

**Note: The petitioner is requesting to withdraw this petition. The sufficient protest petition has been withdrawn.**

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<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 1.53 acres located on the south side of Morrison Boulevard between SouthPark Drive and Sharon Road. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes up to 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses as part of the SouthPark Mall development.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of the petition upon resolution of outstanding issues. The proposed use is not consistent with the specific retail use recommended in the <i>SouthPark Small Area Plan</i> . However, it is consistent with the intent of the plan and its goal to promote the transition of the plan area and of the mall into a mixed use town center. In addition, the proposed building height (up to 200 feet) is consistent with other buildings already constructed in the area, and the site's location at the center of the district is at a considerable distance from surrounding neighborhoods, which makes it an appropriate location for a high-rise building.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Higbee LANCOMS, LP, a Delaware Limited Partnership SSBH, LLC Jeff Brown/Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: No attendees

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**PLANNING STAFF REVIEW**

- **Background**
  - The subject property was part of a larger site that was rezoned from R-12 (single family residential) and O-15 (office) to B-1SCD (business shopping center district) via petition 1965-045 for a 758,000-square foot regional shopping center, identified as SouthPark Mall, bounded by Morrison Boulevard, Sharon Road, Fairview Road and Barclay Downs Drive.
  - Subsequent rezoning petitions 1986-046, 2000-052 and 2005-113 incorporated additional parcels and increased square footage.
  - Current development rights for the overall mall site are approximately 1.2 million square feet of retail space.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - A maximum of 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses, along with accessory uses permitted in the MUDD (mixed use development) district.
  - A financial institution with accessory drive-through windows may be located on the site.
  - Building height not to exceed 200 feet.
  - Vehicular and pedestrian access to the site via Morrison Boulevard, the internal private drives, and the parking areas of SouthPark Mall.
  - Parking provided in a new structured parking facility.
  - Building material to include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, stucco, and tile cladding. Vinyl siding and unfinished concrete masonry units will be prohibited as exterior building materials.
  - A recognizable building base will be provided through material transitions and building articulation.
  - The portion of the building occupied by ground floor uses and facing Morrison Boulevard will be designed to create an interesting and activated building façade for pedestrians. A sense of entry

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- will be provided along Morrison Boulevard.
  - Pedestrian connections to the existing Pedestrian Promenade along Morrison Boulevard and to the sidewalk located along Morrison Boulevard will be provided.
  - Any outdoor amenity/dining areas located along Morrison Boulevard will include seating areas, landscaping and decorative paving, and will be connected to the sidewalk along Morrison Boulevard via a sidewalk.
  - Detached lighting will be limited to a maximum height of 15 feet.
  - The existing bus waiting pad along Morrison Boulevard will be modified/replaced if the existing curb along Morrison Boulevard is reconstructed.
  - Optional provisions requested include:
    - Building height to a maximum of 200 feet.
    - Wall signs up to 200 square feet of surface area per wall or 10 percent of the wall to which attached, whichever is least.
    - Ground floor tenants to have wall signs with up to 100 square feet of sign area on each wall.
    - Ground mounted identification signs to have up to 36 square feet of sign area and up to seven feet in height.
    - Allow the site to not have frontage on a public street.
  - **Existing Zoning and Land Use**
    - The subject property is currently used as a surface parking lot associated with SouthPark Mall. It is part of a separate ownership parcel that includes the Dillard's department store and the adjoining multi-level parking garage. The site is surrounded to the south and west by the remainder of SouthPark Mall. Immediately east is a seven-story, mixed use development that contains residential and retail uses, in CC (commercial center) zoning. Across Morrison Boulevard to the north exists office, retail and mixed use properties in MUDD-O (mixed use development, optional), B-1SCD (business shopping center), O-3(CD) (office, conditional), and B-1(CD) (neighborhood business, conditional) districts.
  - **Rezoning History in Area**
    - Petition 2010-054 rezoned 2.96 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-1(CD) (office, conditional) to MUDD-O (mixed use development, optional) to allow up to 80,000 square feet of professional business, general and medical office uses, retail establishments, personal services uses and restaurants.
    - Petition 2010-053 rezoned 2.27 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-2 (office) to MUDD-O (mixed use development, optional), and proposed 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).
  - **Public Plans and Policies**
    - The *SouthPark Small Area Plan* (2000) shows the subject property as commercial or a mixture of commercial and residential uses. At the time of the plan's adoption, there was concern about the amount of office space that could be built within the plan area. As such, the plan refers to retail uses as distinct from office uses. However, in intervening years substantive areas of the plan area previously designated for office use have been rezoned or redeveloped for residential, retail and mixed use, reducing the potential amount of office development that could be constructed. Therefore, additional office development is appropriate.
    - Plan implementation items note that office development as part of an integrated, mixed use development is appropriate, and that expansion of SouthPark Mall should further the vision of transitioning the plan area into a mixed use town center.
    - The proposed petition is inconsistent with the specific mapped use in the *SouthPark Small Area Plan*. However, it is consistent with the intent of the plan and its implementation measures to promote a transition of the plan area and the mall into a mixed use town center. The building height proposed is consistent with other buildings already constructed in the SouthPark area such as South Park Towers at 207 feet and Piedmont Town Center at 140 feet. Further, the site's location at the center of the district and at a distance from surrounding neighborhoods makes it an appropriate location for a high-rise building.
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**DEPARTMENT COMMENTS** (see full department reports online)

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

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- **Transportation:** CDOT is currently reviewing a required traffic impact study that was submitted by the petitioner and will identify transportation mitigation requirements that may be needed. The petitioner should address the following comment:
    - Provide information for the remaining entitlements for the SouthPark site, in order to estimate trip generation for the existing zoning.
    - **Vehicle Trip Generation:**  
Current Zoning: Trips per day cannot be determined based on current information.  
Proposed Zoning: 3,500 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** Remove the following sentence in Note 7a under Environmental Features in its entirety: "Since the site is a redevelopment site it will be allowed to utilize the buy down or fee in lieu options of the PCCO regulations at the time the site is redeveloped."
  - **Charlotte Water:** The proposed project plans show construction in the location of an existing sewer main. The developer will need to work with CMUD to plan and design the relocation of the infrastructure.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
  - **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*.
  - Minimizes impacts to the natural environment by building on an infill lot.

#### **OUTSTANDING ISSUES**

- The petitioner should:
  1. Limit number of drive-through accessory windows to no more than two.
  2. Add a commitment to provide outdoor amenity areas.
  3. Amend Note 2D to delete request for maximum sign height of seven feet.
  4. Add a note that requires the drive-through windows including stacking and circulation to be totally located in the parking deck.
  5. Address Transportation comment.
  6. Address Charlotte Water comment.
  7. Address Storm Water Services comment.

#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Urban Forestry Review

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