

---

<b>REQUEST</b>	Proposed Zoning: MUDD-O SPA, mixed use development district, optional, site plan amendment
<b>LOCATION</b>	Approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.
<b>SUMMARY OF PETITION</b>	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.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of the outstanding issues. The petition is consistent with the <i>South Park Small Area Plan</i> .
<b>PROPERTY OWNER</b>	Crescent Resources, LLC
<b>PETITIONER</b>	Crescent Resources, LLC
<b>AGENT/REPRESENTATIVE</b>	Keith MacVean and Jeff Brown/King & Spalding, LLP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

---

#### **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 reduced from 180 feet.

- Replaces the Carnegie Boulevard “view corridor”, with smaller, internally oriented, open space areas.
- 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.
- Right-of-way dedication for a segment of a future public street, which will link Carnegie Boulevard with Fairview Road.
- 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.
- **Existing Zoning and Land Use**

The subject site is currently vacant. Properties to the east are zoned MUDD-O and contain a mix of office, retail, and multi-family residential uses. The parcels to the north and south are zoned O-1 and are developed with office uses. The properties west of the site are zoned R-3 and are occupied with single family residential uses.
- **Rezoning History in Area**

Recent rezonings approved in the area include:

  - Petition 2009-035 located on the southwest corner of Fairview Road and Park South Drive. The site was rezoned from R-43MF to MUDD-O to allow for an expansion of the existing elderly housing development along with ground floor commercial uses.
  - Petition 2010-056 bounded by Carnegie Boulevard and Congress Street. The site was rezoned from O-1 to MUDD-O to allow for the redevelopment of office, retail, bank, restaurant uses and multi-family dwellings.
  - Petition 2010-070 located on the southwest corner of Fairview Road and Piedmont Row Drive. The site was rezoned from MUDD(CD) to MUDD-O to allow for a revised layout of the office, retail, bank and restaurant uses along with providing an optional provision to allow drive through service windows for banks or financial institutions.
- **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*.

---

**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:** The intersection of the new public street and Carnegie Boulevard should be a four approach intersection with the fourth approach serving the site’s parking deck driveway. The site’s parking deck driveway and the eastern leg of Carnegie Boulevard must align.

- **Vehicle Trip Generation:** The petition will allow a wide range of trip generation based on the proposed zoning classification.
- **Connectivity:** See comments above.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The site plan amendment will generate an increase of 17 students attending local schools from the existing zoning to the proposed rezoning.
- **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

- The petitioner should:
  1. Remove the fire access grass pave from the future street right-of-way on the site plan and replace it 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 may be added allowing the fire access grass pave within the future street right-of-way until the street is constructed.
  2. Modify Note 8.b. 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 (the option will be determined by CDOT, in consultation with the petitioner):
    - a. Provide funding, based on the estimated construction cost of the required street located on the subject parcel, into a CIP project for the proposed road connection; or,
    - b. Post a bond for the construction of the required street located on the subject property.In either case, the note shall indicate the petitioner will construct the four-approach intersection modification along Carnegie Boulevard. Eliminate the sentence within this note which states the right-of-way will be used by the City to construct the public street.
  3. Modify Note 11.e. by eliminating the word "if" to clarify that a minimum six-foot trail will be constructed around the detention/water quality pond. Eliminate "optional" from the term "trail, optional" used to identify the trail on the site plan.
  4. Provide more detail regarding the landscape treatment around the detention/water quality pond area and how it will function as an amenity.
  5. Provide a note which states 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. Indicate the paver sidewalk extending from Carnegie Boulevard to the pond open space area will have a minimum width of six feet.
  7. Indicate 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").
  8. Increase the width of the future public street right-of-way 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. Add maximum number of stories.
  10. Modify note 4.a., second sentence, to read as follows: This setback will be measured from the existing or future back of curb whichever is greater.

11. Indicate the building material for the retaining wall, the approximate height of the various sections and show spot elevations.
  12. Label the use of the various levels of each building component and indicate courtyards and open spaces.
  13. Ensure that the architectural style is as shown and that the level of design detailing is not compromised by including verbiage on the site plan committing to the quantities of architectural details shown in the elevations. This should include but not be limited to:
    - a. Combination of materials with the percent of brick being specified.
    - b. Trim work and general millwork depicted on the drawings need to remain intact such as: turrets, decorative gables, decorative vents, cornices, fenestration, windows and mullions/mulleys, clerestory, lintels, horizontal banding, porches, railings, Juliet balconies, columns, and ornamentation.
    - c. Landscaping, as shown on the elevation, to break down and soften the building massing.
    - d. Use of a variety of colors in the façade palette, as shown on the elevation, to break up the building massing.
    - e. Breaks, porches, and decks in the facades need to be maintained as well as a variety in building height and elements.
    - f. Windows and entrances at the ground floor level as generally depicted.
    - g. Windows and soffits only allowed to be vinyl.
- 

**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 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