

REQUEST	Current Zoning: I-1 (light industrial) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 1.4 acres located at the northwest intersection of Millerton Avenue and West Morehead Street and west of Suttle Avenue. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to demolish portions of an existing building and create two freestanding buildings in order to accommodate office and retail uses. The site is surrounded by a mix of office, warehouse, residential, and recreational uses. The site is located near the Bryant Park and Camp Greene neighborhoods.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	TTR Investments, LLC TTR Investments, LLC (c/o Trent Haston) John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>Bryant Park Land Use and Streetscape Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The petition is consistent with the <i>Bryant Park Land Use and Streetscape Area Plan</i> recommendation for a mixture of residential/office/retail land uses where this site is located. • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The subject property is located near the Bryant Park and Camp Greene neighborhoods and is occupied by a building that is approximately 28,000 square feet in size. The portion of the existing building along Millerton Avenue is occupied by a contractor's office while the portion along Morehead Street is unoccupied; and • The proposal is to demolish a portion of the existing building to create two separate buildings. Office and retail uses will be allowed in the resulting buildings, which is consistent with the <i>Bryant Park Land Use and Streetscape Area Plan</i>; and • The proposed office and retail uses are more compatible with the new multi-family and single family residential development that has recently been completed in the Bryant Park neighborhood than the industrial uses currently allowed on the site; and • The existing urban fabric of the neighborhood will be retained with the preservation and reuse of the majority of this older structure that was built in 1935; <p>By a 6-0 vote of the Zoning Committee (motion by Spencer seconded by McMillan).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> 1. The petitioner has revised the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued for the building located immediately adjacent to West Morehead
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Street, with right-of-way set at two feet behind back of sidewalk if feasible.

Environment

2. In order to provide adequate growing space for the tree along West Morehead Street and the portion of Millerton Avenue with the substandard width planting strip (less than eight feet), sidewalks shall be engineered so that the trees can utilize the growing area under the sidewalk. *Petitioner has responded by stating that rather than addressing this comment on the revised rezoning plan, the preference is to keep options open and address this item at the permitting stage with Urban Forestry.*

Land Use

3. The petitioner has added language clarifying intent to demolish portions of the existing building to create two freestanding buildings on the site, with actual limits of demolition not yet determined. Note further states that additional portions of the building may be demolished or modified to create urban open space and outdoor plazas. A maximum of 10,000 square feet of gross floor area of the existing building may be demolished, and the majority of the existing building will be preserved and remain on the site after the demolition.

4. The petitioner has added a note that the optional provisions only apply if the existing building on Morehead is retained.

VOTE

Motion/Second:	Spencer / Majeed
Yeas:	Fryday, Majeed, McClung, McMillan, Spencer, and Sullivan
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that all outstanding issues were addressed by the petitioner. Staff also noted that this petition is consistent with the *Bryant Park Land Use and Streetscape Area Plan* recommendation for a mixture of residential/office/retail land uses. There was no discussion of this request.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Demolishes a portion of an existing building in order to create two freestanding buildings containing a combined maximum gross floor area of 28,000 square feet.
 - Allows a maximum of two principal buildings on the site.
 - Allows professional business and general office uses.
 - Allows up to 2,000 square feet of retail sales as permitted in the MUDD (mixed use development) district.
 - Includes language indicating intent to demolish portions of the existing building to create two freestanding buildings on the site, with actual limits of demolition not yet determined. Note further states that additional portions of the building may be demolished or modified to create urban open space and outdoor plazas. A maximum of 10,000 square feet of gross floor area of the existing building may be demolished, and the majority of the existing building will be preserved and remain on the site after the demolition.
 - Requests the following optional provisions (applies to the rezoning site provided that the existing buildings located on the site after the demolition of portions of the existing building as described are preserved and remain on the site):
 - Allow surface parking and vehicular maneuvering areas between the buildings located on the site and the required setbacks from the adjacent public streets as depicted on the rezoning plan.

- Allow vehicular maneuvering areas to be located in the required setbacks as depicted on the rezoning plan.
- Allow existing buildings to not be required to meet the minimum setback requirements.
- Allow the sidewalks and planting strips to be installed along West Morehead Street and Millerton Avenue as generally depicted on the rezoning plan.
- Includes language specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first certificate of occupancy is issued for the building located immediately to West Morehead Street, with right-of-way set at two feet behind back of sidewalk if feasible.
- Notes that the maximum height of any newly installed freestanding lighting fixtures on the site will not exceed 21 feet.
- **Public Plans and Policies**
 - The *Bryant Park Land Use and Streetscape Plan (2007)* recommends a mixture of residential/office/retail land uses for this site. The recommended uses may include either mixed use in individual buildings or single use buildings mixed within the area.
 - The plan recommended future redevelopment in the area should include a pedestrian-friendly mixture of uses.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the unsignalized intersection of a major thoroughfare and a local street. The current site plan commits to pedestrian improvements along the site frontage, including consolidating driveways along Millerton; street improvements that conform to current cross section standards; and elimination of a driveway on Morehead which complements the planned street conversion.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 120 trips per day (based on existing 32,890 square foot warehouse).
 - Entitlement: 120 trips per day (based on existing 32,890 square foot warehouse).
 - Proposed Zoning: 500 trips per day (based on 28,000 square feet of office/retail uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No on street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along West Morehead Street and an existing six-inch water distribution main located along Millerton Avenue. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains along Millerton Avenue and West Morehead Street.
- **Engineering and Property Management:**
 - **Arborist:** No issues.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** Site must comply with Tree Ordinance. NCDOT maintained streets such as West Morehead Street require NCDOT planting permit for Tree Ordinance required trees planted in ROW. Allowable planting distance from lane of travel is dictated by NCDOT Guidelines.
- **Mecklenburg County Land Use and Environmental Services Agency:** Development of this site may require submission of an asbestos Notification of Demolition and Renovation to Mecklenburg County Air Quality (MCAQ) due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.
- **Mecklenburg County Parks and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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