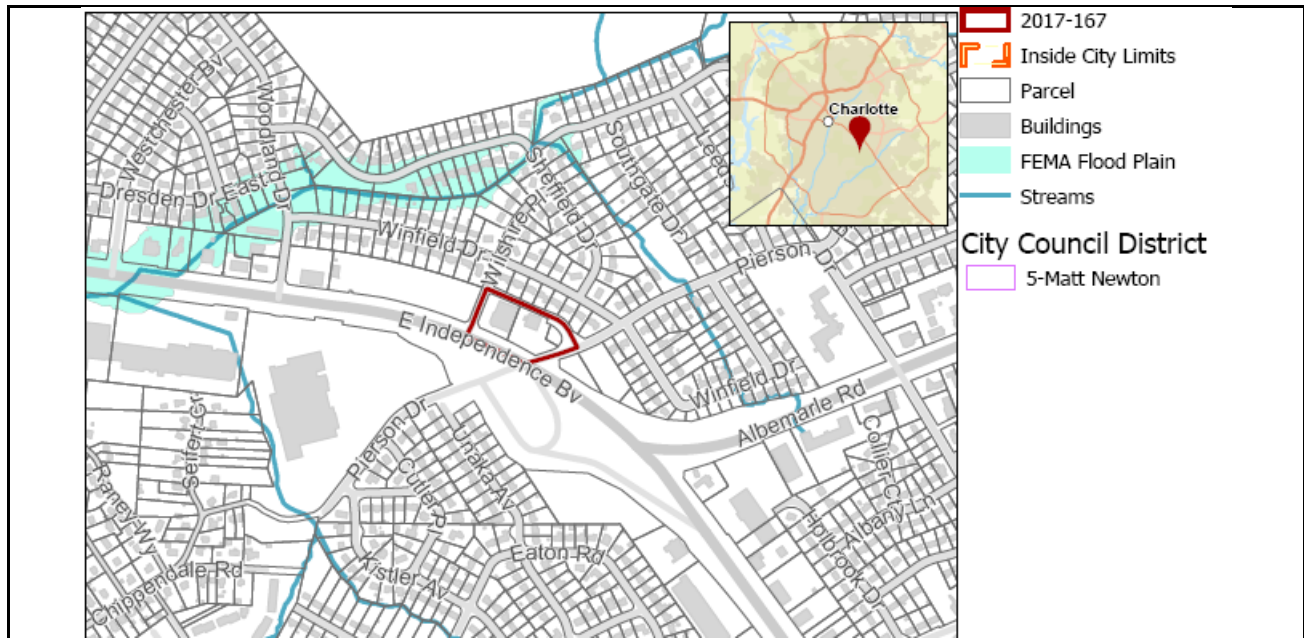


REQUEST

Current Zoning: B-2 (general business)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 2.11 acres located on the north side of Independence Boulevard bounded by Pierson Drive, Bamboo Street and Wilshire Place.
(Council District 5 – Newton)



SUMMARY OF PETITION

The petition proposes redevelopment of the site, which includes the Varnadore building, to allow a total of 102,000 square feet of office, retail, personal service uses, eating/drinking/entertainment establishments, and other uses permitted in the MUDD (mixed use development) district, in two development areas consisting of existing and proposed buildings.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

Executive Building Company, LLC
Beaver Creek CRE, LLC
Jeff Brown and Keith MacVean, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 54.

**STAFF
RECOMMENDATION**

Staff does not recommend approval of this petition in its current form due to the requested attached LED and video signage increases and building heights.

Plan Consistency

The petition is inconsistent with the *Independence Boulevard Area Plan*, which recommends transit oriented residential development.

Rationale for Recommendation

- The subject property is currently developed with the ~~eight~~ seven story Varnadore building and a one-story retail building.
- Both buildings are in a deteriorated condition and reuse/redevelopment of this site is a priority.
- Staff supports the intent of the rezoning. However, there are significant outstanding issues that should be addressed prior to approval. These include:
 - The digital signage proposed to be located at the top of the

Varnadore building is equivalent to approximately seven digital outdoor advertising (billboard) faces in a location where billboards are not generally allowed and adjacent to single family residential.

- The increase in height of the existing building and of the proposed height of the second new building far exceed transit oriented development guidelines for properties adjacent to single family neighborhoods.
- Finally, it is unclear what the condition of the existing building is, and if a new building is constructed it should conform to the transit oriented development height standards in relationship to the neighborhood.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan associated with this request is separated into Development Area A, which is adjacent to Pierson Drive and contains the Varnadore building, and Area B, which is adjacent to Wilshire Place.

Overall Development Details
• Allows up to three two principal buildings.
• Provides building material commitments.
• Provides architectural commitments.
• Provides commitments that new buildings will be placed and designed to focus on and enhance the pedestrian environment on public streets through the use of windows, doors, display windows, transparent glass, building materials, pedestrian connections and the avoidance of blank walls.
• Total square footage on the entire site shall not exceed 102,000 square feet.
• Setbacks range from 16 feet from the existing curb along Bamboo Street and Wilshire Place to 20 feet along Independence Boulevard.
• The site will have two access points along Bamboo Street.
• Sidewalks and planting strips will be provided along Wilshire Place and the majority of Bamboo Street and will connect to an internal sidewalk system.
• Street lights will be full cut-off fixtures with detached lighting limited to 26 feet in height.
• Screening of surface parking associated with Phase I Development may be located within the setback and within the right-of-way along E. Independence Boulevard, Pierson Drive, and a portion of Bamboo Street upon approval by NCDOT.
Optional Requests:
• Allows wall signs in Development Area A and Development Area B up to 200 square feet of sign face area or 10% of the building wall to which attached, whichever is less.
• Allows four detached ground mounted signs: <ul style="list-style-type: none"> • along Independence Boulevard with a maximum height of 20 feet and containing up to 150 square feet of sign area; and • detached signs along Wilshire Place, Bamboo Street, and Pierson Drive, with a maximum height of 12 feet and containing up to 50 square feet of sign area. will be limited to ground mounted not to exceed five feet in height and 20 square feet in area as allowed per the MUDD ordinance. A bonus of four square feet in size shall be permitted if the sign is lit 100% by neon.
• A sidewalk and planting strip shall not be required along the site's frontage with Independence Boulevard, and the existing streetscape along Pierson Drive and that portion of Bamboo Street located near Pierson Drive is to remain.

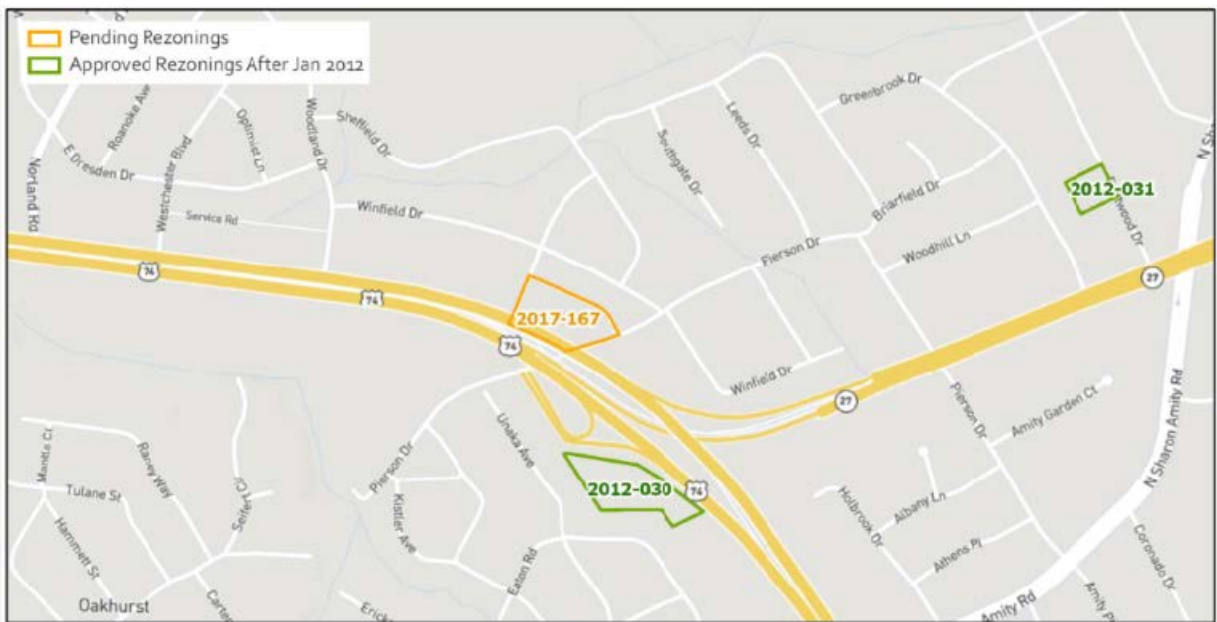
Additional details in specified development areas	
Area A	Area B
<p>45,000 square feet of building area in MUDD uses, subject to the right to transfer 30,000 square feet to Development Area A from Development Area B in connection with a replacement building on Development Area A (if the existing Varnadore building is destroyed by fire or other casualty or cannot be renovated due to structural/ environmental or other reasons). The total gross floor area of the new building shall not exceed 75,000 square feet. No more than 9,000 square feet of retail, EDEE, personal services and no more than 4,500 square feet on the rooftop. Uses in MUDD include residential, office, retail, hotel, etc. Allows commercial square footage to be converted to a maximum of 100 hotel rooms.</p>	<p>Phase I: Demolition of the existing one story building and development of a surface parking lot 1. Phase II: 57,000 square feet of building area with MUDD uses subject to reduction by 30,000 square feet for transfer to Development Area A; with no more than 9,000 square feet of retail, EDEE, personal services and a parking deck. Uses in MUDD include residential, office, retail, hotel, etc.</p>
<p>Reuse of existing building or construction of a new building.</p>	<p>Construction of a new building</p>
<p>Maximum building height of 113 123 feet for the existing building plus the proposed rooftop uses. Any new building will be limited to a maximum height of 106 feet. The existing building is 93 feet in height approximately 110 feet and seven stories in height.</p>	<p>Maximum building height of 120 86 feet in height limited to a maximum height of 50 feet at the building setback along Bamboo Street and 86 feet for the portion of the building stepped back from Bamboo Street. with a minimum height of 22 feet. The existing building is one-story.</p>
<p>Provision for murals along existing retaining wall along Bamboo Street and Pierson Drive.</p>	<p>Phase II of Development Area B shall include installation of active use space along the building edge fronting Wilshire Place for a minimum 60% of such frontage.</p>
<p>"Rooftop Activities" area will be designed with opaque wall or similar barrier along the eastern side of the building and activities will have operation hours of no later than 11:00 pm.</p>	
<p>Optional Requests</p> <ul style="list-style-type: none"> • Allow parking and maneuvering between the building on Development Area A and Independence Boulevard, Bamboo Street and Pierson Drive. • Allow walls signs (identified as "Specialty Signage" on the site plan) in Development Area A near the top of the building. Each of the three sides may have up to 875 725 square feet of signage. May be digital, LED, and/or video, with dimming to adjust to ambient conditions. This signage will not be on side facing neighborhood. Petitioner commits to explore the incorporation of solar panels onto the roof of the building to support efficient power supply for the specialty signage, and to incorporate some level of such alternative energy source. • Specialty signage will not become operable until issuance of the certificate of occupancy for the building located or to be located on the Development Area A. • Allow parking and maneuvering between the building on Development Area A and Independence Boulevard, Bamboo Street and Pierson Drive. 	<p>Optional Requests</p> <ul style="list-style-type: none"> • Allow surface parking and maneuvering on Development Area B until Phase II development takes place.

• Existing Zoning and Land Use



- The subject property is currently developed with two vacated commercial and office buildings, one of which is the 110-foot high Varnadore Building.
- Surrounding properties fronting E. Independence Boulevard to the north are undeveloped, except for the subject properties. Surrounding properties on either side of Winfield Drive are developed with duplex and single family detached dwelling units. Properties located on the southwest and southeast sides of the intersection of E. Independence Boulevard and Pierson Drive contain a big box Walmart store, an office, and single family detached dwelling units.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2012-030	Corrective rezoning from B-2 (general business) to R-4 (single family residential) in accordance with the <i>Independence Boulevard Area Plan</i> , which was adopted in 2011.	Approved

2012-031	Corrective rezoning from R-17MF (multi-family residential) to R-4 (single family residential) to align the zoning with the existing land use and in accordance with the <i>Independence Boulevard Area Plan</i> , which was adopted in 2011.	Approved
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• **Public Plans and Policies**



- The *Independence Boulevard Area Plan* (2011) recommends transit oriented development, primarily residential for this property.
- The plan indicates that on the north side of the station area, new transit-oriented residential development should orient away from Independence Boulevard and integrate with the existing neighborhoods.
- The transit alignment and station location in the vicinity of the subject has changed since the development of the *Independence Boulevard Area Plan*. The alignment and station location are under review at present, and locations are not determined. The proximity of this site and potential walkability to a station is unclear.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is bordered by a limited access facility, a minor collector and two local streets. The site plan commits several pedestrian improvements, including reconstruction of a concrete island, better alignment of sidewalk, and street lighting along Bamboo Street. NCDOT has indicated that a traffic study will be required of this site and, therefore, CDOT requests that a traffic study be submitted for review during rezoning to avoid conflicts about curb line location and turn lane that could complicate and delay permitting if this petition is approved.
 - See Outstanding Issues, Notes 1, 2, and 3.
 - **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 0 trips per day (based on vacant site).
 Entitlement: 3,220 trips per day (based on 31,650 square feet of retail uses).
 Proposed Zoning: ~~3,380~~ 2,660 trips per day (based on ~~18,000~~ 9,000 square feet of retail and ~~84,000~~ 93,000 square feet of office uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking allowed on Bamboo Street.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing six-inch water distribution main located along Wilshire Place, existing eight-inch water distribution main located along Pierson Drive, and existing 12-inch water distribution main located along Independence Boulevard. Charlotte Water has sanitary sewer system

infrastructure accessible for the rezoning boundary via existing eight-inch gravity sewer mains located along Wilshire Place, Pierson Drive, and Independence Boulevard.

- **Engineering and Property Management:**

- **Arborist:** No trees can be planted in the right-of-way of Independence Boulevard and Bamboo Street without permission of NCDOT and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact Laurie Reid (704-336-5753) at the City Arborist's office for a tree planting permit once plans have been approved by the City and before planting trees in the NCDOT right-of-way. Trees cannot be planted in the right-of-way of all existing and newly created City of Charlotte maintained streets without authorization from the City Arborist or his designee. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting.
- **Erosion Control:** No issues.
- **Land Development:** No issues.
- **Storm Water Services:** No issues.
- **Urban Forestry:** Site must comply with the Tree Ordinance.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. ~~Petitioner should contact NCDOT to determine the future curbline of US 74. Addressed by submitting a request to NCDOT.~~
2. ~~Bamboo Street is a state maintained street and NCDOT has indicated that a traffic impact study is required. Petitioner should submit a scoping document to CDOT and NCDOT for review. CDOT rescinded this request and is comfortable with the traffic levels for the rezoning. Petitioner will continue to follow-up with NCDOT on the TTM request. Petitioner will submit a TTM to NCDOT and CDOT during permitting (or such other time acceptable to NCDOT) and any transportation improvements specifically identified will be undertaken by petitioner at such time acceptable to NCDOT.~~
3. ~~Revise the site plan and conditional notes to include a left turn lane from Pierson Drive onto Bamboo Street or other intersection treatment (i.e. roundabout) to address additional turning movements anticipated from the site. The existing pavement does not appear adequate for the three lane section. Revise the note or provide an engineered concept. CDOT rescinded this request.~~

Site and Building Design

4. ~~Add a note that a new rezoning will be required if the existing building cannot be reused, and eliminate references to construction of replacement building(s) on the same footprint of the existing building in Development Area A. As an alternative, work with staff to determine the appropriate height, location, design, and signage components of a new building. Addressed by adjusting building height.~~
5. ~~Limit maximum building height of the existing building on Development Area A to the existing 93 110 feet. Outstanding. Requesting building height up to a total height of 123 feet.~~
6. ~~Reduce the number of proposed buildings from three to two. Addressed.~~
7. ~~Limit maximum building height of the new building proposed in Area B to 50 feet. Addressed. Maximum height of new building on Development Area B limited to a maximum height of 50 feet at the building setback along Bamboo Street, and 86 for the portion of the building stepped back from Bamboo Street.~~
8. ~~Delete optional request to allow up to 875 square feet of specialty signage consisting of LED, video and digital components. Outstanding. Requesting 725 feet of specialty signage that will be digital/LED in nature or similar technology but not a standard static billboard, and panels will be dimmable to adjust for ambient conditions.~~
9. ~~Eliminate detached ground mounted signage proposed for Wilshire Place and Bamboo Streets. Staff rescinded this request.~~
10. ~~Show building elevations demonstrating the impact of signage covering 10% of the building wall area. Addressed. Eliminated optional request to allow more standard wall signage than allowed per the MUDD ordinance.~~
11. ~~Add a note committing to ground level office and/or retail along Wilshire Place. Addressed. Conceptual Site Plan Phase II reflects a parking structure with office above parking and retail uses. Phase II of Development Area B shall include installation of active use space along the building edge fronting Wilshire Place for a minimum 60% of such frontage.~~
12. ~~Amend Sheet RZ-3 to reflect the 20-foot building setback referenced in Note 6B under "Streetscape and Screening." Addressed. A 20-foot setback has been reflected along E.~~

Independence Boulevard.

13. Confirm with E&PM that site is in compliance with the trees ordinance especially along the Bamboo Street, Independence Boulevard, and Pierson Drive frontage. **Addressed.**
14. Add notes to the site plan indicating how and by whom the mural will be maintained. **Addressed. Mural will be maintained by the petitioner or owner of Development Area A.**

REQUESTED TECHNICAL REVISIONS

Site and Building Design

15. Delete Note 1C under "General Provisions" except for the following sentence: Changes to the rezoning plan not anticipated by the rezoning plan will be reviewed and approved as allowed by Section 6.207 of the ordinance. **Addressed.**
16. Amend Note C under "General Provisions" to provide a definition for "Limited Service Restaurants" or replace with "Neighborhood Food and Beverage Service, which is defined in the ordinance. **Addressed. Added definition for "Limited Service Restaurants."**
17. Delete Note 1H under "General Provisions" as the zoning ordinance provides a definition of floor area. **Addressed. The petitioner modified the note to the exclude surface or structured parking facilities (including, without limitation, corridors, and elevators within such facilities) and enclosed loading dock/service areas.**
18. Provide a method for tracking future development changes, square footage, and hotel rooms to be constructed which will be submitted when a permit for new buildings/additions is requested. **Addressed. Added note as follows: Prior to any transfer/conversion of entitlement to subsections 3e and 3f the petitioner or owner of the applicable development area involved in the transfer/conversion shall provide to the Planning Department a written request for such transfer/conversion as well as an updated entitlement summary for development, the results of which shall be evidenced by an administrative site plan amendment.**

NEW ISSUES BASED ON REVISED SITE PLAN

19. New Request Based on Review of Revised Site Plan: Add a note that a TIM will be submitted to NCDOT and CDOT during permitting and transportation improvements identified will be included in permitting approval documents. **Addressed. Petitioner agreed to add a note as follows: Petitioner will submit a Technical Transportation Memo to NCDOT and CDOT during permitting (or such other time acceptable to NCDOT) and any transportation improvements identified will be undertaken by petitioner at such time acceptable to NCDOT.**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327