

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006 - 129

Property Owner: Edward and Christine Keller

Petitioner: Blue Sky Partners, LLC

Location: Approximately 1.2 acres located on the north side of Ideal Way between South Boulevard and Euclid Avenue.

Request: B-2, general business to MUDD-O, mixed use development district optional.

Summary

This request proposes to rezone 1.2 acres to the MUDD-O district to allow 175 residential units at an overall density of 146 dwelling units per acre and 15,000 square feet of retail uses. The development will include two buildings with heights of ninety-eight and sixty feet. The petitioner is seeking the optional provision to allow balconies to project up to four feet into the setback along South Boulevard.

Consistency and Conclusion

This site is located in the New Bern Station Area Plan, which is in preliminary draft form and recommends residential/office/retail development. The site is located within ½ mile of the proposed New Bern transit station. Until adoption of this plan, the Central District Plan and The General Development Policies – Transit Station Area Principles provide adopted land use policy for this site. The Central District Plan recommends commercial on the site, and the Station Area Principles recommend residential with a minimum of fifteen dwelling units per acre and mixed-use with a minimum .50 FAR. This request is consistent with the recommended uses identified in the draft New Bern Station Area Plan however staff feels that the height proposed adjoining single-family is not appropriate. Staff would recommend that the petitioner reduce the height to comply with the TOD district which recommends heights over forty feet with appropriate separation from single-family development. All outstanding issues should be addressed prior to considering this request.

Existing Zoning and Land Use

The surrounding properties are zoned B-2, I-2, TOD-M, and R-5, and are occupied by commercial and industrial uses and single-family dwellings.

Rezoning History in Area

The adjacent property to the north was rezoned to TOD-M under petition 2005-19.

Public Plans and Policies

The General Development Policies – Transit Station Area Principles (adopted 2003). These principles recommend that new residential development between ¼ and ½ mile walking distance from a transit station have a typical minimum density of 15 dwelling units per acre or greater. Further, non-residential or mixed-use intensities between ¼ and ½ mile walking distance from a transit station should be at a minimum .50 FAR and yield at least 50 employees per acre.

The New Bern Station Area Plan (draft form). This plan is currently in draft form. After the draft is finalized, planning staff will hold a community meeting to review the draft plan recommendations. Staff will initiate the plan approval process after the community meeting. The subject property is recommended in the draft plan as appropriate for residential/office/retail development.

Central District Plan (adopted 1993). This plan recommends commercial on the subject property. Until the New Bern Station Area Plan is adopted, the Central District Plan provides adopted land use policy for this site.

Proposed Request Details

This request proposes to rezone 1.2 acres to the MUDD-O district to allow 175 residential units and 15,000 square feet of retail uses at an overall density of 146 dwelling units per acre. The petitioner is seeking an optional provision to allow balconies to project up to four feet into the twenty-four foot setback along South Boulevard. The site plan also includes the following:

- The petitioner is proposing two buildings one at a maximum of ninety-eight feet in height and one at a maximum of sixty feet in height.
- A twenty four foot setback with an eight foot wide sidewalk and eight foot wide planting strip will be provided along South Boulevard to meet the TOD streetscape requirements.
- The petitioner will construct a bus waiting pad along South Boulevard.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT notes that this site could generate approximately 640 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 1,050 trips per day. This will have a minor impact on the surrounding thoroughfare system.

CATS. CATS comments have been addressed.

Connectivity. Connectivity is not an issue.

Storm Water. Storm Water Services notes that downstream complaints consist of erosion and pollution. Additional Storm Water Services comments are attached.

School Information. The development allowed under the existing zoning would not generate any students, while the development allowed under the proposed zoning will produce twenty-four students (fourteen elementary, ten middle school). Therefore, the net change in the number of students generated from the existing zoning to the proposed zoning is twenty-four. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at Eastover Elementary School, Alexander Graham Middle School, and Myers Park High School. See attachment.

Outstanding Issues

Land Use. This site is located in the New Bern Station Area Plan, which is in preliminary draft form and recommends residential/office/retail development. The site is located within ½ mile of the proposed New Bern transit station. Until adoption of this plan, the Central District Plan and The General Development Policies – Transit Station Area Principles provide adopted land use policy for this site. The Central District Plan recommends Commercial on the site, and the Station Area Principles recommend residential with a minimum of fifteen dwelling units per acre and mixed-use with a minimum .50 FAR. This request is consistent from a land use perspective.

Site plan. The following site plan issues are still outstanding:

- The petitioner should indicate that the height of the buildings will not exceed the maximum allowed in the TOD district. The approximate maximum for the building along Euclid Avenue would be 43.5 feet on the east side and 49 feet on the west side. The maximum height of the building along South Boulevard would be 56.5 feet on the east side and 62.5 feet on the west side.
- Sheet RZ-5 should be removed from the request since it does not measure the maximum height from the average grade or from the existing single-family residential zoning district.
- Note seven should be revised to indicate changes to the design theme are allowed in accordance with section 6.207 of the ordinance.
- Note eleven should be removed. The attached perspective illustrations will be part of the conditional plan.
- The note regarding the four foot encroachment into building setback should clarify that this is only along South Boulevard.
- The note regarding signage should be clarified to note that signage will meet minimum MUDD requirements.
- Note six should be revised to remove the parking on the adjoining site from the parking calculations.
- The petitioner should add a note that no “wall pak” type lighting will be allowed and that all lighting will be fully shielded.
- The petitioner should indicate on the plan that all setbacks are from the future back of curb.
- The TOD zoning height restriction lines shown on the street sections on sheet RZ-6 should be removed.
- All outstanding Storm Water Services comments should be addressed.
- All outstanding CDOT comments should be addressed.