

---

---

<b>REQUEST</b>	Current Zoning: O-1 (office) Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights
<b>LOCATION</b>	Approximately 10.7 acres located on the southeast corner at the intersection of Park Road and Abbey Place. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow 600,000 square feet of commercial uses, including a minimum of 5,000 square feet and a maximum of 35,000 of ground floor retail space, with 450 multi-family dwelling units with up to 775 units allowed with conversion of commercial space, and up to 300 hotel rooms with conversion of commercial space. The existing office buildings totaling 228,324 square feet will remain until the particular areas are redeveloped. The site is located in the Park/Woodlawn Mixed Use Activity Center and within walking distance of the Park Road Shopping Center and Montford Drive.
<b>PROPERTY OWNER</b>	4601 Park Charlotte Office, LLC, 1515 Mockingbird Charlotte Office, LLC and Park Charlotte Declarant, LLC
<b>PETITIONER</b>	Grubb Properties, Inc.
<b>AGENT/REPRESENTATIVE</b>	Collin Brown and Bailey Patrick, Jr.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 17
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"><li>• The Zoning Committee found this petition to be consistent with the <i>Park Woodland Area Plan</i>, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none"><li>• The plan recommends a mix of higher intensity uses (residential, office, and/or retail) in a pedestrian friendly form.</li></ul></li><li>• 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:<ul style="list-style-type: none"><li>• The site is located in the Park/Woodlawn Mixed Use Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form; and</li><li>• The proposed development supports the goal of the plan to reduce the amount of surface parking lots and establish the area as part of the core of the Mixed Use Activity Center; and</li><li>• The site plan implements the desired mixed-use development concept by committing to ground floor retail space at the corner of Park Road and Mockingbird Lane and by allowing additional ground floor retail space within office and multi-family buildings; and</li><li>• The development supports walkability by committing to a mix of residential and non-residential components with street level access; and</li><li>• It also improves pedestrian mobility by providing a pedestrian crosswalk at Park Road and Mockingbird Lane and a network of internal sidewalks connecting the sidewalk along the public streets to buildings, dwelling units and the centralized public open space; and</li><li>• The proposal enhances connectivity by adding new streets, which will supplement the existing network;</li></ul></li></ul> <p>By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Labovitz).</p>

**ZONING COMMITTEE ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

Land Use

1. Provided development maximums for residential dwellings (775 units) and hotel rooms (300 rooms) including conversions.
2. Clarified that the allowed 300 hotel rooms is subject to the conversions.
3. Specified that no hotel uses shall be permitted in Development Area E.
4. Removed notes stating that street level retail is not subject to the limitation of 600,000 square feet of commercial uses and 35,000 square feet of retail square footage.

Site and Building Design

5. Amended Development Areas and Conversion Rights Note e, formerly d, to state that at least 2,500 square feet of retail space will be located at the corner of Park Road and Mockingbird Lane.
6. Amended Note IX.c to clarify the "perimeter of the site" is the existing public street frontages.
7. Reduced ground mounted signs allowed in Note II.g from 150 square feet and 15 feet height to 100 square feet and 12 feet height and amended Note II.h to say "to allow one (1) detached, ground mounted sign per street front for each development area. The detached signs may be up to five (5) feet in height and contain up to 60 square feet of sign area. These signs shall not be located on Park Road."
8. Eliminated Note II.i related to digital signs.
9. Added notes under General Design Guidelines defining "Building Frontage Areas" and "Permissible Parking Areas."
10. Added a note under General Design Guidelines specifying that building materials for parking structures shall be generally compatible with nearby buildings, plazas, and streetscapes.
11. Added notes under General Design Guidelines committing to at least 50% of the frontage along Park Road to be treated like a Building Frontage Area and that in the event Area A redevelops that at least 50% of the frontage along Park Road and the internal street shall be treated like a Building Frontage Area. At least 50% of the frontage along the internal street shall be treated like a Building Frontage Area in Area C.
12. Added a note under General Design Guidelines specifying the screening options for Permissible Parking Areas facing streets and adjacent to required open spaces shown on the technical data sheet.
13. Added notes under Open Space and Amenity Areas clarifying the design and phasing of the publicly accessible open space within Development Area B.
14. Committed to amend Note II.c to say that existing nonconforming signage is allowed to remain, however shall be removed upon a change of the office use (does not apply to a change of office tenants) or demolition of the existing building and may be updated provided "size and height is not increased."
15. Committed to reduce the number of new ground mounted signs along Park Road in Note II.g from two signs to one sign

Transportation

16. CDOT rescinded the request to install new back of curb at a location 34.5 feet from centerline of existing roadway per the *Park Woodlawn Area Plan* because the petitioner is providing the right-of-way for future widening.
17. Revised the proposed typical section for all roads with on-street parking to reflect Charlotte Land Development Standards for on street parking (CLDS 50.09C) for a minimum width for on-street parking of seven feet.
18. CDOT rescinded the request to remove the proposed on-street parking on Abbey Place between Park Road and the proposed

- “North Street” because the proposed recessed parking will not interfere with the signalization and existing striping.
19. Provided a note indicating that the existing bus shelter pad on Park Road will be retained or replaced. If replaced the petitioner will construct the stop according to the waiting pad with box shelter standard detail 60.08A.
  20. Added a note specifying that internal private streets will have recorded public access easements, but such easements will not preclude the petitioner from temporarily closing the internal streets for events, etc.
- Requested Technical Revisions
21. Added Section numerals for “Permitted Uses” and “Development Areas and Conversion Rights.”
  22. Staff rescinded the request to amend Note II.g to say “each containing” because staff is requesting the number of new ground mounted signs on Park Road to be reduced from two to one.
  23. Removed “and private streets” in Note XI.b.
  24. Clarified that Notes II.e. and g. do not include the existing signs allowed in Note II.c.
  25. Deleted the word “other” in Note II.l formerly m.
  26. Amended Note II.k formerly l to say “located beneath sidewalks, but outside of the public right-of-way.”
  27. Staff rescinded the request to show all right-of-way and setback trees protected and to add a note stating “The site shall comply with the requirements of the City of Charlotte Tree Ordinance. If buildings are demolished, 15% tree save will be required” because the site is required to comply with the standards of the Tree Ordinance.
  28. Amended sheet RZ-1 to reflect setbacks measured from the future back-of-curb along the existing streets.
  29. Committed to remove reference to “street level retail use” in Note II.e.
  30. Committed to amend Note II.h to add the following language “(not including existing nonconforming signs).”
  31. Committed to amend Note VI.a.9 to say “that face public and private streets.”
  32. Committed to amend the last sentence of the second part of Note IX.d to say “If improvements to Development Area B occur first, then the open space within B will be provided prior to the issuance of the first CO for Area E. If Area E is developed first then the open space shall be provided with the improvements to Area B or prior to the first CO for Area C whichever occurs first.”

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted it was consistent with the *Park Woodlawn Area Plan*. Staff summarized the changes made since the public hearing and stated the petitioner had provided a written memorandum committing to address the outstanding issues identified in the agenda.

A Commissioner asked if the City would make sure there would be easy access for those with disabilities. Staff stated the project would have to meet ADA requirements. The Commissioner clarified that they would like accessibility to exceed the minimum requirements. Staff said that the Committee would need to talk with the petitioner’s agent about the question.

Another Commissioner asked about work force housing. Staff explained that this particular petition did not have a specific

commitment as part of the rezoning. Staff also noted that Planning will be working with Council to develop a process for identifying policies related to affordability and rezonings.

The Committee voted to suspend the rules to ask the petitioner about accessibility. Rachel Russell with Grubb Properties stated that one tenant needs the handicap parking and the existing ADA spaces will remain and accessibility will be improved. ADA dwelling units are designed to not be inferior to other units. The Petitioner's Agent, Collin Brown, noted that staff and the petitioner had worked together to develop a site plan that allowed surface parking in specific areas to accommodate the unique need for the office tenants.

A Commissioner asked about a plan to close Montford Drive. Staff noted that the area plan discusses parking and sidewalks along Montford Drive and the petitioner performed a study related to parking and pedestrian movements within the area including Montford Drive. Staff explained that a potential capital project to widen the sidewalk and improve the pedestrian environment on Montford Drive was identified in the area plan but there are no plans to close the street. 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:

- The proposed site plan takes the parcel with two existing office buildings and large surface parking lots, bounded by Park Road, Abbey Place, Hedgemore Drive, and Mockingbird Lane and divides the site into five development areas. The plan proposes an internal street network and a pedestrian-oriented, mixed use development with a commitment to ground floor retail space at the corner of Park Road and Mockingbird Lane. Ground floor retail within office and multi-family buildings is encouraged, dwelling units are oriented to the streets, and publicly accessible open space with pedestrian scale amenities is generally located at the center of the site.
- The entire site may redevelop overtime; however, in the near term the existing office buildings are proposed to remain and a multi-family building with a parking deck would be constructed along Abbey Place between the existing office building and Hedgemore Drive.
- Establishes five development areas (A-E).
- Allows up to 600,000 square feet of commercial uses (office, retail, eating/drinking/entertainment establishments and other commercial uses), exclusive of street level retail, integrated into office and multi-family buildings.
- Commits to a minimum of 5,000 square feet of ground floor space designed and constructed to accommodate retail type uses with a minimum 2,500 square feet of retail space to be located at the corner of Park Road and Mockingbird Lane. The space cannot be used for leasing, office, fitness centers, lobbies, and other accessory uses associated with office and residential uses.
- Allows up to 450 multi-family dwelling units. The total may be increased with a conversion of commercial space to dwelling units at a rate of 1,000 square feet of commercial area per dwelling unit for a total of 775 dwelling units.
- Permits the conversion of commercial square footage to hotel rooms at a rate of 500 square feet per hotel room in the event a hotel is developed on the site for a total of 300 hotel rooms. A hotel use is not permitted in Development Area E.
- Limits retail uses to a maximum of 35,000 square feet.
- Specifies that existing development and conditions may remain until such time as it is redeveloped. In the event that the building in Area A is demolished and redeveloped, only limited surface parking will be permitted between Park Road and the building.
- Provides numerous on-site and off-site transportation improvements.
- Commits to the existing CATs waiting pad to remain or be replaced.
- Provides numerous architectural and building design commitments at the street level.
- Commits to specific building design at identified focal points at the corner of Park Road and Mockingbird Lane and at Abbey Place and the new internal private drive.
- Limits the exposure of parking structures and surface parking to public and private streets as

generally depicted on the site plan and specifies the following: that at least 50% of the frontage along Park Road to be treated like a Building Frontage Area; at least 50% of the frontage along Park Road and the internal street shall be treated like a Building Frontage Area; and that in Area C at least 50% of the frontage along the internal street shall be treated like a Building Frontage Area.

- Commits to at least 10,000 square feet of publicly accessible, amenitized open space centrally located on the site, as generally depicted on the site plan.
- Provides a four-foot transition zone between the sidewalk and the buildings along 75% of the frontage of the site.
- Requests the following optional provisions:
  - Allow surface parking and maneuvering areas between existing buildings and public and private streets in areas generally depicted on the site plan. The total number of surface parking spaces shall not exceed 100.
  - Allow up to three porte-cocheres or valet parking service areas between buildings and a street.
  - Allow existing wall mounted and detached signs as identified in the Note II c. to remain. Existing signs may be updated provided the overall size and height is not increased. Nonconforming signs must be removed upon demolition of the existing building or upon a change of use; however, this does not apply to a change of office tenants.
  - Allowances for signage beyond the standards for signs permitted in the MUDD (mixed use development) district.
  - Allow doors not to be recessed when the abutting sidewalk width is greater than 12 feet. Recessed doors shall be provided along Park Road.
  - Permit long term bicycle parking to be located within parking structures.
  - Allow water quality and stormwater detention facilities to be located beneath sidewalks, but outside the public right-of-way.
  - Allow backflow prevention devices to be located within buildings if permitted by City and County Departments during the building permit review process. Exposed devices shall be screened.
  - Permit the “base” of building requirements to be satisfied by providing taller architecturally differentiated ground floors that distinguish the ground floor levels from upper stories.

#### **Public Plans and Policies**

- *The Park Woodlawn Area Plan (2013)* shows the subject property as a mix of uses (residential, office, and/or retail) in a pedestrian oriented form. The area plan provides for limitations on building height to the west of Park Road due to proximity to single family neighborhoods. It imposes no such limitation to the east of Park Road where the subject property lies.
- 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. Generally, CDOT supports greater density in these 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 Park Woodlawn Activity Center experiences congestion today, mostly concentrated along Park Road at its intersection with Woodlawn Road. Therefore, the primary transportation goals for this site are to a) mitigate impacts of traffic by the development where possible, and b) improve street connectivity to provide more route choices and improve pedestrian and bicycle access. This rezoning proposal addresses these goals through the following improvements:

- Extending the northbound dual left-turn storage on Park Road at Woodlawn;
- Extending the southbound left-turn storage on Park Road at Abbey;
- Adding a pedestrian refuge median on Park Road at Montford;
- Installing a traffic signal at Park Road and Mockingbird;
- Installing a left-turn lane from Montford onto Abbey;
- Partially funding a signal at Woodlawn and Montford (subject to NCDOT approval); and
- Providing \$150k towards a future northbound right-turn lane on Park Road at Woodlawn.

The site plan also proposes new street connections to help reduce the overall block sizes and improve the walkable character of the area. The site is not served by bicycle facilities to or from the site; however, the site plan preserves space for a future Park Road cross-section that will

include bike lanes per the adopted area plan.

- **Vehicle Trip Generation:**

Current Zoning: 2,500 trips per day (based on office with 228,324 square feet).

Proposed Zoning: 11,178 trips per day (based on 450 dwellings, 565,000 square feet office, and 35,000 square feet retail).

**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 comments received.
  - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 18 students, while the development allowed under the proposed zoning will produce 62 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 44 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
    - Selwyn Elementary from 180% to 187%
    - Alexander Graham Middle from 116% to 118%
    - Myers Park High from 113% to 114%.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** 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-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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