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<b>REQUEST</b>	Current Zoning: MUDD-O, mixed use development, optional Proposed Zoning: MUDD-O SPA, mixed use development, optional, site plan amendment
<b>LOCATION</b>	Approximately 7.95 acres located on the west side of Sharon Road between Morrocroft Lane and Sharon Township Lane. (Council District 6 – Dulin)
<b>SUMMARY OF PETITION</b>	This 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"><li>1) increases the maximum number of residential units from 195 to 398, and retains the option to convert approved residential units to continuing care retirement units;</li><li>2) allows residential units previously required to be for sale to be for lease and/or for sale.</li><li>3) allows 25,000 square feet of commercial floor area consisting of retail and/or office uses, 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.</li></ol>
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>SouthPark Small Area Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Morrison Place, LLC Grubb Properties, Inc. Bailey Patrick/Collin Brown, K&L Gates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### **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 amendment contains the following changes:

- 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 the option to convert undeveloped residential units to independent or dependent living units, at a maximum of 298 independent living units and 66 dependent living units.
- Increases the commercial floor area from 20,000 square feet to a maximum of 25,000 square feet consisting of retail and/or office uses.
- Allows a maximum of 20,000 square feet of commercial floor area devoted to retail uses. An additional 10,000 square feet devoted to office uses may be developed in lieu of residential units, at a reduction of 10 units for each additional 1,000 square feet of commercial space over 25,000 square feet, up to a maximum of 35,000 square feet.
- 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 coordinated with Charlotte Department of Transportation. Upon evaluation of physical, operational and cost impacts, the petitioner may elect to pursue a signalized and/or full access driveway at driveway Access B or C.

- **Existing Zoning and Land Use**

The subject property is currently developed with the Park South Apartments, constructed in 1977. The mixed-use development approved on the remaining acreage zoned MUDD-O (mixed use development, optional) consists of residential, office, and commercial uses. Properties to the north, east, and west are zoned R-3 (single family residential), R-17MF (multi-family residential), and R-20MF (multi-family residential) and developed with single family and multi-family residential dwellings. Properties located to the south across Sharon Road are developed with single family dwellings in R-3 (single family residential) zoning.

- **Rezoning History in Area**

Petition 2012-093 located at the intersection of Colony Road and Roxborough Road rezoned 1.41 acres to MUDD-O (mixed use development, optional) to allow the residential product to be changed from 38 for-sale units to 100 for sale or for lease multi-family dwelling units and reduce the building height from 90 to 75 feet, while including additional land.

- **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:** CDOT has the following comments:
  - 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.
  - Amend Note 1 under Transportation heading as follows: “The petitioner is currently proposing a right-in/right-out driveway at Access C, which shall be constructed prior to the issuance of any certificates of occupancy for any new development on the site. Petitioner will convert the existing right-in/right-out driveway at Access B to a full movement driveway, only if such access is signalized”.

- **Vehicle Trip Generation:**  
Current Zoning: 4,930 trips per day.  
Proposed Zoning: 4,640 trips per day.
  - **Connectivity:** No issues.
  - **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**

- The petitioner should:
    1. Address Transportation issues.
    2. Amend Note 10 under Architectural Controls to remove the word "substantially."
    3. Amend Note L to reflect same verbiage as that requested for Note 1 under Transportation.
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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- 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

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