

REQUEST	Proposed Zoning: MUDD-O SPA, mixed use development district, optional, site plan amendment
LOCATION	Approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.
SUMMARY OF PETITION	The petition proposes a site plan amendment for a portion of the original Piedmont Town Center rezoning to modify the building layout on the site, increase the number of multi-family units, and reduce the building height.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Crescent Resources, LLC Crescent Resources, LLC Keith MacVean and Jeff Brown/King & Spalding, LLP
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. 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 Fallon seconded by Commissioner Walker).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Note 8. has been modified to indicate the future public street illustrated on the rezoning plan will be constructed and offered for dedication to the City of Charlotte prior to the issuance of the certificate of occupancy. In lieu of constructing the street prior to the issuance of the certificate of occupancy, the petitioner will be allowed to provide one of the following two options: <ol style="list-style-type: none"> a. Provide funding, in the amount of \$190,000, into a CIP project for the portion of the proposed road connection located on the subject site; or, b. Post a bond for the construction of the required street located on the subject property. <p>In either case, the note indicates the petitioner will construct the intersection of Carnegie Boulevard and the proposed street as a roundabout, as illustrated on the rezoning plan.</p> 2. The fire access grass pave from the future street right-of-way on the site plan has been removed and replaced with the street cross section to illustrate the required public street extending south from Carnegie Boulevard and stubbing at the southern property line. A note has been added allowing the fire access grass pave within the future street right-of-way until the street is constructed. 3. Note# 11.e. has been modified by eliminating the word "if" to clarify that a minimum six-foot trail will be constructed around the detention/water quality pond. "Optional" has been eliminated from the term "trail, optional" used to identify the trail on the site plan. 4. Supplemental landscaping and benches have been added around the detention/water quality pond area to enhance the amenity area. 5. A note has been provided stating residential units abutting the paver sidewalk that extends from Carnegie Boulevard to the pond open space area will have individual sidewalk connections where grades permit.
--------------------------------	---

6. The site plan has been revised to indicate the paver sidewalk extending from Carnegie Boulevard to the pond open space area will have a minimum width of six feet.
7. The type, quantity, and size of the evergreen landscaping materials to be planted along the future public street where it abuts the parking deck of the existing Piedmont Town Center building (“existing building D”) has been provided on the site plan.
8. The width of the future public street right-of-way has been increased by shifting the eastern boundary of the right-of-way to the common property line with the Piedmont Town Center parcel located east of this subject site.
9. The maximum height was modified to indicate the development will not exceed nine stories.
10. Note# 4.a., second sentence, has been modified to read as follows: *This setback will be measured from the existing or future back of curb whichever is greater.*
11. The building material for the retaining walls has been provided along with a conceptual cross section of the site to illustrate the location of the retaining walls and the grades across the site.
12. The use of the various levels of each building component and indicate courtyards and open spaces has been labeled on the site plan.
13. Architectural notes have been added to the site plan to ensure that the architectural style is as depicted on the attached rendering (“Exterior Perspective”).

VOTE

Motion/Second:	Walker/Dodson
Yeas:	Dodson, Fallon, Lipton, Phipps, Rosenburgh, and Walker
Nays:	None
Absent:	Firestone
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted all outstanding items had been addressed by the petitioner. Staff indicated the revised site plan had been amended to reflect a roundabout at the intersection created by Carnegie Boulevard and the proposed new street. It was also noted there had been conversations with City Engineering staff regarding the size of the detention/water quality pond. Based upon the drainage area this pond is to serve and the existing storm water problems within the abutting neighborhood, City Engineering staff did not believe a reduction in the pond size would be appropriate.

A Commissioner questioned the transportation improvements proposed for this area. CDOT staff indicated that the recent rezoning across Carnegie Boulevard had road improvement commitments. They continued by stating the proposed road extension indicated on the eastern portion of this subject site will have a significant impact on resolving the existing traffic issues in the area if it is extended out to Fairview Road. CDOT staff indicated there is currently not a funded road project to extend the road from this subject site out to Fairview Road. However, they noted that with the commitment for the portion of the road by this rezoning petition, the final leg of the extension is more feasible.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

The subject property was part of a larger 19-acre rezoning approved in 2005 (rezoning petition 2004-142) for the Piedmont Town Center development. This previously approved site plan contains the following conditions for the overall site:

- Development limited to:
 - 95,000 square feet of retail and restaurant uses (94,000 square feet have been developed).
 - 410,000 square feet of office uses (396,000 square feet have been developed).
 - Ground floor retail and/or office uses, in addition to the square footages above, for the portion of the site included within this site plan amendment.
 - 462 residential units (179 units have been developed leaving a remaining balance of 283 residential units).
 - 20,000 square feet for a health club facility.
- Optional provisions to allow:
 - Buildings to exceed the 120-foot maximum height. Allowing building heights up to 180 feet.
 - Modifications to various sign regulations.
 - Parking and maneuvering between buildings and Carnegie Boulevard.
 - Modifications to tree planting requirements for the “view corridor” along Carnegie Boulevard.

• Proposed Request Details

The site plan amendment contains the following provisions:

- A 67-unit increase in the number of multi-family residential units from the remaining balance of 283 units to a new total of 350 units.
- Nonresidential uses may be placed on the ground floor of the building(s) with individual doors out to public sidewalk.
- Maximum of four buildings permitted on the site within the illustrated building envelope.
- Maximum building height of 100 feet, not to exceed nine stories, reduced from 180 feet.
- Replaces the Carnegie Boulevard “view corridor”, with smaller, internally oriented, open space areas along with an amenity area around the water quality pond.
- A six-foot wide paver sidewalk gateway along an internal drive connecting Carnegie Boulevard to an open space area adjacent to the water quality pond located to the rear of the site. The gateway incorporates brick entrance columns, benches, and plantings.
- A 30-foot landscaped setback along Carnegie Boulevard with a double row of trees.
- A 100-foot no building buffer along the property line abutting single family development, with the outer 75 feet remaining undisturbed.
- A commitment to construct or provide funding along with right-of-way dedication for a segment of a future public street, which will link Carnegie Boulevard with Fairview Road.
- Construction of a roundabout at the intersection created by Carnegie Boulevard and the proposed new street.
- Architectural controls with four-sided architecture and the parking structure which faces Carnegie Boulevard wrapped with residential units and/or an enclosed corridor/hallway.
- Proposes the following optional provisions to allow:
 - A detached sign limited to a 24-square foot sign face area and a height of seven feet rather than the allowed 20-square foot sign face area and five-foot height.
 - A modified streetscape along the future public street to allow five-foot sidewalks and planting strips measuring two feet along the eastern side and five feet along the western side of the street. The current regulations require an eight-foot planting strip and a six-foot sidewalk.
- A reduced setback along both sides of the future public street to measure 11 feet from the back of curb rather than the required 14 feet.

- **Public Plans and Policies**
 - The *SouthPark Small Area Plan (2000)*, as amended by rezoning petition 2004-142, recommends a high rise residential use and allows for retail, office, and restaurant uses to be located on the ground floor.
 - The petition is consistent with the *SouthPark Small Area Plan*.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
-

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-Environment*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Shad Spencer (704) 353-1132