

<b>REQUEST</b>	Current Zoning: O-1, office Proposed Zoning: MUDD-O, mixed use development district, optional; with five-year vested rights
<b>LOCATION</b>	Approximately 13.15 acres bounded by Carnegie Boulevard and Congress Street near Barclay Downs Drive.
<b>SUMMARY OF PETITION</b>	The petition proposes redevelopment of an existing office site to allow office, retail, bank, restaurant uses and/or multi-family dwellings. The petition also proposes to extend vested rights for five years.
<b>Property Owner</b>	US Steel and Carnegie Pension Fund
<b>Petitioner</b>	Childress Klein Properties
<b>Agent/Representative</b>	Collin W. Brown, K&L Gates, LLP
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

**ZONING COMMITTEE  
ACTION**

The Zoning Committee voted unanimously to recommend **APPROVAL**  
of this petition with the following modifications:

1. The optional request to allow trash disposal as a use permitted between the building and the street has been deleted.
2. The optional request to accommodate optional paving systems used on private plazas and walkways was removed from the site plan.
3. The optional request for four ground mounted project identification signs, 10 feet in height and 80 square feet has been deleted, and 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 has been provided.
4. The optional provision to allow one ground mounted identification sign per building was removed from the site plan.
5. The portion of the optional standards related to how the building height will be measured has been removed.
6. The site plan was modified to specify the maximum building height in feet and the number stories.
7. The need for alignment of the interior street with Assembly Street was eliminated by proposing a landscaped pedestrian-friendly corridor that runs in a generally southerly to northerly direction from Carnegie Boulevard through Tract D. Corridor extends as a street corridor through Tract C to Carnegie Boulevard.
8. The Conceptual Perspective Rendering referenced in Note 9 has been provided.
9. The Conceptual Site Plan included with the previous site plan submittal has been provided.
10. Note 9 has been amended to indicate that wall-pak lighting is prohibited.
11. Note 9 has been amended to replace "compliment" with "complement".
12. Storm Water comments were addressed by adding a note that requirements of the Post Construction Controls Ordinance will be satisfied and in addition, the petitioner will provide for a reduction of the peak flow in a 100-years storm event by 50 percent or more over the conditions of the site as they exist at the time this rezoning petition is approved.
13. The 14-foot setback has been labeled along all street frontages.
14. The six-foot sidewalk and eight-foot planting strip have been labeled along all street frontages.

15. The petitioner specified the total number of proposed buildings as six.
16. The size of the site plan has been reduced to a maximum of 24 x 36.
17. Added Note 10 to state that that the Technical Data Sheet contemplates a landscaped/pedestrian friendly corridor running in a generally southerly to northerly direction from Carnegie Boulevard through Tract D and extending, as a street corridor, through Tract C to Carnegie Boulevard (the "Corridor") which is fronted on both sides only by ground floor Commercial uses or multi-family dwelling units.

In order to ensure the orderly development of these uses along the Corridor, the Petitioner also added the following commitments:

1.) The ground floor Commercial uses or multi-family dwelling units proposed along both sides of Corridor within Tract C shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract C.

2.) The ground floor Commercial uses or multi-family dwelling units proposed along both sides of Corridor within Tract D shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract D.

The Petitioner reserves the right to elect to extend these types of ground floor uses along the southerly margin of Tract D and Tract A in an easterly direction along Carnegie Boulevard within the general area depicted on the Technical Data Sheet.

18. Provided consistent use of the term multi-family dwelling units.
19. Added Note 14(a), which states that all or any part of one of the Tracts on the site may be developed without any off-site transportation improvements other than driveway permits.
20. Added Note 14(b) to state that prior to the issuance of building permits on the second Tract to be developed and following receipt of written authorization from CDOT to make these improvements the petitioner commits to construct a third westbound through lane on Fairview Road extending from Barclay Downs Drive to a point where this land would tie in with the existing right-turn lane at Assembly Street.
21. Added Note 14(b) to state that the Petitioner will be responsible for all costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications required as a result of these improvements, including but not limited to: utility relocations, traffic signal modifications, pavement markings, engineering, permitting, project administration, landscaping, street trees, street tree mitigation, and right-of-way acquisition and dedication. The design of these improvements must meet applicable requirements as determined by CDOT and be subject to its review and approval.
22. Added Note 14(e) to state that in the event CDOT elects not to authorize construction of these improvements, the Petitioner agrees to contribute to the City of Charlotte a sum equal to the deemed cost of these improvements to Fairview Road. This amount would be determined on the basis of engineering cost estimates using preliminary design drawings as specified in paragraph (b) above submitted by the Petitioner which are mutually agreed upon by the parties. In the event that these funds have not been dedicated to street improvement within the boundaries of the SouthPark Small Area Plan within seven (7) years of the contribution they shall be refunded to the Petitioner by the City.

23. Amended Note 2 to allow drop-off and pick-up areas in front of restaurants as an optional request.
24. Amended Note 2 to allow a building height of 150 feet or 10 stories on Tract A and Tract B as an optional request.
25. Amended Note 3 to delete a hotel as a permitted use.
26. The maximum commercial square footage was reduced from 650,000 to 495,000.
27. The maximum number of multi-family units is noted as 591.
28. The maximum retail/restaurant square footage is limited to 15,000.
29. Added Note 8b to state that no vehicular access may be provided on either side of the street corridor that runs from the center of the site in a northerly direction to Carnegie Boulevard.
30. Added Note 11 to state that no attached wall signage mounted over forty feet above average grade on any building elevation which faces in a westerly direction shall be permitted.
31. Added Note 13(a) to state that off-street parking spaces provided on Tract A and Tract B shall each satisfy or exceed the parking requirement of the O-1 zoning district.
32. Added Note 13(b) to state that off-street parking spaces provided on Tract C and D shall satisfy or exceed the parking requirements of the O-1 zoning district.
33. Added Note 13(c) to state that if a build-to-suit tenant should commit to occupy the office portion of Tract A or B, then notwithstanding the provisions of Paragraph (a) of this Section, the off-street parking requirements of the office space occupied by that tenant shall be the parking requirements for the MUDD zoning district; subject however to the following conditions:
  - MUDD parking requirements may only apply to one of those two Tracts and not both.
  - The component of the building containing the off-street parking spaces for the build-to-suit tenant must be designed and engineered so as to satisfy the parking requirements of the O-1 Zoning District.
  - If the build-to-suit tenant vacates the building, then no more than  $\frac{3}{4}$  of the building may thereafter be occupied unless and until the off-street requirements of the O-1 Zoning District.
34. Amended Note 4 as follows:
  - Tract A:
    - Limited to 240,000 square feet of commercial uses and deleted residential dwelling units.
  - Tract B:
    - Limited to 240,000 square feet of commercial uses and deleted residential dwelling units.
    - Allows transfer of any unused commercial floor area on Tract A or Tract B to the other tract as long as the total commercial floor area does not exceed 480,000 square feet.
  - Tract C:
    - Limited to maximum of 200 multi-family residential dwelling units.
  - Tract D:
    - Limited to maximum of 391 multi-family residential dwelling units and up to 15,000 square feet of retail or restaurant commercial floor area.

Allows transfer of any unused multi-family may be transferred between residential dwelling units on Tract C or Tract D as long as the total number of units does not exceed 591.

<b>VOTE</b>	Motion/Second:	Dodson /Fallon
	Yeas:	Dodson, Fallon, Firestone, Lipton, Phipps, Rosenburgh, and Walker
	Nays:	None
	Absent:	None
	Recused:	None
<b>ZONING COMMITTEE DISCUSSION</b>	Staff reviewed the modifications made since the public hearing and noted that all outstanding site plan issues have been addressed.	
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>SouthPark Small Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Lipton seconded by Commissioner Firestone).	
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.	

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### FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposed uses include office, retail, bank, restaurant, (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.
- Maximum commercial square footage of 495,000 square feet.
- Maximum of 591 multi-family residential dwelling units.
- 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 150 feet for Tract A and Tract B.

- **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*.

- **STAFF RECOMMENDATION (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.

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**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:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** No issues.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Community Meeting Report
- 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
- Pre-Hearing Staff Analysis

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