

REQUEST	Current Zoning: MUDD-O, mixed use development, optional Proposed Zoning: MUDD-O SPA, mixed use development, optional, site plan amendment
LOCATION	Approximately 7.95 acres located on the west side of Sharon Road between Morrocroft Lane and Sharon Township Lane. (Council District 6 – Smith)
SUMMARY OF PETITION	The petition proposes a site plan amendment to accommodate flexibility in the development of a portion (Tract 3) of a larger 23.4- acre project. The site plan amendment: <ol style="list-style-type: none"> 1) increases the maximum number of residential units from 195 to 398; 2) allows residential units previously required to be for sale to be for lease and/or for sale. 3) allows 25,000 square feet of commercial floor area consisting of retail and/or office uses (a maximum of 20,000 square feet may be devoted to retail use), with an option to increase to 35,000 square feet, in lieu of residential units at a reduction of 10 units for each additional 1,000 square feet of commercial space.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Morrison Place, LLC Grubb Properties, Inc. Bailey Patrick/Collin Brown, K&L Gates
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the <i>SouthPark Small Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 6-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Ryan).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Note L under Access Point and Note 1 under Transportation to state “The petitioner is currently proposing a right-in/right-out driveway at Access C, which shall be constructed prior to the issuance of any certificate of occupancy for any new development on the site. Upon further evaluation of physical, operational, and cost impacts, Petitioner may elect to convert the existing right-in/right-out at Access B to a full movement driveway, only if such access is signalized.” 2. Amended Note 10 under Architectural Controls to remove the word “substantially.” 3. Amended Note C1 under Other Use Conditions and Limitations to add the following: “However, in the event that the Sharon Road right-of-way is modified in order to convert Access B to a full movement driveway, setbacks and yards in that vicinity may be reduced as long as they meet the minimum requirements of the Mixed Use Development District.” <p>Staff rescinded the following request:</p> <ol style="list-style-type: none"> 1. Petitioner should add a note committing to the full cost of the design, installation and construction of a traffic signal that may be warranted at driveway Access B and any associated turn lanes and geometric modifications necessary to install and operate the subject traffic signal.
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VOTE	Motion/Second:	Walker/Labovitz
	Yeas:	Allen, Dodson, Labovitz, Low, Ryan and Walker
	Nays:	None
	Absent:	Firestone
	Recused:	None
ZONING COMMITTEE DISCUSSION	Staff provided an overview of the current status of the petition, stating that there are no outstanding issues.	
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

- **Background**

The 7.95-acre subject property (Tract 3) was part of a larger 24-acre rezoning approved in 2004 (Rezoning Petition 2004-015) to MUDD-O (mixed use development, optional). This rezoning accommodated the construction of a mixed-use project consisting of multi-family residential units, office and retail uses, and a 150-room hotel. Tract 3 allowed up to 195 for sale residential units and a 10,000-square foot fitness center.

A subsequent site plan amendment to Tract 3, approved via Petition 2009-022, contained the following changes:

- a) an option to convert undeveloped residential units to continuing care retirement units and/or beds (maximum of 298 independent units and 66 dependent units),
- b) increased square footage of fitness center from 10,000 square feet to 30,000 square feet, and expanded uses to include health/medical/wellness activities,
- c) added up to 20,000 square feet of ground floor retail and/or office uses on the site, with no one individual retail establishment exceeding 8,500 square feet of floor area,
- d) increased maximum building height for a portion of building adjacent to Sharon Township Lane from 120 feet to 140 feet, and
- e) shifted driveway location and added an additional ground mounted sign.

The optional request for signage approved as a part of petitions 2004-0015 and 2009-022, and indicated as follows will remain:

- The sign located at access B will be no more than five feet in height and 65 square feet in size. The area of the copy will not exceed 50 square feet.
- The sign located at access C will be no more than four feet in height and 32 square feet in size. The area of the copy will not exceed 28 square feet.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Increases the maximum number of units from 195 for sale units to 398 for sale and/or for lease residential units.
- Provides parking for residential units at the rate of "at least one parking space per bedroom".
- Allows a maximum of 25,000 square feet of commercial floor area consisting of retail and/or office uses (maximum of 20,000 square feet may be devoted to retail uses). Overall square footage may be increased to 35,000 square feet, in lieu of residential units, at a reduction of 10 units for each additional 1,000 square feet of commercial space.
- Limits retail uses to a specified area.
- Restricts individual retail establishment to a maximum of 8,500 square feet.
- Allows exterior hanging balconies to be covered and substantially enclosed on three sides and cantilever out from the building a distance not to exceed approximately 18 inches.
- Loading dock and dumpster areas will be constructed in a manner that will accommodate a moving van that's not less than 24 feet in length in such manner as to avoid the blocking of traffic on any internal streets serving the site. If the loading dock and dumpster share a single drive, the drive will accommodate simultaneous use of the dumpster and loading dock without blocking traffic on any internal private street serving the site.
- Roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties, as viewed from an elevation of approximately 75 feet above grade.
- Driveway access C will be subject to review and approval by the Charlotte Department of Transportation, North Carolina Department of Transportation and City of Charlotte as required. Upon evaluation of physical, operational and cost impacts, the petitioner may elect to convert the existing right-in/right-out at Access B to a full movement driveway, only if such access is signalized.

- **Public Plans and Policies**

- The *SouthPark Small Area Plan* (2000), as amended by previous petitions, recommends a mixed/multi-use center, including multi-family residential dwellings, retail uses, and a fitness center.
 - This petition is consistent with the *SouthPark Small Area Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** Petitioner should add note committing to the full cost of the design, installation and construction of a traffic signal that may be warranted at driveway Access B and any associated turn lanes and geometric modifications necessary to install and operate the subject traffic signal.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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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*.
 - Facilitates the use of alternative modes of transportation by providing a 10-foot wide trail/bike path and internal pedestrian system connecting different uses.
 - Protects/restores environmentally sensitive areas and minimizes impacts to the City's tree canopy by providing a minimum 20-foot edge treatment (Class "C" buffer) along the Village of Morrocroft property line.
 - Facilitates the use of alternative modes of transportation by providing a CATS passenger waiting pad and bicycle rack along Sharon Road.

OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327