

REQUEST	Current Zoning: MUDD-O, mixed use development, optional Proposed Zoning: MUDD-O SPA, mixed use development, optional, site plan amendment
LOCATION	Approximately 6.1 acres located at the intersection of Carnegie Boulevard and Congress Street on the west side of Barclay Downs Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes a site plan amendment to a portion of a unified development to allow a partial consolidation of four development tracts, elimination of a portion of a previously approved internal street, and reallocation of existing development rights consisting of 495,000 square feet of commercial square footage.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	JLB Southpark Apartments, LLC and JLB Southpark, LLC Lincoln Harris, LLC Collin Brown/Bailey Patrick, Jr., K&L Gates
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, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Removed sentences four through nine under "General Provisions" and replaced with a note that indicates that changes to the site plan will be in accordance with Section 6.207 2. Amended Note 4B to reference Tract D instead of Tract C. 3. Amended Note 6A to indicate that any changes to the architectural theme must be approved by the Planning Director or his/her designee. 4. Amended Note 8 to replace "eastern" boundary with "western" boundary. 5. Amended Note 5C under Transportation to state "provided any proposed change in alignment is approved in advance by CDOT and the Planning Department." 6. Deleted Note 16 that requests five-year vested rights. 7. Provided Note 6L, which commits that the edge treatment of the parking deck facing the mews will be designed to enable pedestrian activity or future retail use on the first floor of the structure. 8. Ensured that the pedestrian connections through the deck are clearly defined and separated from all vehicular traffic. Entrances from the mews and the Congress Street side are scaled to the pedestrian and separate from the vehicular entrance. 9. Added Note 6M, which states "Petitioner shall provide two separate pedestrian connections through the parking structure in order to provide direct connections between the east and west sides of the parking structure as depicted on Sheet RZ-8. Entrances to these pedestrian connections shall be clearly defined as primary pedestrian entries through the use of architectural details, similar to those used for the primary office entries, such as signage, lighting, sconces, awnings or recesses. Pedestrian connections shall include pedestrian oriented decorative lighting." 10. Defined and labeled proposed property and zoning line five feet
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	<p>from east edge of pedestrian corridor "mews."</p> <p>11. Provided a legend on Sheet RZ-1.0.</p> <p>12. Amended acreage from 6.1 acres to 5.8 acres.</p> <p>13. Amended Note 6A to reference "conceptual elevations" instead of "conceptual perspective rendering".</p> <p>14. Amended Note 8 to reference "conceptual site plan and conceptual elevations" instead of "technical data sheet and conceptual elevations".</p>
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VOTE	Motion/Second:	Allen/Ryan
	Yeas:	Allen, Dodson, Eschert, Labovitz, and Ryan
	Nays:	None
	Absent:	Low and Walker
	Recused:	Zoutewelle

ZONING COMMITTEE DISCUSSION Staff provided an overview of the current status of the petition, stating that there are no outstanding issues. There was no further discussion of this petition.

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 rezoned as part of an overall 13.15 acres via Petition 2010-056, which approved four development tracts with a total of 495,000 square feet of commercial floor area, 591 multi-family dwelling units, and five-year vested rights. The conditional site plan notes and drawing included the following:
 - Tracts A and B allowed commercial uses (office, bank, retail and restaurant uses) up to 240,000 square feet each.
 - Tract C allowed up to 200 multi-family dwelling units and Tract D up to 391 multi-family dwelling units, which were transferrable between the two Tracts provided the number of units did not exceed 591.
 - Tract D allowed up to 15,000 square feet of retail and/or restaurant uses.
 - The number of buildings was limited to six.
 - Commitments on building materials, number of buildings, parking requirements, and transportation improvements. Design requirements to encourage and complement pedestrian scale, interest, and activity with limitations on the height for portions of the site.
- **Proposed Request Details**
 - The site plan accompanying this petition contains the following provisions:
 - Combines Tracts A, B, and a portion of C and D into a single Tract which is the subject property for this rezoning.
 - Reconfigures the buildings and parking deck.
 - Removes the residential wrap around the previously approved parking deck on a portion of Tract D, which was intended to activate Carnegie Boulevard and the "mews".
 - Requires a retail/restaurant component be located on the south side of Carnegie Boulevard near the mews to activate the area and provide a visual shield for the service areas.
 - Requires an office component to be located along the north side of Carnegie Boulevard to activate the area and provide a visual shield.
 - Elimination of the internal private street between the previous Tract A and Tract B.
 - Amended zoning for subject property to allow up to 470,000 square feet of office floor area on the subject property.
 - Amended zoning for subject property to limit retail, restaurant or bank uses to 10,000 square feet.
 - Allowed an increase in the total amount of retail, restaurant, or bank uses on subject property to 25,000 square feet if the retail allocation on the remainder of Tract D via Petition 2010-056 is eliminated through an administrative amendment to that rezoning

- petition.
- Addition of note allowing the right to subdivide any of the Tracts and create lots with no side or rear yards as part of a unified development plan.
 - Addition of a note reserving the right to request a waiver from CDOT for all or part of the sight distance triangle requirements as set forth in Section 12.109(7).
 - Optional requests include:
 - Deviations that would allow short-term surface level parking and drives within areas between public or private streets and buildings fronting these streets to accommodate: drop off areas in front of office buildings; pick-up and drop off areas in front of restaurants and residential buildings; valet parking; and service areas for uses such as mail delivery, loading and delivery.
 - Deviations from the height requirements to allow buildings which are up to but not exceeding 150 feet in height or 10 stories above ground, exclusive of ornamental roof structures such as parapets, spires, mansards, domes, dormers or other architectural features on subject property, as generally depicted on the Conceptual Perspective Rendering.
 - **Public Plans and Policies**
 - The *SouthPark Small Area Plan (2000)* recommends a mix of office, retail and residential uses on the subject property, as amended by a previous rezoning.
 - The petition is consistent with the *SouthPark Small Area Plan*.
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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.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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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*.
 - The site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- No issues.
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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
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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