

**ZONING COMMITTEE
RECOMMENDATION
June 25, 2008**

Rezoning Petition No. 2008-88

- Property Owner:** 1200 South Boulevard, LLC
- Petitioner:** Harris Development Group
- Location:** Approximately 2.74 acres located on the southwest corner of South Boulevard and East Carson Boulevard
- Center, Corridor, or Wedge:** Corridor
- Request:** TOD-M, transit oriented development, mixed use to TOD-MO, Transit oriented development, mixed use, optional
- Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition based upon the following modifications:
- The petitioner has provided the following breakdown of uses:
 - Office 150,000 square feet minimum
 - Residential units 99 units minimum
 - Hotel units and services 100 units minimum
 - Ground floor commercial
 - Office, retail, and restaurant 12,000 square feet minimum
 - Urban open space 7,000 square feet minimum
 - The petitioner has revised the maximum height note to include the definition of height from the ordinance.
 - The petitioner has added notes to provide architectural detail to the buildings along South Boulevard.
 - The petitioner has added renderings and language indicating improvements to proposed open space.
 - The petitioner has included the west building elevation facing the Arlington and indicated that details such as louvers, grills, vegetated screens, trellace cabling for vegetation, or decorative artwork will be utilized to screen vehicles.
 - The petitioner has deleted the request to encroach into the 16-foot setback along South Boulevard with ancillary uses.
 - The petitioner has committed to upgrading the 35-foot setback along the rail line to include a decorative fence at the back of the ballast curb, a 7-foot curbed tree planter and shrubs, or a 4-foot tree grate and a 12-foot wide concrete multi-purpose path with decorative lighting fixtures.
 - The petitioner has removed the option to provide tree pits in lieu of trees in curbed planters or an 8-foot wide planting strip along East Carson Boulevard.

- The petitioner has committed to relocating utility lines underground if Duke Energy and CDOT mutually agree that relocation is feasible and appropriate.
- The petitioner has removed the note indicating that if the petitioner chooses, the petitioner has the right to develop this site by meeting only the standards of the transit oriented development mixed use district without implementing the standards of these optional provisions (TOD-MO).
- The petitioner has changed the signage note to indicate temporary construction signage will be removed seven days, instead of sixty, after the issuance of a certificate of occupancy.
- The petitioner has corrected the acreage on the site plan to 2.74.
- The petitioner has corrected the parking allowances to indicate the maximum of one space per hotel room, and the minimum for a restaurant is one space per 150 square feet.
- The petitioner has addressed CDOT comments.

Vote: Yeas: Howard, Johnson, Lipton, Loflin, Randolph, Rosenburgh, and Sheild

 Nays: None

 Absent: None

Summary of Petition

This request proposes to rezone to TOD-MO to allow a mixed use development, including retail, office, restaurants, a hotel and residential. The request proposes an option to increase the maximum allowable height from 120 feet to 230 feet or 250 feet if view corridors uptown are preserved and/or additional open space is provided.

Zoning Committee Discussion/Rationale

Staff reviewed the petition noting all the changes since the public hearing. The Zoning Committee discussed the site’s location to the Carson Transit Station and how this request would support the LYNX rail line. Laura Harmon with staff gave an overview of criteria that was looked at in viewing the consideration for the additional height requested on this site. This included the site’s proximity to a walk-up transit station, the commitment to providing a mix of uses, providing additional and usable open space, and commitment to building design and materials. Staff also noted that all site plan issues had been addressed and that the petition is consistent with the *South End Transit Station Area Plan*.

Statement of Consistency

Upon a motion made by Commissioner Sheild and seconded by Commissioner Lipton, the Zoning Committee unanimously found this petition to be consistent with the *South End Transit Station Area Plan* and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Loflin and seconded by Commissioner Lipton the Zoning Committee voted unanimously to recommend APPROVAL of this petition as modified.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.