
REQUEST	Current Zoning: O-1 (office) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 2.679 acres located on the east side of Barclay Downs Drive between Carnegie Boulevard and Bulfinch Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes a development consisting of up to 15,000 square feet of commercial uses and 246 multi-family dwelling units, at a maximum height of six stories not to exceed 90 feet at the highest point.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	CEC-BDA-II Partners LLC ZOM Development (Attn: Darryl Hemminger) Jeff Brown, Keith MacVean & Bridget Dixon, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 22.
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found the multi-family portion of the request consistent with the <i>SouthPark Small Area Plan</i>, which recommends adding multi-family residential development to areas zoned for office and retail. However, the committee found the retail component inconsistent with the <i>SouthPark Small Area Plan</i> based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The <i>South Park Area Plan</i> recommends office or an office-residential mixture of uses on the subject property.• However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The vision articulated in the <i>SouthPark Small Area Plan</i> calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and• The <i>Centers, Corridors and Wedges Growth Framework</i> identifies SouthPark as a Mixed Use Activity Center, a priority area for growth and development in a compact, pedestrian-oriented form; and• The proposed retail uses are not strictly consistent with the mapped uses specified in the <i>SouthPark Small Area Plan</i>. However, they are consistent with policy text in the plan that encourages true mixed-use buildings with high density residential uses mixed with non-residential uses; and• Since the plan was adopted in 2000, other sites recommended by the plan for office use have been rezoned and/or redeveloped for residential, retail, and mixed-use. This reflects a recent emphasis on a more thorough mixing of uses than was prevalent when the plan was written; and• The petition provides for pedestrian improvements at intersections and along Barclay Downs Drive. It also provides pedestrian access to retail spaces that are easily accessed from ground level. This will enhance the pedestrian environment by providing active, ground floor uses oriented to the public sidewalk consistent with the recommendations of the <i>SouthPark Small Area Plan</i>; and• The Urban Land Institute recently completed an Advisory Services Panel Report of the SouthPark area. This document has not been adopted by the City Council; however, it does contain recommendations for the area including a multi-use

path (loop) of eight to 15 feet in width and a minimum of ten to 15 feet where there is outdoor dining and connections between people and places. The site plan preserves the 15-foot planting strip, provides a 12-foot wide sidewalk, public gathering spaces, and ground level retail uses along Barclay Downs Drive;

By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Wiggins).

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

Land Use

1. Reduced the number of dwelling units from 266 to 246 units.

Site and Building Design

2. Committed to amend Note 3c to prohibit all accessory drive-through service windows. The note was amended but a typographical error was made that the petitioner will correct.
3. Amended the note under "General Design Guidelines" to remove reference to transition zone and clarified the encroachment allowed into the setback above the first story. Provided a maximum distance of two feet that balconies may encroach into the setback.
4. Provided additional description and graphical depictions for "focal points" at the corners of the building referenced in Note 6m. The graphics show examples of the proposed physical features to be used.
5. Amended the building height from six stories not to exceed 96 feet to six stories not to exceed 90 feet at the highest point.
6. Added a note specifying that plazas and open space areas identified on Sheet RZ-3A will remain open for the public use and enjoyment and not be leased or assigned for exclusive use of the tenants/owners.
7. Amended Note 6a under "Design Guidelines" to limit the percentage of the building exterior to be comprised of EIFS materials.
8. Added a note specifying that a transition zone with an average width of four feet will be provided between the building face and the ten-foot sidewalk along Carnegie Boulevard and Bulfinch Road. Stairs, porches, and stoops may encroach into the transition zone or it may be used for enhanced landscaping.
9. Provided additional sheets depicting the proposed pedestrian enhancements.
10. Provided concept renderings with the elevations from the mall parking lot.

Transportation

11. Changed notes committing to improvements that require approval from a private entity (4I, 4Ib, 4Ic, 5d) so that a letter of authorization from private entities will be required to be submitted along with construction plans and provided equivalent alternative commitments in the form of enhanced pedestrian realm features or an increase in the contribution towards pedestrian improvements on Barclay Downs Drive.
12. Revised the site plan to eliminate the requirement for doors to be recessed when the sidewalk is at least 12 feet and the door does not swing into the 12-foot clear zone.
13. Included a note stating that any sidewalk dining will be located behind and outside of the 12-foot sidewalk clear path along Barclay Downs Drive.
14. Revised the site plan to show the future right-of-way line at the back of sidewalk.
15. Amended Note 9 to commit to providing and constructing a new waiting pad for the existing bus stop on Barclay Downs Drive according to standard detail (60.01B) for the requested bus stop

	<p>pad.</p> <p>REQUESTED TECHNICAL REVISIONS</p> <p><u>Transportation</u></p> <p>16. Defined “reasonable duration of time” in Note 5d as a period of six months from Council approval of the rezoning petition.</p> <p>17. Added a note specifying dedication and fee simple conveyance of all right-of-way to the City before the site’s first building certificate of occupancy is issued.</p> <p>18. Amended Note 5L to remove specification of “outdoor sidewalk dining” to be generalized to any private uses to be located outside of the 12-foot sidewalk that should be public right-of-way.</p> <p><u>Other</u></p> <p>19. Changed references to restaurants to EDEEs.</p> <p>20. Corrected spelling of Runnymede Road in Note 4d.</p> <p>21. Provided a vicinity map on the site plan.</p> <p>22. Modified labels on the site plan for connections to the mall site.</p> <p>23. Amended Note9 to state, “Where dimensions exceed existing or proposed right-of-way limits, a permanent easement will be provided for the bus stop.”</p> <p>24. Amended Note 41a. to change “wau” to “way.”</p> <p>25. Labeled the street names on the site plan sheets.</p> <p>26. Added the section letter “d.” for the “Barclay Downs Sidewalks under Note 41.</p>
--	---

VOTE

Motion/Second: Eschert / Labovitz
 Yeas: Eschert, Labovitz, Majeed, Spencer, Watkins, and Wiggins
 Nays: None
 Absent: Lathrop
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and the changes since the hearing. Staff stated that the multi-family portion of the project is consistent with the adopted area plan and the retail portion is inconsistent with the future land use map. Staff noted that one item was listed as outstanding on the Committee’s agenda and asked CDOT staff to explain the details.

CDOT staff explained that the issue was a request for an improvement that was identified in the TIA (traffic impact analysis). The petitioner declined to provide the improvement. CDOT felt the pedestrian improvements that the petitioner committed to are sufficient and they are not pursuing the request.

A Commission member stated that she liked the proposed improvements to the open spaces and encouraged the developer to make the areas ADA accessible especially at the corners.

Another Commission member asked staff to clarify what the new rear rendering shows. Staff pointed out the rendering and explained that the graphic depicts the proposed view from the mall’s parking lot.

A Commission member asked who held the responsibility for the ADA improvements. Staff responded that the changes would be the developer’s responsibility and the City would make sure the improvements were implemented correctly. There was no further discussion of the 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

- **Proposed Request Details**
 The site plan accompanying this petition contains the following provisions:
 - Allows up to 246 multi-family residential dwelling units and up to 15,000 square feet devoted to

- non-residential permitted uses, such as retail, eating/drinking/entertainment establishments (EDEEs), and personal service uses with surface and structured parking. Prohibits gasoline service stations with or without a convenience store, accessory drive-through service windows, and car washes except those provided as part of the amenities/accessory uses associated with the proposed apartments.
- Limits the maximum building height to six stories not to exceed 90 feet at the highest point and also not to exceed the other heights per building sides depicted on sheet RZ-6.
 - Limits the total number of principal buildings to be developed on the site to one.
 - Specifies that the allowed non-residential square footage will be located on the ground floor of the building.
 - Proposes pedestrian network improvements to include but not be limited to the following:
 - Barclay Downs Drive and Carnegie Boulevard intersection: enhancements to crosswalks such as paving material, stamping or striping; improvements to the existing refuge island to promote pedestrian safety; improvements for handicap accessibility; and open space features. These improvements would be subject to the approval of CDOT, adjacent property owners, mortgage holders, and Carnegie Center Property Owners Associate, Inc.
 - Barclay Downs Drive sidewalks: commits to contributing \$225,000 to the City of Charlotte for the design and/or construction of sidewalk and/or pedestrian improvements to Barclay Downs Drive in the area from Sayre Street to Runnymede Road or for other pedestrian improvements in the area. If the funds have not been spent within eight years of the approval of the rezoning the contribution will be returned to the petitioner.
 - Proposes access to the site from a right-in/right-out drive on Barclay Downs Drive and a full movement drive on Carnegie Boulevard and on Bulfinch Road.
 - Provides a 27-foot setback from the future back of curb along Barclay Downs Drive with a 15-foot planting strip and 12-foot sidewalk. Building elements higher than 10 feet above the grade of the sidewalk may encroach up to two feet into the sidewalk area.
 - Provides a 25-foot setback from the future back of curb along Carnegie Boulevard and Bulfinch Road with 15-foot planting strips and 10-foot sidewalks.
 - Commits to using good faith effort to coordinate with the adjacent property owner for the provision of pedestrian connections from the site to the abutting mall property and mall pedestrian network. These connections would be subject to approval of the adjacent property owner and the petitioner would be relieved of any commitment to the provision of these connections beyond the site if the adjacent owner and the petitioner do not reach an agreement.
 - Provides screening for parking, meter banks, roof top HVAC and related mechanical equipment from public view and adjacent property. Prohibits rooftop cell antennas.
 - Specifies that plazas and open space areas identified on the site plan will remain open for the public use and not leased or assigned to tenants/owners.
 - Specifies that a transition zone with an average width of four feet will be provided along Carnegie Boulevard and Bulfinch Road. Stairs, porches and stoops may encroach into the transition zone or it will be used for enhanced landscaping.
 - Provides building design commitments related to building materials, building entrances, scale and massing, blank walls, clear glass windows, operable doors, and balconies.
 - Commits to creating focal points at the corner of Barclay Downs Drive and Bulfinch Road and Barclay Downs Drive and Carnegie Boulevard to stimulate pedestrian activity with the first floor of the building designed to address the corner.
 - Commits to the relocation of the current CATS bus stop on Barclay Downs Drive in coordination with CATS.
 - Requests the following optional provisions:
 - To allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
 - To allow one detached ground mounted sign per street front with a maximum height of five feet and containing up to 65 square feet of sign area.
 - To not require doorways to be recessed into the face of the building when the width of the sidewalk is at least 12 feet and the door does not swing into the 12-foot clear zone, or it's an individual residential doorway designed with an elevated porch stoop.
 - To not require surface and structure parking areas, outdoor dining areas, and loading dock areas (open or enclosed) to be counted as part of the allowable gross floor area for the site.
 - **Public Plans and Policies**
 - The *SouthPark Small Area Plan* (2000) recommends office or office-residential mixture of uses on the subject property and encourages a mixture of office, residential, retail and institutional land uses as part of a livable environment. A key concept of the plan recommendations is to add multi-family residential development to areas zoned for office and retail uses.
 - The vision articulated in the *SouthPark Small Area Plan* calls for the SouthPark area to transition

from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses.

- **TRANSPORTATION CONSIDERATIONS**

- This site is located in the SouthPark Mixed Use Activity Center. CDOT supports greater density in mixed use activity centers since the mixture of uses yields shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances. This petition does not provide commitments requested to ensure the enhanced pedestrian and shared use paths along Barclay Downs as envisioned by CDOT.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing use: 650 trips per day (based on existing 39,383-square foot office building).
 - Entitlements: 1,000 trips per day (based on existing office zoning).
 - Proposed Zoning: 3,600 trips per day (based on 246 dwellings and 15,000 square feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate ten students, while the development allowed under the proposed zoning will produce 85 students.
 - The proposed development is projected to increase the school utilization (without mobile classroom units) over existing conditions, as follows:
 - Sharon Elementary from 141% to 150%;
 - Alexander Graham Middle from 112% to 113%; and
 - Myers Park High from 115% to 116%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Barclay Downs Drive and sewer system availability via an existing eight-inch gravity sewer main located along Barclay Downs Drive.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311