

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 1.53 acres located on the north side of Coltsgate Road between Sharon Road and Cameron Valley Parkway. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the construction of up to 200 residential dwelling units, including independent and dependent living units/beds, and up to 8,500 square feet of medical and general office uses on two undeveloped parcels within the SouthPark area.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Bissell Coltsgate, LLC and Silver Fox Farm, LLC 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: 14.
<b>STATEMENT OF CONSISTENCY</b>	<p>The Zoning Committee found this petition to be consistent 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 office or office-residential mixture for this site.</li> </ul> <p>Therefore, 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 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>• The petition proposes a mixture of residential and office use that is consistent with the area plan; and</li> <li>• The petition provides architectural design commitments for the ground floor, street facing facades that encourage pedestrian activity and complement the pedestrian environment; and</li> <li>• The site plan includes a new private street through the subject site that, when coupled with the adjacent rezoning, provides a connection from Morrison Boulevard to Coltsgate Road, considered essential to the function of the adjacent rezoning proposal and important to providing alternative route choices in the area;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Dodson seconded by Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. Provided a note describing the building/parking envelope. Added a note that parking shall not be visible from Coltsgate Road and along the private street for the portion of the building near Coltsgate Road.</li> <li>2. Expanded Note 5.b to provide additional screening and design standards for parking visible from the private open space and private street at the rear of the site.</li> <li>3. Removed Note 2.d related to digital signs.</li> </ol>
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4. Identified that a cell tower could be placed on the site per the Zoning Ordinance standards and added an optional request to allow a cell tower on the site as generally depicted.
5. Eliminated the optional provision to allow an alternate definition of "gross floor area."

Transportation

6. Modified Note 4 III.b to state that 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.
7. Added text under Note 4.I committing to the construction of the private street stubbed to the property line to be completed by the petitioner prior to the issuance of the first certificate of occupancy.
8. Amended the intersection of Private Street 1 and Coltsgate Road so that the connection is perpendicular (90 degrees).
9. Eliminated optional provisions related to the design of the private street. Optional provisions on a rezoning site plan cannot be used to vary Subdivision Ordinance requirements.

Requested Technical Revisions

10. Removed the second paragraph of Note 4.I.
11. Removed Note 2.i related to gross floor area.
12. Removed Note 2.h because the cross-section for the street is addressed in Note 4 III.b.
13. Amended all optional request notes to describe what is requested to be modified.
14. Amended Note 10.a to say that the private open space/plaza area will be located at ground level.
15. Staff rescinded the request to remove the definition of "gross floor area" because it clarifies what counts towards the development maximums specified on the rezoning plan.
16. Revised the schematic site plan so that the proposed building is not shown across the side yard and property line at the southeast corner of the site.
17. Labeled the setbacks and yards on sheet RZ-2.
18. Amended the "side setback" label to say "side yard" and provided a "rear yard" label on Sheet RZ-1.
19. Amended sheet RZ-2 to show the potential cell tower relocation from adjacent parcel.
20. Amended the label for the open space/plaza area to say "Private open space/ plaza area."
21. Amend the cell tower location on Sheet RZ-1 to indicate a potential relocation of a tower from the adjacent property.
22. Committed to amending the plan drawings to match Note 6.a reflecting a 22-foot setback from the future back of curb along Coltsgate Road.
23. Committed to amending the plan drawings to match Note 6.b reflecting a 16-foot setback along the private street, as measured from the back of curb.

Other Revisions

24. Added Note 13 committing to the voluntary provision of workforce housing of no fewer than 5% of the total number of units constructed on the site for a period of not less than 15 years, for income restricted households earning 80% or less than the area median income.

**VOTE**

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

**ZONING COMMITTEE**

Staff provided a brief summary of the petition. Staff noted that this petition is consistent with the *SouthPark Small Area Plan*

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<b>DISCUSSION</b>	recommendation for office or office-residential mixture. Staff pointed out that there were two minor, technical outstanding issues and the petitioner had committed in writing to addressing the issues.  There was no further discussion of the petition.
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.

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**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:

- Permits the development of up to 200 residential dwelling units which could be independent and dependent living units or apartments and up to 8,500 square feet of medical and general office uses.
- Limits the total number of buildings on the site to four.
- Allows a cell tower on the site.
- Provides two access points (Drives A and B) into the site from Coltsgate Road with proposed through street connection to the proposed Sharon United Methodist Church mixed use development (rezoning petition 2015-058). Drive A will be maintained as a private street with a public access easement. Drive B will provide access to parking and service areas located under the proposed building.
- Provides screening standards for portions of the parking that may be visible from the private street and open space.
- Provides a left-turn lane and one shared lane that will be a through lane and right lane combination, by restriping the eastbound approach to the intersection of Cameron Valley Parkway and Coltsgate Road.
- Provides a 22-foot setback along Coltsgate Road with an eight-foot planting strip and eight-foot sidewalk.
- Provides numerous architectural and design commitments.
- Commits to a minimum of 5% of the total units constructed to be workforce housing for a period of at least 15 years.
- Requests the following optional provisions:
  - Allow staging and phasing of development on the site where surface parking may be allowed on portions of the site on an interim basis provided such parking areas will meet the required setbacks, streetscape and screening requirements. 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 to wall sign square footage, ground sign size and height, projecting sign length and encroachment.
  - Allow doorways to not be recessed into the face of buildings 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 the possible relocation of the cell tower from the adjacent site to the property as generally depicted on the site plan.
- **Public Plans and Policies**
  - The *SouthPark Small Area Plan* (2000) recommends an office or office-residential mixed land use for this property.
  - 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.
  - The church property to the north, rezoning case 2015-058, shows a proposed new street connecting through the subject site from Morrison Boulevard to Coltsgate Road, considered essential to the function of the two rezoning proposals.
  - 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 improve street connectivity to provide more route choices and improve pedestrian and bicycle access, and coordinate the site with the adjacent site to the north. The street connection through the site is part of an important north-south local street that could one day connect between Fairview Road and Colony Road. The site plan will improve conditions for pedestrians through the creation of more local street network and construction of new sidewalks along Coltsgate Road.
- **Vehicle Trip Generation:**  
Current Zoning: 40 trips per day (four dwellings under current zoning).  
Proposed Zoning: 1,645 trips per day (200 dwellings and 8,500 square foot office).

**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 27 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 25 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Sharon Elementary from 141% to 143%
  - 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.

**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
  - City Arborist Review

**Planner:** John Kinley (704) 336-8311