

<b>REQUEST</b>	Current Zoning: R-17MF (multi-family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow for the construction of a seven-story, 70-foot high building with two hotels containing a total of 285 rooms. Surface and structured parking will be provided as well as a street through the northern end of the site extending to the northwest corner of the property. The petitioner is requesting several optional provisions.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Old Towne Investments, LLC Crosland LLC and Allen Tate Collin Brown/ Bailey Patrick, Jr., K&L Gates, PA
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>SouthPark Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Lathrop seconded by Commissioner Eschert).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Staff has rescinded the request to reduce the maximum height from 70 feet to 55 feet for the portions of the building adjacent to single family, based on the future benefit the internal street provides to the community.</li> <li>2. Staff has rescinded the request to amend the development data to reflect a reduced height.</li> <li>3. Staff has rescinded the request to revise the architectural perspectives to reflect the reduced height.</li> <li>4. Provided a street connection along the petitioner's site running parallel to the northernmost property line.</li> <li>5. Amended note 4. (d) to specify that the CATS waiting pad will be provided according to standard detail 60.01B.</li> <li>6. Revised optional provision 2. (c) to clearly explain what is requested by listing the items to be accommodated between the building and public and private streets to include: short term parking, drop off areas, valet parking, service areas for uses such as mail delivery, loading and delivery.</li> <li>7. Amended optional provision 2. (d) to clearly explain what is meant by "innovative street design" to accommodate a private street connection, provided the design standards are acceptable to CDOT.</li> <li>8. Amended optional provision 2. (e) to specify that one ground-mounted sign with a maximum sign face area of 30 square feet and a maximum height of seven feet to be allowed near the intersection of Sharon Road and the proposed private street.</li> <li>9. Amended note 2. (e) by replacing the words "access driveway" with the word "private street."</li> <li>10. Provided minimum five-foot wide sidewalks and planting strips of varying widths as agreed upon with CDOT and Planning staff as opposed to eight-foot planting strips and six-foot sidewalks along both sides of the street extension.</li> </ol>
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11. Staff has rescinded the request for a 14-foot setback along the internal street because the street proposed is private.
12. Provided Type II modified driveways where drives intersect with the proposed internal street.
13. Provided a note 4. (d) stating that in the event CDOT is able to provide a vehicular access point connection the site to the adjacent parcel to the north the petitioner shall allow such a connection to be made to provide public access through the site. The note further commits to allowing the City of Charlotte to install sidewalk improvements in order to link the sites internal sidewalks to sidewalks on adjoining property.
14. Specified on the conceptual site plan that an eight-foot planting strip and six-foot sidewalk will be provided along Sharon Road from the proposed street to the northern property line.
15. Removed note 4. (c) and provided a note, 4. (b), that allows public access to the private street.
16. Amended note 6. (a) by listing adding additional notes to specify how headlights will be screened from view of the single family homes.
17. Provided a landscape plan the shows the locations of trees and shrubs located in the ten-foot wide buffer described in note 6. (b) and (c).
18. Replaced the words "Technical Data Sheet" with "Conceptual Site Plan" in note 8.
19. Provided a description of the open space to be provided.
20. Removed note 11. (d) as it is repeated.

**VOTE**

Motion/Second:	Sullivan/Dodson
Yeas:	Dodson, Eschert, Labovitz, Nelson, and Sullivan
Nays:	None
Absent:	Ryan and Walker
Recused:	Nelson

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition. One commission member stated that at the public hearing a resident asked the petitioner to provide a fence taller than shown on the plan. The commissioner asked what fence height was allowed by the Ordinance. Staff responded that the Zoning Ordinance did not limit the height of fences for nonresidential development. The Committee suspended the rules and asked the petitioner’s agent to explain the issues related to the height of the fence. The agent explained that plan requires a minimum height of eight feet but allows the petitioner the flexibility to work with the neighboring property owners to go up to ten feet. Another commissioner inquired about the building heights allowed for the developments across Sharon Road. Planning staff explained that the heights were limited to 55 feet adjacent to the residential uses with greater heights north towards Fairview Road. There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
 The site plan accompanying this petition contains the following provisions:
  - Allows a single building with up to two hotels containing a total of 285 rooms and accessory structures.
  - Provides surface and structured parking.

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- Limits the maximum square footage of the building to 170,000 square feet and parking structure to 72,000 square feet for a maximum floor area ratio of 1.52.
  - Limits the building height to seven stories and 70 feet exclusive of architectural features.
  - Limits the parking structure to one above ground level and a maximum height of 25 feet.
  - Provides a private street through the site along the northern end of the property from Sharon Road to the northwestern corner of the site and allows for a future street connection as property to the northwest redevelops.
  - Commits to a minimum five-foot wide sidewalk along the south side and the majority of the north side of the private street and allows for future sidewalk connections upon further extension of the street.
  - Permits public access and use of the private street.
  - Allows the private street to be converted to a public street, provided it is acceptable to CDOT.
  - Provides a CATS waiting pad on the site adjacent to Sharon Road.
  - Specifies that buildings will be similar to the elevations shown on the "Conceptual Renderings" and states that exterior building materials may include brick, stone, cast stone, precast concrete, cementitious siding, stucco, EIFS, and metal panel.
  - Provides active ground floor uses along the site's Sharon Road frontage.
  - Specifies that at least 50% of the building wall elevation facing Sharon Road shall include clear glass windows or operable doors.
  - Commits to designing and constructing parking areas so headlights are not directly visible from single family uses along Walden Court and Hazelton Drive to the extent reasonably possible.
  - Provides a 20-foot rear yard along the site's western boundary and a ten-foot wide side yard along the site's southern boundary with a ten-foot wide landscape buffer with minimum eight-foot tall wood or PVC panel fence along the site's western and southern boundaries.
  - Provides a six-foot sidewalk and eight-foot planting strip along the site's frontage on Sharon Road, with a five-foot planting strip between the proposed structure and proposed sidewalk along Sharon Road.
  - Commits to screening the portions of the parking structure located near the southwest corner of the site.
  - Commits to an eight-foot tall vertical wall along the top level of the portion of the parking structure facing the neighboring residential dwellings along Walden Court.
  - Provides open space with a courtyard and pool amenity area.
  - Limits the height of building mounted signage to 20 feet for elevations facing Walden Court and Hazelton Drive.
  - Limits height of freestanding lighting to 20 feet and lighting on the top level of the parking structure to 12 feet. Requires all lighting to be shielded with full cut-off fixtures. Provides capped, downwardly directed attached lighting.
  - Optional requests:
    1. Water quality and stormwater facilities located within setbacks and beneath parking areas and sidewalks.
    2. Building access features extending into setback areas.
    3. Short-term surface level areas for parking, drive, drop off areas and valet parking, and service areas for deliveries and loading to be located between the building and streets.
    4. Innovative street design standards, provided that such designs are acceptable to CDOT.
    5. Detached ground mounted identification signage located at the intersection of the proposed street and Sharon Road.
  - **Public Plans and Policies**
    - The *SouthPark Small Area Plan* (2000) recommends multi-family with limited retail/service uses. The plan also states that new development should be compatible with surrounding development and specifically recommends building heights abutting single family neighborhoods be limited to 40 feet, with higher buildings permitted further from single family.
    - The petition is inconsistent with the *SouthPark Small Area Plan*. However, the proposal has some residential characteristics and is compatible with surrounding development. The proposed height exceeds the plan recommendation of 40 feet abutting single family residential uses. However, the existing zoning would allow a base height of 40 feet with tiered or setback buildings up to 100 feet. In addition, approved plans across Sharon Road permitted heights up to 55 feet adjacent to residential uses. The petitioner is also providing a requested private street connection, accessible to the public, through the site. Based on these reasons, staff could support a building with a height up to 70 feet.
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- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** 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*.
    - The project utilizes existing infrastructure through the redevelopment of the site.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services 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:** John Kinley (704) 336-8311