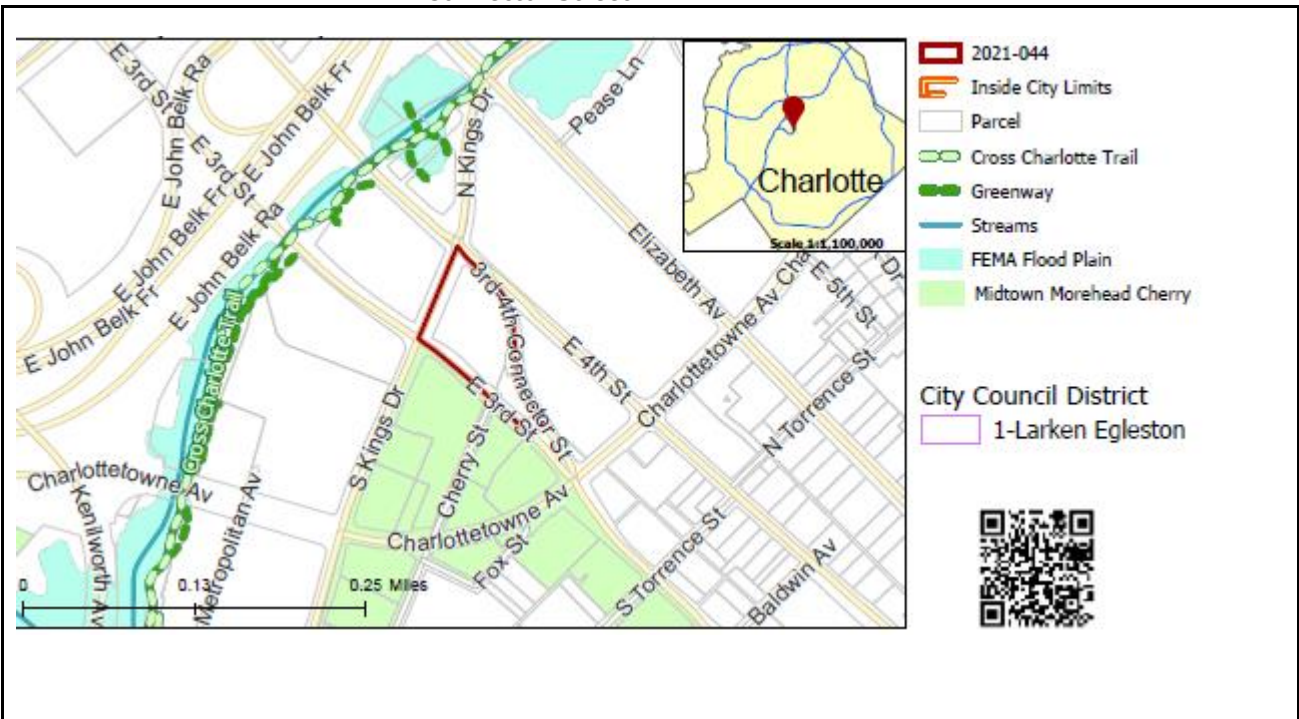


## REQUEST

Current Zoning: B-2 (General Business), MUDD(CD) (Mixed Use Development District, Conditional)  
Proposed Zoning: MUDD-O (Mixed Use Development District, Optional) with 5 year vested rights

## LOCATION

Approximately 2.07 acres bound by the east side of South Kings Drive, north side of East 3rd Street, and south side of 3rd-4th Connector Street.



## SUMMARY OF PETITION

The petition proposes to redevelop a parcel in central Charlotte for a new building containing MUDD uses.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Southstar Holdings – Crown Conco  
Tribek Properties  
John Carmichael, Robinson Bradshaw

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 15

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **consistent** with the *Midtown Morehead Cherry Area Plan* Residential/Office/Retail land uses recommended for the site.

### Rationale for Recommendation

- The proposed mixed-use plan supports the adopted plan's vision to become a pedestrian oriented gathering place where people live, work, play and shop.
- The adopted plan states that as redevelopment occurs, this area should move toward intense mixed-use pedestrian friendly development, with buildings along the street edge.

- The midtown area is shifting towards developing new buildings with greater height through other recently approved rezonings in the area.
- The rezoning plan enhances the pedestrian environment by providing a pedestrian hybrid beacon on E 3<sup>rd</sup> street between Charlottetown Ave and South Kings Drive along with a 16' wide pedestrian amenity zone along Kings Drive. These improvements help to promote a walkable development.
- The rezoning plan also commits to a large open space area with pedestrian connections from the sidewalk on E. 3<sup>rd</sup> Street to the sidewalk along the site's frontage on the third-fourth connector street.

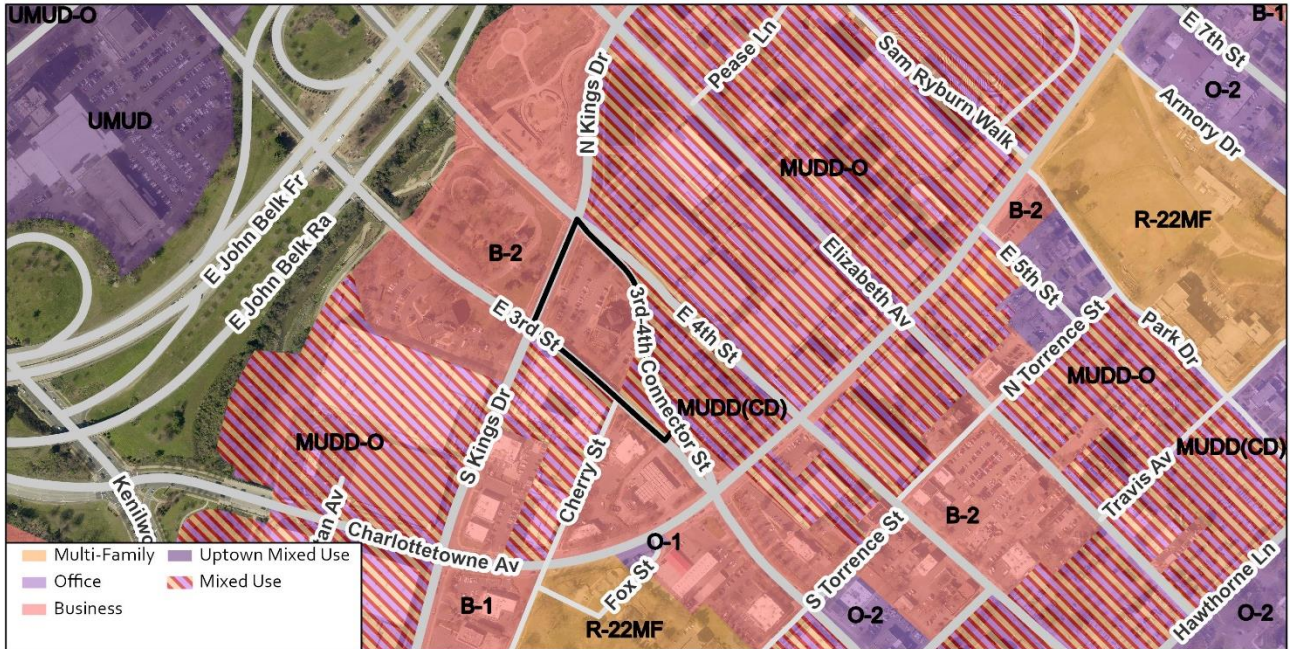
## PLANNING STAFF REVIEW

### • **Proposed Request Details**

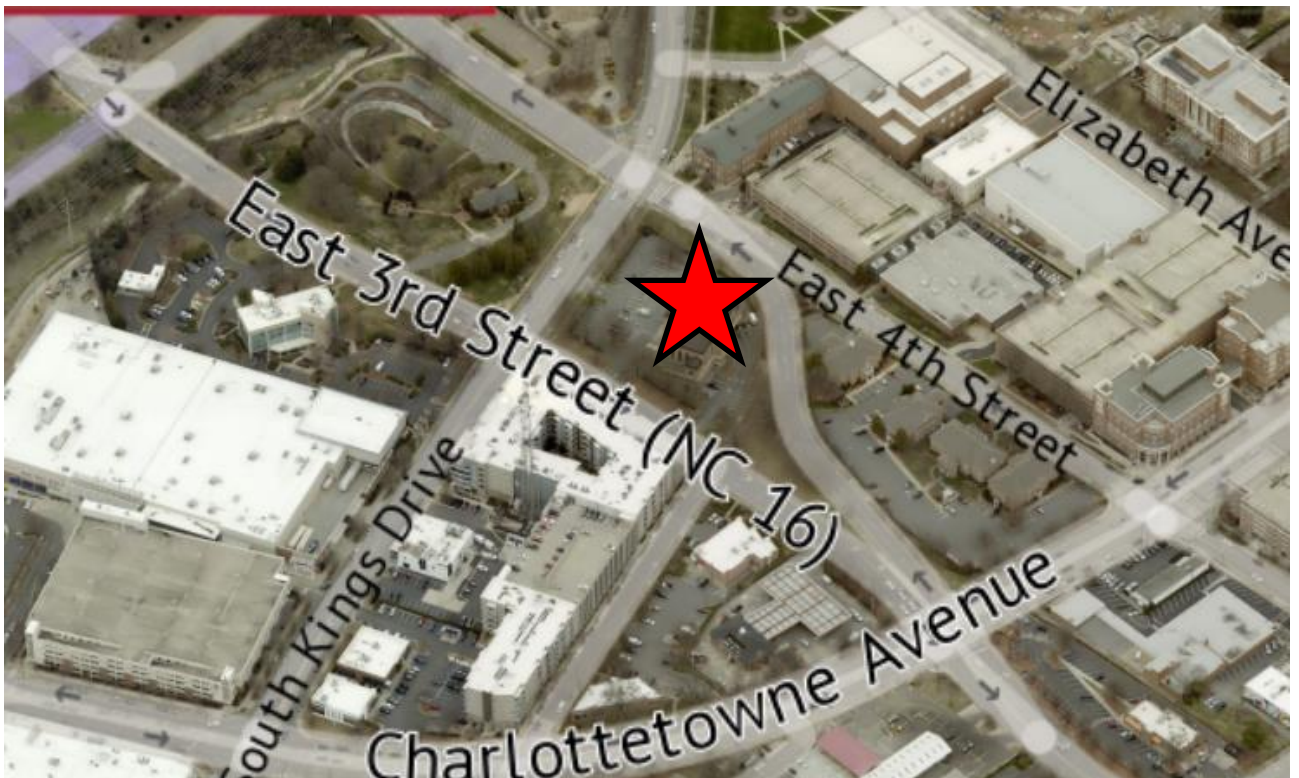
The site plan accompanying this petition contains the following provisions:

- Requests the following optional provisions:
  - The existing building and surface parking facilities and any other existing improvements on the site may remain in place and continue to be utilized until the site is redeveloped pursuant to this rezoning plan. To the extent that the existing building, structures, surface parking facilities and any other existing improvements on the site do not comply with any requirement of the MUDD zoning district, the ordinance or this rezoning plan, petitioner shall not be required to bring the existing building, structures, surface parking facilities, or any other existing improvements on the site or any portions thereof into compliance with the MUDD zoning district, the ordinance or this rezoning plan.  
A new building, structures, structured parking facilities, surface parking facilities and any new improvements on the site will be required to comply with the requirements of the rezoning plan and the MUDD zoning district (except as modified by the optional provisions set out in this section 2)
  - The maximum height of the principal building to be constructed on this site shall be 300 feet.
  - Drive-in/Drive through windows and lanes accessory to a bank or financial institution only shall be permitted.
- Allows all uses within the MUDD zoning district except for the following:
  - Adult establishments
  - Automotive Service Stations
  - Car washes
  - Eating, drinking, and entertainment establishments (type 1 or type 2) with drive through service windows
  - Warehousing within an enclosed building
- Provides two development options for the site:
  - Development Option 1: Limits the building to a maximum building area of 340,000 square feet with a maximum of 8,000 square feet that can be devoted to retail sales, personal service uses, and eating, drinking, and entertainment establishments (type 1 and/or 2). This option provides a conversion rate to allow a mix of residential and non-residential uses. Each multi-family dwelling unit counts toward the maximum of allowed non-residential gross floor area of 340,000 SF at a rate of 1,000 SF per 1 multi-family dwelling unit.
  - Development Option 2: Limits the site to a maximum of 350 multi-family dwelling units and a maximum of 8,000 square feet that can be devoted to retail sales, personal service uses, and eating, drinking, and entertainment establishments (type 1 and/or 2).
- Commits to providing a minimum of 5% of all multi-family housing units within the development to be income restricted for households earning 80% or less of the area median income for a period of at least 15 years.
- Commits to transportation improvements including, pedestrian improvements for various intersections, additional lanes for ingress/egress to the site, and a pedestrian hybrid beacon on East 3<sup>rd</sup> Street between Charlottetown Avenue and South Kings Drive.
- Provides various architectural standards focusing on the building façade, connection to the public street, screening of mechanical equipment, service area equipment, and parking area.
- Provides a minimum 8' planting strip (or recessed onsite parking in lieu of planting strip) and 16' wide pedestrian/amenity zone with street trees in curbed planters along the site's frontage on Kings Drive. Also provides a minimum 8' planting strip and 8' sidewalk along the site's frontages on East 3<sup>rd</sup> Street and the third-fourth connector street.
- Limits development to one principal building onsite.

- Existing Zoning and Land Use



A portion of the site was rezoned to MUDD(CD) in 2004 (petition 2004-127). The site is surrounded by a mix of land uses including business, office, institutional, recreation, and multifamily residential.



The site is surrounded by business, office, institutional, recreation, and multi-family residential. The site is marked with a red star.



The site to the north consists of institutional uses related to Central Piedmont Community College.



The site to the south is developed with multi-family residential and business uses.

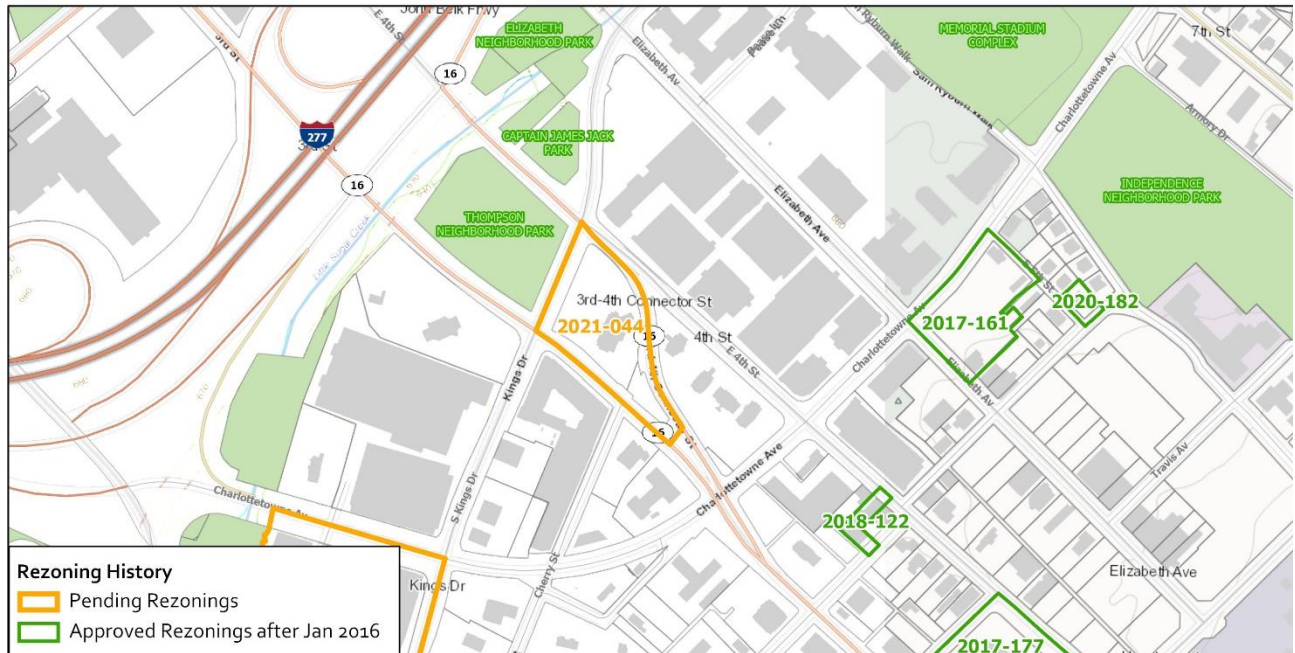


The site to the west is developed with a parks and recreation event facility, park, and greenway.



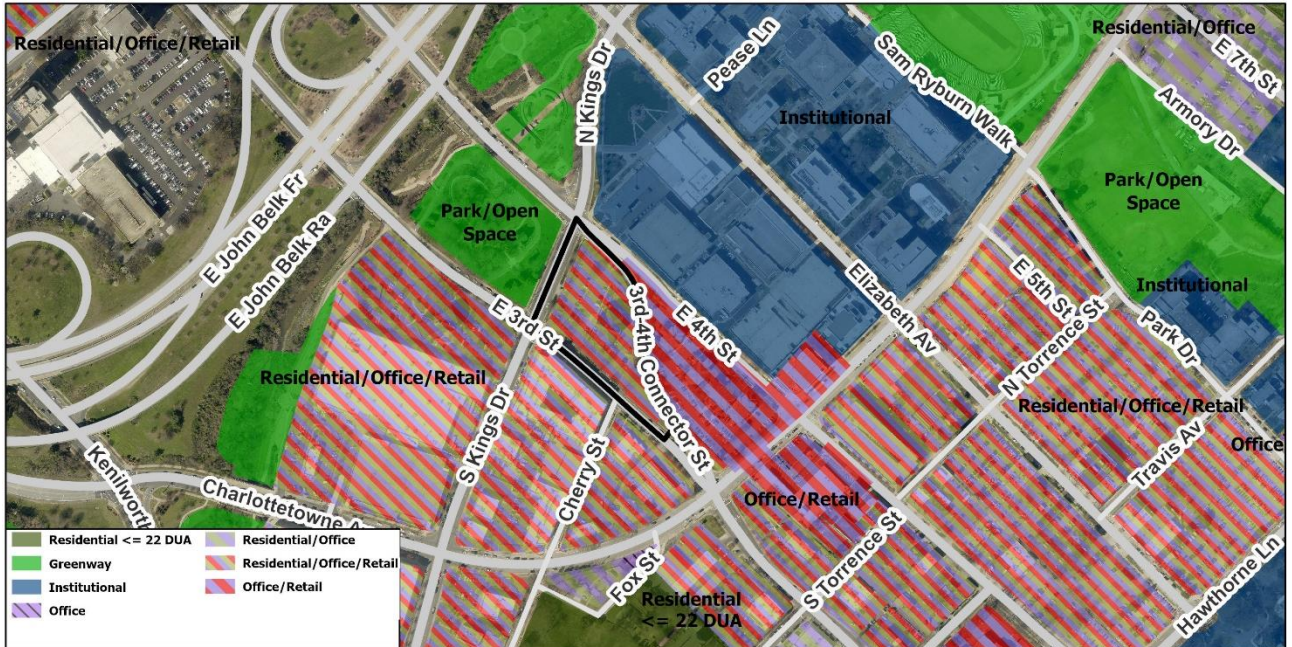
The property to the east is developed with institutional uses associated with Central Piedmont Community College.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-161	The petition rezoned property to MUDD-O (mixed use development, optional) five-year vested rights to allow the development of 250,000 square feet for two buildings for all uses in MUDD (mixed use development) except for residential uses.	Approved
2017-177	The petition rezoned property to MUDD-O (mixed use development, optional) and MUDD-O SPA (mixed use development, optional, site plan amendment), with five-year vested rights 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.	Approved
2018-122	The petition rezoned property to MUDD-O to retain the existing buildings with possible expansions and new outdoor areas, and will allow most uses in MUDD (mixed use development) district.	Approved
2020-182	The petition rezoned property to MUDD-O to allow a single building with 9 multifamily residential units and an office.	Approved

- **Public Plans and Policies**



- The *Midtown Morehead Cherry Area Plan* recommends mixed-use development residential, office and retail for this site.

- **TRANSPORTATION SUMMARY**

The site is located adjacent to South Kings Drive, a City-maintained major thoroughfare, East 3rd Street, a State-maintained major thoroughfare, and the 3rd-4th Connector Street, a State-maintained major thoroughfare. A Traffic Impact Study (101 Kings Drive) was completed in March 2021, prior to the submittal of this petition.

The site plan commits to construct a 6-foot sidewalk with an 8-foot planting strip on East 3rd Street and the 3rd-4th Connector Street per Chapter 19. The site plan also commits to providing a 16' sidewalk at the back of curb, also meeting the Charlotte WALKS Policy. The site plan commits to dedicating 40' minimum right-of-way from the road centerline of East 3rd Street and the 3rd-4th Connector Street, and to construct buffered bicycle lanes by relocating the back of curb and gutter 32.5' from the center line of South Kings Drive in accordance with the City of Charlotte BIKE Policy.

The TIS-recommended improvements incorporated in the site plan include commitments to construct a northbound right turn lane on S. Kings Drive into the site, a 100' left-turn storage on East 3<sup>rd</sup> Street into Access A, and a 200' left-turn storage on the 3<sup>rd</sup>-4<sup>th</sup> Connector Street into Access C. The site plan and conditional notes include commitments to provide pedestrian improvements at the intersections of 4<sup>th</sup> Street/ I-277 SB Ramp, 4<sup>th</sup> Street/ Charlottetowne Avenue, 3<sup>rd</sup> Street/I-277 SB Ramp and 3<sup>rd</sup> Street at S Kings Drive. Site plan commitments also include a Pedestrian Hybrid Beacon on 3<sup>rd</sup> street between Charlottetowne Avenue and S Kings Drive per the approved TIS.

Site plan revisions are needed to meet ordinance requirements and/or the outstanding items including, but not limited to, constructing buffered bicycle lanes by relocating the back of curb and gutter 27' from the center line of East 3rd Street in accordance with the City Charlotte BIKE Policy and providing a public access easement, 2' on either side of the proposed walkway from 3rd Street to 3rd-4th Connector Street. Further details are listed below

- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-3.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 285 trips per day (based on 25,600 SF Office).

Entitlement: 1,490 trips per day (based on 9,518 SF Retail).

Proposed Zoning: 2,985 trips per day (based on 350 multi-family units and 8,000 SF retail).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 7 students, while the development allowed under the proposed zoning may produce 64 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 57 students
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Eastover Elementary from 98% to 106%
    - Sedgefield Middle from 72% to 74%
    - Myers Park High from at 121%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Connector Rd.

Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Connector Rd. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **City Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See Requested Technical Revisions, Note 5.
- **Urban Forestry:** No outstanding issues.

**OUTSTANDING ISSUES**

Transportation

- ~~1. Curblin: The proposed zoning district has a setback measured from back of the existing or proposed future curblin.~~
  - ~~• East 3rd Street: The future location of curb and gutter is 27' from the back of curb to accommodate buffered bike lanes. Location of curb and gutter needs to be moved to its future location.~~
  - ~~• 3rd 4th Connector Street: Label and dimension the back of curb and gutter from the centerline for each road on the site plan.~~ **Rescinded**
- ~~2. Site plan and conditional note(s) revisions are needed to commit to construct buffered bicycle lanes by relocating the back of curb and gutter 27' from the center line of East 3rd Street to meet the City Charlotte BIKE Policy. The site plan shall label and dimension the back of curb and gutter from the centerline of each road.~~ **Rescinded**
- ~~3. Revise site plan and conditional note(s) to commit to provide public access easement, 2' on either side of the proposed walkway from 3rd Street to 3rd 4th Connector Street.~~ **Addressed**

Environment

- ~~4. All existing City street trees in public street right of way (City or State maintained) are required to be preserved per the Charlotte Tree Ordinance and the following Tree Ordinance Guidelines: 1) City Trees & Protected Vegetation; 2) City Tree Mitigation Policy.~~ **Addressed**

**REQUESTED TECHNICAL REVISIONS**Environment

5. ~~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 impact to this stream, therefore, Stormwater recommends placing the following notes on the plan: (I) Storm Water Quality Treatment for defined watersheds greater than 24% built upon area (BUA), construct water quality stormwater control measures (SCMs) designed for the runoff generated from the first 1 inch of rainfall for all new and redeveloped BUA associated with the project. SCMs must be designed and constructed in accordance with the Charlotte-Mecklenburg BMP Design Manual. (II) Volume and Peak Control For defined watersheds greater than 24% built upon area, control the entire volume for the 1 year, 24 hour storm for all new and redeveloped BUA associated with the project. Runoff volume drawdown time shall be in accordance with the Charlotte-Mecklenburg BMP Design Manual. For commercial projects with greater than 24% BUA, control the peak to not exceed the predevelopment runoff rates for the 10 year, 6 hour storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10 year and 25 yr, 6 hour storms.~~ Rescinded, to be listed as an advisory comment

Site and Building Design

6. ~~Please limit the number of drive thru windows and lanes as well as provide design standards for them.~~ Addressed

Land Use

7. ~~Please identify what uses will be included in the Development Area 2 for non-residential uses up to 340,000 SF. The current language is too vague.~~ Addressed

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Lisa Arnold (704) 336-5967