

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008 - 101

Property Owner: South End Silos, LLC/CHS Corporation/City of Charlotte

Petitioner: South End Silos, LLC

Location: Approximately 2.95 acres located on the east side of Griffith Street, north of Fairwood Avenue

Center, Corridor, or Wedge: Corridor

Request: I-2, general industrial and 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 transit oriented development. The request indicates that a minimum of 20% of the development will be devoted to nonresidential uses such as retail, office, restaurants and personal services. The request proposes an option to the TOD-M standard to increase the maximum allowable height from 120 feet to 250 feet.

Consistency and Conclusion

The uses requested are consistent with the draft *New Bern Station 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. This property is located within ¼ mile of the New Bern walk-up station and approximately 800 feet from residentially zoned property and provides a mixture of uses and public open space. However, staff recommends allowing height in such locations up to 200 feet and this request significantly exceeds this height. With a more detailed site plan that includes a commitment to a significant office component and more detailed site plan and building elevations that provide a step back above the fourth floor or additional building articulation, such as terraces or verandas, to decrease massing, this site could be appropriate for heights up to 200 feet. Therefore, upon resolution of the outstanding site plan issues and reduction in the proposed height, this request could be considered appropriate for approval.

Existing Zoning and Land Use

The surrounding properties are zoned TOD-M, which are developing with transit oriented development, and I-2, which are occupied by industrial uses.

Rezoning History in Area

A parcel to the east across the rail line was rezoned to TOD-M under petition 2007-97.

Public Plans and Policies

General Development Policies - Transit Station Area Principles (adopted 2003). The policies recommend the establishment of transit supportive development within a ½ mile walk of a rapid transit station. The subject property is within ¼ mile of the New Bern light rail station.

New Bern Station Transit Station Area Plan (draft form). This plan recommends transit oriented development mixed use at this location. Public meetings have been held, and plan revisions made on this draft plan. The Planning Commission's Planning Committee has received public comment, and recommended approval of the plan. City Council's Transportation Committee recommended approval of the draft plan at their June 23 meeting. The plan is proposed to return to Council on July 28.

Proposed Request Details

This request proposes to rezone to TOD-MO to allow transit oriented development. The request indicates a minimum 20% of the development will be devoted to nonresidential uses such as retail, office, restaurants and personal services. The request proposes an option to increase the maximum allowable height from 120 feet to 250 feet. The site plan also includes the following:

- The petitioner will provide usable open space equal to at least 10% of the site. This open space can be reduced to 5% if highly visible and accessible open space of at least ½ acre is available within 200 feet of the site.
- At least 50% of the ground floor area fronting public streets or the rail line will be developed with active uses such as retail, office, residential or personal services.
- The petitioner will install pedestrian lighting along the interior of the site and along public streets.
- The petitioner has committed to make improvements to both Poindexter Drive and Griffith Street to comply with the *New Bern Transit Station Area Plan*.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT notes that with the array of uses allowed in I-2 and TOD 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 in the area, CDOT feels that there should only be minor impacts to the transportation system resulting from this rezoning. Additional CDOT comments are attached.

CATS. CATS did not comment on this request.

Connectivity. Connectivity is not an issue.

Storm Water. Storm Water Services comments have been addressed.

School Information. Charlotte Mecklenburg Schools (CMS) notes that the existing zoning does not allow residential while under the proposed zoning the site could develop with a minimum 58 units, if developed as residential only, which would produce 32 students. Therefore, the possible net change in the number of students generated from the existing zoning to the proposed zoning is 32. CMS did not update their memo at the time of this analysis.

Outstanding Issues

Land Use. This request is consistent with the draft *New Bern Station 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 reduce the overall height to a maximum of 200 feet.
- The petitioner should commit to a significant office component, ideally 20%, of the total development square footage.
- The petitioner should include complete detailed building elevations. The buildings above the fourth floor should step back a minimum of 10 feet or elevations up to the fifth floor should incorporate articulation such as verandas and terraces to break up the massing.
- The petitioner should include elevations for the parking deck and indicate the types of materials that will be used to break up walls visually and how vehicles will be screened from public view.
- The petitioner should correct the acreage indicated on the site plan to correspond with the 2.95 acres reflected on the application.
- The petitioner should indicate decorative lighting will be installed within the 35-foot setback along the rail line.
- Note five under “Optional Development Provisions” conflicts regarding how height will be measured. The note indicates height will be measured per the ordinance and then excludes devices used to screen structures and equipment. These devices would allow additional height as defined in the ordinance. The petitioner should exclude the reference to devices.
- The petitioner should correct the lighting note to read all lighting fixtures will be shielded with full cut-off.
- The petitioner should add the petition number to the site plan.