

REQUEST	Current Zoning: B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential) 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
LOCATION	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)
SUMMARY OF PETITION	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.
STAFF RECOMMENDATION	Staff does not recommend approval of this petition in its current form. While the petition is consistent with the land use recommendations in the <i>New Bern Transit Station Area Plan</i> , there are a number of transportation and design issues that remain outstanding.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Marsh Properties, LLC Marsh Properties, LLC Jeff Brown and Keith MacVean, Moore and Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 57.

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, restaurants, 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, restaurants, 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 six commercial buildings • Up to six residential 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 50 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	40/50 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 abandonment of an existing unopened right-of-way within Area L and commits to provide a 30-foot wide pedestrian access easement in its place to allow the City of other Public entity to construct an accessible pedestrian connection from Poindexter Road to Ideal Way.
- Preserves a minimum of 50 percent of the existing trees 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 restaurants, excluding "limited service restaurants" 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**

- 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 Elmhurt 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.
- **Transportation**
 - 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, sidewalk, bike lanes 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 streets, except South Boulevard, 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 opaque fence within a ten-foot landscaped buffer in Areas I, J, K, and G 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.
 - 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 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. Allow one new use with an accessory drive-through windows to be constructed on Development Area B as part of the redevelopment. A restaurant with an accessory drive-through window, other than a "Limited Service Restaurant", will not be allowed. The new allowed accessory drive-through windows 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.
 - d. Allow modifications to the streetscape treatments called for by the *New Bern Transit Station Area Plan* as part of the MUDD requirements along specified streets.
 - e. Allow detached and wall signs located on the Site to rotate.
 - f. 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.
 - g. Allow identification signs for the residential portions of the Site to be located on the detached Shopping Center Signs.
 - h. Allow one (1) detached identification sign for each building located within Development Areas A and B. These detached identification signs may be up to four (4) feet high and contain up to 30 square feet of sign area.
 - 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 window signs located within Development Area A that face Poindexter Drive and are located 10 feet or more above the finished floor elevation of the building to have copy area equal to 100% of the external glazing of the window and to allow all other window signs on Development Area A and B to have a total sign copy area not exceeding 50% of the external glazing of the window or door onto which the sign(s) are located.
 - l. Allow a Sedgefield neighborhood identification/entrance sign to be located on 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 and if detached up to 12 feet high. The sign area of the Sedgefield neighborhood identification sign is in addition to the tenant signage allowed by these Optional provisions and the Ordinance.
 - m. Allow the uses 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.
 - n. Require doorways not to be recessed into the face of the building(s) when the abutting sidewalk width is greater than eight (8) feet.
 - o. 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.
 - p. Delay the widening of South Boulevard to the cross-section indicated on the Rezoning Plan until Development Area B is redeveloped.
 - q. Allow within Development Area A along Poindexter Road "trellises" to be located within the 20 foot setback and cross the sidewalk.
- **Existing Zoning and Land Use**
 - The portions of the site zoned B-2 (general business) and O-2 (office) are developed with nonresidential uses including retail, restaurant, personal service and office uses. The remainder of the site is developed with duplex, triplex, quadraplex and multi-family residential units.
 - Property to the north, south and east is zoned R-4 and R-5 (single family, residential) and developed with single family homes and a church. The rezoning site surrounds a property at the corner of Elmhurst Road and Berkshire Road zoned R-8 (single family, residential) and developed with a church. A mixture of business, industrial and transit oriented zoned property abuts the site along South Boulevard and is developed with a mix of residential and non-residential uses.
 - **Rezoning History in Area**
 - A number of rezonings have taken place west of the site and along the LYNX Blue Line to accommodate transit supportive development. There have been no other recent rezonings in the area.
 - **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 1/2 mile walk of the transit station when the following provisions are met: usable park/open space is provided, 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*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following requests and comments:
 1. Change the proposed private street D to a public street.
 2. CDOT desires a public street connection between Poindexter Drive and Ideal Way at Iverson Way and will continue discussions with the petitioner about this connection.
 3. Provide development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements.
 4. Design the proposed southbound right-turn lane on South Boulevard and Remount to be

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- channelized with a raised concrete median to provide better pedestrian accessibility and refuge.
5. Increase the storage for the "back to back" left-turn lanes on South Boulevard between Poindexter and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I.
 6. Provide a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I.
 7. Provide a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst intersection in Phase I.
 8. Construct the "Potential New Private Street" located in the rear of Development Area B during Phase II as a public street.
 9. Provide a pedestrian refuge island and crossing midblock between Poindexter and Elmhurst Road. The final location will be determined during permitting, and more detailed feedback will be provided upon CDOT review of the revised site plan.
 10. Cross reference the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1). As shown, it is not clear where the petitioner plans to implement each respective street cross section.
 11. Show 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.
- **Vehicle Trip Generation:**
Current Zoning: 9,300 trips per day.
Proposed Zoning: 13,100 trips per day.
 - **Connectivity:** See comments above.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 114 students, while the development allowed under the proposed zoning will produce 894 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 780 students.
 1. The petitioner should schedule a meeting with CMS staff to discuss any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development.
 - **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:**
 1. Alter the language of Note 6. f. on sheet RZ-2.0 and Noted. 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.
 2. Clarify 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.
 3. Revise 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. All City trees within the right-of-way are protected and can't be removed without a permit. A reference to a minimum 50% of trees outside of the City right-of-way but within 15 feet of the right-of-way is permissible.
 4. Amend 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.
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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.

OUTSTANDING ISSUES

- The petitioner should:
 1. Address CDOT issues.
 2. Address CMS issue.
 3. Complete Note 4. I. to provide Transportation improvement details.
 4. Address Urban Forestry issues.
 5. Change all references to restaurants to Eating, Drinking, Entertainment Establishments (EDEE).
 6. 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."
 7. Amend Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.
 8. Remove RZ-6.1.
 9. 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 also include development areas C&D.
 10. Specify that the minimum two acres of open space is in addition to the open space required in each development area.
 11. Label the adjacent zoning of neighboring parcels on RZ-2.1.
 12. Amend 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.
 13. Change the word "homes" to "zoning" in Note 6. h.
 14. Provide a statement of Overall Design Intent.
 15. Revise the Poindexter elevation with a combination of landscaping and architectural features to break up blank walls.
 16. Revise Note 2. l. to limit the percentage of window sign area to 50% along Poindexter and 25% for all other window signs in Development Areas A & B.
 17. Eliminate the optional provision to allow detached signs for each building in Development Areas A and B.
 18. Eliminate the optional provision to allow detached signs for each use within Development Areas C and D.
 19. Reduce the size of the neighborhood identification sign to 32 square feet.
 20. Remove Note 10.b regarding "sign flex."
 21. Amend Note 1.d. to indicate the total number of principle buildings allowed in the MUDD zoning.
 22. Amend Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.
 23. Describe phasing in Note 4.b.
 24. Specify building materials for structured parking facilities.
 25. Provide 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 consistent paving, lighting, landscaping and, when provided, site furnishings 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.
 - 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. Blank walls cannot be addressed with landscape elements only.
 - f) Development areas C-I shall include a mix of building massing and building heights.
 - 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.
 - 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.
 - i) Facades shall provide visual divisions between the first and second stories through

architectural means such as courses, awnings, or a change in primary façade materials or colors.

- j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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

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