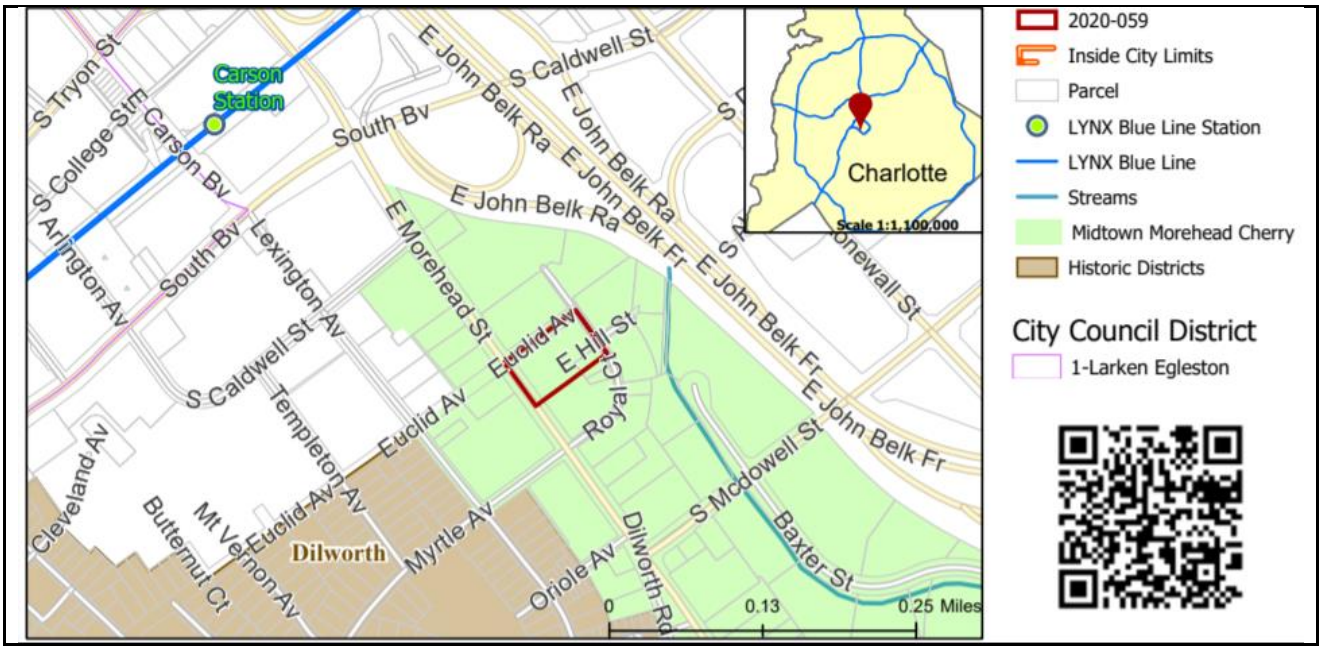
CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-059
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: B-1 PED (neighborhood business, pedestrian overlay) and MUDD (mixed use development district,) Proposed Zoning: MUDD-O PED (mixed use development district, optional, pedestrian overlay)
LOCATION	Approximately 1.474 acres located on the southeast side of Euclid Avenue, southwest of Royal Court, and northeast of Morehead Street.



SUMMARY OF PETITION	The petition proposes to allow a multifamily residential development in a single building with a small eating drinking entertainment component on the first floor.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Roll Triple Sevens LLC Hanover R.S. Limited Partnership 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: 20

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *Midtown Morehead Cherry Plan* recommendation for a mix of residential/office/retail uses for the area in which the site is located. Rationale for Recommendation • The petition is consistent with the current mix of uses in the area and the adopted plan recommendation. • The petition proposes a project that supports a desired mix of housing types. • The project is coordinating with other requests in the immediate with respect to streetscape and pedestrian improvements

- The proposed building height is consistent with the height allowed for the building on adjacent property within the same block of Morehead St., Euclid Ave. and Royal Ct.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

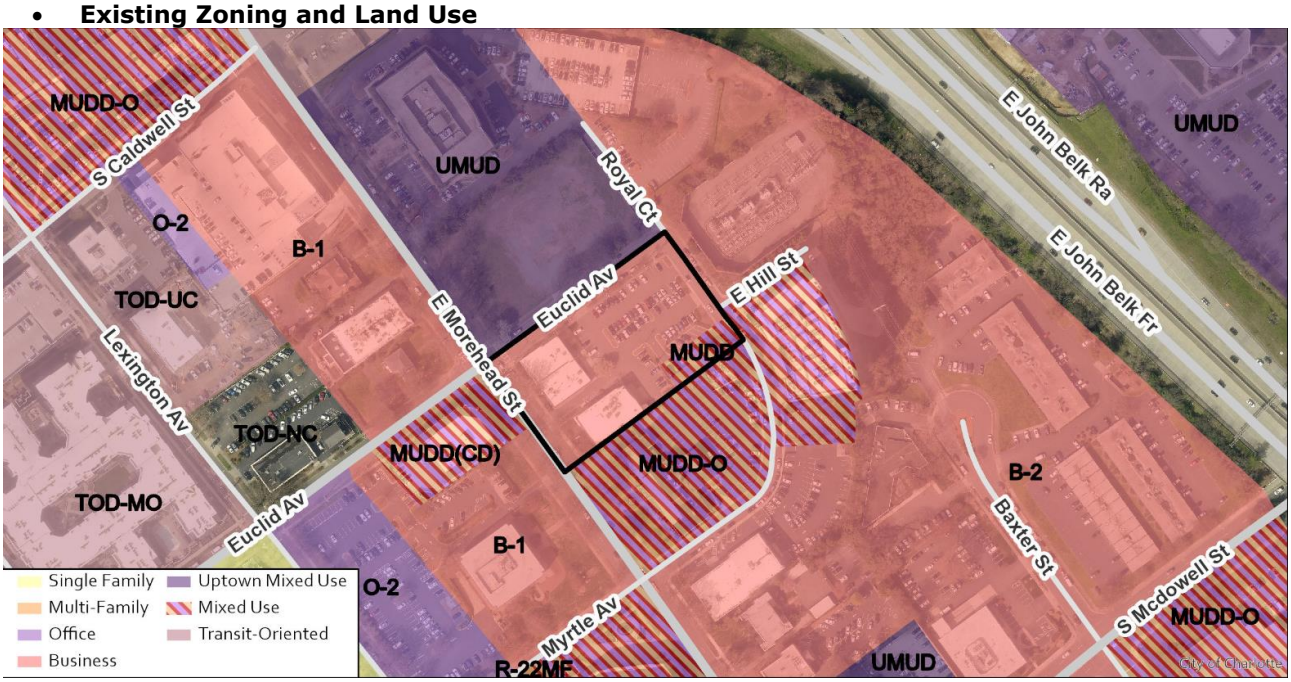
- Allow up to 350 multi-family dwelling units together with accessory uses in one building.
- Allow a maximum 500 square foot area of the ground floor of the building to contain a kiosk or countertops devoted to an eating, drinking and entertainment establishment (Type 1).
- Limits number of principal buildings on site to 1.
- Illustrates approximate location of proposed internal loading zone.
- Requests the following optional provisions:
  - Allow a maximum building height of 170 feet.
  - Allow first/ground floor building façade fronting Royal Court to include a combination of windows and operable doors for a minimum of 10% of the first/ground floor building façade fronting Royal Court with transparent glass between 2 feet and 10 feet on the first/ground floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3 feet clear depth between the window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4 feet above adjacent street sidewalk.
  - Allow modifications to the streetscape along Royal Court to allow on-street parking and an on-street passenger pick-up and drop-off space.
  - Allow a minimum 14-foot setback along Euclid Avenue and Royal Court.
  - Allow encroachments into the setback along Royal Court as noted:
    - Transformers and other electrical equipment may encroach into the setback from Royal Court provided that these items or features do not encroach into the required clear sidewalk zone. Additionally, the screening elements for the transformers and other electrical equipment may encroach into the setback from Royal Court provided that these items or features do not encroach into the required clear sidewalk zone. Such screening elements shall comply with the requirements of the ordinance.
    - Allows stairs, stoops, low walls, railings, fencing, perpendicular sidewalks, pavers and other ground level architectural items or features may encroach into the setbacks from all streets provided that these features do not encroach into the required clear sidewalk zone.
    - Allow balconies to encroach up to 8 feet into the setbacks from all adjacent streets. Balconies shall maintain a minimum vertical clearance of 12 feet above grade.
    - Allow awnings, sunshades and roof overhangs to encroach into the setbacks from all adjacent streets up to 4 feet from the back of curb and shall maintain a minimum vertical clearance of 9 feet above grade.
    - Allow bay windows to project up to a maximum of 3 feet from each building façade line. Bay windows shall maintain a minimum vertical clearance of 12 feet.
    - Allow sills, belt courses, eaves, cornices and ornamental features to project from the building façade no more than 2 feet and may extend over a public or private sidewalk, shared use path, amenity zone or planting strip.
    - Allow the streetscape along the Site's frontage on Royal Court to be modified by Petitioner to accommodate on street parking.
    - Allow the streetscape along the Site's frontage on Euclid Avenue to be modified by Petitioner as generally depicted on the Rezoning Plan.
- Proposes the following transportation improvements:
  - Proposes that in lieu of dedicating any right of way along the site's public street frontages, petitioner shall grant a sidewalk utility easement to the City of Charlotte along the Site's public street frontages to that point that is located at the back of the sidewalks to be installed along the Site's public street frontages.
  - Proposes drop-off entrance only access point and full access movement point onto Euclid Avenue.
  - Proposes 8-foot sidewalk and 8-foot planting area along E. Morehead with existing trees to remain.
  - Provides cross sections detailing streetscape improvements, proposed on street parking, and through lanes on Royal Court and Euclid Avenue.

- Installs a stop sign, stop bar and cross walk on Euclid Avenue at the intersection of Euclid Avenue and Royal Court.
- Installs a stop sign, stop bar and cross walk on Royal Court on the southerly leg of the intersection of Royal Court and Euclid Avenue.
- States subject to the availability of existing right of way within which to install these improvements, petitioner shall install a stop sign, stop bar and cross walk on Royal Court on the northerly leg of the intersection of Royal Court and Euclid Avenue. If existing right of way is not available to accommodate the foregoing improvements, Petitioner shall not be required to install the same.
- Stripes a double-yellow solid center line, per CDOT's Pavement Markings Design Guidelines, on that portion of Euclid Avenue located between East Morehead Street and Royal Court. Petitioner shall also mill and overlay that portion of Euclid Avenue located between East Morehead Street and Royal Court from the centerline of the relevant portion of Euclid Avenue to the proposed curb line located along the Site's frontage on Euclid Avenue.
- Installs and constructs two curb ramps on the southeast corner of the intersection of Euclid Avenue and East Morehead Street (adjacent to the Site).

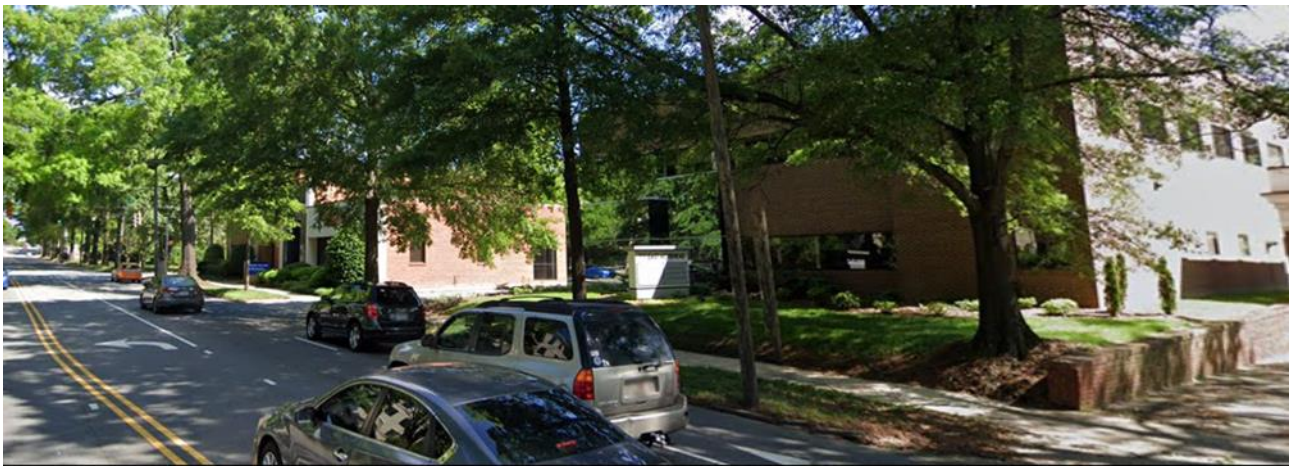
- Proposes the following architectural standards:
  - Notes building placement and site design shall focus on and enhance the pedestrian environment through such as building placement; combination of windows and operable doors; incorporation of minimum of 30% masonry materials on the facades of first/ground floor; direct pedestrian connections; prohibiting expanses of blank walls greater than 20 feet; and design of building elevations with vertical bays or articulated features.
  - Proposes buildings to have a minimum of 20% transparency on the aggregate of all upper floors.
  - Provides conceptual, schematic images of the first three levels of the East Morehead Street, Euclid Avenue and Royal Court facades of the building to be constructed on the Site that are ~~intended~~ to depict the general conceptual architectural style, design intent and character of the first three levels of these three building facades~~, as well the types and quality of the exterior building materials.~~ The primary exterior building materials for the first three levels of these three building facades shall be a combination of stucco, brick, stone, precast stone and other masonry products. The finishes and colors of these exterior building materials may vary from what is depicted on the conceptual, schematic images. Changes and alterations to the first three levels of these three building facades that do not materially change the overall conceptual architectural style, design intent and character shall be permitted.
  - Notes that with respect to the Euclid Avenue building facade, a tower element shall be located at each end of the Euclid Avenue building facade (the Royal Court end and the East Morehead Street end of the Euclid Avenue building facade). Between the two tower elements, the Euclid Avenue building facade shall stepback ~~a minimum of 5 feet~~ from the Euclid Avenue building facade line (above the third level/story of the Euclid Avenue building facade a minimum of 10 feet and a minimum of 5 feet in a generally alternating fashion (the 10 foot and the 5 foot stepbacks are hereinafter collectively referred to as the "Euclid Avenue Stepback"). The Euclid Avenue Stepback shall ~~occur above the third level/story of the building, the Euclid Avenue Stepback shall~~ have a minimum width of 160 feet ~~and the Euclid Avenue Stepback~~it shall apply to all building levels/stories located above the third level/story of the Euclid Avenue building facade.
  - Notes a portion of the East Morehead Street building facade shall stepback a minimum of 4 feet from the East Morehead Street building facade line (the "East Morehead Street Stepback"). The East Morehead Street Stepback shall occur above the third level/story of the East Morehead Street building facade, the East Morehead Street Stepback shall be located generally in the center of the East Morehead Street building façade, the East Morehead Street Stepback shall have a minimum width of 60 feet and the East Morehead Street Stepback shall apply to all building levels/stories located above the third level/story of the East Morehead Street building facade.
  - The southern facade of the building (the building facade facing Tax Parcel Nos. 125-174-05 and 125-174-07) shall stepback a minimum of 7 feet from the southern building facade line (the "Southern Facade Stepback"). The Southern Facade Stepback shall occur above the third level/story of the southern building facade, and the Southern Facade Stepback shall apply to all building levels/stories located above the third level/story of the southern building facade.
  - The minimum side yard along the southern boundary of the Site (the boundary adjacent to Tax Parcel Nos. 125-174-05 and 125-174-07) shall be 10 feet.
- Notes that subject to the approval of CDOT, NCDOT and any other governmental agencies, and Duke Energy and any other relevant utility, telephone or cable companies, Petitioner shall bury

in the Euclid Avenue right of way the above ground power lines located adjacent to and along the Site's frontage on Euclid Avenue. Petitioner shall exert reasonable and good faith efforts to obtain the required approvals. In the event that Petitioner cannot obtain all approvals and permits required to bury the above ground power lines as described above on or before May 31, 2021, Petitioner shall have no obligation to do so.

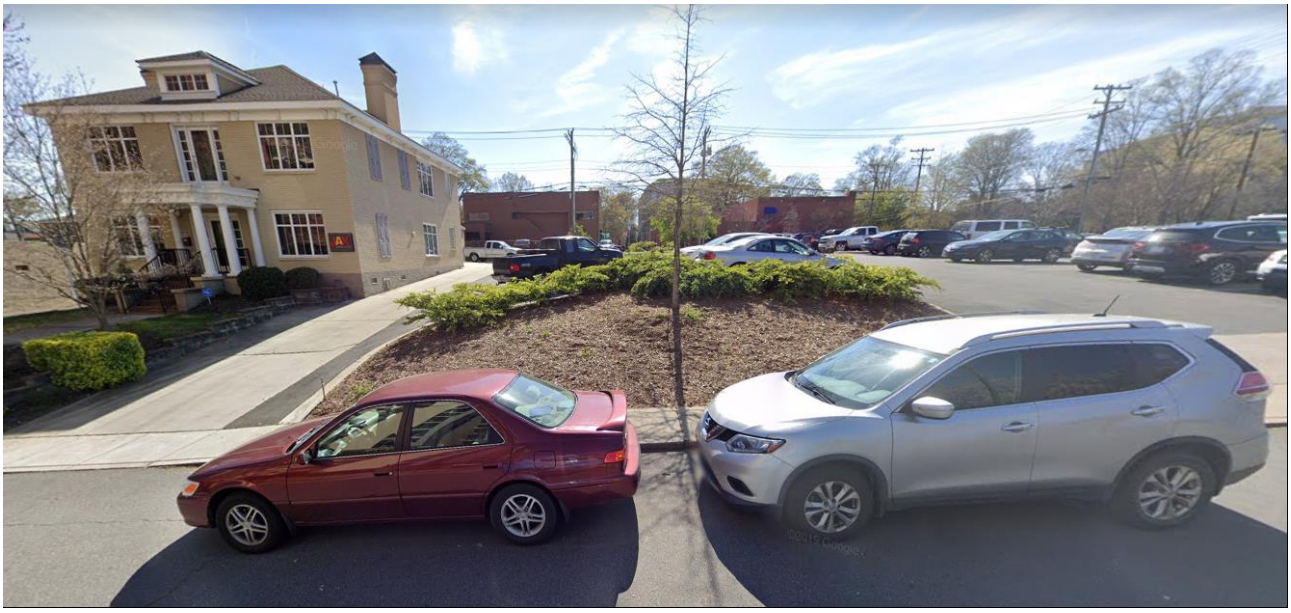
- **Existing Zoning and Land Use**



The site is developed with offices and associated parking and is surrounded by a mix of office, residential, retail, and public utility uses in various zoning districts. The site is near Interstate 277 and Uptown.



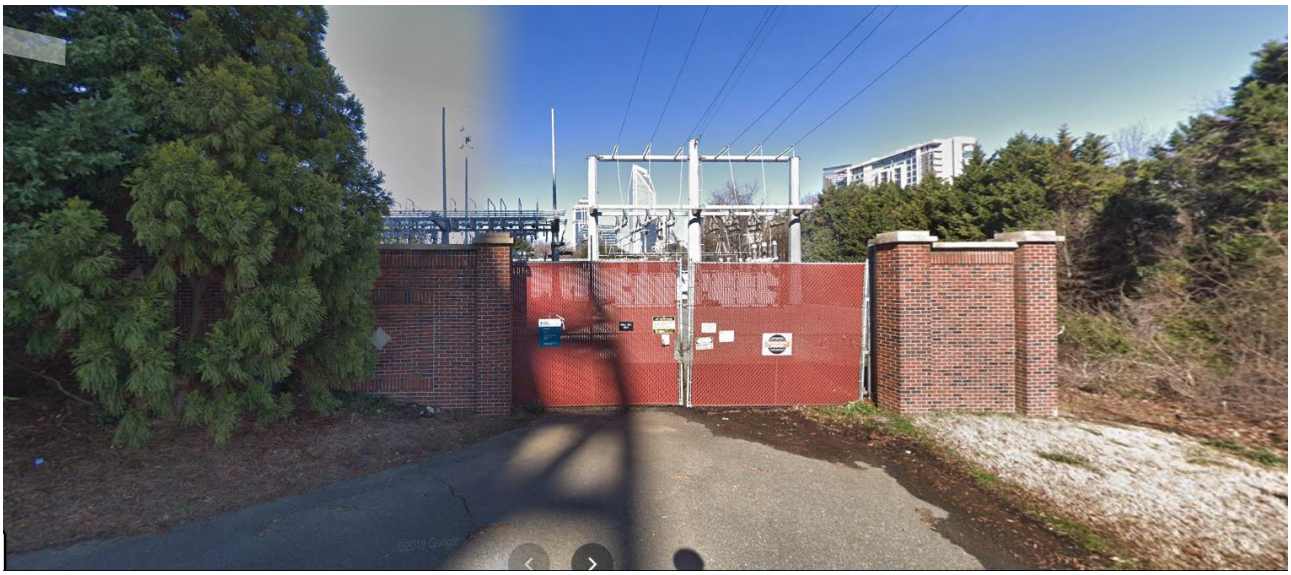
A view of the site (developed with offices and associated parking) from E. Morehead Street.



A view of the site (developed with offices and associated parking) from Royal Court.



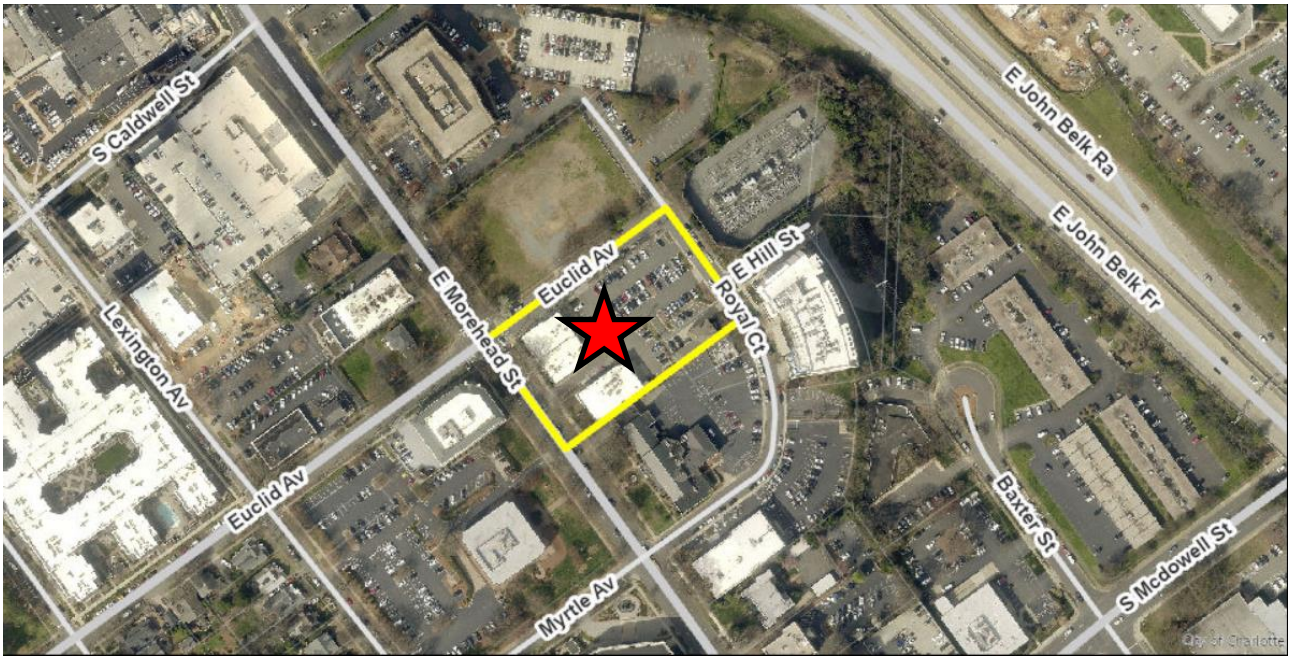
On the opposite side of Royal Court are residential condominiums and offices (pic above) and Duke Energy substation (pic below).



Utility substation across Morehead St.

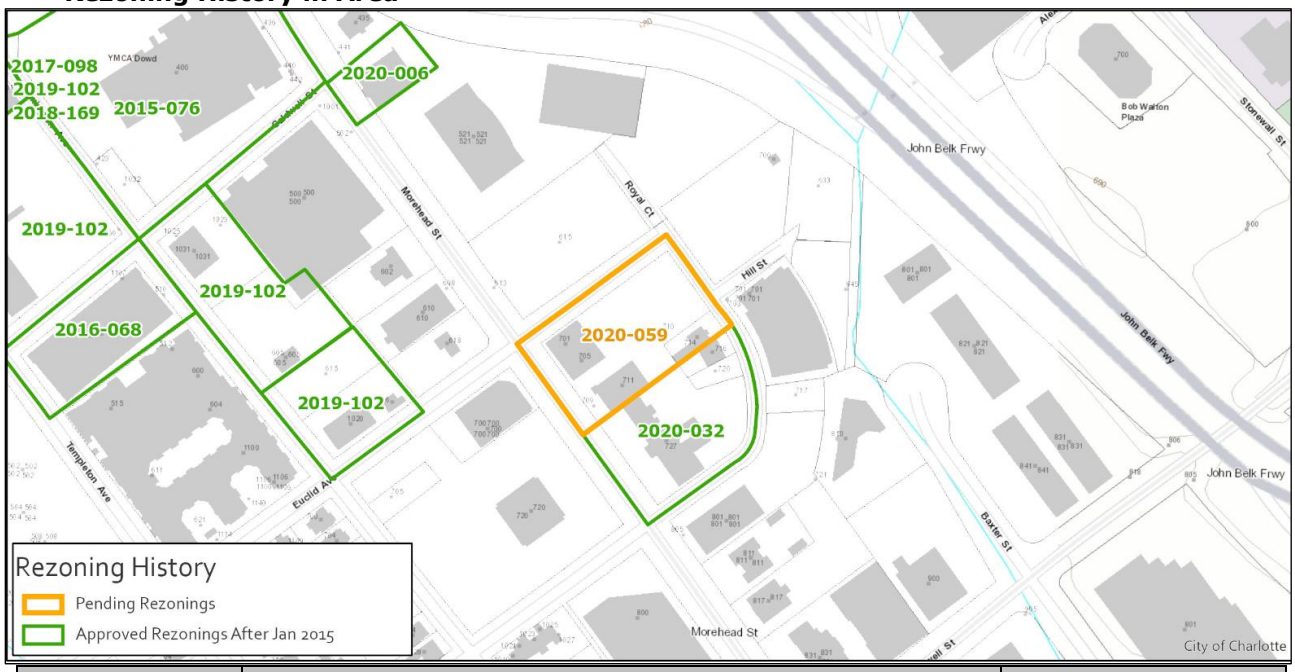


Along East Morehead Street are office, residential, and retail uses.



The site is bounded by 3 streets (E. Morehead Street, Euclid Avenue, and Royal Court) and is located west of E. John Belk Freeway.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-032	MUDD-O SPA to allow an age restricted community with up to 220 multi-family residential units. As an alternative, proposes up to 195,000 square feet of office uses with ground floor retail, EDEE, personal services and/or commercial other non-residential uses, and limits building height to up to 160 feet as approved per petition 2008-025.	Approved
2020-006	Rezone to TOD-UC	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2016-068	Rezoned site to MUDD-O (mixed use development, optional) to allow a allow the redevelopment of a surface parking lot for an existing institutional use (Pritchard Memorial Baptist Church) to develop structured parking and 17,000 square feet of ground floor non-residential uses.	Approved
2015-076	Rezoned site to MUDD-O (mixed use development, conditional) to allow the expansion of the existing YMCA including a new parking structure and additional facility space.	Approved

- **Public Plans and Policies**



  - The *Midtown Morehead Cherry Plan* (2012) recommends a mix of residential/office/retail uses for the area in which the site is located.

- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to E. Morehead Street, which is a state maintained major thoroughfare. The petition is in a Corridor and is inside Route 4. The applicable plan for the area is the Midtown/Cherry Area Plan, South End Station Area Plan, and Center City 2020 Vision Plan. In reference to the Vision Zero Action Plan, East Morehead Street is classified within Charlotte's High Injury Network.
  - **Active Projects:**
    - Alexander/Euclid bridge over I-277
      - Construct new bridge over I-277 to connect Stonewall Street and Morehead Street, in the approximate area of Alexander Street and Euclid Street.
      - Unfunded project
    - South End Rail Trail Pedestrian Bridge
      - The project will implement Create a new pedestrian bridge across I-277 connecting the Rail Trail on the south side of I-277 to the Convention Center.
      - Construction: TBD; planning in-progress end Q1 2020
    - South Boulevard Corridor Implementation
      - The project will implement pedestrian hybrid beacons, bulb-outs, and pavement markings at various locations along South Boulevard between Clanton Road and Carson Boulevard.
      - Construction: TBD; real estate acquisition to finish end Q1 2020
  - **Transportation Considerations**
    - ~~See Requested Technical Revisions, Notes 5-6.~~ ADDRESSED
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 320 trips per day (based on 28,950 square feet offices).
    Entitlement: 1,550 trips per day (based on 13,600 square feet of retail; 0.14 ac of MUDD)
    Proposed Zoning: 1,590 trips per day (based on 350 apartments; site plan 08-17-2020).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments received.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org regarding access, fire hydrant location and sprinkler system.

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 6 students, while the development allowed under the proposed zoning will produce 70 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 64.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Dilworth (Sedgefield Campus K-2) increases from 66% to 69%
    - Dilworth (Latta Campus 3-5) increases from 64% to 68%
    - Sedgefield Middle increases from 73% to 76%
    - Myers Park High increases from 125% to 126%
  - See advisory comments at www.rezoning.org for CMS impact statement.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Royal Ct. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Morehead Street.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** This property drains to Upper Little Sugar Creek, which is an impaired/degraded stream, and may contribute to downstream flooding. This project has the opportunity to mitigate future impacts to this stream. See advisory comments at www.rezoning.org regarding storm water quality treatment and volume and peak control.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org pertaining to air quality and ground water services.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Add an optional provision to allow the setback to be decreased from 16 feet to 14 feet per *Section 10.805. Pedestrian Overlay District (Optional); Purpose.*~~ ADDRESSED
2. ~~Further develop architectural and design standards to better address breaking up the massing and scale of the building. Architectural Standards Note 5(b)(8) proposes a 5-foot step back minimum that is much less than the 11+ feet discussed earlier. Please increase to a minimum of 8-10 feet.~~ ADDRESSED
3. ~~Show, label, and dimension all public street centerlines to the future back of curb.~~ ADDRESSED
4. ~~Show, label, and dimension the setback from the future back of curb which will include the required planting strip and sidewalk.~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

Transportation

5. ~~Please extend the left sight line through the intersection of Euclid Avenue & East Morehead Street to account for the Euclid Avenue eastbound thru green phase. The intersection sight distance plan and profile may be reviewed during permitting.~~ ADDRESSED
6. ~~Please revise the site plan and conditional note(s) to include the construction of two curb ramps at the east quadrant of the East Morehead Street & Euclid Avenue Intersection.~~ ADDRESSED

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Claire Lyte-Graham (704) 336-3782