CHARLOTTE
CHARLOTTE-MECKLENBURG PLANNING

Rezoning Petition 2010 - 056

PRE-HEARING STAFF ANALYSIS (Revised)
October 18, 2010

REQUEST	Current Zoning: O-1, office Proposed Zoning: MUDD-O, mixed use development district, optional; with five-year vested rights
LOCATION	Approximately 13.15 acres bounded by Carnegie Boulevard and Congress Street near Barclay Downs Drive.
SUMMARY OF PETITION	The petition proposes redevelopment of an existing office site to allow office, retail, bank, restaurant, and hotel uses and/or multi-family dwellings. The petition also proposes to extend vested rights for five years.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the *SouthPark Small Area Plan.*
Property Owner	US Steel and Carnegie Pension Fund
Petitioner	Childress Klein Properties
Agent/Representative	Collin W. Brown, K&L Gates, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposed uses include office, retail, bank, restaurant, hotel (referred to as commercial uses) and multi-family uses.
  - Total amount of retail and restaurant uses on all three tracts not to exceed 15,000 square feet.
  - A minimum of 10,800 square feet of urban open space.
  - Six-foot sidewalks and eight-foot planting strips provided along Carnegie Boulevard and Congress Street.
  - Sidewalks allowed to meander in order to preserve existing trees.
  - Internal private streets built to public street standards.
  - Pedestrian scale lighting provided along all interior streets.
  - Existing structure may be maintained and devoted to all uses permitted in the office district prior to redevelopment of the site.
  - Structured parking.
  - Building setback of 14-feet measured from back of curb.

  - Tract A:
    - Limited to 235,000 square feet of commercial uses and up to 30 residential dwelling units.
  - Tract B
    - Limited to 390,000 square feet of commercial uses and up to 55 residential dwelling units.
    - May convert 155,000 square feet of the commercial square footage to a hotel with up to 238 rooms.
    - May convert 155,000 square feet of commercial square footage to 194 residential units.
  - Tract C
    - Limited to 25,000 square feet of commercial uses and up to 312 residential dwelling units.
    - May transfer up to 100 residential units to Tract B.

- Optional requests to allow:
  - Parking for a porte-cochere, pick-up and drop-off area, valet parking, or service areas between the building and public or private streets.
  - Building height up to 180 feet for Tract A and a portion of Tract B.
  - Four detached, ground-mounted project identification signs up to 10 feet in height and 80 square feet in area.
  - One monument style identification sign for each proposed building up to six feet in height and 18 square feet in area.
  - Optional paving systems used on private plazas and walkways.

- **Existing Zoning and Land Use**
  The subject property is zoned O-1 and occupied with an office building. Surrounding properties are zoned O-1, O-2, and MUDD-O and developed with office, residential, hotel, and retail uses.

- **Rezoning History in Area**
  Recent rezonings in the area include Petition 2005-165, which rezoned five acres located south of Carnegie Boulevard to MUDD-O. The petition allowed redevelopment of an existing hotel and added residential condominiums, office, retail and restaurant uses along with a health club.

- **Public Plans and Policies**
  - The *SouthPark Small Area Plan (*2000*)* recommends office or a mix of office and residential uses on the subject property and encourages a mixture of office, residential, retail and institutional land uses as a part of a livable environment.
  - The petition is consistent with the *SouthPark Small Area Plan.*

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services**: No issues.

Charlotte Department of Transportation: CDOT requested that the developer submit a Traffic Impact Study (TIS), in order to assess the effects of the proposed development's traffic on the existing transportation network. Based on review of the Traffic Impact Study, CDOT has the following comments:

- Several intersections within the study area are expected to experience traffic demands in excess of the available intersection capacity for certain times of the day. It will be very difficult to add capacity to the existing street network by adding lanes at intersections because the intersections have already been widened to the ultimate configurations.
- CDOT has determined that the best mitigation for site impacts and for developing infrastructure supportive of SouthPark as an Activity Center may be to create a new local street connection between Carnegie and Park South Drive, which would relieve pressure along Fairview Road by allowing more direct access from Fairview Road, at Park South Drive, to Carnegie Drive. This connection would also create significant benefits for pedestrians and bicyclists.
- There are significant challenges to completing this connection, including impacts to an existing parking deck accessed from Fairview Road. The feasibility of completing this street connection has not been determined.
- Given the high cost of completing this connection, it may not be appropriate that the petitioner be responsible for the entire cost of this connection. CDOT has met with the petitioner on two occasions to discuss these findings and possible solutions. Discussions are proceeding constructively but have not yet been resolved.

- **Vehicle Trip Generation:**
  Current zoning: 7,000 trips per day.
  Proposed zoning: 9,165 trips per day.
- **Connectivity:** Align the proposed interior street with Assembly Street.

- **Charlotte Fire Department:** No issues.

- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** Add notes that redevelopment of the site will comply with Post Construction Controls Ordinance and the petitioner shall control the 100-year, 6-hour storm water runoff from the site to a flow rate corresponding to that of the natural, undeveloped site.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies.*
  - The site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
  1. Delete optional request to allow trash disposal as a use permitted between the building and the street.
  2. Delete optional request to accommodate optional paving systems used on private plazas and walkways.
  3. Amend optional request for four ground mounted project identification signs, 10 feet in height and 80 square feet, and provide an alternate concept that takes into consideration the pedestrian oriented nature of the proposed development in terms of size, scale, number of signs and design.
  4. Delete optional provision to allow one ground mounted identification sign per building. Provide wall signage instead.
  5. Remove the portion of the optional standards related to how the building height will be measured.
  6. Specify the maximum building height in feet and the number stories.
  7. Add a note that precipitates the development of the residential dwelling units.
  8. Consistently use the term multi-family dwellings or residential dwelling units.
  9. Provide the Conceptual Perspective Rendering referenced in Note 9.
  10. Provide the Conceptual Site Plan included with the previous site plan submittal.
  11. Amend Note 9 to indicate no wall-pak lighting.
  12. Amend Note 9 to replace compliment with complement.
  13. Address Storm Water comments.
  14. Label 14-foot setback along all street frontages.
  15. Show and label the six-foot sidewalk and eight-foot planting strip along all street frontages.
  16. Specify total number of proposed buildings.
  17. Align the proposed interior street with Assembly Street.
  18. Show and label potential storm water detention facilities.
  19. Address CDOT issues.
  20. Reduce the size of the site plan to a maximum of 24 x 36 and follow the new format for site plan notes.

Attachments Online at *www.rezoning.org*

- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review

- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Application
- Community Meeting Report
- Site Plan

- **Planner:** Sonja Sanders (704) 336-8327