

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-138

Property Owner: Philips Investment

Petitioner: BV Belk Properties

Location: Approximately 6.84 acres located on the southeast corner of E. Independence Boulevard and Arena Boulevard

Center, Corridor or Wedge: Corridor

Request: B-2, general business to MUDD (CD), mixed use development conditional district

Note: The petitioner has requested a withdrawal of this petition. However, the valid protest petition must be withdrawn or the petition must proceed to public hearing. If the protest petition is not withdrawn, the petitioner requests a deferral to January.

Summary

BV Belk Properties has petitioned the City Council to rezone the subject property in order to establish a mixed-use development consisting of 400 residential, and 20,000 square feet of retail, restaurants, office, and personal service uses.

Consistency and Conclusion

The proposed uses are consistent with the *Central District Plan* and other recent planning initiatives. However, staff cannot support to petition in its current form. The scale, massing, and articulation of the building should be modified to correspond more to the transit supportive pedestrian scale development envisioned for the area. In addition, the site plan lacks the level of detail needed for a development of this size. Therefore, staff is recommending denial of this petition in its current form.

Existing Zoning and Land Use

The properties surrounding the petitioned site along Independence Boulevard are zoned B-2 and range in use from office and retail to the Charlotte Arena and Ovens Auditorium. To the south and southeast the properties are zoned a mix of single and multi-family residential with several properties being zoned office.

Rezoning History in Area

There have been no rezonings in the immediate area in the past five years.

Public Plans and Policies

Southeast Transit Corridor Draft Environmental Impact Statement and the 2030 Transit Corridor System Plan. The subject site is located within the Southeast Transit Corridor and within ¼ mile radius of a proposed transit station identified in the 2030 Transit Corridor System Plan and the Draft Environmental Impact Statement (DEIS). According to the 2030 Transit Corridor System Plan, the first phase of construction for the Southeast Transit Corridor would encompass this station and is shown as beginning in the year 2020.

Transit Station Area Principles (2001). The *Transit Station Area Principles*, which are part of the *General Development Policies*, apply to the site. The *Transit Station Area Principles* encourage a mixture of complementary transit-supportive uses and increased land use intensity. For non-residential development, the principles recommend a minimum floor area ratio (FAR) of .75 within a ¼ mile walking distance of a transit station and .50 within ½ mile walking distance. For residential development, the principles recommend a minimum of 20 dwelling units per acre within the ¼ mile walk area, and 15 dwelling units per acre within the ½ mile walk area. In some cases, station area plans will recommend lesser intensities for development. These lesser intensities might be necessary to preserve existing structures, to ensure that new development is consistent with the character of existing transit supportive development or to mitigate traffic impacts.

Proposed Request Details

The site plan accompanying this petition indicates a maximum of 400 residential units and 20,000 square feet of retail, restaurants, and office and personal services and excludes drive through uses. The following conditions are also noted on the site plan:

- The buildings facing Independence Boulevard and Arena Drive will have public entrances with parking behind the building and screened from public street view.
- The maximum height of any freestanding light fixtures will not exceed 25-feet.
- Parking lot lighting will be fully shielded.
- Lighting attached to the buildings will be capped and directed downward and wall mounted decorative lighting is permitted.

Public Infrastructure

Traffic Impact / CDOT Comments. Consistency with Transportation Action Plan (TAP): The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

Vehicle Trip Generation

This site could generate approximately 4,600 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 5,800 trips per day. This will have a minor impact on the surrounding thoroughfare system.

CDOT has the following specific comments that are critical to their support of the rezoning petition:

- Any proposed driveways or internal street connections on Arena Boulevard must directly align opposite any similar access locations on the opposite side of the street. Driveways on the opposite side of the street need to be shown on the plan.
- The revised site plan shows many features that are not labeled and have an unclear purpose. These features need to be labeled on the site plan, particularly the one within the transitional setback.
- A review of the CATS station area plan indicates that CATS is planning a transit station on this corner. The petitioner needs to accommodate this in the site plan, reserving the area of their site for the CATS station.
- The site plan needs to better demonstrate what features will be installed on the ground. The superimposed multi-story structure located above could be shown on a separate page in the plans.
- The entrances to the parking area under the building closest to Arena Boulevard are too close to the driveways onto Arena Boulevard. For this use, a minimum of 150 feet of internal channelization is needed to allow for queuing at the driveway locations, the entrances to the parking areas conflict with this and need to be moved further back from Arena Boulevard.

CATS. CATS did not comment on this petition.

Storm Water. All Storm Water comments have been addressed.

School Information. This development will add approximately 102 students to the schools in this area. See the attached memo for additional information.

Outstanding Issues

Land Use. The retail and other commercial uses are consistent with the *Central District Plan*. The residential uses, although not envisioned for this area when the district plan was developed, have been identified as appropriate land uses for this area in more recent planning initiatives (e.g., Southeast Transit Corridor planning, Independence Land Use and Infrastructure Study).

Site plan. The following site plan issues are outstanding:

- More details including building layout and parking layout are needed. It is unclear where the parking ends and buildings begin on the current plan.
- The maximum building height should be 40-feet adjacent to the single-family residential uses unless the height is increased by one foot for every ten feet away from the single family residential. The maximum building height should be specified on the site plan.
- The site plan should include details of how parking will be screened.
- Wall pak lighting should not be allowed.
- Under (e) the on-street parking noted is not “generally depicted on the Conceptual Master Plan.” Please show.

- Under #8, the Pedestrian connections are not shown.
- Under #9 (a) clarify what a Class “cu” buffer is.
- A 25-foot landscaped setback along E. Independence to buffer residential uses from heavy volumes of traffic should be provided.
- The percentage and location of tree save areas should be noted on the site plan.
- The proposed locations of storm water detention and water quality ponds should be specified.
- The proposed building elevations should be revised to provide smaller scale, better articulated buildings. The mass and scale of the current building is too large.
- The proposed building elevation along Arena Boulevard should be revised to provide a better streetscape treatment. The current proposal indicates a large, long blank wall.
- The notes on the plan regarding building entrances along the public streets should be revised to require more than “public” entrances.