

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

### **Rezoning Petition No. 2008 - 088**

**Property Owner:** 1200 South Boulevard, LLC

**Petitioner:** Harris Development Group

**Location:** Approximately 2.74 acres located on the southwest corner of South Boulevard and East Carson Boulevard.

**Center, Corridor, or Wedge:** Corridor

**Request:** TOD-M, transit oriented development, mixed use to TOD-MO, transit oriented development, mixed use, optional

### **Summary**

This request proposes to rezone to TOD-MO to allow up to 600,000 square feet of transit oriented development, including retail, office, and residential. The request proposes an option to increase the maximum allowable height from 120 feet to 230 feet or 250 feet if view corridors uptown are preserved and/or additional open space is provided. The request also includes options to encroach into the 16-foot setback along South Boulevard with ancillary uses and excludes structures and devices from the maximum height calculation.

### **Consistency and Conclusion**

This request is consistent with the *South End Transit Station Area Plan*, which recommends transit oriented development mixed use at this location. The “optional” provision in the TOD zoning district allows for consideration of higher structures on a case-by-case basis. The location of this property is just outside of the I-277 loop. The property is located diagonally across from a transit station, and as such is ideally located for higher density and increased height with a detailed site plan showing usable open space and well designed buildings. Therefore, with the submission of a more detailed site plan, and upon resolution of the outstanding site plan issues, this request could be considered appropriate for approval.

### **Existing Zoning and Land Use**

The surrounding properties are zoned TOD-MO, TOD-M, MUDD-O, B-2, and O-2, and are occupied by mixed use development, commercial and office uses. The Arlington, which is zoned UMUD, adjoins this site to the south.

### **Rezoning History in Area**

A property to the south was rezoned to TOD-MO under petition 2006-154 and a property to the west was rezoned to TOD-M under petition 2006-123.

## **Public Plans and Policies**

***South End Transit Station Area Plan (adopted 2005).*** This plan recommends mixed use transit supportive development on this site, which is located within ¼ mile of a transit station.

## **Proposed Request Details**

This request proposes to rezone to TOD-MO to allow up to 600,000 square feet of transit oriented development, including retail, office, and residential, with an option to increase the allowable height from 120 feet to 250 feet. The site plan also includes the following:

- The 250 feet in height is based on the petitioner reducing the building footprint to provide a view corridor along the rail line and additional open space. If one of these is not provided the maximum height will be limited to 230 feet.
- The petitioner will coordinate the realignment of Carson Boulevard with Lexington Avenue and improvements to Carson Boulevard, Lexington Avenue, and South Boulevard.
- The petitioner is proposing an option to encroach into the 16-foot setback along South Boulevard with ancillary functions.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT notes that with the array of uses allowed in TOD-MO zoning categories, a wide range of trip generation is possible for either the existing or proposed zoning scenarios. Given the size of the site, its proximity to the good street network and near the LYNX Blue Station in the area, CDOT feels that there should only be minimum impacts to the transportation system resulting from this rezoning and therefore a TIS will not be required by CDOT.

However a Transportation Facility Permit (TFP) submitted to Mecklenburg County will be required for this site because the parking structure exceeds 750 spaces, which needs to be coordinated with Mecklenburg County and CDOT on the study's requirements. The petitioner has agreed to analyze CDOT's traffic operation concerns during the TFP study associated with the proposed 1,200 space parking deck to ensure entering/exiting vehicles will not adversely impact South Boulevard, East Carson Boulevard and signalized intersections in close proximity to the site. Additional comments may follow after our review of the TFP Analysis.

Additional CDOT comments that should be addressed are attached.

**CATS.** CATS is presently reviewing the proposed improvements along the rail line, which would require an encroachment agreement prior to improvement being constructed.

**Connectivity.** Pedestrian connectivity to the multi-purpose path along the rail line will be provided.

**Storm Water.** Storm Water Services notes that downstream complaints consist of blockage.

**School Information.** CMS did not comment on this petition.

## **Outstanding Issues**

**Land Use.** This request is consistent with the *South End Transit Station Area Plan*, which recommends transit oriented development mixed use at this location.

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

- The petitioner should revise the height note to indicate the height could possibly increase to 250 feet if the view corridor is preserved and additional open space is provided.
- The petitioner should revise the maximum height note to include the definition of height from the ordinance. The present note would allow structures used for screening such as parapets well above the 250 feet.
- The petitioner should break down the square footages and number of units/hotel rooms proposed. The building should have 20 percent minimum devoted to office uses. The ground floor should have retail, office or residential along 50 percent of South Boulevard and East Carson Boulevard frontages.
- The petitioner should indicate the minimum square footage proposed for open space along East Carson Boulevard, South Boulevard and the rail line. Improvements to proposed open space should be graphically shown. The site plan should reflect how building ingress and egress will function within this open space.
- The buildings should have additional setbacks above the fourth floor to decrease massing.
- The building elevations should reflect these setbacks.
- The petitioner should include the west building elevation facing the Arlington.
- The petitioner should delete the request to encroach into the 16-foot setback along South Boulevard with ancillary uses. This would obstruct pedestrian circulation.
- The petitioner should commit to upgrading the 35-foot setback along the rail line to include a decorative fence at the back of the ballast curb, a 7-foot curbed tree planter and shrubs, or a 4-foot tree grate and a 12-foot wide concrete multi-purpose path with decorative lighting fixtures. These improvements are standards included in the approved *South End Transit Station Area Plan*.
- The petitioner should commit to relocating utility lines underground if Duke Energy and CDOT mutually agree that relocation is feasible and appropriate.
- The note indicating that if the petitioner chooses, the petitioner has the right to develop this site by meeting only the standards of the transit oriented development mixed use district without implementing the standards of these optional provisions (TOD-MO). This note allows a reversion and should be deleted.
- The petitioner should change the signage note to indicate temporary construction signage will be removed seven days, instead of sixty, after the issuance of a certificate of occupancy. This change is needed to meet ordinance standards.
- The petitioner should remove reference to specific ordinance sections and just reference the ordinance. Staff is presently rewriting the TOD standards and sections will change in the future.
- The petitioner should correct the acreage on the site plan to 2.74.
- The petitioner should correct the parking allowances to indicate the maximum per hotel room is one space, and the minimum for a restaurant is one space per 150 square feet.
- CDOT comments should be addressed.