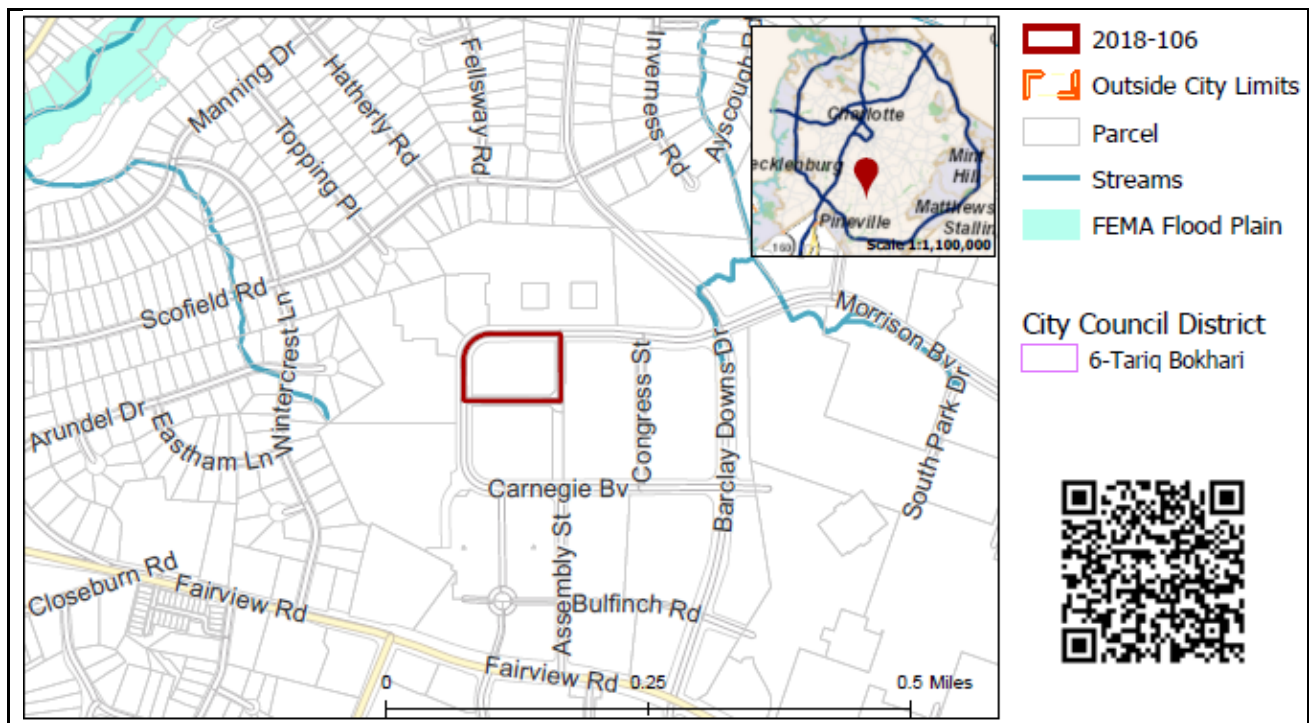


REQUEST

Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

LOCATION

Approximately 2.58 acres located on Carnegie Boulevard, near Torp Landing Boulevard and Charmeck Palisades Drive, west of Barclay Downs Drive.
(Council District 6 - Bokhari)



SUMMARY OF PETITION

The petition proposes development of an office building with retail uses on the vacant parcel of land, west of Capitol Towers in the SouthPark area.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

JLB Carnegie Landing II LLC
Lincoln Harris, LLC
Collin Brown and Bailey Patrick Jr., K&L Gates LLP

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 20.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the mixed use recommendation of the area plan as amended by a prior rezoning for the larger area of which the subject property is a part.

Rationale for Recommendation

- The vision articulated in the *SouthPark Small Area Plan* calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses.

- In addition, the *Centers, Corridors and Wedges Growth Framework* identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development.
- The proposed rezoning is consistent with the vision articulated in the area plan and in the *Centers, Corridors and Wedges Growth Framework*, and is consistent with the overall mix of uses programmed in the larger development anticipated in the prior approved rezoning petition.
- The site plan for this proposal includes a vertical mix of uses and provides active uses on the ground floor oriented to the sidewalk network.
- The site plan also provides for variations in sidewalk placement and setbacks to preserve existing mature trees and to accommodate elements of the proposed SouthPark Cultural Loop project.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition removes the previously approved plan for a multi-family development and proposes the following new provisions:

- Allows all uses permitted in MUDD (mixed use development) zoning except car washes, automobile service stations, drive through service windows and residential.
- Permits up to 340,000 square feet of commercial uses and specifies the total devoted to retail and EDEE (eating/drinking/entertainment) uses is limited to 16,000 square feet.
- Allows a maximum building height of 180 feet including architectural features.
- Commits to a minimum of 5,000 square feet of ground floor space devoted to retail activities accessory to the office such as fitness center, leasing offices, and lobbies. This space shall not count towards the maximum retail limit.
- Specifies a 14-foot setback along Carnegie Boulevard with a minimum 12-foot transition zone behind the sidewalk to facilitate urban open space, tree preservation, meandering sidewalks, outdoor seating and dining areas.
- Provides architectural standards related to allowed building materials, transparency on upper floors, ground floor active use, screening, and location of dumpsters and backflow preventers.
- Provides building perspective views and street elevation renderings.
- Commits to at least 4,000 square feet of urban open space at the corner of the site's frontage on Carnegie Boulevard. Specifies the open space will include at a minimum three of the following elements: outdoor seating and dining area, enhanced lighting, public sidewalks, enhanced landscaping, preserved large mature trees, public art or sculptures.
- Commits to provide a reduction of the peak flow in a 100-year storm event by 50% or more over the conditions of the site as they exist at the time the rezoning is approved.
- Limits the height of detached lighting to 30 feet.

The site plan contains the following transportation and streetscape provisions:

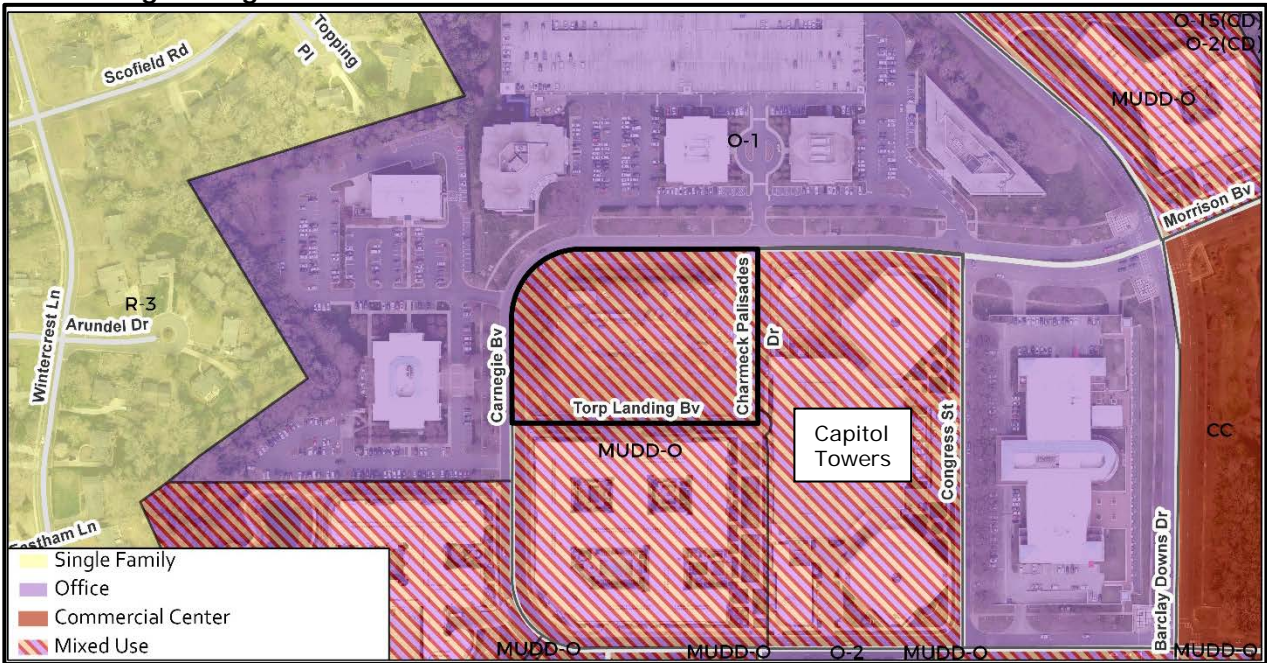
- Commits to construct or contribute funds to the proposed SouthPark cultural loop.
- Commits to provide or cause to be provided a number of off-site transportation improvements including: pedestrian crossing upgrades at Barclay Downs Road and Fairview Road and Carnegie Boulevard and Barclay Downs Drive, install or contribute funds for approximately 700 linear feet of the SouthPark cultural loop up to \$340,000 dollars between northern and southern segments of Carnegie Boulevard, and other pedestrian improvements in the area or contribution to the cultural loop project up to \$125,000 dollars.
- Specifies no direct vehicular access from the site to Carnegie Boulevard.
- Limits the number of vehicular access points to three for this site.
- Provides a minimum eight-foot wide planting strip and six-foot sidewalk along the site's frontage of Carnegie Boulevard subject to the optional provision stated below.
- Provides a minimum eight-foot planting strip and six-foot sidewalk along the site's frontage of Torp Landing Boulevard.

Requests the following optional provisions:

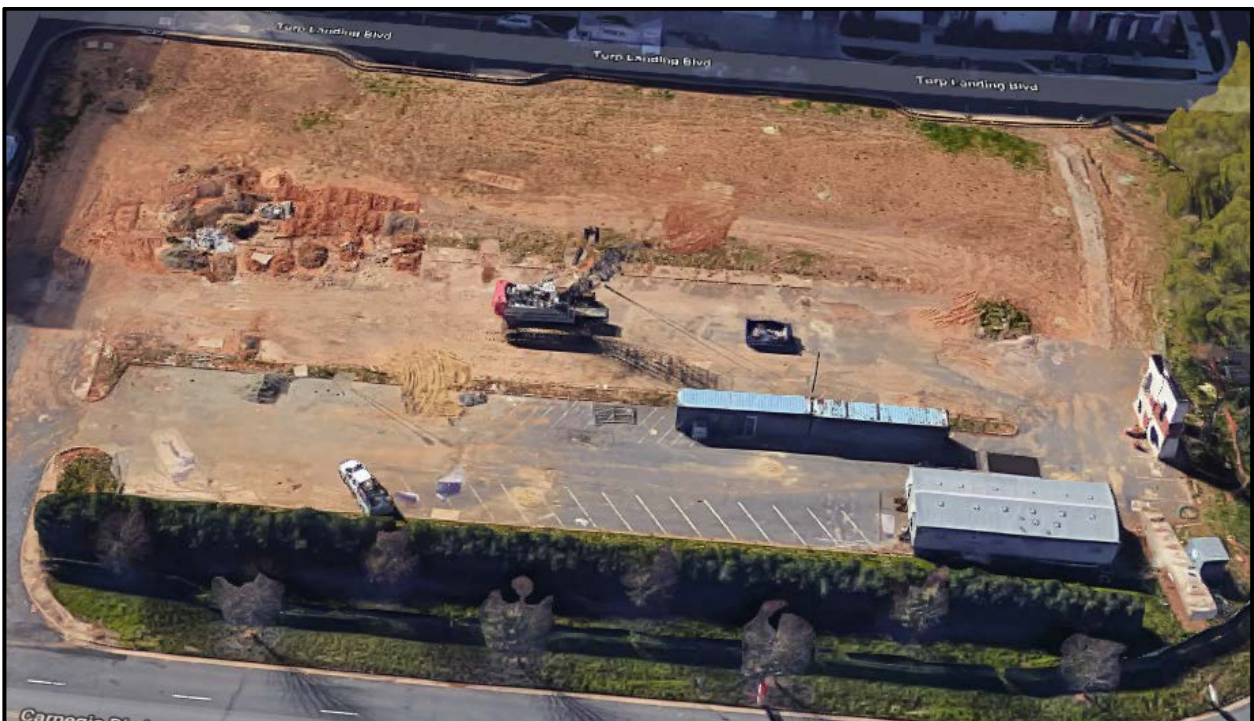
- Allow a maximum building height of 180 feet including architectural features. The standard maximum height in MUDD (mixed use development) zoning is 120 feet.
- Allow wall signs to have up to 200 square feet of sign area per wall or 10% of the wall which they are attached whichever is less. The standard size for wall signs in MUDD zoning is 100 square feet or 5% of the wall which they are attached.
- Allow one detached ground mounted sign at a height of five feet and 60 square feet. The standard size for ground mounted signs in MUDD zoning is 20 square feet.

- Allow surface level vehicular parallel parking and maneuvering areas for service and delivery into a service dock between the building and Torp Landing Boulevard. MUDD zoning does not permit parking or maneuvering between the use and the required setback.
- Allow the “base” of building requirements to be satisfied by providing taller and architecturally differentiated ground floors that distinguish ground floor levels from upper stories. MUDD zoning defines the “base” as equivalent to the first three floor above street grade.
- Allow an alternative streetscape on Carnegie Boulevard for the purposes of existing tree preservation and to provide unique urban space as specified in the notes. The standard for streetscape in MUDD zoning is for an eight-foot planting strip and six-foot sidewalk behind the curb.

• **Existing Zoning and Land Use**



- The site was previously rezoned by petition 2010-056 from O-1 (office) to MUDD-O (mixed use development, optional) which rezoned the larger block between Carnegie Boulevard and Congress Street to allow a mixed use development. The subject parcel was entitled for up to 200 multi-family residential dwelling units.



The subject property is vacant.



The subject property is denoted by the red star.



The property to the south, across Torp Landing Boulevard, along Carnegie Boulevard is developed with apartments.



The property to the north along Carnegie Boulevard is developed with office uses.

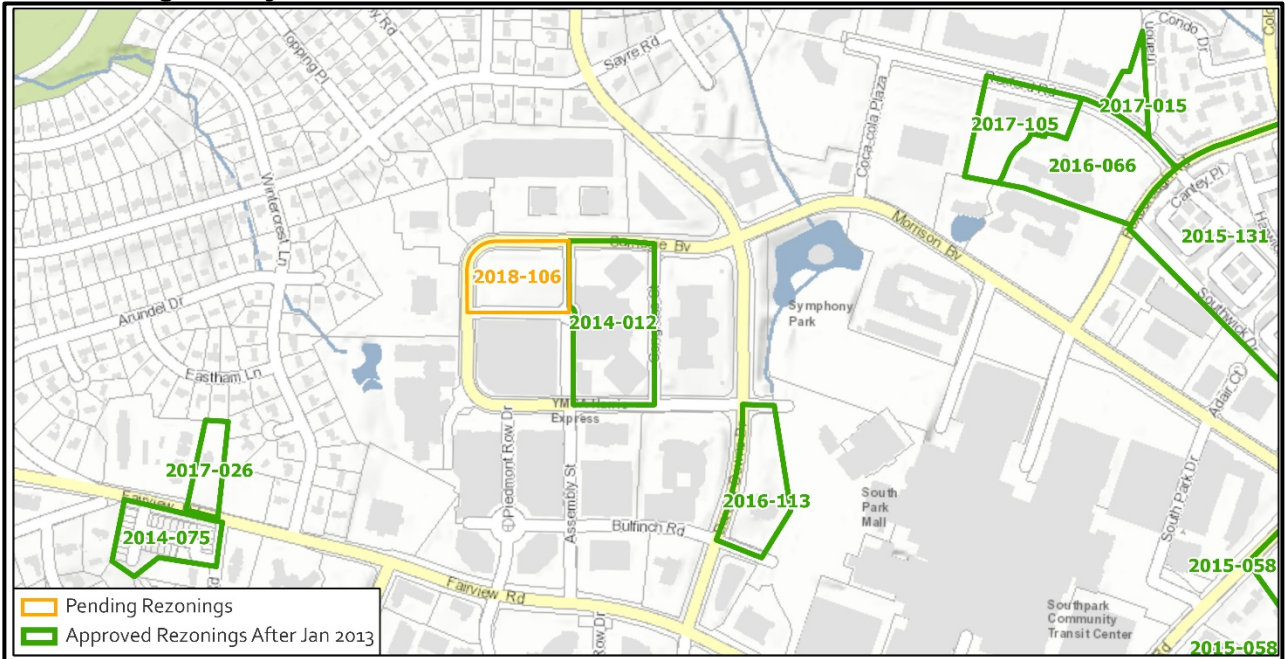


The properties to the west along Carnegie Boulevard are developed with apartments and office uses.



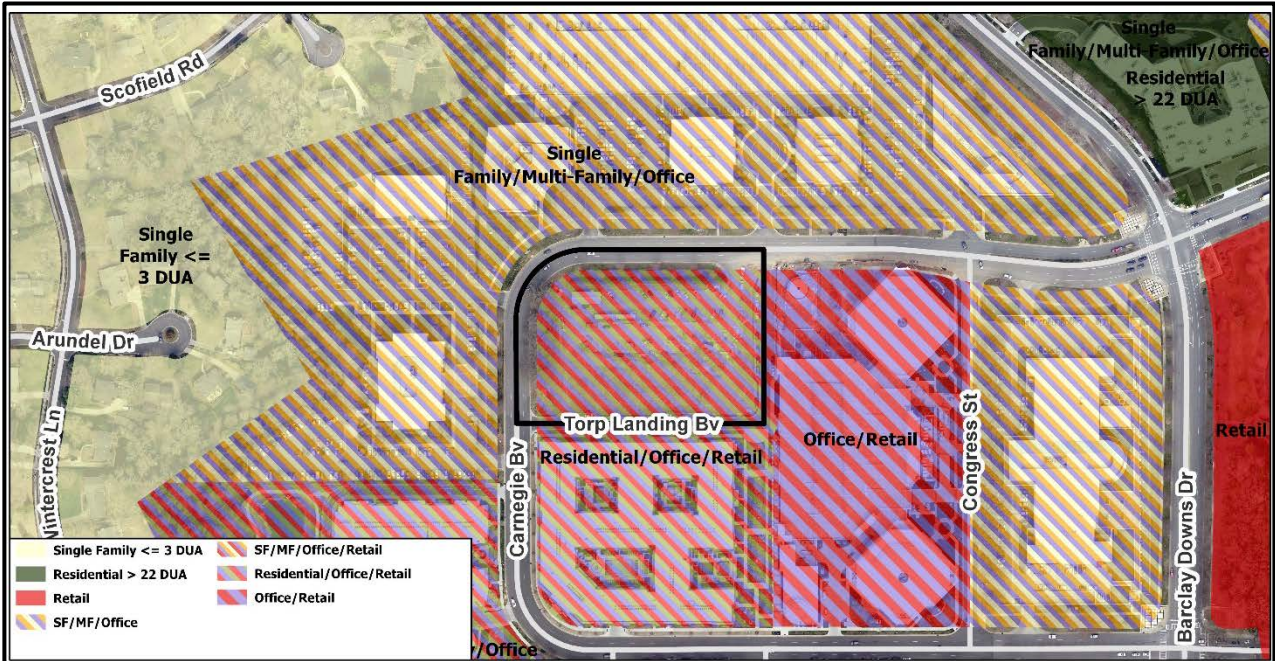
Properties to the east along Charmek Palisades Drive are developed with the Capitol Towers office buildings and retail uses.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-012	Rezoned 6.10 acres to MUDD-O SPA (mixed use development, optional, site plan amendment) to allow the Capitol Towers development.	Approved
2014-075	Rezoned 2.6 acres to UR-2(CD) (urban residential, conditional) to allow a townhome development.	Approved
2015-058	Rezoned 7.1 acres to MUDD-O (mixed use development, optional) to allow a mixed use development.	Approved
2015-131	Rezoned 27 acres to MUDD-O (mixed use development, optional) to allow a mixed use development.	Approved
2016-066	Rezoned 5.32 acres to MUDD-O (mixed use development, optional) to allow an existing hotel and development of a new hotel and parking structure.	Approved
2016-113	Rezoned 2.68 acres to allow mixed use development with residential and limited commercial uses.	Approved
2017-015	Rezoned 1.07 acres to MUDD(CD) (mixed use development, conditional) to allow an office building.	Approved
2017-026	Rezoned 1.19 acres to UR-C(CD) SPA (urban residential - commercial, conditional, site plan amendment) to allow the existing residential structure to be used an office.	Approved
2017-105	Rezoned 3.42 acres to MUDD-O (mixed use development, optional) to allow renovation of the existing office building, a new building addition and a parking structure.	Approved

• Public Plans and Policies



- The *SouthPark Small Area Plan* (2000) as amended by prior rezoning petition 2010-056 recommends a mix of office, residential, and/or retail uses on the larger property of which the subject is a part. The petition called for residential use for the subject property itself.
- The vision articulated in the *SouthPark Small Area Plan* calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located along a major collector. The site commits to plantings strip and sidewalk along Carnegie Boulevard. CDOT is requesting planting strip and sidewalks to be installed along Chadwick Palisades Drive and Torp Landing Boulevard. CDOT and petitioner are still working on the TIS and further comments related to pedestrian and road improvements may follow.
 - See Outstanding Issues, Notes 2-5.
 - **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 1,340 (based on 200 apartments).

Proposed Zoning: 5,390 trips per day (based on 340,000 square feet of office and 16,000 square feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along Carnegie Boulevard. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing eight-inch gravity sewer main located along Carnegie Boulevard.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Amend the building perspective views to annotate key architectural design elements committed to as part of the rezoning.~~ Addressed.

Transportation

2. ~~Update the site plan and conditional notes to show an eight-foot planting strip and six-foot sidewalk along Torp Landing Boulevard to mirror the current existing opposite side of the road.~~ Addressed
3. ~~Amend the site plan and notes to clarify the commitment to construct the cultural loop along Charmek Palisades Drive.~~ Addressed
4. ~~Remove conditional note V.c. until CDOT and developer work out the agreement of what improvements can be substituted for contributions and agree on a contribution.~~ Addressed
5. ~~Revise the site plan to show a two-foot easement behind sidewalk outside of the right-of-way along Carnegie Boulevard.~~ Addressed

REQUESTED TECHNICAL REVISIONS

Site and Building Design

6. ~~Add a note to the Carnegie Street Elevation and the third Perspective View graphics to clarify the intent of the graphics is to show relationship to existing surrounding development.~~ Addressed.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing Staff Analysis
- Post hearing staff analysis
- Zoning Committee Recommendation
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311