

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007 - 142

Property Owner: Wachovia Bank & Bank Trust Co.

Petitioner: The Boulevard Company

Location: Approximately 0.39 acres located on the south side of the intersection of Kenilworth Avenue, Scott Avenue and Romany Road.

Center, Corridor, or Wedge: Wedge

Request: O-2, office to MUDD-O, mixed use development district, optional

Summary

The Boulevard Company is requesting a zoning change that would permit a new office building of undetermined size and height. Staff is working with representatives of the petitioner to determine the height, size, and design of the proposed building.

Consistency and Conclusion

The proposed development is consistent with the *Dilworth Land Use and Streetscape Plan*, provided the design requirements outlined in the plan are met. The proposed land use recommendation in the Dilworth Land Use and Streetscape Plan (2006) is for office uses with no portion of the building measuring higher than 50 feet. Staff is recommending approval of this petition pending resolution of the remaining site plan issues.

Existing Zoning and Land Use

The subject property is zoned O-2 and is occupied by a 5,050 square feet medical office. A parcel at the northwest corner of Romany Road and Kenilworth Avenue has a zoning designation of R-22MF and is occupied by a single family home. Properties to the northeast and east have zoning designations of O-2 and O-6(CD) and are used in association with the Carolinas Medical Center. Adjacent properties to the south are zoned O-2 and house various office uses. To the west are properties zoned R-22MF and UR-2(CD) which are occupied by single family homes and condominiums.

Rezoning History in Area

A parcel at the southwest corner of Kenilworth Avenue and Romany Road was rezoned from R-22MF and UR-2(CD) for 30 residential units by petition 2002-84. A parcel fronting Scott

Avenue, to the south of the subject parcel, was rezoned from O-2 to MUDD-O in association with an adjacent mixed use development by petition 2003-45.

Public Plans and Policies

The *Dilworth Land Use and Streetscape Plan* (2006) provides land use policy and design guidelines and for this site and will be the policy guide for this petition. The plan recommends office uses for the subject parcel with no portion of the building measuring higher than 50 feet.

The *Central District Plan* (1993) recommended single family/multi-family up to eight dwelling units per acre. The plan was updated by the *Dilworth Land Use and Streetscape Plan* (2006).

Proposed Request Details

This petition proposes to rezone 0.39 acres for the development of the site to accommodate a five-level office building along with associated parking and service areas.

Public Infrastructure

Traffic Impact / CDOT Comments. Transportation staff determined the site could generate approximately 190 trips per day. Therefore the proposed development is trip neutral and will have a minor impact on the surrounding thoroughfare system. CDOT staff had the following comments regarding the proposed site plan:

- As currently shown on the site plan, the building/parking is located in the future rights-of-way of Scott and Kenilworth Avenues and would not be approved. It has been determined that the face of the building/parking envelope/setback line needs to meet and be aligned with the future right-of-way line. The face-of-future curb will be measured 14 feet from the proposed right-of-way line.
- As shown, it does not appear that the proposed one way and two-way driveways meet minimum width requirements. The driveways need to be constructed as Type II-modified driveways with 8-foot minimum radii for passenger vehicles and 16-foot radii for commercial vehicles (waste collection and single unit delivery vehicles). Proposed driveway widths and radii need to be shown. The driveways need to be labeled as being closed with curb gutter, existing, proposed, or modified from existing.
- The Duke Power easement needs to be shown on the conditional site plan to see if there are any building or driveway conflicts, not just the *Dilworth Plan's* prescribed distance from building to power line.
- The conditional site plan needs to provide an internal system of sidewalks that connects the building entrance(s) to the sidewalk(s) along both Scott and Kenilworth Avenues, and shown on the plan.

CATS. CATS staff had no comments concerning this proposal.

Storm Water. Storm Water Services staff have no requests at this time.

School Information. This petition will not impact the school system.

Outstanding Issues

Land Use. This request is consistent with adopted land use plans for the area if staff can determine from the petitioner that the building will not exceed 50 feet in height.

Site plan.

- The petitioner needs to clarify note 3 to specify whether the proposed use will be used for general or medical offices.
- The Zoning Ordinance requires that space be set aside for trash handling and recycling areas. We request that the petitioner show a dumpster location on site.
- To assure consistency of design, staff requests that the petitioner provide conceptual building elevations for both street fronts, and/or a note on the plan confirming that the building will be of a similar design and constructed with comparable materials on all four sides.
- The *Dilworth Land Use and Streetscape Plan* does not support buildings over 50 feet in height. We request that the petitioner define the maximum building height, and that it not exceed 50 feet.
- Staff requests that the petitioner more clearly designate/show landscape improvements and public space improvements to assist us in determining conformance with MUDD standards.
- We are requesting that the petitioner provide an illustration of the screen wall along Kenilworth Avenue to assist us in determining conformance with screening requirements.