

Note: The petitioner is requesting a deferral to the July 16th City Council Zoning Meeting.

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| REQUEST | Current Zoning: O-2(CD), office, conditional Proposed Zoning: MUDD-O, mixed use development district, optional |
| LOCATION | Approximately 3.20 acres located on the northeast corner of Barclay Downs Drive and Morrison Boulevard across from Carnegie Boulevard. |
| SUMMARY OF PETITION | The petition proposes up to 300 multi-family dwelling units at 93.8 units per acre, and permitted accessory uses. <u>Where else, outside of the Uptown Urban District, is a density of 94 units per acre zoned?</u> |
| STAFF RECOMMENDATION | <p>Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>SouthPark Small Area Plan</i>, which recommends office or a mixture of office and residential uses. <u>However, this project is not in compliance with guidelines clearly stated in the Plan that call for development adjacent to R-3 neighborhoods to transition down in scale by reducing building heights to 40' along the adjacent property lines.</u></p> <p>The site is located in an area identified as an Activity Center as set forth in the adopted <i>Centers, Corridors, Wedges Growth Framework</i>. The subject site meets many of the design standards recommended by the adopted area plan as follows:</p> <ul style="list-style-type: none">• building architecture oriented to the town center, with use of brick and stone building materials; <u>Agreed, although 8 stories/95' is a significant increase from current practice and a major change in standards for this area, more appropriate for the middle of the town center rather than this transitional site bordering a neighborhood.</u>• reduced building height abutting a nonresidential outdoor recreation use in residential zoning; <u>The building is still 8 stories on the Morrison site and it has actually increased 5' in height (to 95') since the original proposal. The developer minimally reduced one portion of the rear of the building – from 8 stories to 6 stories and the 6 stories sits on top of three stories of parking, some of which is visible and most of which is above adjacent property grade. Building height varies from 84' to 95' except for one small 49'-6", four story portion.</u>• structured parking; <u>Follows the building footprint, unlike the office building, which used the parking deck to buffer and transition from the neighborhood to the taller office building.</u>• landscaping and buffers provided to transition between land uses; <u>Landscaping needs to be coordinated with the BD Swim and Racquet Club to avoid negative impacts, especially from shading, on outdoor recreational uses. This coordination has not occurred and remains an outstanding issue.</u>• open space in the form of an improved interior courtyard and natural or landscaped open space areas; |

The Barclay Downs Swim and Racquet Club and the Barclay

Downs Homeowners' Association disagree with the Planning Department's recommendation on the grounds that the project is too dense, too tall and too massive for the small, transitional site.

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| PROPERTY OWNER | Pinnacle Building, LLC |
| PETITIONER | Woodfield Acquisitions, LLC |
| AGENT/REPRESENTATIVE | Jeff Brown and Keith MacVean, King & Spalding LLP |
| COMMUNITY MEETING | Meeting is required and has been held. Report will be available online when received. |

PLANNING STAFF REVIEW

• Background

The subject property was originally rezoned via petition 1994-02 as a part of 4.8 total acres, to allow 160,000 square feet of office uses and all uses permitted in the O-2 district. —An administrative approval was approved in April 2001 for the 3.2 acre subject property site, which allowed a maximum of 130,866 square feet for an office building and a parking deck. The office building was permitted a maximum height of 82 feet (six stories along Barclay Downs Drive) and the parking deck was limited to 30 feet in height. This height exceeds the 40-foot height recommendation in the *South Park Small Area Plan* adopted in the 2000 for buildings abutting single family neighborhoods. Buffers provided include a 40-foot undisturbed buffer along Barclay Downs Drive, a 25-foot landscape easement along Morrison Boulevard, and a 36-foot Class B buffer abutting R-3 zoning to the north. Current O-2 (CD) zoning allows R-22, so 70 apartment units could be built on this site under this zoning. While the approved office building exceeded the 40 foot height, its closest corner was 120' from the property line and its other rear corner was 182' away. It sat on the front portion of the parking deck which extended closer to the BD Club property line, but the deck's closest corner was 36' and angled away until it was 130' from the property line.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 300 multi-family dwelling units and permitted accessory uses at a density of 93.8 units per acre. This is an urban density, inappropriate for a transitional site between commercial/office and a residential neighborhood (R-3).
- Building height limited to eight residential stories (excluding parking deck levels). Portions of building abutting closest to abutting nonresidential outdoor recreation use in R-3 zoning to the north limited to four stories (a very small portion is only 4 stories - approximately 50 linear ft and 49'-6" high) and six stories (approximately 120' linear feet and 69'-6" – 95' high).
- Structured parking deck underneath building. Structured parking follows the footprint of the apartment building above, increasing the overall visual height of the building on the north side. Some areas along the north building façade facing the Swim & Racquet Club are exposed for 95' and other portions are buried higher than adjacent property grade, with building height ranging from 84-95'.
- Maximum of two principal buildings
- Access to the site from Morrison Boulevard and Barclay Downs Drive.
- Exterior building materials consist of glass, brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding or stucco. A minimum 30 percent of the exterior building exclusive of windows, doors and roofs will be constructed of brick, stone, synthetic stone, precast stone or precast concrete. Vinyl as a building material is limited to windows.
- Parking deck ventilation will not be located along the northern building elevation directly facing the Barclay Downs Swim Club.
- Solid waste and recycling areas will be located within the building and vehicular access to the areas will be limited to Morrison Boulevard.

- A 36-foot wide tree save area supplemented to meet the requirements of a Class B buffer will be provided along the northern property line.
- An eight-foot planting strip and six-foot sidewalk will be provided along property frontage on Barclay Downs Drive and Morrison Boulevard.
- Fifteen percent open space/tree save area.
- Open space areas will remain natural or may be landscaped, with the exception of a courtyard with seating and landscaping .
- Detached lighting limited to 20 feet in height.
- Providing a bus passenger waiting pad along Barclay Downs Drive.
- Optional Provisions include:
 - Allow parking and maneuvering/drop-off area between the proposed building and Morrison Boulevard.
- **Existing Zoning and Land Use**

The subject property is currently vacant. Adjacent parcels on the east side of Barclay Downs Drive are zoned R-3, O-2(CD), O-15(CD), O-1, B-1SCD and CC and are developed with an outdoor recreation use/commercial swim and racquet club, single family dwellings, office and retail uses, an amphitheater, and a hotel. Parcels on the west side of Barclay Downs Drive are zoned R-3, O-1 and MUDD-O and occupied by single family dwellings, and office uses-
- **Rezoning History in Area**

Recent rezonings in the area include Petition 2010-056, which allowed 495,000 square feet of commercial floor area, 591 multi-family dwelling units, and limited the amount of retail and/or restaurant uses to 15,000 square feet. The 13 acres are bounded by Carnegie Boulevard and Congress Street near Barclay Downs Drive. The site of this rezoning is completely surrounded by existing office and commercial buildings. It does not have an adjacent residential neighborhood and is not a comparable rezoning to the Woodfield project. This site is also significantly larger (7.8 acres) than the proposed Woodfield site.

A more recent and more accurate rezoning comparison is 2011-009 by Crescent Resources, also on Carnegie and three blocks from the Woodfield site. It was rezoned from MUDD-O to MUDD-O SPA. This project includes 350 residential units with commercial and office mixed use. It shares a boundary with a residential neighborhood and was required to provide a 100 foot buffer to the neighborhood, 75' of which is undisturbed!!!

Other recently approved rezonings that used MUDD adjacent to residential neighborhoods include 2011-029 (3.90 acres) and 2011-034 (1.25 acres), neither with the density nor height of the proposed Woodfield rezoning.

And Charlotte's Zoning Committee and City Council have recently expressed concern about the height and setbacks on another proposed MUDD rezoning in the Southpark area that backs up to a residential neighborhood: 2012-040 (.65 acres, 5 stories/ 48' height proposed).
- **Public Plans and Policies**
 - The *SouthPark Small Area Plan* (2000) recommends a mix of office and residential uses as amended by the previously approved rezoning.
 - The petition is consistent with the *South Park Small Area Plan*. Proposed zoning far exceeds the mass, height and density of any other MUDD-O projects on sites adjacent to a residential neighborhood, while not providing adequate buffers and setbacks found in comparable projects. The proposal ignores the SPSAP's recommendation of a maximum of 40' when abutting a residential neighborhood. And the Staff recommendation does not cite a comparable rezoning that could be used for amending the Area Plan.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.

- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No issues.

- **Transportation:** The petitioner should incorporate as conditional notes the transportation improvements mutually agreed upon with the Barclay Downs HOA, with the condition that these transportation items shall be implemented and approved prior to the issuance of the first building certificate of occupancy.
 - **Vehicle Trip Generation:**
Current Zoning: 1,630 trips per day.
Proposed Zoning: 1,940 trips per day. Adds significantly daily traffic to an already overloaded neighborhood street, more cars per day than the currently zoned office building. The proposed apartment building adds significantly to weekend traffic, which not considered in the traffic study.
 - **Connectivity:** No issues. Difficult access in and out from Morrison due to proximity to intersection, the presence of a concrete median and the relatively small size of the site. This will increase traffic onto Barclay Downs and exacerbate cut-through traffic on Scofield.
- **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The proposed development would generate 77 students. The net change in number of students generated from the existing zoning to the proposed zoning is 77. There are over 5500 students attending the 3 neighborhood schools that are ½ mile from this site. These schools are already at or above capacity. And this rezoning does not consider the 941 previously approved apartment units within one-quarter mile of this site that will also feed into the same neighborhood schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
The neighborhood has concerns with existing stream erosion immediately downstream from this site from years of Southpark development.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Amend Sheet RZ 1.0 to reflect a 30-foot setback on Morrison Boulevard as indicated in Notes 5b and 5c and on Sheet RZ 2.0.
 2. Amend Note 5a to state that the setback along Barclay Downs Drive will be measured from the back of curb and will transition from 70 feet along the northern portion of Barclay Downs Drive to a minimum of 30 feet closer to the intersection of Morrison Boulevard.
 3. Indicate the setback along Barclay Downs Drive on Sheet RZ 1.0. Currently reflected as 40 feet measured from right-of-way.
 4. Amend Note 5a to indicate whether the setback along Barclay Downs Drive will be landscaped should the existing trees be removed.
 5. Remove call out for 40-foot building setback from Sheet RZ 2.0.

Attachments Online at www.rezoning.org

- Application

- Site Plan
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review

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