

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.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>SouthPark Small Area Plan</i> as previously amended.
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. Number of people attending the Community Meeting: 13

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 amendment contains the following changes:

 - 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 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.
 - **Existing Zoning and Land Use**
 - The subject property is vacant. Abutting property bounded by Carnegie Boulevard is zoned MUDD-O (mixed use development, optional) and portions are currently being developed. Surrounding properties are zoned O-1 (office), O-2 (office), and MUDD-O (mixed use development, optional) and developed with office, residential, hotel and commercial/retail uses.
 - **Rezoning History in Area**
 - Petition 2012-045 rezoned 3.20 acres located on the northeast corner of Barclay Downs Drive and Morrison Boulevard from O-2(CD) (office, conditional) to MUDD-O (mixed use development, optional) to allow up to 280 multi-family dwelling units, at a density of 93.8 units per acre.
 - Petition 2011-009 approved a MUDD-O SPA (mixed use development, optional, site plan amendment) for 7.81 acres located on Carnegie Boulevard west of the intersection between Assembly Street and Carnegie Boulevard to modify the building layout, increase the number of multi-family units and reduce the building height for the Piedmont Town Center development.
 - **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.
 - **Vehicle Trip Generation:**
Current Zoning: 9,750 trips per day.
Proposed Zoning: 10,300 trips per day.
 - **Connectivity:** No issues.
- **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*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Remove sentences four through nine under "General Provisions" and replace with a note that indicates that changes to the site plan will be in accordance with Section 6.207.
 2. Amend Note 4B to reference Tract D instead of Tract C.
 3. Better illustrate vehicular and pedestrian access through subject property and connectivity to Congress Street. Provide design standards/illustrations for the pedestrian corridor along the parking deck.
 4. Amend Note 6A to indicate that any changes to the architectural theme must be approved by the Planning Director or his/her designee.
 5. Amend Note 8 to replace "eastern" boundary with "western" boundary.
 6. Amend Note 5C under Transportation to state "provided any proposed change in alignment is approved in advance by CDOT and the Planning Department."
 7. Delete Note 16 that requests five-year vested rights.
 8. Provide a note committing 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.
 9. The pedestrian connections through the deck should be clearly defined and separated from all vehicular traffic. Entrances from the mews and the Congress Street side should be scaled to the pedestrian and be separate from the vehicular access.
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Attachments Online at www.rezoning.org

- Application
- 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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