

REQUEST	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
LOCATION	Approximately 7.1 acres located on the southwest corner at the intersection of Morrison Boulevard and Sharon Road. (Council District 6 - Smith)
SUMMARY OF PETITION	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.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Sharon United Methodist Church Childress Klein Jeff Brown and Keith MacVean
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of the outstanding issues related to buildings within the airspace above the proposed public street, setbacks, parking deck exposure, signs, and turn lanes.</p> <p><u>Plan Consistency</u> The petition is not consistent with institutional use recommended by the <i>SouthPark Small Area Plan</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • 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. • 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. • 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. • 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. • 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. • 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.
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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 16-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.

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.
- Allow parking on only one side of the private streets as generally depicted on the plan.
 - Allow the private streets constructed on the site to be constructed per the cross-section(s) shown on the plan. The Subdivision Ordinance would require a local office/commercial wide cross-section.
 - Allow the definition of “gross floor area” set forth in the development notes to be used and applied in the manner described clarifying; for example, that parking decks are not counted towards the allowing square footage maximums.
 - 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.
- **Existing Zoning and Land Use**
 - The property is developed with a church, built about 1970 and zoned R-3 (single family residential).
 - Abutting to the southeast are office properties in O-15(CD) (office, conditional) zoning.
 - Abutting to the southwest is a site zoned MUDD-O (mixed use development, optional) occupied by small buildings containing offices, a bank and a restaurant.
 - To the northeast across Morrison Boulevard is the Morrocroft Village retail development in B-1SCD zoning (business shopping center district).
 - To the northwest across Sharon Road are SouthPark Mall and a mixed use retail/residential element at the corner of Morrison Boulevard and Sharon Road. This area is zoned CC (commercial center).
 - See “Rezoning Map” for existing zoning in the area.
 - **Rezoning History in Area**

Recent rezonings approved in the area include:

 - Petition 2015-131 rezoned 27 acres northeast of the subject property, on the north side of Sharon Road and west side of Colony Road, from R-17MF (multi-family residential) to MUDD-O (mixed use development, optional) for a mixed use development including multi-family residential, office, hotel, retail and other commercial uses.
 - Petition 2010-053 rezoned 2.27 acres southwest of the subject site, on the east side of Sharon Road, from O-2 (office) to MUDD-O (mixed use development, optional) for 105,000 square feet of office uses and ground floor retail uses, at a maximum height of 75 feet, with provision for interim use and expansion of the small retail and office buildings on the site.
 - Petition 2010-054 rezoned 2.96 acres southwest of the subject site, on the east side of Sharon Road, from O-1(CD) office (conditional) to MUDD-O (mixed use development, optional) for 80,000 square feet of office uses and ground floor retail uses, at a maximum height of 75 feet.
 - In addition, within several blocks of the subject site there have been a number of other rezonings within the past five years to MUDD-O (mixed use development, optional), to permit development of hotel, office, retail, and mixed use projects.
 - To the south along Coltsgate Road are two undeveloped parcels in R-3 (single family residential) zoning proposed for rezoning to MUDD-O (mixed use development, optional) in case 2015-059.
 - **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.
- See Outstanding Issues, Notes 8 through 12.
- **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 seven 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.

OUTSTANDING ISSUES

Site and Building Design

1. Revise the site plan so that the network required street running from Morrison Boulevard to Coltsgate Road is open air and does not have any buildings above the street.
2. Work with Planning and CDOT staff to amend Note 4.II.f as it relates to the portion of the private east/west street that passes through the building.
3. Amend Note 6.b and 5.e to require a minimum 22-foot setback along Morrison Boulevard except in limited areas identified on the schematic site plan where the setback may be decreased to 16 feet.
4. Revise the proposed elevations to depict the true intent along Morrison Boulevard in regards to the parking structure exposure, as currently proposed it appears to be street activation with glass windows and store fronts.
5. Amend Note 2.e and f to only allow digital signs within building/parking envelope B and only located on Private Street 2.
6. Remove or update the Schematic site plan (Sheets RZ-3 and RZ-4) to match the Technical data sheet.

7. Eliminate the optional provision to allow an alternate definition of "gross floor area."

Transportation

8. Either a) eliminate the access to the site from Morrison Boulevard between Site Drive 1 and Sharon Road as depicted on "Option 2" or 2) revise Note III. c. and Note 5 to limit the usage of the access based on how much parking it serves.
9. Remove the south bound right-turn lane from Morrison Boulevard into the site on the "Option 2" exhibit and remove from Note 5.
10. Remove or update Schematic site plans (Sheets RZ-3 and RZ-4) to match Technical Data Sheets. CDOT does not support the depicted street designs on the schematic site plans.
11. Revise the technical data sheet in the site plan to depict Site Driveways 4 and 5 to match note 4.1h and i.
12. Revise 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."
13. Modify Note 4 I.j 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.
14. Eliminate optional provision to allow parking on only one side of the private streets as generally depicted on the plan. Optional provisions on a rezoning site plan cannot be used to vary Subdivision Ordinance requirements.
15. Eliminate the optional provision to allow the private streets constructed on the site to be constructed per the cross-section(s) shown on the plan. The Subdivision Ordinance would require a local office/commercial wide cross-section. Optional provisions on a rezoning site plan cannot be used to vary Subdivision Ordinance requirements.

REQUESTED TECHNICAL REVISIONS

16. Amend Note 1.g to refer to Note 2.o rather than 2.p.
17. Remove Note 2.d related to signs on interior streets.
18. Remove "planned development" from Note 2.h so that it only refers to temporary signs.
19. Remove Note 2.m and Note 2.n.
20. Remove Note 2.o (and all references to it) allowing the definition of gross floor area.
21. Revise Note 2.p to clearly explain what the optional request allows.
22. Amend all optional requests to explain what is request to be modified.
23. Amend Note 14 under workforce housing to say "not more" rather than "not less."
24. Revise the private street cross-section to reflect development notes.
25. Either remove the schematic site plans in their entirety or revise them to match the technical data sheet and the development notes.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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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