

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-042

Property Owner: Allen Tate, Jr. and Charlotte Housing Authority, et al

Petitioner: Pappas-Tate, LLC

Location: Approximately 7.1 acres south of Fairview Road and east of Sharon Road

Request: Change from R-15MF(CD) (conditional multi-family residential) and O-2 (office district) to MUDD-O (mixed-use development district – optional)

NOTE: Staff is requesting deferral of this petition one month or until the Traffic Impact Study is completed and reviewed. At this point staff cannot make a recommendation without additional review.

Summary

This petition seeks approval for a mixed-use development consisting of up to 95,000 square feet of retail, commercial and/or restaurant uses, and up to 118,000 square feet of office space. In addition, a hotel of up to 120 rooms is proposed, along with up to 154 multi-family residential units. There is an ability to convert both non-residential space and hotel rooms into additional residential units.

Consistency and Conclusion

This petition, as currently constituted, is not consistent with adopted plans and policies. The non-residential components of this development need to be scaled down in order to be consistent with the South Park Small Area Plan. The General Development Policies provide rationale for the increased residential intensity but the project needs to feel primarily like a residential development to be considered consistent with adopted plans.

Existing Zoning and Land Use

A 4.5-acre portion of the subject is part of an 8.95-acre tract zoned R-15MF (CD) and occupied by 32 multi-family housing units operated by the Charlotte Housing Authority, constructed about 1980. The remaining 2.2 acres of the subject are office and commercial properties fronting Fairview Road and on Savings Place. Directly to the east is a four-story office/residential building, and just east of that is the hotel element of the Phillips Place center. Also to the east is the 4.6-acre portion of the Charlotte Housing Authority property proposed for multi-family residential development under a separate rezoning petition (2006-022) but under a design concept coordinated with the subject proposal. To the south and southeast are multi-family condominium properties recently developed in UR-2 (CD) zoning.

Rezoning History in Area

There have been several infill residential projects in this immediate area. The most recent, approved in 2004, placed a four-story, 55-foot high condominium building just southwest of the petitioned site with an approximate density of 30 units per acre. There is a pending rezoning to redevelop the property immediately to the east of the petitioned property with a multi-family and senior housing project.

Public Plans and Policies

- The *South Park Small Area Plan* (2000) shows the Housing Authority portion of the subject (about 4.5 acres) as Multi-family / Single-family attached. The plan shows the other parcels of the subject (about 2.2 acres) as Office or Office-Residential mixture. This is the currently applicable plan for the area. The plan references the residential location criteria in the *General Development Policies* as the determinant of appropriate density.
- The *South District Plan* (1993) shows the subject property as Multi-family / Single-family attached. The *South Park Small Area Plan* superseded this plan.
- The Residential Location and Design section of the *General Development Policies* (2003) (GDP) provides criteria for determining appropriate locations for higher density development. The assessment consists of a point system used to evaluate individual sites. Included in the GDP criteria are Design Guidelines for Multi-family and Attached Single-family Development. In order to gain the four points from the Design Guidelines item, all of the standards must be met. The site's score is as follows:

Assessment Criteria	Density Category - >8 up to 12 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (High)
Connectivity Analysis	2 (Med-low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes assumed)
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 12

- Based on this score, the site is appropriate for development up to 12 dwelling units per acre, under a design that complies with the Design Guidelines.
- The General Development Policies cite a number of Opportunities and Constraints that must be considered in evaluating a site for higher residential density. These can alter the site evaluation, allowing for greater or lesser density. The following are deemed to support greater density for the subject site: density of surrounding land uses; and support for redevelopment/revitalization goals.
- The proposal is for a mixed-use project which blends office elements on the plan for part of the site with residential elements on the plan for the remainder of the site. Inclusion of a small amount of neighborhood commercial use is appropriate under the plan as long as the focus of the development is residential.

Proposed Request Details

This petition seeks approval for a mixed-use development consisting of up to 95,000 square feet of retail, commercial and/or restaurant uses, and up to 118,000 square feet of office space. In addition, a hotel of up to 120 rooms is proposed, along with up to 154 multi-family residential units. There is an ability to convert both non-residential space and hotel rooms into additional residential units. The site plan accompanying this petition contains these additional provisions:

- Vehicular access is from four points on Sharon Road, one of which is right-in only, one is right-out only, another is right-in, right-out and the fourth is a signalized intersection. On Fairview Road there is one right-in drive and Savings Place is right-in, right-out. The roads would be private except that the north end of Savings Place may remain public. If a portion is left public it

would be terminated in a hammerhead turnaround. Diagonal parking is proposed along these roads.

- There are two public open space amenities, both along Savings Place. They total 18,300 square feet or about 10.4% of the site.
- There are two parking structures to serve the site; one is centrally located with a smaller underground facility located along southern edge of the site.
- Requested “optional” provisions include:
 - Parking and maneuvering between the building and Fairview Road
 - Reduction of the front setback on interior streets to 11 feet, consisting of a five-foot planting strip and six-foot sidewalk. Tree wells would actually be substituted for the planting strip
 - The MUDD height limit would be exceeded for buildings up to 150 feet in height, limited to that portion of the site near Fairview Road. Buildings in the southern end of the site would be limited to 55 feet in height.
 - Two drive-thru windows would be allowed but not for restaurants. For banks, a maximum of two lanes would be allowed
 - Three monument signs up to 10 feet in height and 75 square feet in size are proposed.
- A vehicular stub connection will be extended to the Long’s Cleaners site, subject to that property owner’s approval.
- A pedestrian connection will be extended to the Louisburg Square project currently under construction.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 820 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 9,200 trips per day. This will have a significant impact on the surrounding thoroughfare system.

This rezoning is the second phase of a mixed use development that in total could generate approximately 12,500 trips per day. Therefore, we request that the developer submit a Traffic Impact Study (TIS) in order to evaluate the effect that site generated traffic will have on the thoroughfare system in the vicinity. We have been contacted by the developer/petitioner’s traffic consultant and the study requirements have been determined. We are currently waiting for the draft TIS to be submitted

CATS. CATS has requested a bus shelter pad and nearby street lighting on Sharon Road.

Connectivity. The proposal contains provisions for both vehicular and pedestrian connectivity.

Storm Water. There will be a joint storm water plan with the Housing Authority site to the east. Other comments are attached.

School Information. The development allowed under existing zoning would generate 14 students, while the development allowed under the proposed zoning will produce 29 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 15.

Engineering. Engineering notes that a tree survey is required as part of this rezoning and that the project is subject to MUDD review if the rezoning is approved.

Outstanding Issues

Land Use. The *South Park Small Area Plan* (2000) shows the Housing Authority portion of the subject (about 4.5 acres) as Multi-family / Single-family attached. The plan shows the other parcels of the subject property (about 2.2 acres) as Office or Office-Residential mixture. This is the currently applicable plan for the area. The plan references the residential location criteria in the *General Development Policies* (GDPs) as the determinant of appropriate density. Based on the GDPs this site is appropriate for a density of 12 units per acre unless modified by the Constraints and Opportunities portion of the GDPs. The following are deemed to support greater density for the subject site: density of surrounding land uses; and support for redevelopment/revitalization goals. The Louisburg Square development under construction to the south is of a similar density and is not mixed-use development.

Site plan. The site plan accompanying this petition contains the following deficiencies:

- A note needs to be added to the plan that a certified arborist will be engaged to prepare a tree preservation plan for the trees proposed to be preserved. The plan must provide for a likely expectation of long term survival of the trees and the note must commit to implementation of the tree plan, with confirmation from the City's urban forestry personnel.
- The proposed development is very urban in scale, with 11 and 16-foot setbacks from back of curb, and 150-foot tall buildings. Only recently was a provision added to the MUDD district to even allow detached signs. But the proposed 10-foot tall, 75 square foot detached signage exceeds the MUDD standards. The optional provision for these oversized signs needs to be removed from the site plan. Five-foot high, 20 square foot detached signs per the district standards will still be allowed.
- A third proposed optional provision not supported by staff is the allowance of two drive-through windows on the site. These require removal of existing vegetation for large paved areas for stacking and circulation, thereby reducing buildable square footage and generating the need for additional building height. The basis for intense mixed-use development is pedestrian activity. Multiple drive-through windows create conflicts with pedestrians and are contrary to this philosophy. Indicate both locations proposed for drive-through windows.
- Detailed phasing needs to be added to the plan to ensure that the residential precedes or is built concurrently with the other components of the development.
- The parking table needs to be amended to specifically provide one parking space per 150 square feet of restaurant space.
- The internal sidewalks need to be increased to a minimum of 10 feet, as measured from the outside of the tree grate.
- There should be a minimum 35' open space building and parking setback on Fairview Road. This will also provide an area for needed storm water BMPs.
- Add the following note to the rezoning site plan and/or related rezoning documents:

"The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission, the stricter condition or existing requirements shall apply."
- Water quality improvements must be worked out with Storm Water Services.