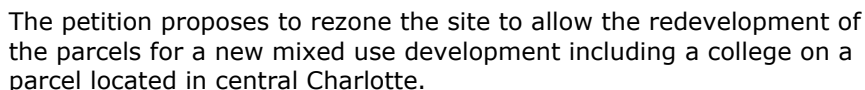




Current Zoning: MUDD-O PED (mixed use development, optional, pedestrian overlay), B-2 PED (general business, pedestrian overlay), B-1 PED (neighborhood business, pedestrian overlay), MUDD(CD) PED (mixed use development, conditional, pedestrian overlay), and O-2 PED (office, pedestrian overlay)

Approximately 14.28 acres located on the south side of South McDowell Street, east of East Morehead Street, and west of Interstate 277



The Charlotte-Mecklenburg Hospital Authority, Lookout NC Properties LLC, and LB Acquistitions, LLC

The Charlotte-Mecklenburg Hospital Authority

John Carmichael, Robinson Bradshaw

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 28

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design and technical revisions related to site and building design and land use.

The petition is **consistent** with the adopted *Midtown Morehead Cherry Area plan* (2012) of residential/office/retail for a portion of the site and **inconsistent** with the area plan recommendation of residential/office for a portion of the site.

Rationale for Recommendation

- The plan recommends residential/office/retail for most of the site. While the plan recommendation for retail does not continue to the southern portion of the site, retail uses would be compatible with the surrounding existing development.
- The petition is within the pedestrian overlay which encourages more intense development and redevelopment along existing business corridors including E. Morehead and S. McDowell.
- Numerous transportation improvements along the adjacent rights-of-ways will improve the walkability of this area and access around the uptown I-277 loop.
- The redevelopment of the site could facilitate the creation of a vibrant center with a mix of uses ranging from education, retail, hospitality, residential, and office.

The approval of this petition will revise the adopted future land use as specified by the *Midtown Morehead Cherry Area Plan*, from residential/office to residential/office/retail for a portion of the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

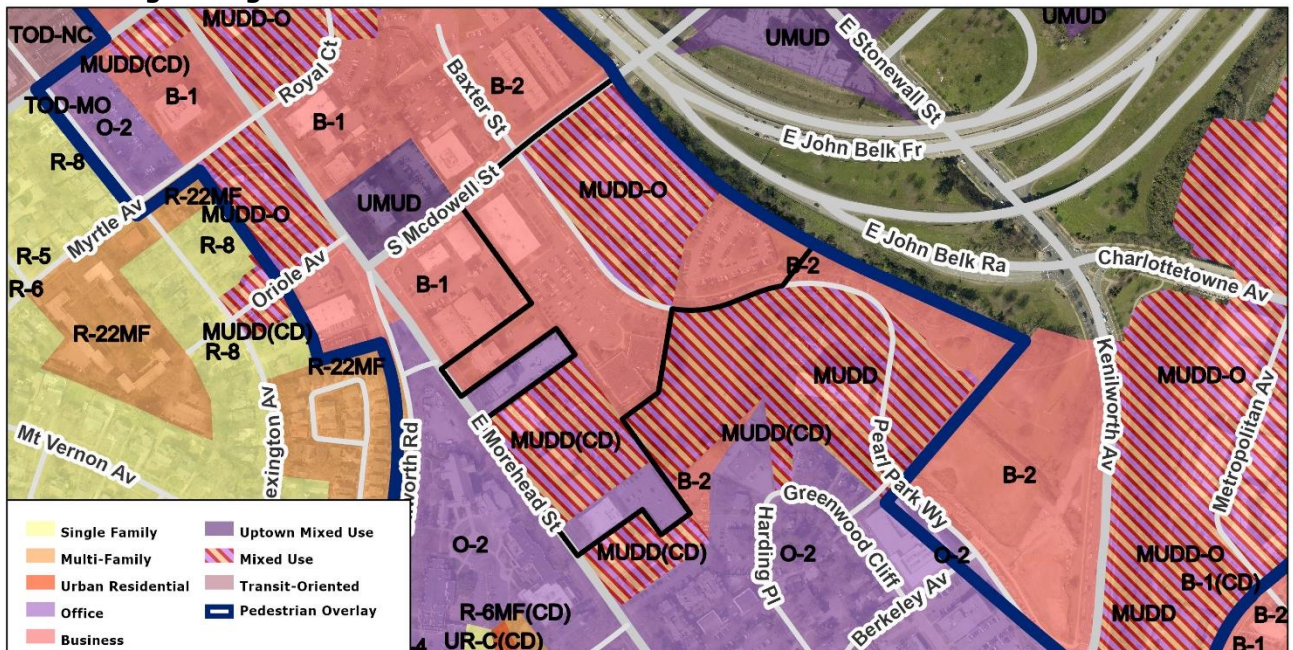
- Establishes the following optional provisions:
 - Valet parking service area(s) may be located between the buildings and structures located on the site and all adjacent public and private streets. Notwithstanding the foregoing, valet parking services may not be located between the buildings and structures located on the site and East Morehead Street and McDowell Street.
 - Vehicular circulation areas and passenger drop-off areas may be located between the buildings and structures located on the site and all adjacent public and private streets. Notwithstanding the foregoing, vehicular circulation areas and passenger drop-off areas may not be located between the buildings and structures located on the site and East Morehead Street and McDowell Street.
 - The existing buildings, structures, structured parking facilities, surface parking facilities and any other existing improvements on the site may remain in place and continue to be utilized. To the extent that any existing buildings, structures, structured parking facilities, 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 any such existing buildings, structures, structured parking facilities, surface parking facilities and any other existing improvements on the site or any portions thereof into compliance with the MUDD zoning district, the ordinance or this rezoning plan. Renovated and rehabilitated existing buildings, structures and structured parking facilities located on the site shall not be required to comply with the urban design and development standards set out Section 9.8506 of the ordinance. New buildings, structures, structured parking facilities, surface parking facilities and other 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 herein).
 - The maximum building heights set out on the developable building heights exhibit (sheet RZ-1.3 of the rezoning plan) shall be permitted. Maximum building height envelopes are set out on the developable building heights exhibit.
 - Building heights are as follows:
 - Development Area A – 325 feet
 - Development Area B – 225 feet
 - Development Area C – 225 feet
 - Development Area D- 100 feet
 - The street cross sections (including the rights of way and the improvements depicted thereon) set out on sheets RZ-1.1 and RZ-1.2 of the rezoning plan shall be permitted.
 - The setbacks specified herein shall be permitted.
 - Setbacks requested are as follows:
 - Section BB S. McDowell at Baxter St.– 18’ min – 36’ max
 - Section CC Baxter St. – 16’ min – 24’ max
 - Section DD Baxter St. – 16’ min – 24’ max

-
- Section EE Pearl Parkway – 16' min – 24' max
 - Section FF new roadway – 16' min – 24' max
 - Section HH new roadway – 12' min – 20' max
 - Section JJ new roadway – 12' min – 20' max
 - Section KK E. Morehead St. – 24' min – 40' max
 - Section LL – E. Morehead St. – 24' min – 40' max
 - The open space provisions set out herein shall be permitted.
 - Prohibits the following uses in Development Area A and B:
 - Auction Sales or Auction Houses
 - Automotive Service Stations, Including Minor Adjustments, Repairs, Lubrication and Accessory Car Washes
 - Equipment Rental and Leasing within an Enclosed Building
 - Group Homes for Up To 10 Residents
 - Subdivision Sales Offices
 - Adult Establishments
 - Bed and Breakfasts (B&B's)
 - Boarding Houses
 - Building Materials Sales, Retail
 - Commercial Rooming Houses
 - Electric and Gas Substations
 - Nursing Homes, Rest Homes and Homes for The Aged
 - Pet Services Indoor/Outdoor
 - Shelters
 - Stadiums, Coliseums and Arenas
 - Warehousing Within an Enclosed Building for a Self-Storage Facility Only
 - Permits the following uses in Development Area C and D:
 - Colleges or Universities, including a Medical College and/or a Nursing School, and Dormitories for the students of any such colleges or universities
 - Conference Centers, Exhibit Halls and similar uses
 - Multi-Family and Planned Multi-Family Dwelling Units
 - Eating, Drinking and Entertainment Establishments (Type 1), subject to the regulations of Section 12.546 of the Ordinance
 - Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546 of the Ordinance
 - Hotels
 - Indoor Recreation
 - Laboratories, Dental, Medical and Optical
 - Laboratories, within an enclosed building for applied and basic research
 - Professional Business and General Offices, including Clinics, Medical, Dental And Doctors' Offices
 - Retail Sales limited to uses permitted in the B-1 Zoning District
 - Services Such as Beauty and Barber Shops
 - Structured Parking Decks as a Principal or Accessory Use
 - Studios for Artists, Designers, Photographers, Musicians, Sculptors, Gymnasts, Potters, Wood and Leather Craftsmen, Glass Blowers, Weavers, Silversmiths and Designers of Ornamental and Precious Jewelry
 - Breweries, subject to the regulations of Section 12.544 of the Ordinance
 - Wineries, subject to the regulations Of Section 12.544 of the Ordinance.
 - Limits development to the following:
 - A maximum of 1,310,000 square feet of non-residential use with a maximum of 150,000 square feet of such gross floor area may be devoted to retail sales, personal service uses and eating, drinking and entertainment establishments (type 1 and/or type 2).
 - A maximum of 1000 dwelling units on site.
 - A maximum of 600 hotel rooms
 - Creates the following conversion rates:
 - Up to 200,000 square feet of additional gross floor area devoted to the non-residential uses permitted under these development standards, excluding retail sales, personal service uses and eating, drinking and entertainment establishments (type 1 and/or type 2), may be developed on the site by reducing the number of multi-family dwelling units permitted on the site at the rate of 1 multi-family dwelling unit per 1,000 square feet of additional gross floor area devoted to non-residential uses.
 - Up to 200 additional multi-family dwelling units may be developed on the site by reducing the amount of the non-residential gross floor area permitted under these development

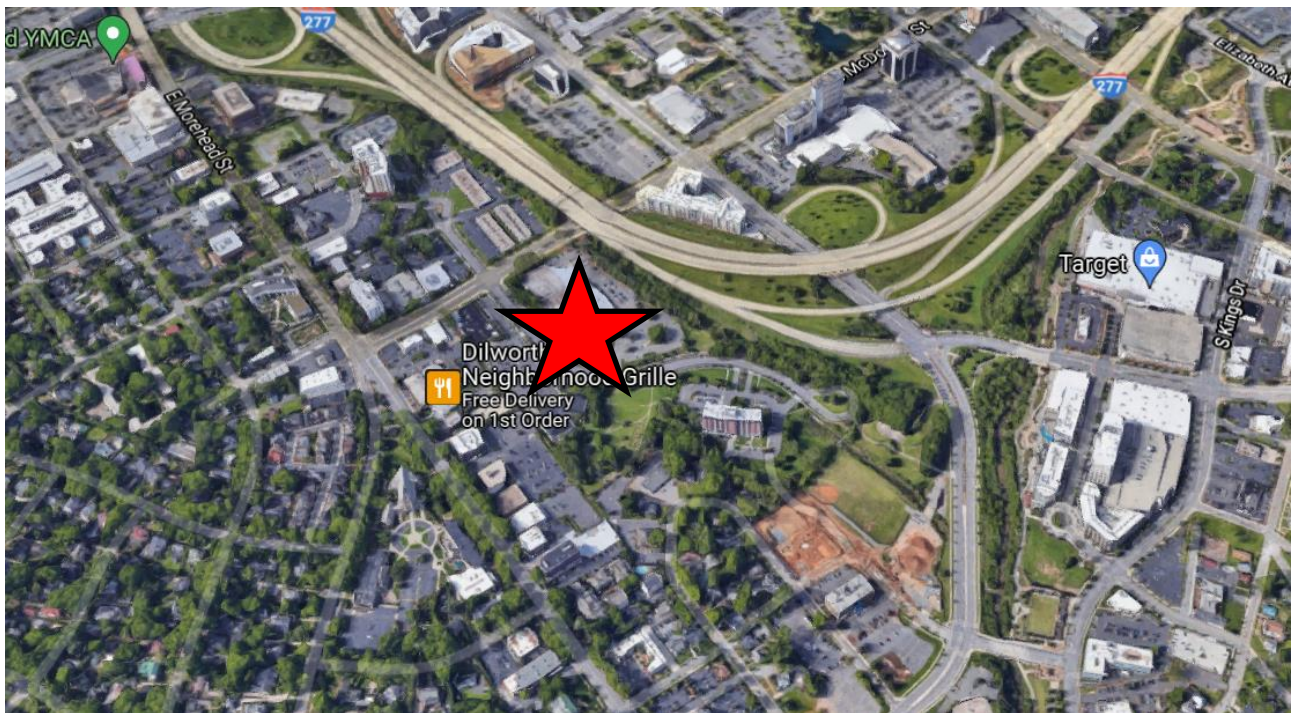
standards at the rate of 1,000 square feet of gross floor area per additional multi-family residential dwelling unit.

- Up to 150,000 square feet of additional gross floor area devoted to the non-residential uses permitted under these development standards, excluding retail sales, personal service uses and eating, drinking and entertainment establishments (type 1 and/or type 2), may be developed on the site by reducing the number of hotel rooms permitted on the site at the rate of 1 hotel room per 1,000 square feet of additional gross floor area devoted to non-residential uses.
- Connects improved Baxter Street (Section E-E) located within the site, the pedestrian improvements along improved Baxter Street and the cycle track to be constructed along improved Baxter Street to existing Pearl Park Way, the existing pedestrian improvements located along Pearl Park Way and the existing cycle track on Pearl Park Way.
- Commits to the following transportation improvements:
 - South McDowell Street and Baxter Street
 - Install a traffic signal and a cycle track.
 - Construct a westbound left-turn lane from Baxter Street onto South McDowell street with 150 feet of storage.
 - Construct of an eastbound left-turn lane from Baxter Street onto South McDowell street with 100 feet of storage.
 - East Morehead Street and Kenilworth Avenue
 - Construct a second southbound left-turn lane (creating dual left-turn lanes) from Kenilworth Avenue onto East Morehead Street with 250 feet of storage.
 - Reconfigure the northbound approach to provide dual northbound left-turn lanes with 300 feet of storage from Kenilworth avenue onto East Morehead Street, a through lane, and a shared through-left lane. Additional coordination with NCDOT and CDOT is required to determine the feasibility and desirability of these improvements.
 - Kenilworth Avenue and Pearl Park Way
 - Construct a protected intersection.
 - South McDowell Street and Access # 1
 - Construct the westbound approach with a single ingress lane and a single egress lane.
 - Construct a southbound left-turn lane from South McDowell Street into access #1 with a minimum of 100 feet of storage.
 - Prior to the issuance of the first certificate of occupancy for a new building constructed in Phase 1b of the development, petitioner shall substantially complete the transportation improvements set out below in this Paragraph 5.u (the "Phase 1b Transportation Improvements"). A new building in Phase 1b that will trigger the commitment to construct the Phase 1b transportation improvements shall mean a new building constructed on the site that is not devoted to the phase 1a uses described above in paragraph 5.r.
 - The relevant TDM strategy commitments shall be implemented as more particularly discussed in paragraph 5.x.
 - East Morehead Street and South McDowell Street/Dilworth Road
 - Construct a second eastbound left-turn (creating dual left-turn lanes) from East Morehead Street onto South McDowell Street with 300 feet of storage, or
 - Realignment of Dilworth Road to create the fourth leg of the East Morehead Street and Street A intersection was also identified as a mitigation alternative for this intersection. This new intersection would be signalized and a three-lane cross-section would be provided on the northbound and southbound approaches. Additional coordination with NCDOT and CDOT is required to determine the feasibility and desirability of these improvements.
 - East Morehead Street and Kenilworth Avenue
 - Extend the northbound dual left-turn lanes from Kenilworth Avenue onto E Morehead Street to provide 350 feet of storage. Additional coordination with NCDOT and CDOT is required to determine the feasibility and desirability of these improvements.
 - East Stonewall Street and South McDowell Street
 - Install a LPI+ with blank-out signs and a right-turn flashing yellow arrow for the westbound East Stonewall Street approach.
 - Coordinate with CDOT and Brooklyn Village on the extension of the proposed cycle track to east stonewall street.
 - South McDowell Street and Access # 2

- Construct the westbound approach with a single ingress lane and a single egress lane.
- East Morehead Street and Street A
 - Construct the southbound approach of street a with one ingress lane and one egress lane and an internal protected stem of 100 feet;
 - Install a hawk signal; and
 - Construct an eastbound left-turn lane from East Morehead Street into street a with a minimum of 150 feet of storage, or
 - Realignment of Dilworth Road to create the fourth leg of the East Morehead Street and Street A intersection was also identified as a mitigation alternative for this intersection. This intersection would be signalized and consist of the following laneage:
 - (i) eastbound left-turn lane with 175 feet of storage.
 - (ii) westbound left-turn lane with 100 feet of storage.
 - (iii) northbound left-turn lane and through right lane with 50 feet of storage.
 - (iv) southbound left-turn lane and through right lane with 100 feet of storage.
- East Morehead Street and Access # 3
 - Construct the southbound approach with a single ingress lane and a single egress lane and an internal protected stem of 100 feet.
- Baxter Street and Street A
 - Construct a t-intersection with a two-lane section on all three approaches and stop-control on the westbound approach; and
 - Consider installation of a pair of rrfs to accommodate pedestrian crossings at this intersection, or
 - Construct a t-intersection with a two-lane section on all three approaches and stop-control on all approaches.
- Provides architectural design standards along the street frontage that address articulation, height, transparency, and building siting.
- Requires the installation of planting strips and sidewalks along the street frontages as shown on the plan details.
- Preserves a minimum of 10% open space onsite.
- **Existing Zoning and Land Use**



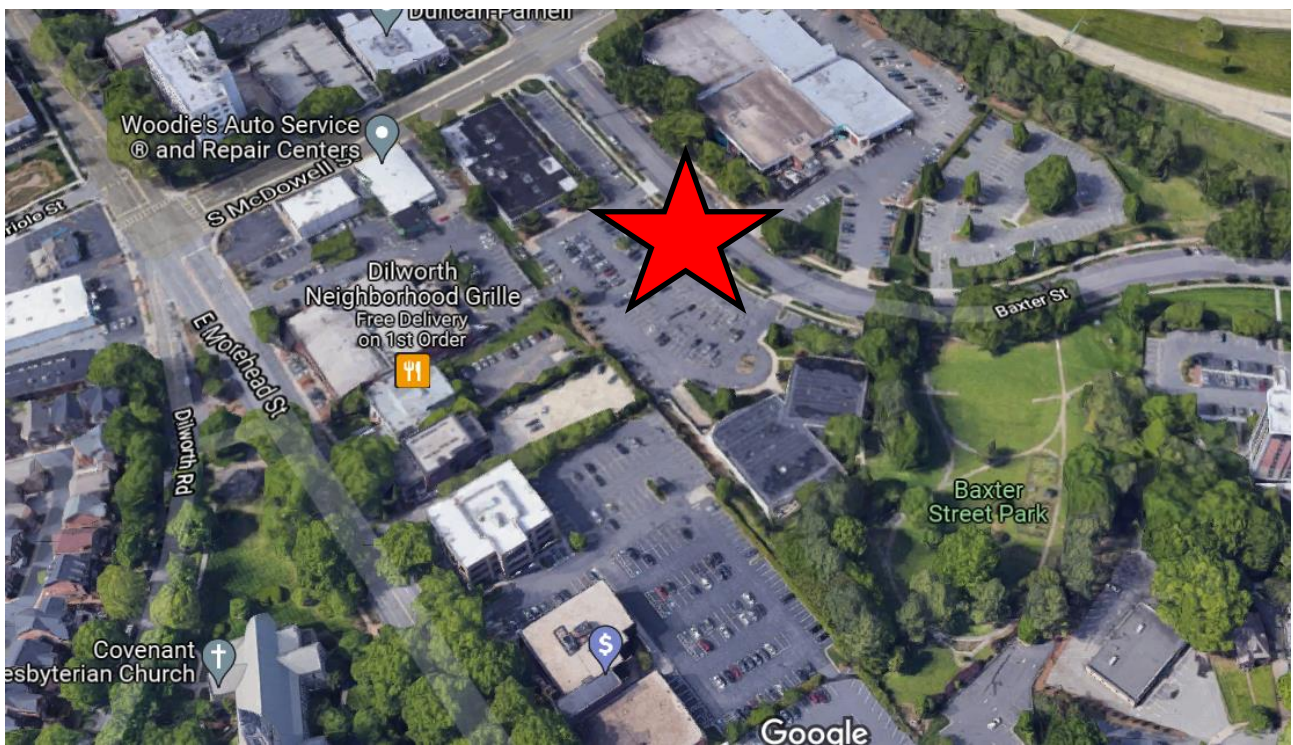
A portion of the site was rezoned to MUDD-O (petition 2000-061) in 2000. Another portion of the site was rezoned to MUDD(CD) (petition 2005-090) in 2005. The surrounding land uses generally include business, office, and multi-family residential.



The site, marked by a red star, is currently developed with a few office buildings.



The properties to the north consist of office uses and the John Belk Freeway.



The properties to the south are developed with business and office uses. The rezoning site is marked with a red star.

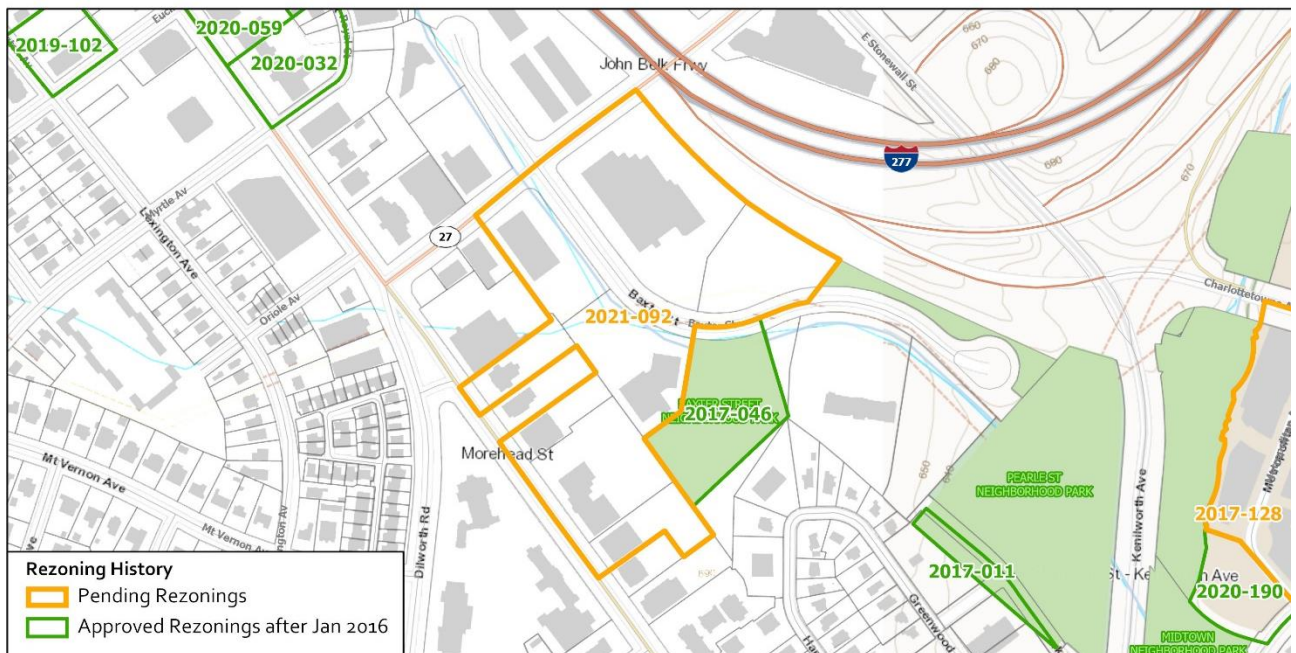


The properties to the east are developed with a park and an affordable housing complex.



The properties to the west are developed with business and office uses.

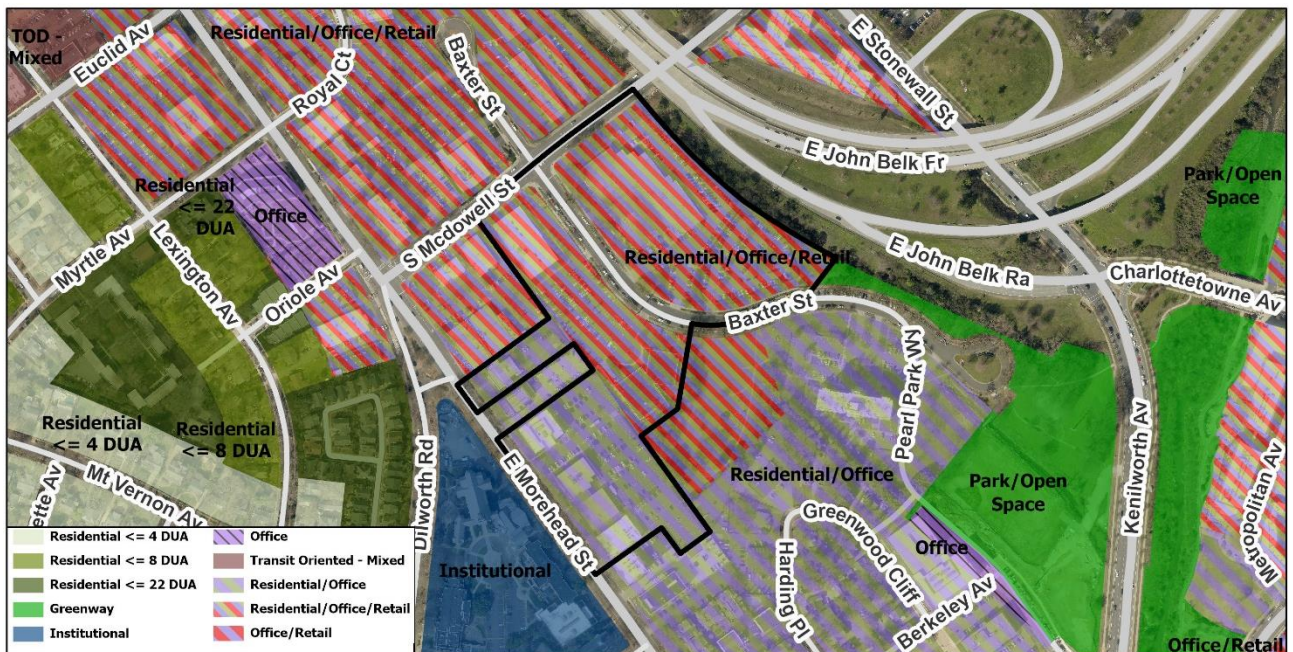
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-011	The petition rezoned a portion of Pearl Street Park and vacant land to allow all uses in the O-2 PED (office, pedestrian overlay) zoning district.	Approved
2017-046	The petition proposes to allow all uses per conventional MUDD (PED) (mixed-use development, pedestrian overlay) zoning for 2.82 acres for all of Baxter Street Park.	Approved

2017-128	The petition proposes to rezone property to MUDD-O SPA to revise the approved sign package.	Pending
2019-102	The petition proposes to rezone parcels under a range of zoning districts to one of four transit oriented development (TOD) districts: TOD Urban Center (TOD-UC), TOD Neighborhood Center (TOD-NC), TOD Community Center (TOD-CC), or TOD Transitional (TOD-TR)	Approved
2020-032	The petition rezoned property to MUDD-O SPA to modify an approved plan to allow an age restricted community.	Approved
2020-059	The petition rezoned property to MUDD-O PED to allow a multifamily residential development in a single building with a small eating drinking entertainment component on the first floor.	Approved
2020-190	The petition rezoned property to MUDD-O SPA to convert hotel room entitlements to residential units for a previously approved 285-foot high building.	Approved

- Public Plans and Policies**



The *Midtown Morehead Cherry Area plan* (2012) recommends residential/office/retail for a portion of the site and residential/office for a portion of the site.

- TRANSPORTATION SUMMARY**

- The Charlotte Innovation District is located on a 14-acre site that extends east along McDowell Street, encompassing the City-maintained Baxter Street, to the I-277 overpass, and at the southeast corner of McDowell Street and East Morehead Street (two major thoroughfare roads). This site is located approximately ½ mile from the Blue Line's Stonewall and Carson Transit Stations and approximately ½ mile from the CityLYNX Gold Line's McDowell Street Transit Station. This site is located approximately ½ mile from the Little Sugar Creek Greenway's entrance in Midtown at Pearl Parkway.

The Transportation Impact Study (TIS) Scope was approved on May 10, 2021. CDOT and NCDOT have completed the review of the TIS that was signed and sealed on August 13, 2021. The site is adjacent to a robust network of bus and transit lines, a comprehensive infrastructure for sidewalks and bike facilities and within close proximity to I-277 Expressway. The petitioner will implement and construct intersection upgrades and various multiple-modal transportation improvements for bicyclists, motorists, and transit that will incorporate Transportation Demand Management (TDM) strategies. The TDM strategies will coincide with the City's BIKES, WALKS, and Vision Zero's policies. These TDM strategies will include establishing additional bike/pedestrian connections and a bike/scooter share program, designation of a transportation coordinator, and construction of a mobility hub

that will encourage commuters to use numerous methods of multi-modal transportation that seek to mitigate the number of single-occupancy vehicles commuting to/from the site.

Site plan revisions are needed to meet ordinance requirements and outstanding items including infrastructure dimensions and technical corrections for the bicycle and pedestrian network. Further details are listed below.

- **Active Projects:**

- Uptown Cycle Link/Belk Greenway - This segment of the connector will link pedestrians and bicyclists between the Little Sugar Creek Greenway/Cross Charlotte Trail and Irwin Creek Greenway through uptown Charlotte. The project begins at the intersection of Pearl Park Way and Kenilworth Avenue and continues along Baxter Street, in tandem with the Pearl Street Park. The project continues up McDowell Street, under I-277 and ends at the intersection of East Stonewall Street and McDowell Street.
<https://charlottenc.gov/Projects/Pages/BelkConnectorBaxterStonewall.aspx>
- Pearl Parkway Extension - This project will extend Pearl Parkway northwest from the existing stub at Kenilworth Avenue to existing Baxter Street. This project will construct a portion of the Belk Greenway Connector along with on-street parking and additional pedestrian infrastructure. Project is currently under construction with an anticipated completion date of late 2021.
- Pedestrian Safety Program/Caldwell Street and Morehead Street Traffic Signal - A new traffic signal has been approved by the North Carolina Department of Transportation for installation at the intersection of Caldwell Street and Morehead Street. The signal is being installed to accommodate existing and future traffic, to provide improved pedestrian and bicycle crossings of Morehead St. and to create better network traffic flow. This project is currently in construction with project completion in 2021.
- CityLYNX Gold Line Phase II - This phase extends the current streetcar line from the Charlotte Transportation Center west to French Street in the Historic West End and east from Novant Hospital to Sunnyside Avenue in Elizabeth. Phase 2 is currently under construction and is expected to open to revenue service in 2021.

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-7.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 2,102 trips per day (based on 211,345 SF general office and 21,604 SF medical office).

Entitlement: 8,135 trips per day (based on 218,834 SF general office and 77,500 SF retail).

Proposed Zoning: 15,590 trips per day (based on 393,000 SF medical school, 1000 multifamily dwelling units, and 600 hotel rooms).

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:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 29 students, while the development allowed under the proposed zoning may produce 220 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 129 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Dilworth Elementary (Sedgefield Campus K-2) from 68% to 85%
 - Dilworth Elementary (Latta Campus 3-5) from 59% to 85%
 - Sedgefield Middle from 72% to 79%
 - Myers Park High from 121% to 123%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Baxter St.

Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 24-inch gravity sewer main located along Baxter St. No outstanding issues.

- **City Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Transportation

1. **Curb line** - Morehead Street: The location of curb and gutter will be moved and located 38-feet from the existing centerline to the back-of-curb. Update to comply with Chapter 20 sidewalk and planting strip requirements.
2. **Right-of-way and Other Infrastructure Dimensions** - Provide 56-feet of right-of-way dedication measured from the existing road centerline on Morehead Street.
3. Revise the site plan conditional notes and legends that all new streets shall be determined as public or private during permitting.
4. Revise cycle track along McDowell Street to include a sidewalk utility easement, where appropriate.
5. Revise site plan conditional notes for all TDM Strategies to align with phased improvements from Phase 1A or Phase 1B.

Site and Building Design

6. Note 2b: Define the characteristics of this passage, including width, vertical clearance, etc.
7. Note 6biii: If Tertiary streets are public, a minimum blank wall area should be provided. It can be in excess of our typical, but unlimited is not supported.
8. Provide minimum and maximum setback for Cross Section GG New Roadway.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

9. Change the crosshatching to be unique for each development area or provide a boundary line. If this plan is printed in black and white, it would be difficult to identify each development area.

Land Use

10. Change Proposed zoning to: MUDD-O PED with 5 year vested rights. The PED Overlay isn't removed through the rezoning.
11. Revise prohibited use list to read, "Permits all uses except the following"
12. Please amend language in 9E to state that 50 percent of the required open space may be provided as a widened sidewalk when such sidewalk is greater than 8 feet in width.

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




Planner: Dave Pettine (704) 336-4566










Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-092

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted (anticipated summer 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	N/A
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	N/A
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	<p>Goal 5: Safe & Equitable Mobility</p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>