

REQUEST	Current Zoning: O-2(CD), office, conditional Proposed Zoning: MUDD-O, mixed use
LOCATION	Approximately 3.20 acres located on the northeast corner of Barclay Downs Drive and Morrison Boulevard across from Carnegie Boulevard.
SUMMARY OF PETITION	The petition proposes up to 280 multi-family dwelling units at 87.5 units per acre, and permitted accessory uses.
PROPERTY OWNER	Pinnacle Building, LLC
PETITIONER	Woodfield Acquisitions, LLC
AGENT/REPRESENTATIVE	Jeff Brown and Keith MacVean, King & Spalding LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	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 Allen seconded by Commissioner Griffith).

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. Amended Sheet RZ 1.0 to reflect a 30-foot setback on Morrison Boulevard. 2. Amended Note 5a to state that the setback along Barclay Downs Drive will be measured from the back of curb and will transition from 65 feet along the northern portion of Barclay Downs Drive to a minimum of 30 feet closer to the intersection of Morrison Boulevard. 3. Amended Sheet RZ 1.0. to reflect the setback along Barclay Downs Drive, which ranges from 30 feet to 65 feet measured from the back of curb. 4. Amended Note 5a to indicate that portions of the setback area along Barclay Downs Drive where the existing trees cannot be saved will be replanted with new landscaping materials to create an attractive landscape treatment. 5. Removed the call out for 40-foot building setback from Sheet RZ 2.0. 6. Construct curb extensions on the southern portion of the intersection of Barclay Downs Drive and Sayre/Scofield Road; 7. Install standard painted cross-walks on the southern and western legs of the intersection of Barclay Downs Drive and Sayre/Scofield Road; 8. Reconstruct the four existing speed humps long Barclay Downs Drive to City standards; 9. Construct a sidewalk and planting strip with street trees (if the width of the planting strip will accommodate street trees) along the eastern edge of Barclay Downs Drive from the Site to the intersection of Barclay Downs Drive and Sayre/Scofield Road. The location and width of the sidewalk to be determined by the City based on available right-of-way, the location of existing trees and topography constraints (the property owner located on the SE quadrant of the intersection of Barclay Downs Drive and Sayre/Scofield Road will be consulted prior to the submittal of the proposed improvement plans to the City) to ensure a cost effective and suitable solution to the installation of these improvements, in light of challenges with the topography along portions of the edge and a desire to accommodate the input of corner property owner.
--------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

10. Amended Sheet RZ 1.0 to reflect a 30-foot setback on Morrison Boulevard.
11. Amended Note 5a to state that the setback along Barclay Downs Drive will be measured from the back of curb and will transition from 65 feet along the northern portion of Barclay Downs Drive to a minimum of 30 feet closer to the intersection of Morrison Boulevard.
12. Amended Sheet RZ 1.0. to reflect the setback along Barclay Downs Drive, which ranges from 30 feet to 65 feet measured from the back of curb.
13. Amended Note 5a to indicate that portions of the setback area along Barclay Downs Drive where the existing trees cannot be saved will be replanted with new landscaping materials to create an attractive landscape treatment.
14. Removed the call out for 40-foot building setback from Sheet RZ 2.0.
15. Addressed CDOT comments by incorporating the transportation improvements mutually agreed upon with the Barclay Downs Home Owners Association. The petitioner's cost to implement the improvements will be capped at \$100,000. The improvements are as follows:
 - a) Construct curb extensions on the southern portion of the intersection of Barclay Downs Drive and Sayre/Scofield Road;
 - b) Install standard painted cross-walks on the southern and western legs of the intersection of Barclay Downs Drive and Sayre/Scofield Road;
 - c) Reconstruct the four existing speed humps long Barclay Downs Drive to City standards;
 - d) Construct a sidewalk and planting strip with street trees (if the width of the planting strip will accommodate street trees) along the eastern edge of Barclay Downs Drive from the Site to the intersection of Barclay Downs Drive and Sayre/Scofield Road. The location and width of the sidewalk to be determined by the City based on available right-of-way, the location of existing trees and topography constraints (the property owner located on the SE quadrant of the intersection of Barclay Downs Drive and Sayre/Scofield Road will be consulted prior to the submittal of the proposed improvement plans to the City) to ensure a cost effective and suitable solution to the installation of these improvements, in light of challenges with the topography along portions of the edge and a desire to accommodate the input of corner property owner.
 - e) The improvement Cost assumes that the Improvements can be accommodated within the existing right-of-way of Barclay Downs Drive, and adjustments in the scope of the Improvements shall be made if this is not the case. As part of Urban Review for the Site by the City, the Petitioner will
 - f) submit to CDOT plans and cost estimates for the Improvements. If the actual cost of the proposed Improvements exceeds the Improvements Cost, CDOT will determine which of the proposed Improvements must be eliminated or modified to bring the cost of the Improvements within the Improvements Cost (CDOT as part of its due-diligence to determine how to modify the proposed improvements will consult with the Barclay Downs Homeowners Association President).
 - g) CDOT will review and comment on the Improvements in a timely manner. Once the final scope of the Improvements are determined by CDOT, the Petitioner shall have 12 months to complete the installation of the Improvements (subject to force majeure).

16. Reduced the maximum number of multi-family dwelling units from 300 to 280.
17. Amended Note 4C under the heading of "Architectural Standards" to state that the screening used along the rear of the parking garage (abutting the Barclay Downs Swim and Racquet Club) will be designed so as to allow only minimal light to emit from such facility.
18. Amended Note 5E under the heading of "Streetscape, Buffers, Landscaping and Utility Structure Setbacks" to indicate that the 36-foot wide tree save area along the northern property line will be supplemented to the standards of a Class A buffer (a minimum of nine trees and 60 shrubs per 100 linear feet).
19. Added new note under the heading or "Lighting" to state that lighting at grade along the common boundary with the Barclay Downs Swim and Racquet Club will be limited to patio lights and any necessary lighting as required by code.
20. Amend Note 3C under the heading of "Access and Traffic/Pedestrian Safety Improvements" along Barclay Downs Drive as follows: The Petitioner has agreed to provide certain off-site traffic/pedestrian safety improvements along Barclay Downs Drive as further described below (the "Improvements").
21. Amend Note 5E under the heading of "Streetscape, Buffers, Landscaping and Utility Structure Setbacks" to specify the requirements of a Class A buffer as a minimum of 10 trees and 60 shrubs per 100 linear feet.
22. Amend Note 3A under the heading of "Permitted Uses & Development Area Limitation" to indicate that the Site may be developed with up to 280 multi-family dwelling units.

VOTE

Motion/Second:	Griffith/Allen
Yeas:	Allen, Eschert, Griffith, Johnson, Labovitz, Lathrop, and Phipps
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented the petition and indicated the outstanding issues had been addressed. Various commissioners commented on the quality of the information received from all parties, indicated that the proposed residential use provides balance to the area and serves as a transition of uses, and noted that traffic issues have been addressed.

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 originally rezoned via petition 1994-02 as a part of 4.8 total acres, to allow 160,000 square feet of office uses and all uses permitted in the O-2 district. An administrative approval was approved in April 2001 for the 3.2 acre subject property site, which allowed a maximum of 130,866 square feet for an office building and a parking deck. The office building was permitted a maximum height of 82 feet (six stories along Barclay Downs Drive) and the parking deck was limited to 30 feet in height. This height exceeds the 40-foot height recommendation in the *South Park Small Area Plan* adopted in the 2000 for buildings abutting single family neighborhoods. Buffers provided include a 40-foot undisturbed buffer along Barclay Downs Drive, a 25-foot landscape easement along Morrison Boulevard, and a 36-foot Class B buffer abutting R-3 zoning to the north.

- **Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
 - Up to 280 multi-family dwelling units and permitted accessory uses at a density of 87.5 units per acre.
 - Building height limited to eight residential stories (excluding parking deck levels). Portions of building abutting closest to abutting nonresidential outdoor recreation use in R-3 zoning to the north limited to six stories.
 - Structured parking deck underneath building.
 - Maximum of two principal buildings
 - Access to the site from Morrison Boulevard and Barclay Downs Drive.
 - Exterior building materials consist of glass, brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding or stucco. A minimum 30 percent of the exterior building exclusive of windows, doors and roofs will be constructed of brick, stone, synthetic stone, precast stone or precast concrete. Vinyl as a building material is limited to windows.
 - Parking deck ventilation will not be located along the northern building elevation directly facing the Barclay Downs Swim Club.
 - Solid waste and recycling areas will be located within the building and vehicular access to the areas will be limited to Morrison Boulevard.
 - A 36-foot wide tree save area supplemented to meet the requirements of a Class A buffer will be provided along the northern property line.
 - An eight-foot planting strip and six-foot sidewalk will be provided along property frontage on Barclay Downs Drive and Morrison Boulevard.
 - Fifteen percent open space/tree save area.
 - Open space areas will remain natural or may be landscaped, with the exception of a courtyard with seating and landscaping .
 - Detached lighting limited to 20 feet in height.
 - Providing a bus passenger waiting pad along Barclay Downs Drive.
 - Optional Provisions include:
 - Allow parking and maneuvering/drop-off area between the proposed building and Morrison Boulevard.
 - **Public Plans and Policies**
 - The *SouthPark Small Area Plan (2000)* recommends a mix of office and residential uses as amended by the previously approved rezoning.
 - The petition is consistent with the *South Park 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.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The proposed development would generate 77 students. The net change in number of students generated from the existing zoning to the proposed zoning is 77.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **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
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review

Planner: Sonja Sanders (704) 336-8327