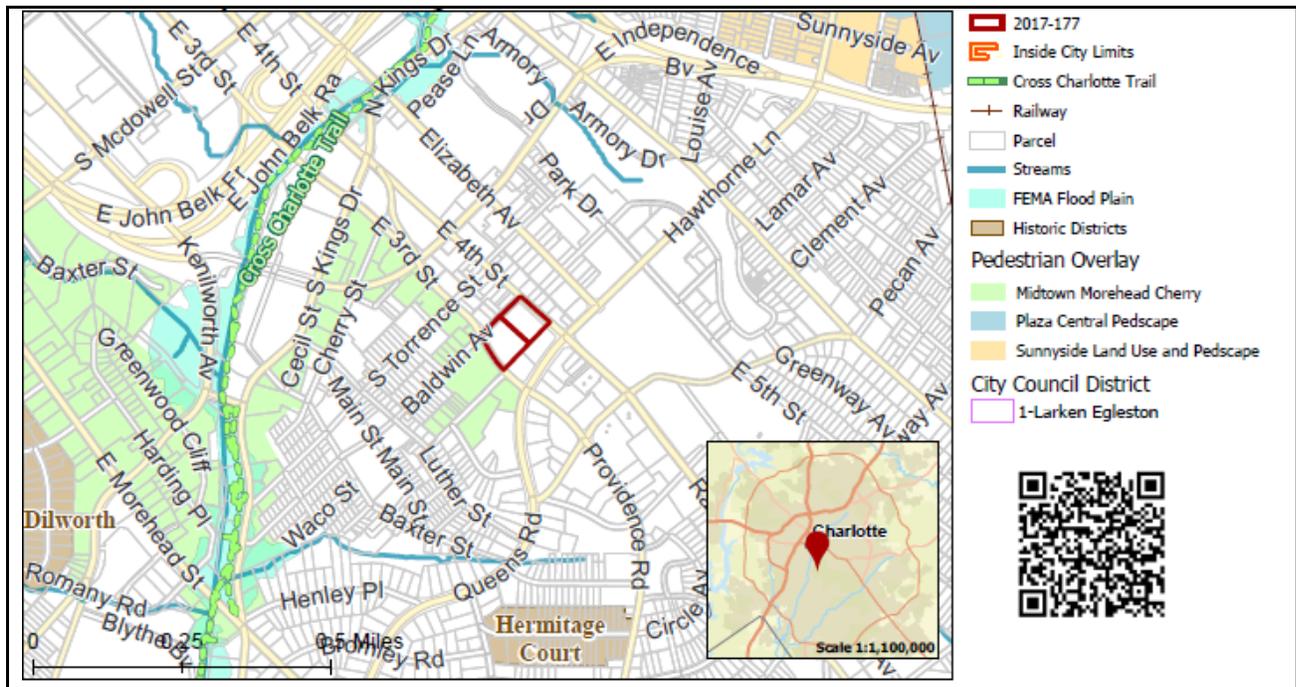


**REQUEST** Current Zoning: O-2 (office) and MUDD-O (mixed use development, optional)  
Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O SPA (mixed use development, optional, site plan amendment), with five-year vested rights

**LOCATION** Approximately 3.4 acres bounded by East 3<sup>rd</sup> Street, East 4<sup>th</sup> Street and the southeast side of Baldwin Avenue.  
(Council District 1 - Egleston)



**SUMMARY OF PETITION** The petition proposes to allow the development of 512,500 square feet of office, 16,800 square feet of retail and eating/drinking/entertainment establishments and a 240-room hotel. All uses in MUDD (mixed use development) will be allowed except for residential uses.

**PROPERTY OWNER** Baldwin SRE-A, LLC; Hampstead SC (SRE) LLC; Baldwin SRE-C LLC; and 125 Baldwin LLC

**PETITIONER** NAI Southern Real Estate  
**AGENT/REPRESENTATIVE** Collin Brown and Bailey Patrick Jr., K & L Gates LLP

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 25

**STAFF RECOMMENDATION** Staff recommends approval of this petition.

Plan Consistency  
The petition is consistent with the *Midtown Morehead Cherry Area Plan* recommendation for residential, office, and retail uses on the subject parcels.

Rationale for Recommendation

- The proposed development is located in the commercial core of the plan area and will support the LYNX Gold Line which is one block west of the site.
- Active ground floor uses with architectural design commitments are provided to encourage pedestrian activity and complement the

pedestrian environment.

- The petition will provide urban open space on the corner of 3<sup>rd</sup> Street and Baldwin Avenue; and Baldwin Avenue and 4<sup>th</sup> Street.
- The petition will remove surface parking along Baldwin Avenue, 3<sup>rd</sup> and 4<sup>th</sup> Street in order to create a more urban environment.

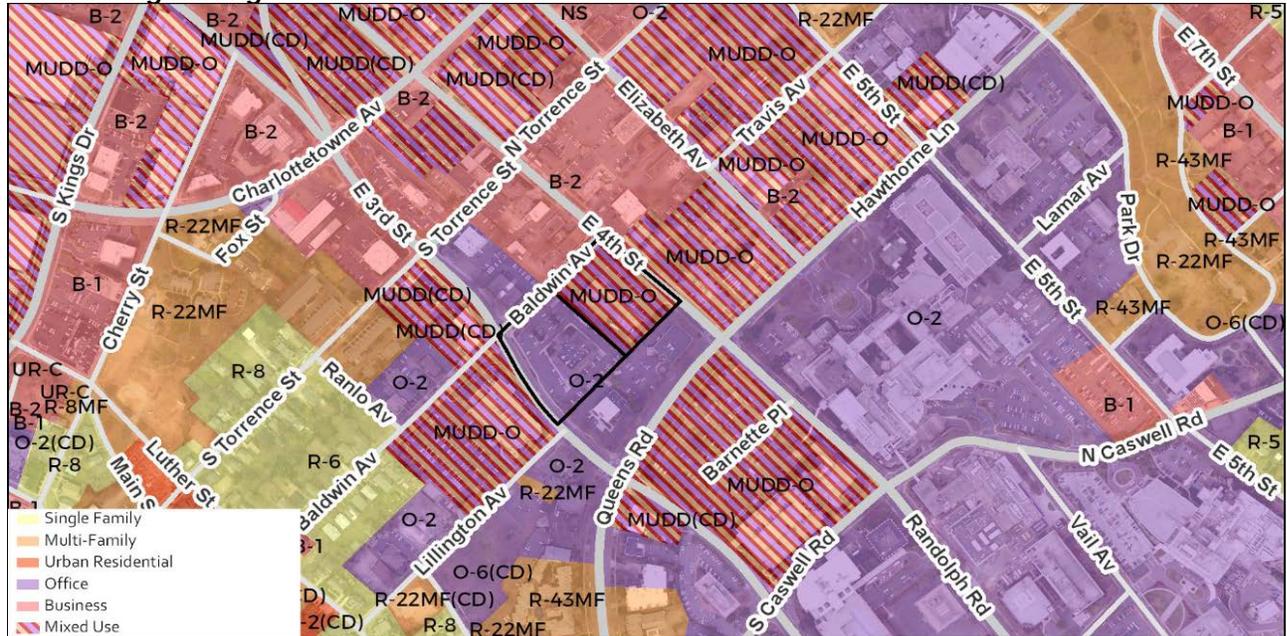
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows the development of two buildings with up to 512,500 square feet of office, 16,800 square feet for retail and eating/drinking/entertainment establishment uses and a 240-room hotel.
- Prohibits car washes, automobile service stations, and eating/drinking/entertainment establishments with drive-through windows.
- Prohibits an eating/drinking/entertainment establishment from being located on the top of the building.
- Building elevations and massing are included with the request.
- Provides a number of architectural commitments related to building materials.
  - 20% of the building's façade along a public or private street shall be brick, glass, natural stone, synthetic stone, stucco, fiber cement corrugated metal, steel accents, architectural shingles.
  - Prohibits vinyl as a building material except for hand rails, windows, door trim, and concrete masonry block.
  - 60 percent of the ground floor along the public street frontages will be activated, with benches, walls, artwork, innovative landscaping, entry terrace, outdoor dining areas, sculptures and lighting features.
- Structured parking facilities will have a maximum height of 85 feet.
- Site will provide a minimum of 20,000 square feet of open space with possible seating, outdoor dining area along 3<sup>rd</sup> Street, 4<sup>th</sup> Street, and Baldwin Avenue.
- Possible off-site pedestrian access to connect with the Lynx Gold Line on Elizabeth Avenue.
- Transportation commitments along 3<sup>rd</sup> and 4<sup>th</sup> Street, Queens Road, and Baldwin Avenue.
- Contribution of \$50,000 to the City of Charlotte for pedestrian improvements to the Cherry neighborhood in the area adjacent to the Cherry Neighborhood Park.
- Contribution of \$200,000 to Partners for Parks and/or Mecklenburg County Parks and Recreation for improvements to Cherry Neighborhood Park.
- Provisions for the Urban Open Space along 3<sup>rd</sup> Street and 4<sup>th</sup> street:
  - Open space will be a minimum of 20,000 square feet;
  - The petitioner will, to the extent practicable, preserve four 10-inch caliper existing Maple trees. If the trees fail, they will be replaced with 3 inch caliper trees;
  - Open space will contain site and landscaping elements such as but not limited to benches, tables, chairs, artwork, statues and fountains;
  - The trees planted in the open space will be maintained and replaced as described in the site plan;
  - New trees planted in the open space will be from the City of Charlotte approved species list. The petitioner may request alternative species which will be approved or denied by the City Arborist; and
  - The site plan indicates the number, size, and method for planting new trees.
- Optional provisions to allow:
  - Building height of 299 feet, which is 179 more than 120 feet allowed in MUDD.
  - Maximum of 200 square feet per wall for wall signage.
  - One detached sign per street frontage up to 60 square feet.
  - The "base" of building requirements of section 9.8506 (2)(i) to be satisfied by providing taller and architecturally differentiated ground floor levels from upper stories, as generally depicted in the conceptual elevations provided as part of the rezoning plan.

• Existing Zoning and Land Use



- A portion of the site was rezoned under petition 2002-066 to MUDD-O (mixed use development, optional) for the development of 25,000 square feet of non-residential uses in the MUDD district.
- The subject properties are zoned O-2 (office) and MUDD-O (mixed use development, optional) and developed with retail and office buildings.
- The surrounding properties are zoned B-2 (general business), O-2 (office), MUDD(CD) (mixed use development, conditional) and MUDD-O (mixed use development, optional) and developed with various retail and office buildings.



This parcel of the subject property is developed with an office use



This parcel of the subject property is developed with retail uses.



Properties across E. 4<sup>th</sup> Street are zoned MUDD and are vacant or surface parking lots.

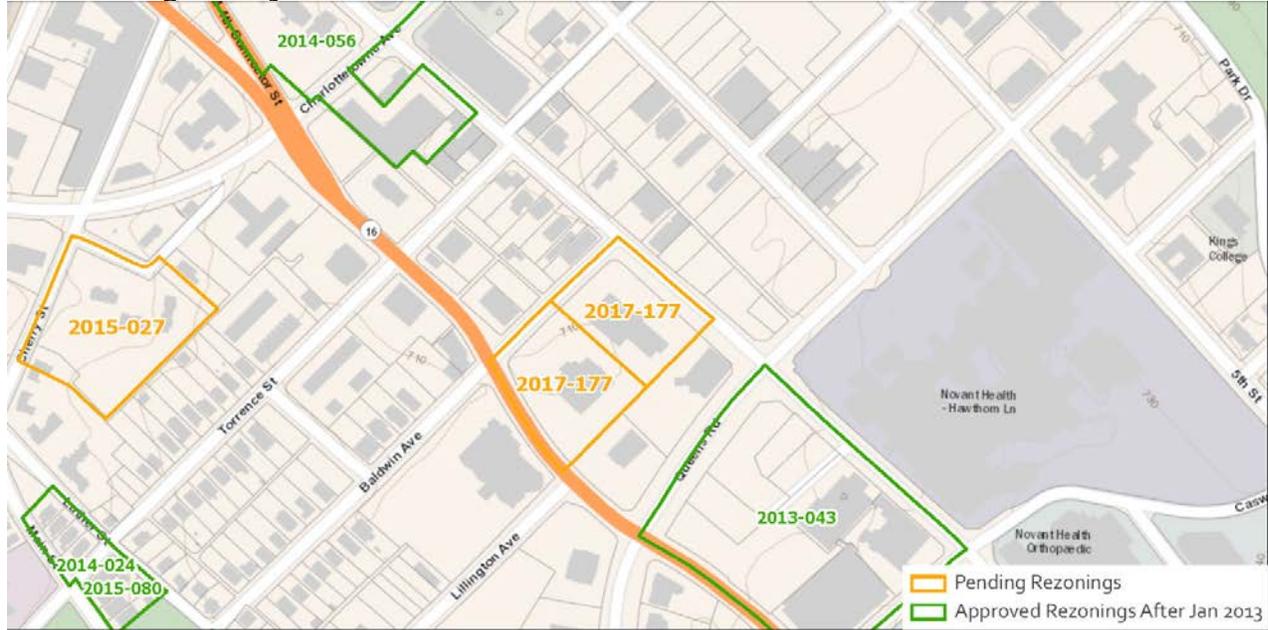


The property across E. 3<sup>rd</sup> Street is developed with a medical office.



Properties across Baldwin Avenue are developed with office and retail uses.

• **Rezoning History in Area**



| Petition Number | Summary of Petition  | Status   |
|-----------------|--|----------|
| 2015-080        | Rezoned 5.71 acres to UR-2(CD) SPA, (urban residential, conditional, site plan amendment) to allow the development of 39 single-family homes.                          | Approved |
| 2015-027        | Pending rezoning for 3.03 acres to UR-C(CD) (urban residential - commercial, conditional) to allow the development of 200 multi-family units.                          | Pending  |
| 2014-056        | Rezoned 4.19 acres to MUDD-O (mixed use development, optional) five-year vested rights to allow the development of 909,000 square feet for institutional campus (CPC). | Approved |

• **Public Plans and Policies**



- The *Midtown Morehead Cherry Area Plan (2012)* recommends residential, office and retail for the subject properties. The plan notes that this area is separated from the Cherry neighborhood by some distance and by intense vehicular traffic on Third Street, leading to reduced concerns on building height and density. The plan further states that building heights exceeding the usual PED limit of 100 feet may be appropriate subject to site specific rezoning applications.

- **TRANSPORTATION CONSIDERATIONS**

- The site is bounded by major thoroughfares and a minor collector. The site plan commits to installing eight-foot planting strip and eight-foot sidewalk along the sites frontages and many of the transportation mitigation measures identified in the review of the Traffic Impact Analysis. ~~CDOT continues to work with the petitioner to resolve the outstanding traffic study comments, including notes specifying and detailing minimum lane widths, future curb lines, and the installation of a signal and left turn lane at 4<sup>th</sup> and Baldwin. Additionally, the current site plan does not provide requested buffer space between building and sidewalk to create a comfortable pedestrian environment along high-rise building frontages.~~

- See Outstanding Issues, Notes 3-7.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 3,160 trips per day (based on 64,710 square feet of office uses and 18,690 square feet of retail).

Entitlement: 3,640 trips per day (based on 58,800 square feet of office and 25,000 square feet of retail).

Proposed Zoning: 8,570 trips per day (based on 512,000 square feet of office, 16,800 square feet of retail, and 240 hotel rooms).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** The site has water and sewer system availability for the rezoning boundary via an existing six-inch water distribution mains located along Baldwin Avenue and along the southeast side of the parcels, and existing eight-inch distribution main along 4<sup>th</sup> Street. An eight-inch gravity sewer main located along Baldwin Avenue and 4<sup>th</sup> Street.
- **Engineering and Property Management:**
  - ~~**Arborist:** Increase the setback on E. 4<sup>th</sup> Street from 22 feet to accommodate preservation of trees located in the right-of-way that are protected by the tree ordinance. Setback shall be set at a distance no less than one foot per each inch of diameter for the largest right-of-way tree. Specifically, the setback shall be set a minimum of 50 feet from the back of curb on E 4<sup>th</sup> Street.~~

Trees in the median on Queens Road and E 4<sup>th</sup> Street are protected by the tree ordinance and shall not be removed, roots or branched removed/damaged, or otherwise have any area with in the root protection zone affected by an increased or newly constructed left turn lane as per section V. Root protection zone is defined in the tree ordinance as "generally, eighteen inches to twenty-four inches deep and a distance from the trunk of a tree equal to one-half its height or its drip line, whichever is greater."

- **Erosion Control:** No outstanding issues.
- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

**OUTSTANDING ISSUES**

Site and Building Design

1. ~~Modify, clarify, and provide examples for Note 3 ii under Design Guidelines for innovative landscaping.~~ **Addressed**
2. ~~Petitioner should provide and construct a new bench pad for the existing bus stop on East Fourth Street along this site's frontage.~~ **Addressed**

Transportation

3. ~~The proposed zoning district has a setback measured from back of the existing or proposed future curblines. The location of the future back of curb on 3<sup>rd</sup> and 4<sup>th</sup> is eight feet behind existing curb for a future bike facility. The existing curblines on Baldwin is in the future location.~~

~~These curblines definitions do not include mitigations to be identified by the traffic impact study.~~

- ~~a. Intersection improvements likely needed to support this project include
  - ~~i. Left turn lane from Fourth Street at proposed driveway(s) and onto Baldwin~~
  - ~~ii. Signal at 4<sup>th</sup> and Baldwin~~~~
- ~~b. Ten and ½ foot minimum lane widths on 3<sup>rd</sup> street frontages~~
- ~~c. Ten foot minimum lane widths on 4<sup>th</sup> street frontages~~
- ~~d. Ten foot minimum lane widths on Charlottetown between 3<sup>rd</sup> and 4<sup>th</sup> and reserve space for buffered bike lanes~~
- ~~e. Construction/reconstruction of bike facilities, planting strip, and sidewalk is expected with any/all lane improvements and curblines relocations. Addressed~~
4. The petitioner should revise the site plan and conditional note(s) to provide internal circulation within parking deck to each public street access point (e.g. can enter on 4<sup>th</sup> and exit on Baldwin). Addressed
5. The petitioner should revise the site plan and conditional note(s) to show future curblines around entire site. Addressed
6. The petitioner should revise the site plan and conditional note(s) to provide a minimum eight-foot planting strip, eight-foot sidewalk, and eight-foot buffer to building behind the future curblines. Addressed

#### REQUESTED TECHNICAL REVISIONS

##### Site and Building Design

- ~~7. Label and dimension the existing or future back-of-curb on the site plan for all public streets around the subject property. Addressed.~~

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#### Attachments Online at [www.rezoning.org](http://www.rezoning.org)

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

**Planner:** Solomon Fortune (704) 336-8326