

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) and B-1SCD (business shopping center district) Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights
<b>LOCATION</b>	Approximately 7.1 acres located on the southwest corner at the intersection of Morrison Boulevard and Sharon Road. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the redevelopment of a site in the SouthPark area with a mixture of residential, retail, eating/drinking/entertainment establishments (EDEEs), office, hotel, indoor recreation and institutional uses including a church.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Sharon United Methodist Church Childress Klein Jeff Brown and Keith MacVean
<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>	<p>The Zoning Committee found this petition to be inconsistent with the <i>SouthPark Small Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends institutional use for this site.</li> </ul> <p>However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan calls for institutional uses, reflecting the existing use as a church. The proposed development includes a church along with a mixture of other land uses; and</li> <li>• The vision articulated in the <i>SouthPark Small Area Plan</i> calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and</li> <li>• In addition, the <i>Centers, Corridors and Wedges Growth Framework</i> identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and</li> <li>• While the proposed rezoning is inconsistent with the specific land uses recommended in the <i>SouthPark Small Area Plan</i>, the proposal is consistent with the larger vision articulated in the plan and in the <i>Centers, Corridors and Wedges Growth Framework</i>, as well as recent development which has included a greater mix of uses than called for in the plan; and</li> <li>• The site plan for this proposal includes a vertical mix of uses and provides active residential and nonresidential uses that are located on the ground floors of buildings and oriented to the sidewalk network; and</li> <li>• The site plan includes a new private street through the subject property, that when coupled with the adjacent rezoning (petition 2016-059) provides a connection from Morrison Boulevard to Coltsgate Road. The connection is important to providing alternative route choices in the SouthPark area;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Dodson).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:
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Site and Building Design

1. Amended Note 4.III.f as it relates to the portion of the private east/west street that passes through the building by adding a new Cross-Section with design standards for arch area.
2. Amended Note 6.b and 5.e to require a minimum 22-foot setback along Morrison Boulevard if the petitioner gains use of the "Reversion Area."
3. Revised the proposed elevations to depict the true intent along Morrison Boulevard in regards to the parking structure exposure. The petitioner revised the elevation to reflect the landscaping and architectural design commitments for the portion of the parking deck which will be exposed.
4. Amended Note 2.e to allow wall and detached signs located within building/parking envelope B to be digital or have digital portions. Removed language allowing digital signs on Sharon and Morrison and removed Note 2.f allowing digital signs on interior streets.
5. Updated the Schematic site plan (Sheets RZ-3 and RZ-4) to match the Technical data sheet.
6. Eliminated the optional provision to allow an alternate definition of "gross floor area."
7. Amended Note 4.III.f to refer to an added Note Section 11 related to the arch design over Street 1.
8. Amended Note 6.c. to further describe the setbacks along the internal private streets.
9. Added a Note Section 11 related to the arch design over Private Street 1. The design standards commit to a maximum depth, minimum clearance, minimum width, minimum sidewalk widths, activation with tenant space as generally depicted in the concept drawing, provision of signage to promote the connection to Coltsgate Road, provision of pedestrian scale lighting, and street cross section design with public access easement provided prior to the first certificate of occupancy.

Transportation

10. Eliminated the access to the site from Morrison Boulevard between Site Drive 1 and Sharon Road as depicted on "Option 2."
11. Removed the southbound right-turn lane from Morrison Boulevard into the site on the "Option 2" exhibit and removed from Note 5.
12. Updated the Schematic site plans (Sheets RZ-3 and RZ-4) to match Technical Data Sheets.
13. Revised Note II.b to read: "All transportation improvements, including Private Street 1 between Morrison Boulevard and Coltsgate Road shall be complete and approved before the site's first building certificate of occupancy is issued, except the implementation of the traffic signal at Morrison Boulevard and Site Drive 1, which will be implemented when deemed necessary by CDOT."
14. Modified Note 4 I.h to state the petitioner will construct Private Street 2 as illustrated on the rezoning plan and Private Street 1 will be designed to meet the office commercial wide street cross-section. However, the petitioner may request to use innovative street design and non-standard cross-sections during construction permitting review subject to the approval of Subdivision and CDOT staff.
15. Eliminated the optional provision to allow parking on only one side of the private streets as generally depicted on the plan.
16. Eliminated the optional provision to allow the private streets constructed on the site to be constructed per the cross-sections shown on the plan. The Subdivision Ordinance would require a local office/commercial wide cross-section. Committed to revising the technical data sheet to depict Site Driveway 5 to match Note 4.I.h.

Requested Technical Revisions

17. Amended Note 1.g to remove reference to Note 2.o.
18. Removed Note 2.d related to signs on interior streets.

- 19. Removed "planned development" from Note 2.h so that it only refers to temporary signs.
- 20. Removed Note 2.m and Note 2.n.
- 21. Removed Note 2.o (and all references to it) allowing the definition of gross floor area.
- 22. Revised Note 2.k to clearly explain what the optional request allows.
- 23. Amended all optional requests to more completely explain requested modification.
- 24. Amended Note 14 under workforce housing to say "80% or less" rather than "not less than."
- 25. Revised the private street cross-section to reflect development notes.
- 26. Revised the schematic site plans to match the technical data sheet and the development notes.
- 27. Amended Note 15 by removing the words are ", on average, affordable for persons" earning and replaced with are "income restricted for households" earning.
- 28. Amended Note 17 by adding "building/parking envelope areas" are also bound by the conditions of the site plan.

**VOTE**

Motion/Second: Eschert / Wiggins  
 Yeas: Dodson, Eschert, Labovitz, Majeed, Sullivan, and Wiggins  
 Nays: None  
 Absent: None  
 Recused: Lathrop

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and the changes since the public hearing. Staff noted that this petition is inconsistent with the recommended land use in the *SouthPark Small Area Plan* because of the existing church; however, the petition is consistent with the larger vision of the Mixed Use Activity Center. Staff stated the recommendation for approval is based on resolution of the outstanding issues and one major outstanding issue remains. That issue is the proposed building over the subdivision ordinance required network street. Planning staff turned the meeting over to Charlotte DOT staff to elaborate further on this issue.

CDOT staff discussed the importance of creating a street network in SouthPark that was understandable and clear for those travelling within and through the activity center. The street is required by the subdivision ordinance and is allowed to be private with a public access easement. The street should look and feel like a public street, and should not appear to be a street or driveway that is only to be used by employees, residents, or shoppers of the proposed development.

Staff spoke to the importance of breaking up building massing and creating a sense of rhythm. These breaks are created by the street network and provide block spacing more suitable for pedestrians. They also provide views through the urban development pattern. Going forward Planning will be taking a strong position regarding the design of network required streets because of the precedent the project would set if approved.

The Zoning Committee members stated their thoughts and felt that the proposal was unique for Charlotte. A commissioner felt that the building over the street was not new to Charlotte and referred to the overstreet mall in uptown. The commissioner also stated they thought the design was well done and inviting. A commissioner stated that people driving around the SouthPark area find ways to get around and they do not see the building over the street as an impediment. Another commissioner stated while they were concerned about precedent they thought it was a creative way to address connectivity and it will be in the developer's best interest to make it work. The commitments for the design of the arch would help drawn people into and through the site.

Another commissioner pointed out that Charlotte will need to start addressing air rights. There was no further discussion.

#### STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee because the network required street connecting Morrison Boulevard to Coltsgate Road should be open air without buildings above it. The street should be indistinguishable from a public street.

### 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:

##### Permitted Uses and Development Maximums

- Limits the total number of buildings permitted on the site to eight.
- Allows up to 170,000 square feet of retail, eating/drinking/entertainment establishments (EDEEs), personal service, and office uses; a hotel with up to 175 rooms; 490 residential dwelling units; 20,000 square feet of indoor recreation uses and a religious institution with up to 750 seats.
- Allows the total area devoted to office and other commercial uses to be interchangeable provided that the total square footage of all office uses does not exceed 50,000 square feet.
- Allows the conversion of residential units into hotel rooms at a rate of one dwelling unit into two hotel rooms, up to a maximum of 50 additional rooms. A maximum of 25 additional dwelling units may be created by converting two hotel rooms into one dwelling unit.
- Voluntarily commits to providing no fewer than 5% of the total number of residential units actually constructed on the site for a period of not less than 15 years for workforce housing.

##### Reversion Area

- A portion of the site (along Morrison Boulevard) was donated to Sharon United Methodist Church in 2011. The deed that was provided to the Church with the property contains a "reversion clause" that states that if the property is not used "solely" for religious purposes, the title to the area may revert to the original ownership. This may limit the use of the area for the proposed development.
- If the petitioner is unable to obtain use of the Reversion Area for buildable area as depicted in Option 2 on sheet RZ-4 then the development may only proceed with the area remaining as green space and for access to the site as depicted in Option 1 on sheet RZ-3.
- If the petitioner is unable to use the Reversion Area, a side yard will not be provided between the development and this area. However, an eight-foot planting strip and six-foot sidewalk will be provided within the existing right-of-way.
- If the petitioner is able to use the Reversion Area, a 22-foot setback with an eight-foot planting strip and eight-foot sidewalk will be provided.

##### Transportation and Site Design

- Provides a number of transportation improvements.
- Provides the following network of private streets with public access easements:
  - Private Street 1 – direct connection between Morrison Boulevard and Coltsgate Road.
  - Private Street 2 – connection between Sharon Road and Private Street 1.
  - Private Service Street 3 – along the southern property line from Private Street 4 providing access to the service area and parking.
  - Private Street 4 – along the western property line stubbing to the adjacent properties to the north and south.
- Provides sidewalks and a minimum 15-foot clearance where the building covers Private Street 1 near the intersection with Morrison Boulevard.
- Provides a 22-foot setback along Sharon Road, with an eight-foot planting strip and an eight-foot sidewalk.
- Specifies that along internal streets a minimum 16-foot setback will be provided with an eight-foot sidewalk and eight-foot planting strip with street trees or trees within grates or planters.

##### Building Design

- Specifies that buildings will be oriented toward the public and private streets and be oriented to define public open space areas.
- Provides architectural treatment on all sides of buildings except as specifically noted.
- Provides architectural elevations and numerous building design commitments.
- Provides specific design minimums and maximums for the proposed building/arch over the

street and specifies that ground floor tenant spaces will orient to the street under the building arch.

#### Requested Optional Provisions

- Allow surface parking on portions of the site on an interim basis to allow staging and phasing of development of the site. The Zoning Ordinance does not allow parking between buildings and streets.
- Allow deviations from the sign regulations in the MUDD (mixed use development) district for increases in wall sign square footage, ground sign height and size, projecting sign length and encroachment, and allowance for digital signs.
- Allow doors to not be recessed when the abutting sidewalk is greater than 10 feet as opposed to recessing doorways regardless of the sidewalk width.
- Allow long term bicycle parking to be located within parking decks to clarify that bicycle parking within a deck is considered covered as required by the ordinance.
- Allow accessory uses associated with the permitted religious institution uses to be located in a building and on a parcel other than the building or parcel upon which the principal uses are located.
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- Allow the existing cell tower located on the site to remain in its current location or be relocated to another location on the site or on the roof of buildings, provided the height shall not exceed the current height. If the cell tower is relocated the building may be located closer to the boundary line, but within the external building line.
- Allow the Street 1 Cross-Section and streetscape as more particularly described in Section 5 in the event the petitioner is unable to obtain use of the Reversion Area. This will allow the streetscape improvements to only be required within the right-of-way and not within the reversion area.
- **Public Plans and Policies**
  - The *SouthPark Small Area Plan (2000)* shows the property as institutional reflecting its existing use as a church. Surrounding adjacent uses are shown as office or office-residential mixture.
  - The vision articulated in the *SouthPark Small Area Plan* calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses. Further, the area plan notes that retail may be appropriate on the ground floor of residential buildings under some conditions.
  - The petition supports the *General Development Policies-Environment* by redeveloping an existing site in a developed area identified as an Activity Center, thereby minimizing further environmental impacts while accommodating growth.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is located within a Mixed Use Activity Center as identified in the *Centers, Corridors and Wedges Growth Framework*. Generally, CDOT supports greater density in Mixed Use Activity Centers since the mixture of uses yields shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances. Further, if the design of the development sites can be done with safe, comfortable, and convenient facilities for pedestrians and cyclists, the rate of automobile usage per square foot of development can be reduced.
  - The SouthPark Activity Center experiences significant congestion today, mostly concentrated along Sharon Road and Fairview Road. The primary transportation goals for this site are to:
    - a) mitigate impacts of traffic by the development where possible,
    - b) improve street connectivity to provide more route choices and improve pedestrian and bicycle access, and
    - c) coordinate the planned improvements with other development improvements in the area.
 The revised site plan decreased development intensity and therefore the site's trip generation reduced from 13,000 to 10,100 daily trips.
 

This rezoning proposal commits to the following improvements:

    - Construction of an eastbound right-turn lane on Colony Road at Sharon Road.
    - Construction of a second southbound left-turn lane on Sharon Road at Morrison Boulevard.
    - Laneage modifications on the eastbound approach of Coltsgate Road to Cameron Valley Parkway to include separate left and right-turn lanes.
    - Construction of a second southbound left-turn lane from Cameron Valley onto Fairview.
    - Extension of the eastbound left-turn lane from Fairview onto Cameron Valley Parkway.
    - Funding for the future signalization of Morrison and the site's northern access (Site Drive 1).
  - These mitigations are appropriate for the proposed rezoning based on the available opportunities for congestion mitigation, however the combined effects of the increased development and the transportation improvements will yield increased congestion overall.
  - **Vehicle Trip Generation:**
    - Current Zoning: 1,000 trips per day (based on use as a church and day care).
    - Proposed Zoning: 10,100 trips per day (based on 490 dwellings, 175 hotel rooms, 20,000

square feet recreation center, 170,000 square feet retail and a 750 seat religious institution).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce 67 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 65 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
    - Sharon Elementary from 141% to 147%
    - Alexander Graham Middle from 112% to 113%
    - Myers Park High to remain at 115%
  - **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.
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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
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools 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
  - Transportation Review

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