
REQUEST	<p>Current Zoning: UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)</p> <p>Proposed Zoning: B-2 (PED-O) (general business, pedestrian overlay, optional), UR-C (PED-O) (urban residential – commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional) with five-year vested rights</p>
LOCATION	<p>Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey)</p>
SUMMARY OF PETITION	<p>The petition proposes to allow a mixed use development including a 270,000-square foot building, a 187,450-square foot parking structure with up to 4,600 square feet of commercial uses on the street level, and up to eight single family attached dwelling units.</p>
STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues. The majority of the site is consistent with the <i>Midtown Morehead Cherry Area Plan</i> land use recommendations; however, the proposed development is inconsistent with the plan recommendation for a portion of the building height and some of the proposed streetscapes. The land use for the 0.207 acre portion of the property, which is zoned R-8 (single family residential), is inconsistent with both the land use recommendations and the density recommended by the <i>Midtown Morehead Cherry Area Plan</i>.</p> <p>Although some elements of the proposal are inconsistent with the recommendations of the <i>Midtown Morehead Area Plan</i>, overall the proposal is consistent with the intent of the plan to promote a mixed use, pedestrian-friendly environment facing the Metropolitan development, while providing a height transition to the Cherry neighborhood.</p> <p>The tallest building in this new development will be located along Kings Drive, and will have nonresidential uses with primary street level access to such uses along the entire Kings Drive frontage. This building, which exceeds the plan height recommendation, is located approximately 230 feet from Cherry Street and is separated from the Cherry neighborhood by an office use. The topography of the site slopes down from Cherry Street to South Kings Drive by approximately 20 feet and the increase in building height is located on the lower portion of the site. The separation from the neighborhood and the topography minimizes the impact on the neighborhood. Townhomes units along Cherry Street are used to screen the proposed parking structure from the homes in the Cherry neighborhood as another means of providing a transition between the commercial development along Kings Drive and the Cherry neighborhood.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>Midtown Area Partners II, LLC and Stonehunt, LLC Midtown Area Partners II, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6</p>

PLANNING STAFF REVIEW

• **Background**

- Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) (urban residential, conditional) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structural parking as part of the Metropolitan development plan.
- Petition 2012-050 established PED (pedestrian overlay district) zoning over a majority of the site excluding a 0.207 acre portion facing Cherry Street south of the intersection of Cherry Street and Main Street.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Divides the site into three development areas (A, B, and C).
- Establishes the pedestrian overlay on the portion of the site currently zoned R-8 (single family).
- Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, planned multi-family dwelling units, dwellings mixed use, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial/trade schools, business and general offices, retail sales, service uses, private postal services, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and jewelry designers.
- Development Area A – proposed zoning to B-2 (PED-O) (general business, pedestrian overlay, optional):
 - Allows a maximum of 275,000 square feet of building area.
 - Maximum building height of 119 feet.
 - Multi-family residential limited to 300 units.
 - Maximum of 225 hotel rooms.
 - Requires ground floor uses located in the building to be devoted to non-residential uses with primary street level access.
 - Prohibits single family attached dwelling units.
- Development Area B – proposed zoning to UR-C (PED-O) (urban residential - commercial, pedestrian overlay, optional):
 - Allows a 221,000-square foot structured parking facility and up to 7,000 square feet of ground floor nonresidential uses facing South Kings Drive.
 - Maximum building height of 81 feet along South Kings Drive and 64 feet adjacent to single family zoning.
 - Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and private postal services.
 - Uses on the ground floor or street level of the structured parking facility may only be devoted to nonresidential uses with primary street level access to such uses. The remaining portions may only be devoted to the structured parking facility.
- Development Area C – proposed zoning to R-8MF(PED-O) (multi-family residential, pedestrian overlay, optional):
 - Allows up to eight single family attached dwelling units and associated accessory uses.
 - Requires the dwelling units to be constructed prior to the issuance of a Certificate of Occupancy for the parking structure.
 - Dwelling units are required to be constructed along the frontage on Cherry Street adjacent to the structured parking facility, in order to provide a residential edge.
 - Dwelling units will only have pedestrian access to Cherry Street. No vehicular access to Cherry Street.
 - Provides conceptual site plan and elevations for the proposed dwelling units.
 - Maximum height of the single family attached dwelling units is limited to 40 feet along Cherry Street.
- Abandonment of Cecil Street right-of-way after the decision, which would be converted into a private drive providing access to adjacent parcels and the parking structure.
- Direct vehicular access between Baxter Street and Luther Street via the proposed private drive (formerly Cecil Street) through the parking structure on Development Area B.
- Vehicular access (ingress/egress) to site via Luther Street.
- Pedestrian stair access from South Kings Drive to private drive.
- Preserves the existing CATS bus stop on South Kings Drive.
- Specifies that tree grates, seat walls and other pedestrian amenities and features may be provided in the setback along the site's frontage on South Kings Drive.
- Provides building perspectives, elevations, and site cross sections.

- Limits height of freestanding lighting to 20 feet.
- Requests the following optional provisions:
 1. Allow the maximum height of the building located in Development Area A to be increased from 69 feet to 119 feet. The plan recommends a height plane of one foot of building height increase per ten feet of distance from single family residential zoning. This option represents about a 50-foot increase in the allowed height nearest to the single family zoning.
 2. Allow the maximum height of the structured parking facility to range from 64 feet to 81 feet. The plan recommends a height plane of one foot of building height increase per ten feet of distance from the single family zoning on the parcel to the south and one foot of height per ten feet of distance from the building setback along Cherry Street. This optional request represents a 24-foot increase in the allowed height along Cherry Street and a ten-foot increase at the single family zoning boundary to the south.
 3. Eliminate the requirement for on-street parking along South Kings Drive as recommended by the plan. This is needed to accommodate the existing bus stop on Kings Drive.
 4. Allow a 24-foot setback along South Kings Drive for the first floor of the proposed building in Development Area A and a 16-foot setback for all other floors of the building. The plan recommends a building setback of 24 feet along South Kings Drive.
 5. Allow structural support columns for buildings in Area A to be located within the setback; however, they must be a minimum of 16 feet from the back of the existing curb.
 6. Allow a 22-foot setback along South Kings Drive for the proposed structured parking facility in Development Area B. The plan recommends a building setback of 24 feet along South Kings Drive.
 7. Allow the setback, planting strip and sidewalk along the site's frontage on Luther Street as depicted on the rezoning plan on sheet RZ1.1. The rezoning plan shows a 16-foot setback near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive and a six-foot sidewalk and eight-foot planting strip with a one foot utility zone near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive. The plan recommends a building setback of 16 feet with an eight-foot planting strip, six-foot sidewalk, and two-foot utility zone.
 8. Allow a setback, planting strip and sidewalk located along the site's frontage on Cecil Street as depicted on the rezoning plan. The rezoning plan shows a six-foot walk and eight-foot planting strip for a portion of the frontage and an eight-foot, six-inch back of curb sidewalk along the building edge.
 9. Allow an eight-foot planting strip and an eight-foot sidewalk along the site's frontage on Baxter Street rather than an eight-foot planting strip, six-foot sidewalk and two-foot utility zone.
 10. Reduce the off-street parking requirement for eating/drinking/entertainment establishments (Type 1 and Type 2) from one space per 125 square feet of area to one space per 600 square feet of area.
 11. Allow surface parking and vehicular maneuvering areas to be permitted between the building in Development Area A and Cecil Street and Baxter Street as depicted on the rezoning plan.
 12. Eliminate the requirement for roof line variation every 30 feet for the structured parking facility to be located on Development Area B, and a roof line variation every 30 feet for the single family attached dwelling units to be located on Development Area C.
 13. Allow tree grates, seat walls and other pedestrian amenities and features to be provided in the setback along the site's frontage on South Kings Drive.
- **Existing Zoning and Land Use**
 - The majority of the site is used for surface parking and a portion of the site contains two single family homes.
 - The property surrounding the site is zoned a mixture of B-1 (PED) (neighborhood business, pedestrian overlay), R-22MF (multi-family residential), R-8 (single family residential), O-2(CD) (PED) (office, conditional, pedestrian overlay), UR-C(CD) (PED) (urban residential – commercial, conditional, pedestrian overlay) and MUDD-O (mixed use development, optional) and is used for a mixture of single family residential, multi-family residential, commercial, office and institutional uses.
- **Rezoning History in Area**
 - A number of rezonings have taken place in the surrounding area to accommodate infill development and redevelopment for commercial and residential uses.
- **Public Plans and Policies**
 - The *Midtown Morehead Cherry Area Plan* (2012) recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street, Luther Street and Cherry Street north of the intersection with Main Street. The plan recommends

residential uses at eight units per acre for the portion of the site fronting Cherry Street south of Main Street.

- The area plan recommends that as areas redevelop on the east side of South Kings Drive, a pedestrian-friendly environment with activation of buildings at street level should be provided.
- The site plan diverges from the recommendations of the *Midtown Morehead Cherry Area Plan* and pedestrian overlay standards in regards to building heights, setbacks, streetscapes, and residential density along Cherry Street south of Main Street. Additionally, the parking structure encroaches into a portion of the area recommended for residential use.
- The petition is inconsistent with the adopted plan design recommendations for the following items:
 - The proposed building height for Area A is, at one point, a 50-foot increase above the height recommended by the plan.
 - The proposed building height for Area B is a 24-foot increase above the allowed height along Cherry Street and a ten-foot increase at the single family zoning boundary to the south.
 - The plan recommends a 24-foot setback along South Kings Drive. The petition is proposing a setback of 24 feet at the ground floor, reduced to 16 feet for upper floors for Development Area A and a 22-foot setback for Development Area B.
 - The plan recommends recessed on-street parking, an eight-foot curbed planter, and an eight-foot sidewalk along South Kings Drive. The rezoning proposes no on-street parking, an eight-foot planting strip, and a 20-foot sidewalk for Development Area A and an eight-foot planting strip and a 14-foot sidewalk for Development Area B. The sidewalk and planting strip along Kings Drive varies for Development Area B.
 - The plan recommends an eight-foot planting strip and a six-foot sidewalk with a two-foot utility zone along Baxter Street. The petition proposed an eight-foot planting strip and an eight-foot sidewalk.
 - The plan recommends setbacks along Cherry Street outside of the pedestrian overlay to comply with the Zoning Ordinance. The Zoning Ordinance requires a setback of 32 feet, which is greater than setbacks of the nearby homes on the street. The petition proposes a voluntary expansion of the pedestrian overlay and provides a setback of 16 feet along Cherry Street as recommend in the plan for cross streets.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 1,900 trips per day.
Proposed Zoning: 3,000 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** 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.

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 preserving an existing CATS bus stop, and providing an improved pedestrian experience through the site and along South Kings Drive with the provision of wide sidewalks.

- Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Amend the graphics on sheet RZ1.7 for Section B to accurately reflect the pedestrian overlay height planes as required by the Zoning Ordinance and amend all the graphics on sheet RZ1.7 so that they are to scale.
 2. Amend the street wall elevations on sheet RZ1.8 to accurately reflect the Area C conceptual site plan.
 3. Provide metes and bounds of the proposed zoning boundaries.
 4. Eliminate Optional Provision H if Cecil Street is converted to a private street not required by the Subdivision Ordinance.
 5. Amend Optional Provision K to replace Cecil Street with Baxter Street if Cecil Street is converted to a private street not required by the Subdivision Ordinance.
 6. Clarify the width of the sidewalk along Kings Drive in front of Development Area B.
 7. Specify that primary entrances will be oriented to and at street grade along South Kings Drive for uses along the street level of Areas A and B.
 8. Remove existing zoning boundaries within the project area on sheet RZ 1.1.
 9. Highlight the rezoning site boundary on Sheet RZ1.1.
 10. Label the zoning boundary lines on Sheet RZ1.1.
 11. Provide a note or information in the development data table related to the percentage of open space provided.
 12. Show the ten-foot buffer to be provided along a portion of the southern boundary of the site according to Setback and yards/streetscape/buffer Note D.
 13. Specify architectural details for the screen wall along Cecil Street.
 14. Provide more detailed commitments for the treatment of blank walls above the minimum PED (pedestrian overlay) requirements.
 15. Clarify the height for Development Area C in Architectural Standards and Design Note C. Adjust the graphics on sheets RZ1.7 and 1.8 to match and accurately represent the proposed height.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water 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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