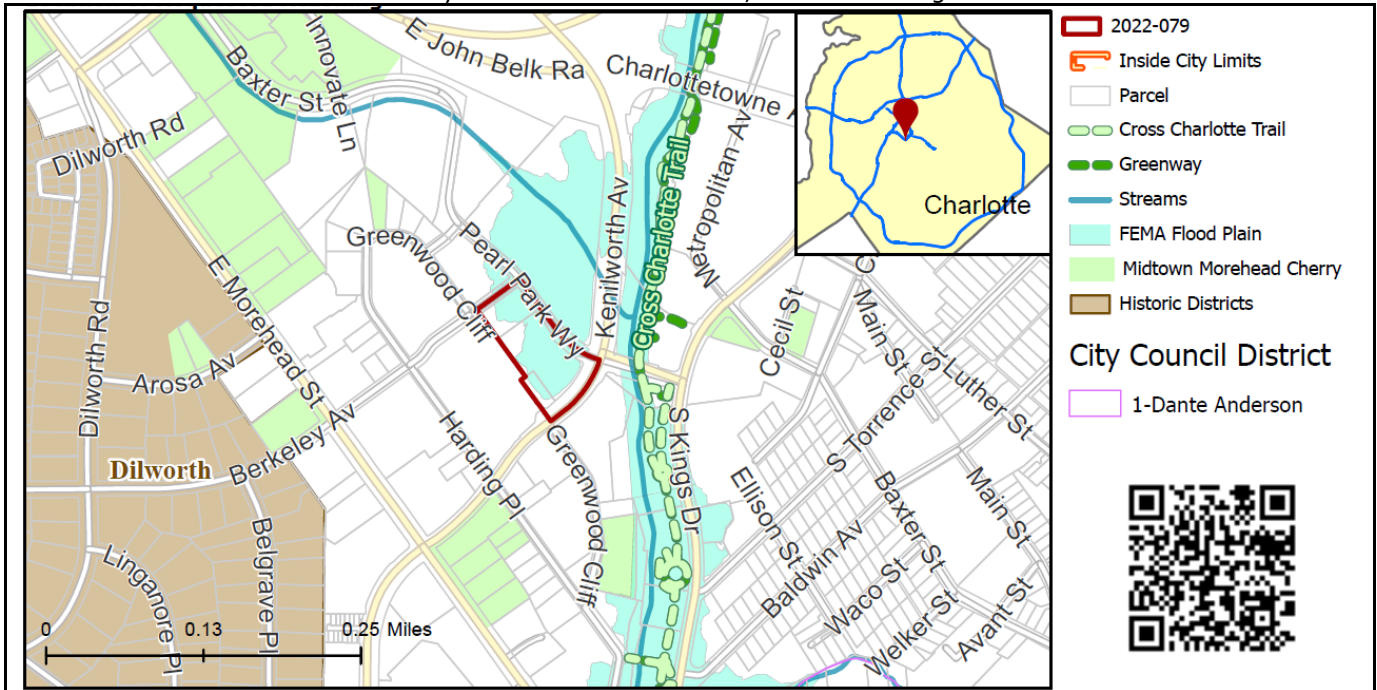




Current Zoning: OFC (office flex campus) and NC (neighborhood center)  
Proposed Zoning: MUDD-O (mixed-use development district, optional)

Approximately 2.23 acres located at the southwest intersection of Pearl Park Way and Kenilworth Avenue, east of Harding Place.



The petition proposes to develop vacant parcels with a mixed-use development.

Well Pappas Corporate Parcel Owner, LLC

Well Pappas Corporate Parcel Owner, LLC

Keith MacVean, Moore & Van Allen, PLLC

Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 3

Staff recommends approval of this petition.

### Plan Consistency

The petition is **inconsistent** with the *2040 Policy Map* recommendation for Community Activity Center.

### Rationale for Recommendation

- This rezoning site is located between the Cherry and Dilworth neighborhoods in an area that is populated with moderately dense developments such as medical office campuses, retail, and multi-family residential products. Given the transitional nature of this area between lower density single family and neighborhood center development to the south and large-scale, Regional Activity Center projects to the north and west near Uptown, any rezonings in this area should be considerate of the existing context but allow densification where appropriate.
- The plan's outlined variety of retail, office, and residential development suits the Community Activity Center's encouraged uses, and the proposed building form for Development Area 2, which is two-thirds of the site,

would not exceed the maximum building scales of the CAC zoning districts. Although largely consistent with the Community Activity Center Place Type, the overall scale of the project, and particularly Development Area 1, more closely align with the type of development seen in the Regional Activity Center Place Type. The application of the Regional Activity Center Place Type here is supported by the site's general proximity to the densest urban cores of the City. Additionally, the conditions of the plan build in several community benefits and building commitments that help to justify the change in Place Type.

- The subject site is not adjacent to any incompatible place types or sensitive land uses such as single family residential areas.
- Development at this site would be adequately serviced by multiple forms of transportation. There are several existing bus stops within a half-mile walk of the rezoning. The Cross Charlotte Trail segment that is within the Little Sugar Creek Greenway can also easily be accessed from this site. This 30-mile trail and greenway network provides critical linkages between recreation facilities, neighborhoods, and urban nodes.
- This rezoning commits to several community benefits that may support the goals of the *2040 Comprehensive Plan* such as electric vehicle (EV) charging stations and parking spaces, National Green Building Silver Standards (NGBS) and Leadership in Energy and Environmental Design (LEED) Silver Standards, various transportation and pedscape improvements, and a contribution to the Charlotte Affordable Housing Trust Fund.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 3: Housing Access for All
  - 4: Trail & Transit Oriented Development
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities
  - 7: Integrated Natural & Built Environments
  - 8: Diverse & Resilient Economic Opportunity

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Community Activity Center to Regional Activity Center for the site.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

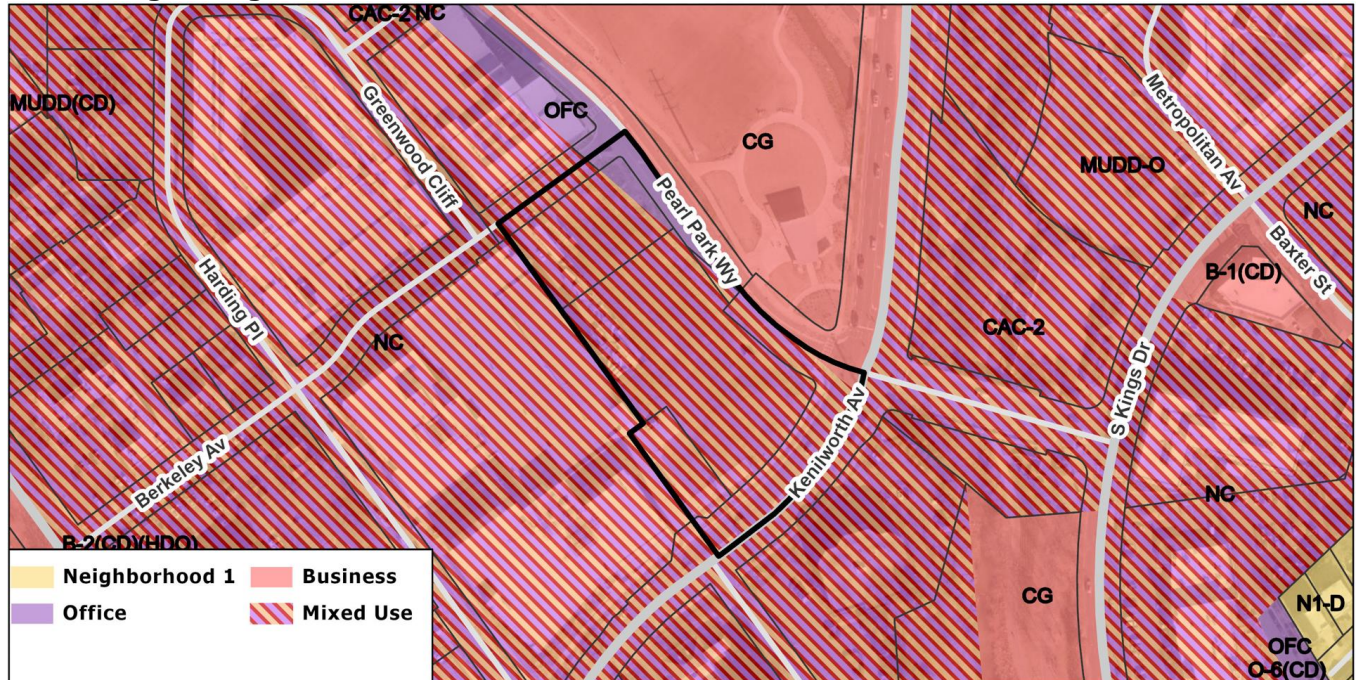
- Permits the following maximum development levels:
  - Up to 35,000 square feet of retail, EDEE, and personal service uses with a minimum of 12,000 square feet of retail, EDEE, and personal service uses to be located on the ground floor.
  - Up to ~~450~~ 425 residential units
  - Up to 100,000 square feet of office uses
  - Up to 150 hotel rooms
- Prohibits self-storage facilities and automobile service stations.
- Specifies a maximum building height for Development Area 1 of 275' (approximately one-third of the site), a maximum building height of 200' for Development Area 2 (approximately two-thirds of the site), and a maximum building height of 160' for Development Area 3 along Pearl Park Way.
- Requests an optional provision to exceed heights allowed in the MUDD district with a maximum height of 275'.
- Requests conversion rights of hotel rooms into either all or some combination of the following:
  - Convert hotel rooms to residential units at a ratio of one hotel room to 1.33 residential units for a maximum of 200 additional residential units.
  - Convert 150 hotel rooms at a rate of one hotel room to 333.34 square feet of office uses for a maximum of 50,000 additional square feet of office uses.
- Commits to set aside 30% of parking spaces as EV capable, 15% of parking spaces EV ready, and 6% of parking spaces with EV charging stations installed.
- Commits to LEED Silver standards for the portion of the site developed with office uses and NGBS Silver standards for the portion of the site developed with residential uses.
- Provides a \$250,000 contribution to the City of Charlotte Affordable Housing Trust Fund prior to

issuance of the last certificate of occupancy. The amount of the contribution will be increased to \$375,000 if a building over 200 feet in height is constructed on the site.

- The petitioner commits to provide 10 attainable housing units for rent on the site and/or on the adjacent existing Solis Midtown apartment community. Five of these units will be set aside for households earning 60% or less of the area median income and will be located in Solis Midtown. These units will be available after receiving approval of this petition and before the start of construction on the site or within two years of the rezoning approval, whichever comes first. The remaining five units will be reserved for households earning 80% or less of the area median income and may be located in Solis Midtown or on the site and shall be leased prior to the final Certificate of Occupancy for residential units in Phase IV (the subject site). All ten units will be restricted for a period of twenty years.
- Commits to a Minority, Women, and Small Business Enterprise (MWBSE) inclusion plan with a goal of 10% or greater utilization of MWSBE firms in the awarding contracts or subcontracts for construction of the project, in accordance with the procedures of the Charlotte Business Inclusion Program.
- Buildings with frontage along Pearl Park Way or Kenilworth Avenue will incorporate active ground floor uses (retail, restaurant, office, personal services, leasing office, hotel lobby). A minimum of 50% of the linear street frontage for the buildings along Pearl Park Way or Kenilworth Avenue will have active ground floor uses.
- Provides Transportation Provisions:
  - Access to the site is via Pearl Park Way, Berkeley Avenue, and Kenilworth Avenue as right-in only.
  - Provides an 8' planting strip and 8' sidewalk along Pearl Park Way and Kenilworth Avenue. The petitioner will maintain the existing 8' planting strip and 6' sidewalk along Berkeley Avenue.
  - Commits to restripe the Pearl Park Way bridge between Kenilworth Avenue and S. Kings Drive to provide back-to-back lefts with 100' of storage each.
  - Install a flashing yellow arrow (FYA) signal head for both Pearl Park Way approaches to allow CDOT to determine appropriate phasing.
  - At the Pearl Park Way and S. Kings Drive intersection - install accessible pedestrian signal (APS) pushbuttons and upgrade any ramps that are out of ADA compliance.
  - At the Pearl Park Way and S. Kings Drive intersection - add video detection to allow for Automated Traffic Signal Performance Measures (ATSPM).
  - At Kenilworth Avenue and East Morehead Street intersection - replace the analog camera with a digital camera.
  - At Kenilworth Avenue and East Morehead Street intersection - install APS pushbuttons and upgrade ramps that are out of ADA compliance.
  - At Kenilworth Avenue and East Morehead Street intersection - add video detection to allow for ATSPM.
- Provides architectural standards related to a 0'-20' build-to-zone, maximum building lengths as a percentage of lot widths, prominent entry spacing a maximum of 250', transparency minimums, screened parking, etc.



### • Existing Zoning



- The site is primarily zoned NC, with a small portion zoned OFC, and is in an area with CG, CAC-2, OFC, NC, B-2(CD), B-1(CD), N1-D, O-6(CD), and conditional MUDD zoning. The existing NC zoning is a result of the pedestrian overlay that was over the site and large portions of the larger area prior to June 1, 2023.



- The subject site is denoted with a red star and is in an area with medical offices, park space, retail, institutional, and residential uses.





- The area north of the site is Pearl Street Park.



- East of the site is an office building.



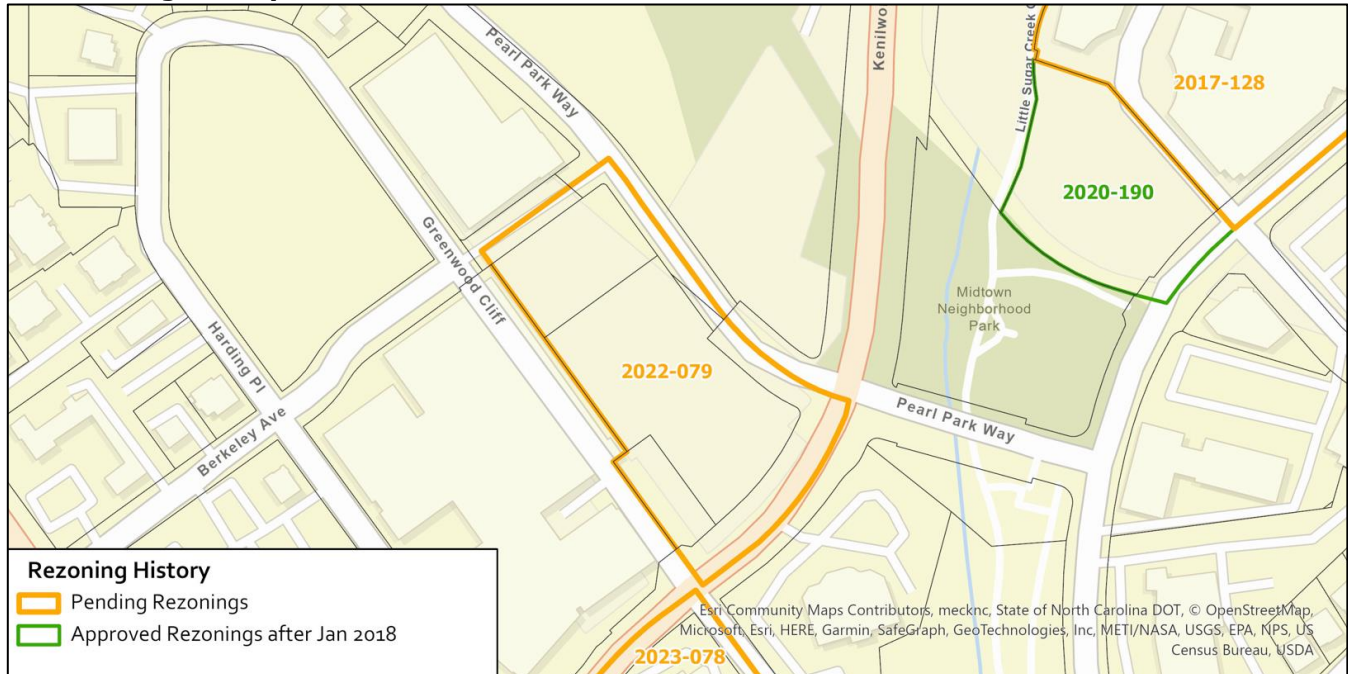
- South of the site are medical offices and a parking garage.



- West of the site is an office building.

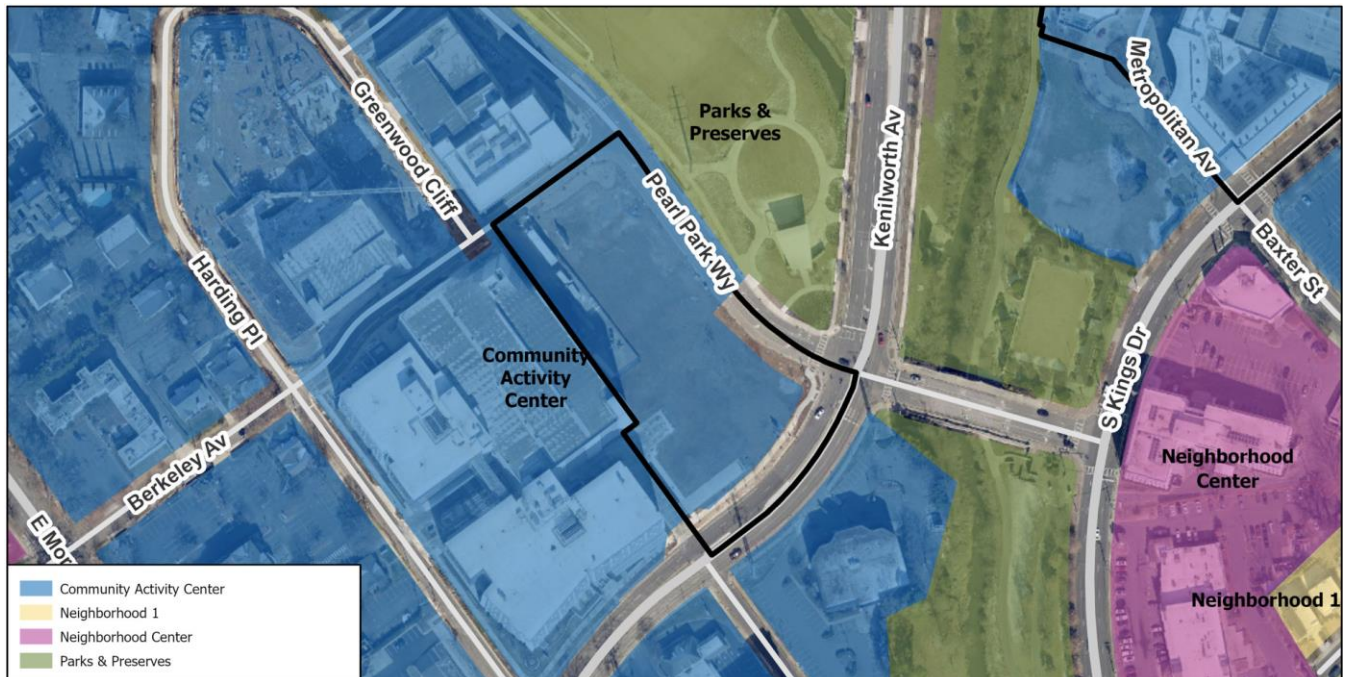


### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2017-128	Rezoning 8.04 acres from MUDD-O to MUDD-O SPA.	Pending
2020-190	Rezoned 1.3 acres from MUDD-O to MUDD-O SPA.	Approved
2023-078	Rezoned 1.26 acres from NC to CAC-2.	Approved

### • Public Plans and Policies



- The 2040 Policy Map (2022) calls for Community Activity Center for the site.

### • TRANSPORTATION SUMMARY

- The site is located on the west side of Kenilworth Avenue, a City-maintained major throughfare and south of Pearl Park Way, a City-maintained local street. A Traffic Impact Study (TIS) was approved by CDOT on 4-14-23. A TIS addendum was approved on 2-9-2024. All outstanding CDOT issues have been resolved.

- **Active Projects:**
  - Uptown Cycle Link
    - Construct a network of dedicated, separate bike lanes in the center city, linking together other bikeways into and across the center city, making the overall network more continuous and navigable.
    - Limits: S. Mint Street and N. Pine Street from W. Palmer Street to 6th Street; W. Hill Street from S. Tryon Street to S. Mint Street; Davidson Street from E. 4th Street to E. 6th Street; and a new connector from S. Cedar Street to Graham Street
  - Pearl Park Way and Kenilworth Avenue Projected Intersection
    - Reconfigure the intersection of Pearl Park Way and Kenilworth Avenue to a protected intersection.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:  
Existing Use: 0 trips per day (the site is vacant).  
Entitlement: Too many uses to determine trip generation.  
Proposed Zoning: 5,128 trips per day (based on approved TIS).

## DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate an unknown number of students due to the variety of uses allowed, while development allowed with the proposed zoning may produce 64 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Dilworth Latta Elementary from 54% to 55%
    - Dilworth Sedgefield Elementary from 54% to 55%
    - Sedgefield Middle from 66% to 67%
    - Myers Park High remains at 123%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located in Pearl Park Way. Charlotte Water has sanitary sewer system infrastructure near for the rezoning boundary via an existing 8-inch gravity sewer main in Pearl Park Way. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** No comments submitted.

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**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**  
**Planner:** Holly Cramer (704) 353-1902