

**ZONING COMMITTEE  
RECOMMENDATION  
July 26, 2006**

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**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

**Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modification:.

- A note will be added to the site plan stating that 50 percent of the trees of eight inches or greater in caliper within the view corridors will be retained and those trees may be limbed up.
- Additional notes regarding building materials for the proposed apartments will be added to the plan.

**Vote:**

Yeas:	Carter, Cooksey, Loflin, Ratcliffe, Sheild, Simmons
Nays:	None
Absent:	None

**Summary of Petition**

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 200,000 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).

**Zoning Committee Discussion/Rationale**

Mr. MacVean stated that 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. The existing plan reflects a 100 foot landscape strip/tree save area along Interstate 85 (I-85) with the exception of the two view corridors designated on the site plan. The development standards will be modified to note that the 100 foot strip will be defined as a woodland buffer, with the exception of the two view corridors. Staff continues to work with the petitioner to come to agreement on the trees to be retained in the view corridor. The *City of Charlotte Tree Ordinance* requires all trees eight inches in caliper or greater to remain. The petitioner requests the ability to remove all trees in the view corridor. Committee member Sheild posed a question to staff and the petitioner asking if there had been discussion of allowing the petitioner to limb up trees that are eight inches in caliper or greater? Mr. MacVean responded that staff would be amenable to such an allowance. The petitioner's agent stated that they would be in support of the aforementioned suggestion, with the stipulation that up to 50 percent of the trees of eight inches or greater in caliper within the view corridor will be retained and those trees may be limbed up. Committee member Ratcliffe asked if the view corridor was a part of the tree save area. Mr. MacVean stated that a minimum of 10 percent of the site would be preserved as tree save areas. The View Corridor will not be counted toward this 10 percent if no trees are retained within them. He added that the tree ordinance requirement for all trees eight inches in caliper or greater to be retained in the setback remains in effect, regardless of what is agreed to between staff and the petitioner and that the matter will need to be negotiated with the Urban Forestry Department should the petition be approved by City Council. Commissioner Sheild noted that he feels the traffic issues noted at the public hearing will be mitigated via this plan, which proposes a mixed-use development offering opportunities to live, dine and work in the same area.

**Statement of Consistency**

Commissioner Sheild made a motion to find this petition consistent with the *Transit Station Area Principles* and recommended approval, subject to the petitioner adding a note to the site plan stating that 50 percent of the trees of eight inches or greater in caliper within the view corridor will be retained and that those trees may be limbed up. Commissioner Carter seconded the motion, which was approved unanimously.

**Vote**

**Upon a motion made by Carter and seconded by Sheild, the Zoning Committee unanimously recommended approval of this petition, as modified.**

**Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.