential and office uses exists to the north in MUDD-O (mixed use development, optional) zoning. The site is bounded to the west and south by the Little Sugar Creek Greenway and Midtown Neighborhood Park, in MUDD (mixed use development) and MUDD-O (mixed use development, optional) zoning.
 - Properties along both sides of Kenilworth Avenue are zoned B-2 (general business) and O-2 (office) and are developed with Pearl Street Park, single family dwellings and office uses. Properties along S. Kings Drive are zoned a variety of districts and developed with residential, office, commercial and institutional uses.
- **Rezoning History in Area**
 - Petition 2011-073 located on the northwest corner of Charlottetowne Avenue and Cherry Street rezoned 2.8 acres from B-2 (general business) to MUDD-O (mixed use development, optional) to allow all uses permitted in the MUDD (mixed use development) district.
 - Petition 2008-113 rezoned 1.92 acres located on the west side of South Kings Drive between Baxter Street and South Torrence Street from B-1 (neighborhood business) to MUDD (mixed use development) to allow all uses in the MUDD (mixed use development) district.
- **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*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** Requests the existing approved entitlements for the 1.3 acre C-1 site (Parcel D) be provided, in order to determine the existing trip generation potential.
 - **Vehicle Trip Generation:**
Current Zoning: Not enough information to accurately estimate the trips per day.
Proposed Zoning: 2,250 trips per day.
 - **Connectivity:** 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:**

- The architectural guidelines for the “Greenway Entry” side pertains almost exclusively to the northern facade of the building. The site plan should indicate how the building relates to the greenway itself (the northwest facade) in addition to the 60% glass and excluding any service uses described in the guidelines.
- The petitioner should be encouraged to provide shared site elements, particularly the bathrooms and storage, since there is already seating, gathering space and landscaping in Midtown Park.
- On the “Park Projection” provide an architectural response, in the form of an elevation or description of how this façade will be treated, to the artwork located in the center of Midtown Park. The publicly funded piece is a favorite location for the public to take pictures so an appropriate and attractive backdrop should be considered.

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.

OUTSTANDING ISSUES

- The petitioner should:
 1. Condense the verbiage in Note 1C .
 2. Amend Note 2C by reducing the optional request for wall signage from a maximum of 750 square feet to 150 square feet and reduce other signs specified in note 2D accordingly.
 3. Limit the location of proposed digital wall signs requested in Note 2D to the Park Projection side only.
 4. Delete the request to allow a portion of the building wall along the southern property boundary to be used as a screen for projected images and activities associated with the Sugar Creek Greenway (Note 2E) if it is in addition to the digital wall signs requested in Note 2D.
 5. Amend Note 2E to state that use of a portion of the building wall along the southern property boundary as a screen will not include advertising.
 6. Amend 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.
 7. Define display cases as noted in Note 5E.
 8. Amend Note 5G to clearly impart that if the property lines are adjusted it will not adjust the rezoning lines.
 9. Amend Note 5G to provide a description of the proposed building element that is less subjective than “stylish, memorable and highly visible.”
 10. Clarify whether “display windows” in Note 5I is the same as “display cases” referenced in Note 5E.
 11. Clarify if sign options are in addition to or instead of what is allowed by the ordinance.
 12. Amend Note 5J to state that building service areas will be located internally.
 13. Delete Note 6D, as it is an ordinance requirement.
 14. Provide a note detailing how and where meaningful urban open space will be provided.
 15. Address Park and Recreation comments.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System 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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