

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 266 multi-family dwelling units, at a maximum height of six stories, not to exceed 96 feet.
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.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design, transportation and requested technical revisions.

Plan Consistency

The multi-family portion of the request is consistent with the *SouthPark Small Area Plan*, which recommends adding multi-family residential development to areas zoned for office and retail. However, the retail component is inconsistent with the *SouthPark Small Area Plan*.

Rationale for Recommendation

- 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.
- The *Centers, Corridors and Wedges Growth Framework* identifies SouthPark as a Mixed Use Activity Center, a priority area for growth and development in a compact, pedestrian-oriented form.
- The proposed retail uses are not strictly consistent with the mapped uses specified in the *SouthPark Small Area Plan*. 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.
- 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.
- 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 *SouthPark Small Area Plan*.
- 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.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 266 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, EDEEs with an accessory drive-through service window, 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 96 feet.
 - 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 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 \$175,000 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.
 - 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.
- ### • **Existing Zoning and Land Use**
- The subject site is a narrow parcel zoned O-1 (office) on the east side of Barclay Downs Drive along the west edge of the SouthPark mall site, abutting the mall's surface parking lot. The site is bounded by Carnegie Boulevard to the north and Bulfinch Road to the south, both of which serve as entry points to the mall parking lot. The site is developed with a three-story office building with its own surface parking, separated from the mall parking lot by dense planting.
 - Adjacent to the south, across Bulfinch Road, is a four-story bank office building zoned O-1 (office), and a freestanding Rite Aid pharmacy which opens into the mall parking lot, zoned CC (commercial center).
 - Adjacent to the north across Carnegie Boulevard is open space zoned CC (commercial center) and owned by the mall. This open space adjoins the mall parking lot and the Symphony Park amphitheater. East of the site is surface parking serving the adjacent SouthPark Mall.
 - Adjacent to the west across Barclay Downs Drive is the seven-story Renaissance Hotel, zoned MUDD-O (mixed use development, optional). Diagonally to the northwest and southwest are other office buildings in O-1 (office) and MUDD-O (mixed use development, optional) zoning at four to 10 stories.

- See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - There have been a number of rezonings in the area to MUDD-O (mixed use development, optional) to accommodate residential, hotel and mixed use developments.
- **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.
 - See Outstanding Issues, Notes 4 through 8.
 - **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: 3,715 trips per day (based on 266 dwellings and 15,000 square feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See Outstanding Issue Note 9.
- **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.

OUTSTANDING ISSUES

Site and Building Design

1. Amend Note 3c to prohibit all accessory drive through service windows.
2. Amend Note 6j to remove reference to transition zone and clarify the encroachment allowed into the setback above the first story. Provide a maximum number of feet balconies may encroach into the setback.
3. Provide additional description for “focal points” at the corners of the building referenced in Note 6l. As written the note is not clear as to what these are and what the petitioner is committing to providing in terms of physical features.

Transportation

4. Change notes committing to improvements that require approval from a private entity (4l, 4lb, 4lc, 4llc, 5d so that a letter of authorization from private entities will be required to be submitted

- along with construction plans and provide equivalent alternative commitments in the event the private entities do not agree to the proposed improvements.
5. Revise the site plan and "Transportation" Notes to include mitigation measures to be completed by this petition consistent with the site's Traffic Impact Study (i.e. Extend the existing eastbound left-turn lane on Fairview Road from 400 feet to 650 feet with a 100-foot bay taper)
 6. Revise the entry door configuration to swing into the building or be recessed outside of the 12-foot sidewalk clear path along Barclay Downs Drive or if the doors are outward swinging, add a dimension for the sidewalk width at this location proving that the opened door does not encroach into the 12-foot clear sidewalk width.
 7. Include a note stating that any sidewalk dining will be located behind and outside of the 12-foot sidewalk clear path along Barclay Downs Drive.
 8. Revise the site plan to show the future right-of-way line at the back of sidewalk and add 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.
 9. Amend 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 pad. Permanent easement is requested, where dimensions exceed existing or proposed right-of-way limits.

REQUESTED TECHNICAL REVISIONSTransportation

10. Define "reasonable duration of time" in Note 5d.
11. Amend Note 41a. to change "wau" to "way."

Other

12. Change references to restaurants to EDEEs.
 13. Correct spelling of Runnymede Road in Note 4d.
 14. Provide a vicinity map on the site plan and label street names.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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

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