

REQUEST	<p>Current Zoning: B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential)</p> <p>Proposed Zoning: MUDD-O (mixed used development, optional) with 5-year vested rights and UR-2(CD) (urban residential, conditional) with 5-year vested rights</p>
LOCATION	<p>Approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road. (Council District 1 - Kinsey)</p>
SUMMARY OF PETITION	<p>The petition proposes to allow for the redevelopment of the site with a transit supportive mixed/multi-use community consisting of up to 198,000 square feet of non-residential uses and up to 980 residential units, with non-residential to residential conversion rights.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>Marsh Properties, LLC Marsh Properties, LLC Jeff Brown and Keith MacVean, Moore and Van Allen</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 57</p>
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed development provides elements of a mixed transit supportive development; and • The proposed density is consistent with the <i>Plan's</i> recommendations. <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing , and because:</p> <ul style="list-style-type: none"> • A portion of the site is located within ½ mile of the New Bern Street transit station; and • Usable park/open space is provided; and • The petition provides a mixture of housing types; and • Existing mature trees are to be preserved; and • The petition provides site design guidelines and meets the <i>General Development Policies</i>; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend approval this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. CDOT clarified that the Subdivision Ordinance would require street D to be public. Subdivision staff has confirmed that the street can be private provided it is built to public street standards with a public access easement. The petitioner provided a note stating that the private street would be constructed to public street standards and a public access easement would be provided. 2. Provided a public street extension of Iverson Way from Poindexter Drive to the edge of the conservation easement. The remaining unopened right-of-way will not be abandoned but the petitioner will not be required to improve it. 3. Provided development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements. 4. CDOT rescinded the request to design the proposed southbound
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- right-turn lane on South Boulevard and Remount to be channelized with a raised concrete median to provide better pedestrian accessibility and refuge. The intersection capacity is being improved by extending the existing southbound left-turn storage instead adding a right turn-lane.
5. Increased the storage for the “back to back” left-turn lanes on South Boulevard between Poindexter Drive and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I. The petitioner will extend the existing storage on the southbound left-turn lane from 80 feet to 150 feet.
 6. Provided a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I.
 7. Provided a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst Road intersection in Phase I.
 8. Committed to constructing the “Potential New Public Street” located in the rear of Development Area B during Phase II as a public street.
 9. Provided a pedestrian refuge island and crossing midblock between Poindexter Drive and Elmhurst Road. The final location will be determined during permitting.
 10. Cross referenced the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1).
 11. Provided more detail on the site plan so that CDOT can better understand the individual access scenarios for each development area, and the overall internal vehicular and pedestrian circulation route.
 12. The petitioner held a meeting with CMS staff on October 23rd, 2014 to discuss the student yield calculations. The petitioner shared with CMS staff that the unit count had been reduced to 980. The petitioner also explained that based on their research they feel the total number of students the redevelopment of the site would generate would be closer to 75 students and not 780 predicted by CMS. The petitioner indicated that a yield ratio of .03 to .13 students would be more accurate based on similar developments in CMS Planning Area Three. CMS staff indicated they would review the information and consider creating a revised memo that at a minimum took into account the reduced allowed units. A revised memo from CMS has not been received by Planning Department to date.
 13. Altered the language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to reflect that City Urban Forestry staff will determine the health and condition of City trees and will also determine whether City trees can be removed. A City tree is defined as being wholly or partly within the City right-of-way.
 14. Clarified all language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to differentiate between City trees and private trees.
 15. Revised Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to remove the 50% reference to street trees. The notes now read that a minimum of 50% of all trees along each block face located on private property and within 15 feet of the right-of-way of existing public streets will be preserved
 16. Amended Note 7. c., to explain that parts of the easement may be used for tree save if available as a tree save option and conditions of easement area meet minimum tree save standards.
 17. Completed Note 4. I. to provide Transportation improvement details.
 18. Changed all references to restaurants to Eating, Drinking, and Entertainment Establishments (EDEE).
 19. Staff rescinded the request to remove the language in Note 1.c. and replace with the following: “Minor modifications to the plans are allowed per Section 6.207 of the Zoning Ordinance.”

20. Amended Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.
21. Removed RZ-6.1.
22. Staff rescinded the request to modify Note 5.i. on RZ-2.0 and Note d.i. on RZ 3.2, 3.3. and 3.4 which restricts parking and maneuvering between the buildings and public streets to include development areas C and D because the MUDD (mixed use development) standards do not allow this for areas C and D.
23. Specified that the minimum two acres of open space is in addition to the open space required in each development area.
24. Labeled the adjacent zoning of neighboring parcels on RZ-2.11.2
25. Amended Note 3. d. that says "Any additional residential units constructed within development Area B as a result of converting allowed non-residential square footage into residential units will not be counted toward the 1,050 residential dwelling unit limit" to include areas A, C and D.
26. Changed the word "homes" to "zoning" in Note 6.i.
27. Provided a statement of Overall Design Intent.
28. Revised the Poindexter Drive elevation with a combination of landscaping and architectural features to break up blank walls.
29. Replaced Note 2.i. with two notes allowing specific windows of the building located at the corner of Poindexter Drive and South Boulevard to be covered 100% with non-product, non-tenant specific or tenant identifying graphics., Other windows on the building shall be clear glass.
30. Eliminated the optional provision to allow detached signs for each building in Development Areas A and B.
31. Staff rescinded the request to eliminate the optional provision to allow detached signs for each use within Development Areas C and D because MUDD (mixed use development) allows detached signs.
32. Clarified that the optional request for signs is to allow an increased sign area in C and D from 20 square feet to 25 square feet.
33. Staff rescinded the request to reduce the size of a wall mounted neighborhood identification sign to 32 square feet.
34. Removed Note 10.b regarding "sign flex."
35. Amended Note 1.d. to indicate a total of 12 principle buildings allowed in the MUDD zoning.
36. Amended Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.
37. Described phasing in Note 4.b.
38. Staff rescinded the request to specify building materials for structured parking facilities because the MUDD (mixed use development) standards address this issue.
39. Provided the following General Design Guidelines:
 - a) The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
 - b) Streetscape treatment will be a unifying element through the use of complimentary landscaping and hardscaping materials throughout the Site.
 - c) Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
 - d) Windows and doors shall be provided for at least 40% of the total facade area along public streets with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length in the UR-2 (urban residential) areas.
 - e) Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and

landscaping in the UR-2 (urban residential) areas. Blank walls cannot be addressed with landscape elements only in the UR-2 (urban residential) areas.

- f) The petitioner addressed the request for development areas C-I to include a mix of building massing and building heights by indicating in the statement of overall design intent that a variety of residential building styles, types, and materials would be used throughout the site.
- g) Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total facade length in the UR-2 (urban residential) areas.
- h) End fronting facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets in the UR-2 (urban residential) areas.
- i) Facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary facade materials or colors in the UR-2 (urban residential) areas.
- j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details in the UR-2 (urban residential) areas.

40. Provided a note stating, "Buildings constructed within Development Area G, that are located within 150 feet of the northeastern property boundary of Development Area G (the common property line with the four lots fronting on Poindexter Drive between Lawndale Road and Elmhurst Road (500, 510, 516 and 520 Poindexter Drive) the 'Northeastern Property Boundary') may not have balconies or decks above the first floor that are oriented toward the "Northeastern Property Boundary."

41. Provided multi-family design guidelines.

42. Decreased the maximum building height in Parcel J from 50 feet and 40 feet within 100 feet of the adjacent single family residential to 40 feet for the entire development parcel.

VOTE

Motion/Second:	Ryan/Sullivan
Yeas:	Dodson, Eschert, Nelson, Ryan, Labovitz and Sullivan
Nays:	None
Absent:	Walker
Recused:	None

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

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The properties to be rezoned are divided into twelve development areas (see attached map):
 - A-D to be rezoned to MUDD-O (mixed use development, optional) and generally located along South Boulevard and a portion on the south side of Poindexter Drive, and
 - E-L to be rezoned to UR-2 (CD) (urban residential, conditional) and located on the exterior of the site adjacent to single family zoning and internal to the site along Ardmore Road and Berkshire Road.

- Proposed MUDD-O (Development Areas A-D)

Area	Uses	Height	Square Footage/units	Conversions	No. Buildings
A	All uses in MUDD	60 feet	<ul style="list-style-type: none"> 98,000 square feet of retail, EDEE, personal services 100,000 square feet of office or residential units subject to the allowed conversions 	<ul style="list-style-type: none"> 1,000 square feet of retail, EDEE, personal services to one residential unit up to 50 units in areas A-D 100,000 square feet of office to 150 units in areas A-D 	<ul style="list-style-type: none"> Up to 12 buildings
B	All uses in MUDD	85 feet and 56 feet*			
C	Residential	60 feet	980 units for entire site subject to allowed conversions	NA	
D	Residential	60 feet	980 units for entire site subject to allowed conversions	NA	

*85 feet along South Blvd, 56 feet along private street

- Proposed UR-2 (CD) (Development Areas E-L)

Area	Uses	Height	Square Footage/units	No. of Buildings
E	Residential	50 feet	980 units for entire site subject to allowed	Up to 75 residential buildings
F	Residential	50 feet	980 units for entire site subject to allowed	
G	Residential	40/50 feet*	72 units**	
H	Residential	50 feet	980 units for entire site subject to allowed	
I	Residential	40 feet	60 units**	
J	Residential	40 feet	72 units**	
K	Residential	40 feet	36 units**	
L	Residential	50 feet	980 units for entire site subject to allowed	

* 40' within 100' of property line abutting single family zoning

**Development areas directly abutting adjacent single family zoning

- Allows up to 980 residential dwelling units in Areas C-L at an average density of 18.9 units per acre, provided that no residential units are constructed within Area B.
- Allows up to 1,050 residential dwelling units in Areas B-L, with the exception that any additional residential units constructed within Areas B-D as a result of converting non-residential square footage to residential units will not be counted toward this limit.
- Prohibits parking as a principal use.
- Site Design, Open Space and Pedestrian Connectivity**
 - Prohibits the location of circulation for the accessory drive-through window between the building and abutting public streets.
 - Proposes the preservation of an existing unopened right-of-way within Area L and commits to the construction of a public street within the southern portion of the right-of-way extending from Poindexter Drive north to the southern edge of the conservation easement.
 - Preserves a minimum of 50 percent of the existing trees on private property within 15-feet of the right-of-way along the existing public streets abutting Areas C-L.
 - Commits to urban open space in two locations in Area A, and urban open space in Areas B-D will be provided per the Ordinance.
 - Commits to providing a minimum of two acres of useable open space within the UR-2(CD) (urban residential, conditional) portion of the site. Requires open space to have a minimum of 50 feet of frontage on a public street.
 - Provides phasing of open space.
 - Allows up to one accessory drive-through window within Area B. Prohibits accessory

- drive-through windows for eating drinking and entertainment establishments (EDEE), excluding "limited service EDEE" with no more than 3,000 square feet and no on-premise cooking other than heating.
- Provides parking in the UR-2(CD) (urban residential, conditional) zoning at a minimum of 1.3 spaces per dwelling unit including the on-street parking.
 - **Architectural and Site Design Standards**
 - Provides a statement of overall design intent.
 - Specifies building materials, except for structured parking facilities, will include a combination of glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Prohibits vinyl as a building material except on windows and soffits.
 - Specifies that new buildings constructed within Area A abutting South Boulevard will be designed so that no parking or maneuvering for parking will be allowed between the proposed building(s) and South Boulevard and Poindexter Drive.
 - Provides a 15-foot building separation between the two buildings constructed in Area A that abut South Boulevard.
 - Requires that the building constructed at the corner of South Boulevard and Poindexter Drive have at least one operable building entrance from the sidewalk along South Boulevard.
 - Commits that the building constructed on Area B will be designed so that the portion of the building facing Marsh Road and Elmhurst Road will have at least 35% of the building frontage devoted to active uses.
 - Prohibits service areas for new buildings in Areas A and B from orienting towards South Boulevard. Commits to screening service areas in Areas A and B with walls designed to complement the building architecture.
 - Prohibits parking and maneuvering for parking between the buildings and the public streets in Area E-L. Allows parking areas up to 70 linear feet along public streets to be located adjacent to and between residential buildings.
 - Prohibits garages from orienting towards the existing or proposed public or private streets.
 - Buildings located on Areas B-L will have at least one entrance from each building to the public street.
 - Provides multi-family design guidelines.
 - **Transportation**
 - Describes phasing of transportation improvements.
 - Provides new internal street connectivity with four proposed private streets and one public street.
 - Proposes the abandonment of Elmhurst Circle when Area J redevelops.
 - Provides street trees, a sidewalk, a bike lane, and two travel lanes according to the adopted streetscape plan along South Boulevard, with a proposed median to be installed by others. Provides two pedestrian refuge islands on South Boulevard.
 - Provides five possible cross-sections for all streets, except South Boulevard, commercial portion of Poindexter Drive and the new Haverford Place Extension, to allow the preservation of existing trees.
 - **Other**
 - Limits accessory buildings, other than parking structures, to 20% of the building area of the principle buildings constructed with the MUDD-O (mixed-use development, optional) portion of the site.
 - Requires that all accessory buildings and structures be constructed using similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory building/structure.
 - Allows existing uses to remain and be used as constructed without complying with the standards of the rezoning plan and the MUDD (mixed use development) and UR-2 (urban residential) districts.
 - Provides a 24-foot setback along South Boulevard and 20-foot setback along other public streets.
 - Commits to a six-foot tall opaque fence within a ten-foot wide landscaped buffer in Areas J, K, G, and I that abut existing single family homes.
 - Requires all lighting to be full cut-off type fixtures excluding lower, decorative lighting along driveways, sidewalks and parking areas. Limits detached lighting, except street lights, to 25 feet in height in non-residential areas and 20 feet in height in residential areas.
 - Restricts balconies and decks above the first floor on buildings located in area G oriented toward single family homes along Poindexter Drive.
 - Describes the redevelopment phasing for the site.
 - Commits to CDOT and Planning staff review of redevelopment plans for UR-2(CD) (urban

- residential, conditional) zoned areas as each area comes in for construction plan review.
- Provides a concrete pad for a bench to be added to an existing CATS bus stop along South Boulevard.
 - **Optional requests:**
 - a. Allow vehicular parking, maneuvering, and service between the proposed buildings and a limited number of specified streets.
 - b. Allow the existing surface parking between the existing building(s) located in Development Area B and specified streets to remain until the building(s) located in Development Area B is removed and new building(s) constructed.
 - c. Allow the existing streetscape treatments, signage, accessory drive-through window(s), parking areas, buildings and other site elements within Development Area B to remain as currently constructed until Development Area B is redeveloped.
 - d. Allow one new use with an accessory drive-through window to be constructed on Development Area B as part of the redevelopment. An EDEE with an accessory drive-through window, other than a "Limited Service EDEE," will not be allowed. The accessory drive-through window will not be allowed between the proposed building and the abutting public streets, and the accessory drive-through windows will circulate within the building developed on the parcel.
 - e. Allow modifications to the streetscape treatments called for by the *New Bern Transit Station Area Plan* as part of the MUDD (mixed use development) requirements along specified streets.
 - f. Allow up to one detached sign and two wall signs located on the site to rotate.
 - g. Allow one shopping center identification sign per street front within Development Areas A and B with a maximum height of 16 feet and containing up to 64 square feet of sign area.
 - h. Allow identification signs for the residential portions of the Site to be located on the detached Shopping Center Signs.
 - i. Allow directory, directional, and instructional signs up to four (4) feet high and containing up to 16 square feet of sign area.
 - j. Allow wall signs to have up to 230 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A and B.
 - k. Allow windows located within Development Area A that face Poindexter Drive and are located 10 feet or more above the finished floor elevation of the building and window boxes at street level to have non-product, non-tenant specific or tenant identifying graphic images applied to 100% of the external glazing of the window. These windows and graphic images will be part of the required Street Wall treatment along Poindexter Drive. The building wall along Poindexter Drive will be constructed with openings for windows as generally depicted on the Rezoning Plan, the windows placed in the openings will be outfitted with clear glass, and the graphic images will be applied to the interior side of the window so that light may pass through the window.
 - l. Allow the building constructed at the corner of South Boulevard and Poindexter Drive to have windows located on the left and right side of the of the entrance feature located along South Boulevard (Areas A and C as identified on the building elevation included with the rezoning site plan) to have non-product, non-tenant specific or tenant identifying images that cover 100% of the window up to a height of eight (8) feet above the finished floor elevation of the building (windows or the portions of the windows located more than eight (8) feet above the finished floor elevation of the building will not have any graphics applied to them and will have clear glass). These windows will be constructed as real windows with clear glass and the graphic images will be applied to the interior of the window.
 - m. Allow a Sedgefield neighborhood identification/entrance sign to be located in Development Area A. The sign may be a detached sign or a wall sign. The area of the sign may be up to 150 square feet as a wall sign or up to 32 square feet and 7 feet high as a detached sign. The sign area of the Sedgefield neighborhood identification sign is in addition to the tenant signage allowed by these Optional provisions and the Ordinance.
 - n. Allow the buildings within Development Areas C and D to have one detached sign per street front with up to 25 square feet of sign area and up to four (4) feet high.
 - o. Require doorways not to be recessed into the face of the building(s) when the abutting sidewalk and amenity zone width is greater than 12 feet and to not require doorways to be recessed when the door way is not oriented to a public street.
 - p. Allow the existing sidewalks and planting strips along South Boulevard, Marsh Road, and Elmhurst Road abutting Development Area B to remain until Development Area B is redeveloped.
 - q. Allow within Development Area A along Poindexter Drive "trellises" to be located within the 20-foot setback and cross the sidewalk.
 - r. Allow the parking structure constructed on Development Area B adjacent to new Public

Street B to not have ground active uses. The street level of the parking structure will be designed with some or all of the following elements to avoid solid expanses of walls over 20 feet in length: openings with decorative screening, landscaping, architecturally articulated facades and display areas. The openings located on the first floor and at the street level of the parking structure adjacent to Public Street B will be designed as an integral part of the overall building design. Any openings at the street level will be designed so that cars parked inside are screened from the new public street. Parking located on all levels of the parking structure will be screened as required by the Ordinance

- **Public Plans and Policies**

- The *New Bern Transit Station Area Plan* (2008) recommends mixed transit supportive development for properties extending southeast to Haverford Place. Within the Wedge neighborhood areas extending further southeast, the plan recommends residential uses at a density of 17 dwelling units per acre. The plan contains a specific provision supporting residential TOD (transit oriented development) for the wedge area closer than ½ mile walk of the transit station when the following provisions are met: usable park/open space is provided, a significant low to moderate income housing component is included in a mixed income environment, a mixture of housing types is provided, existing mature trees are preserved, and Residential Design Guidelines in the *General Development Policies* are met.
 - The petition is consistent with the *New Bern Transit Station 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:** No issues.
 - **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*.
 - Minimizes impacts to the natural environment by redeveloping an existing developed site.
 - Facilitates the use of alternative modes of transportation by building a transit oriented development.
 - Protects environmentally sensitive areas by preserving a permanent conservation easement along the creek on the northern boundary of the site.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application

- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools 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

Planner: John Kinley (704) 336-8311