

REQUEST	Current Zoning: O-2, office Proposed Zoning: MUDD-O, mixed use development district, optional
LOCATION	Approximately 2.27 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road.
CENTER, CORRIDOR OR WEDGE	Center
SUMMARY OF PETITION	The petition proposes the following two development scenarios: The "Existing Development/Alteration" scenario will allow for the continued use of the six existing buildings with an allowance for up to 11,000 square feet to be converted to retail or restaurant uses and allow for building expansions of up to 2,500 square feet. The "Redevelopment" scenario will allow for a 105,000 square foot multi-story office building with retail and restaurant uses limited to the lesser of i) 20,000 square feet or ii) the ground floor of the principal building(s).
Property Owner Petitioner Agent/Representative	Bissell Porter Two, LLC; C/O The Bissell Companies, Inc. The Bissell Companies, Inc/Sharon Station Jeff Brown and Keith MacVean, King & Spalding, LLP
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. The list of permitted uses identified on sheet 2 of 3 has been modified to match the list of permitted uses identified within the development standards found on sheet 1 of 3. 2. CDOT issues have been addressed by modifying the wording of the conditional notes regarding an access easement from Sharon Road to the site's southeastern property line. 3. The optional provision has been clarified to allow accessory drive-through windows for branch banks and they would not be allowed for restaurants. 4. The list of permitted uses has been modified so they better align with those defined in the Zoning Ordinance by eliminating the terms "professional business" and "personal services". 5. Note 5.c has been modified by changing the word "may" to "shall". 6. The word "principle" has been replaced with "principal" in Notes: 3.b., 5.b., and 5.f. 7. Urban Forestry has removed their request to preserve the existing 46" oak tree along Sharon Road.
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VOTE	Motion/Second:	Dodson /Fallon
	Yeas:	Dodson, Fallon, Firestone, Lipton, and Rosenburgh
	Nays:	None
	Absent:	Phipps and Walker
	Recused:	None

ZONING COMMITTEE DISCUSSION

Staff reviewed the specifics of the two proposed development scenarios including the requested optional provisions. It was noted that the list of permitted uses identified on sheet 2 of 3 would need to be modified by the petitioner to match the list of permitted uses identified on sheet 1 of 3. In conclusion, staff noted that the retail uses within the request are inconsistent with the *SouthPark Small Area Plan*. However, the office component is consistent and the overall development meets the mixed use goal of the plan.

A commissioner asked staff how the optional provision regarding signage would affect the existing signage and the location of future signage. Staff responded by stating existing detached signs would be allowed to remain and future detached signs would be allowed to be placed within the 20-setback as long as they are located between the building and the back of sidewalk and new signs would meet the dimensional requirements of the MUDD district.

A commissioner questioned the resolution of the outstanding issue regarding the request for preservation of the existing 46" oak tree on the subject site. It was stated that Urban Forestry staff had inspected the tree and was found to be healthy. However, following discussions with the petitioner's agent, Urban Forestry staff decided to remove their request to preserve the tree due to its impact on the future building(s) and their understanding that the tree would remain until the site is redevelopment. Commission members encouraged the petitioner to preserve the tree.

A commissioner asked if the site would be required to comply with the revised Tree Ordinance, which was recently adopted by City Council, or the previous Tree Ordinance. Staff stated that the revised Tree Ordinance was adopted with an effective date of January 1, 2011. Therefore, if the rezoning is approved prior to that effective date, the site will not be required to comply with the revised Tree Ordinance regulations. It was noted that when a site is rezoned to a conditional rezoning classification, it receives a 2 year vesting period. If a formal plan submission has not been made and accepted for review prior to the date that the vested rights for the conditional zoning district expire the revised Tree Ordinance regulations will apply.

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the *SouthPark Small Area Plan* but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Fallon).

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions for the "Existing Development/Alteration" scenario:

- Optional provisions to remain until such time as the existing buildings are demolished and the "Redevelopment" scenario occurs:
 - Streetscape requirements not applicable.
 - Existing parking and maneuvering areas allowed to remain between the existing buildings and Sharon Road.
 - Prohibition of accessory drive-through windows not applicable.
 - Existing wall and detached signs to remain or be replaced with signs of the same size or that comply with MUDD standards.

- Placement of two additional detached signs that comply with MUDD standards within the setback behind the existing sidewalk along Sharon Road.
- New and existing signs allowed in the 20-foot setback if located between the building and the back of sidewalk.
- Uses within the six existing buildings limited to general and medical office uses, and two branch banks with drive-through windows.
- Up to 11,000 square feet of the existing buildings to be converted into retail establishments, and restaurants (restaurants will not have drive-through windows).
- Up to 2,500 square feet to be added to the existing buildings.
- Off-street parking provided at the following ratios:
 - General and medical office – one space per 300 square feet
 - Retail (non-restaurant) – one space per 600 square feet
 - Restaurant – one space per 125 square feet
 - Other non-residential – one space per 600 square feet

The site plan accompanying this petition contains the following provisions for the “Redevelopment” scenario:

- Optional provision:
 - Allow detached signs within the 20-foot setback between the back of sidewalk and building(s).
- Uses limited to general and medical office uses, retail establishments, and restaurants.
- Maximum floor area of 105,000 square feet.
- Maximum building height of 75 feet.
- Retail, business, restaurants, and uses limited to the lesser of i) 20,000 square feet or ii) the ground floor of the principal building(s).
- Access provided by two driveways from Sharon Road, and one driveway off Coltsgate Road.
- Parking structures located on the site designed to allow pedestrian and vehicular access to Sharon Road through the parking facilities from the southeastern portion of the property.
- Minimum 80 percent of each building façade constructed of pre-cast, pre-cast stone, stone, simulated stone, or brick.
- Parking structure constructed of the same or similar materials as principal building(s) and architecturally treated to screen parking from adjacent properties.
- Up to four principal buildings constructed on the site.
- A 20-foot landscape setback, measured from back of curb, along Sharon Road.
- Dumpster and recycling enclosures constructed of same material as the principal building(s).
- Meter banks hidden from public view.
- Off-street parking provided at the following ratios:
 - General and medical office – one space per 300 square feet
 - Retail (non-restaurant) – one space per 600 square feet
 - Restaurant – one space per 125 square feet
 - Other non-residential – one space per 600 square feet

Detached lighting limited to 25 feet and no wall pak lighting allowed.

- **Public Plans and Policies**
 - The *SouthPark Small Area Plan* (2000) recommends office or an office-residential mixture for the site.
 - The petition is inconsistent with the *SouthPark Small Area Plan*. However, the office component is consistent while the ground floor retail uses are inconsistent with the specific uses listed in the plan, but consistent with the mixed use goal of the plan.
- **STAFF RECOMMENDATION (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Transportation:** No issues.

- **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation:** No comments received.
 - **Urban Forestry:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** No issues.
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OUTSTANDING ISSUES

- No Issues.
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Attachments Online at www.rezoning.org

- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Application
- Pre-Hearing Staff Analysis
- Site Plan

Planner: Shad Spencer (704) 353-1132