

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2006-96**

**Property Owner:** Highwoods Realty, LP

**Petitioner:** Phillips Development and Realty, LLC

**Location:** Approximately 41.2 acres located on the west side of McCullough Drive, south of W. T. Harris Boulevard

**Request:** O-2(CD), office, conditional district request and B-2(CD), general business, conditional district request to NS, neighborhood services

### **Summary**

The petition seeks to rezone 41.19 acres to NS. The current site plan for the site allows up to 900,000 square feet of office uses, 30,000 square feet of commercial uses and a hotel on the site. The proposed rezoning seeks to incorporate up to 400 residential dwelling units, to reduce the amount of office to 400,000 square feet and retain the existing commercial uses and hotel, as follows:

#### **Area A:**

- Up to 400 residential units at a density of nine dwelling units per acre.
- Up to 15,000 square feet of retail and/or restaurant space developed as part of a mixed use residential/retail/restaurant building.

#### **Area B:**

- Up to 75,000 square feet of retail and/or restaurant space (provided the total combined gross floor area of retail and/or restaurant space within Area A and Area B shall not exceed 75,000 square feet).
- 200,000 square feet of office.
- Either one limited service hotel, up to 150 rooms, or one full service hotel with up to 375 rooms.

The existing approved site plan shows the following in the proposed rezoning area:

#### **Proposed Area A/ Existing Plan Area (2B)**

- 700,000 square feet of office space.
- 150 room limited service or 375 room full service hotel.

#### **Proposed Area B/ Existing Plan Area (1)**

- Up to 45,000 square feet of retail/restaurant space in no more than three buildings.
- Up to 200,000 square feet of office space.
- Either one limited service hotel, up to 150 rooms or one full service hotel with up to 375 rooms (In the event that all of the permitted 375 hotel rooms are not constructed, additional office square footage shall be permitted at the rate of 500 square feet for each undeveloped hotel room, up to a maximum of 100,000 square feet).

## **Consistency and Conclusion**

The request is inconsistent with amended *Northeast District Plan* recommendation of office and retail uses. However, given the proximity to a proposed Light Rail Transit Station, the introduction of residential uses at the proposed density of nine dwelling units per acre is deemed appropriate. Therefore, upon resolution of the outstanding site plan issues, this petition is deemed appropriate for approval.

## **Background**

The subject property was included as a part of approximately 57 acres located on the southeast corner of W.T. Harris Boulevard and I-85 that were rezoned from O-2(CD) and B-1(CD) to O-2(CD) S.P.A., O-3(CD), and B-2(CD) via Petition 2001-103.

## **Existing Zoning and Land Use**

The petitioned parcel is currently zoned O-2(CD) and B-2(CD) and contains a large office building. It lies to the west of multiple office buildings and restaurants in conditional office and business zoning classifications. Farther east of the parcel are hotels, a large retail center and various banks also in conditional office and business zoning classifications. To the north of the parcel are restaurants and retail stores in CC (commercial center) zoning. To the west of the parcel and across I-85 are large research parks in RE-2 and RE-1 zoning.

## **Rezoning History in Area**

A 3.31-acre parcel of property was rezoned to B-1(CD) from O-2(CD) under Petition 2001-35 to allow 60,000 square feet to include a freestanding restaurant, office and multi-family.

## **Public Plans and Policies**

**The Transit Station Area Principles (2001).** The *Northeast Transit Corridor Major Investment Study (MIS)* included a potential Light Rail Transit (LRT) station at McCullough and North Tryon. This proposal was within one-quarter mile of that potential station. However, further refinement of the Northeast Corridor and LRT stations that are part of the current Draft Environmental Impact Statement (DEIS) eliminated the McCullough station. As a result, the proposal is within one-half mile of the “relocated” Harris Boulevard station, which was moved south to Ken Hoffman Drive. The *Transit Station Area Principles* (2001) recommend a residential density of 15 dwelling units per acre and an Floor Area Ratio (FAR) of 0.75 for mixed use intensities.

**Northeast District Plan (1996).** The 1996 *Northeast District Plan* provides current land use policies for this area. It recommends retail and office uses as amended by rezoning Petition 2001-103 to B-2(CD) and O-2(CD).

## **Proposed Request Details**

The petition seeks to rezone 41.19 acres to NS to incorporate up to 400 residential dwelling units, to reduce the amount of office from 900,000 to 400,000 square feet and retain the existing 30,000 square feet of commercial uses and hotel. The accompanying site plan contains the following details:

- The total amount of retail and/or restaurant uses on the site shall not exceed 75,000 square feet of gross floor area.
- No fast food restaurants with drive through window facilities or gas stations/convenience stores with gasoline sales shall be allowed.
- No one single tenant or single fee ownership uses may occupy more than 25,000 square feet of gross floor area on the ground floor.
- No more than one independent freestanding building (or cluster of interconnected buildings that is independent) devoted solely to retail and/or restaurant uses may be developed on the site.
- No more than 45,000 square feet of gross floor area devoted to retail and/or restaurants shall be permitted on the site unless such uses are located within mixed use residential/retail/restaurant buildings or retail/restaurant/office buildings.
- Additional vehicular access points are proposed off McCullough Drive and Collins Aikman Drive.
- A 40-foot Woodland Buffer will be provided abutting Interstate 85.
- No buildings, parking or storm water detention may be placed within any required setback.
- Bicycle parking will be provided, per the ordinance requirements.
- Detached signs may not exceed seven feet in height or 50 square feet in size.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 13,400 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 9,600 trips per day. This will have a significant impact on the surrounding thoroughfare system. However, as this rezoning will generate approximately 30% fewer trips than what is currently allowed under the existing zoning and minimal transportation improvements were required of the previous rezoning petition (2001-103), a traffic study will not be requested for this petition. CDOT has the following specific comments that are critical to CDOT's support of the rezoning petition:

- Commitments to providing transit accessibility and mobility from the previous rezoning need to be included in this petition. However, the notes/commitments need to be updated based on changes in the Northeast Transit Corridor since 2001.
- The primary street running through the apartment site from McCullough Drive needs to be a public street, stubbing to the site's northern property line. A hammerhead should be provided at the extreme northwest corner of the site to terminate the public street; the stem of the hammerhead pointing toward I-85.

- A second public street needs to be provided in the site, stubbing to the southern property line.
- All driveways/streets to McCullough Drive and Collins & Aikman Drive need to align with driveways across these two streets from this site.
- 8-foot planting strips and 8-foot sidewalks need to be constructed on McCullough Drive. 8-foot planting strips and 6-foot sidewalks need to be constructed on all other public streets in this petition.
- There needs to be a complete sidewalk network that provides internal pedestrian circulation as well as pedestrian access McCullough Drive, Collins & Aikman Drive, and all internal public streets.

**CATS.** The site currently has transit opportunities on the Concord Express Line, UNCC/Uptown bus route 39 and the University Research Park Express with several park and ride facilities.

**Connectivity.** Connectivity will be provided between internal sites.

**Storm Water.** No significant downstream impacts due to drainage are foreseen due to the rezoning of this parcel. Notes have been added to the plan that pertain to Storm Water Quantity Control, Storm Water Quality Treatment and Volume and Peak Control.

**School Information.** The proposed development will add approximately 62 students to three schools in this area.

## **Outstanding Issues**

**Land Use.** The request is inconsistent with amended *Northeast District Plan* recommendation of office and retail uses. However, given the proximity to a proposed Light Rail Transit Station, the introduction of residential uses at the proposed density of nine dwelling units per acre is deemed appropriate.

**Site plan.** The site plan has the following outstanding comments:

- Proposed access abutting parcel 047-212-14 must be a public street.
- Label the setback along I-85 as a 50-foot Woodland buffer. Currently shown as a 40-foot Woodland buffer.
- Investigate options to provide direct connectivity to proposed transit stations on Highway 29.
- Provide build to lines along public streets.
- Provide 17.5 percent of site as tree save area.