

REQUEST	Current Zoning: R-17MF (multi-family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes redevelopment of an existing apartment complex in the SouthPark Activity Center with a mixed use development of up to 990 residential units, 250,000 square feet of office, 300,000 square feet of retail, and 225 hotel rooms.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Associated Apartment Investors/Colony Limited Partnership Synco Properties Collin Brown & Bailey Patrick, Jr.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 26.
STATEMENT OF CONSISTENCY	<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"> • The plan recommends multi-family with limited retail/service uses for this site. <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"> • The <i>SouthPark Small Area Plan</i> envisioned the area transitioning from a suburban shopping and business environment to a walkable town center; and • The <i>Centers, Corridors and Wedges Growth Framework</i> identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification; and • The proposal is inconsistent with the specific land uses recommended, but is consistent with the larger vision articulated in the area plan and in the <i>Centers, Corridors and Wedges Growth Framework</i>, as well as recent development; and • The site plan includes a vertical mix of uses and active ground floor uses; and • The site plan also provides wide setbacks along the existing public streets to allow preservation of mature trees and to add green space; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Removed inset images on Sheet RZ-8 related to the connection through Area B to Colony Road. 2. Amended Note 6d to describe the pass through connections through Areas B and C, and then amended the Design Intent to match. The pass through in Area B commits to no head-in parking; however, parallel parking may be provided, with a minimum six-foot sidewalk on the eastern side and a minimum ten-foot sidewalk on the western side of the drive. Area C commits to either a minimum eight-foot sidewalk on one side or six-foot sidewalks on both sides of the drive. 3. Added a note that the petitioner shall provide and construct a waiting area for the existing bus stop on Sharon Road.
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4. Removed "and as applicable, NCDOT", from a note related to reviewing administrative changes to street improvements.
5. Reduced the amount of vehicle storage from 250 feet to 200 feet for directional crossover on Sharon Road.
6. Amended a note to clarify the location of a pedestrian refuge island on Colony Road.
7. Amended Note 3b to read "allow up to three porte-cocheres and valet parking service areas on the site between buildings and streets."
8. Amended the last sentence in Note 3j because access points are not lettered on the site plan.
9. Amended Note 8l to change "connection" to "connections" in the second sentence.
10. Amended Note 8m to read "except as specified in Paragraph (l) above..."
11. Amended the words "Tree Save Edge" on sheet RZ-8 to "Perimeter Tree Zone" and amended Note 9b to change "tree save areas" to "perimeter tree zone."
12. Ensured that the Development Notes and the Design Intent are consistent with one another throughout.
13. Amended Note 8j and 8k and the Design Intent to specify that the setback is measured from the future back of curb. Stated in Note 8j that "except in locations where widening is proposed as part of the transportation improvements described in the notes, the existing and future back of curb are the same."
14. Clarified that setbacks along the existing public streets are measured from the future back of curb.
15. Amended the design intent to clarify that phase 1 is development area A and phase 2 and 3 are development area C.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and reviewed the changes since the public hearing.

A Zoning Committee member asked about the connection from the site to the existing portion of Adair Court. CDOT staff responded that Adair Court is a private street. Although the petitioner will be providing the new portion of Adair Court with a street stub at their property line, a connection to the existing Adair Court is not proposed with the rezoning. There was a question about the use of eminent domain to make the connection. Staff responded that neither the City nor the petitioner is advocating or proposing the use of eminent domain to make the connection. CDOT staff explained that the intent with a stub to the property line is that when the adjacent property is redeveloped, there will be an opportunity to extend Adair Court to the proposed stub.

The Zoning Committee voted to suspend the rules to ask the petitioner's agent to speak regarding the connection to Adair Court. Collin Brown, the petitioner's agent, responded that the petitioner spoke with the adjacent property about allowing a connection but an agreement could not be made; therefore, the rezoning plan and corresponding traffic mitigations are based on no connection being made.

A Zoning Committee member asked about trip generation. CDOT staff explained that although the project created a larger number of trips, many of those would be internal to the SouthPark area and the mix of uses and pedestrian facilities proposed allow people to access uses on the site and uses nearby to the project without driving.

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)

PLANNING STAFF REVIEW**• Background**

- This site initially was submitted for rezoning under petition number 2015-034. That petition was withdrawn in September 2015, prior to going to public hearing and has since been resubmitted.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- The site is divided into four development areas:
 - Area A is located at the northeast corner of the site at the intersection of Colony and Roxborough Roads, and is proposed for up to 350 multi-family dwelling units in a building with a maximum height of 75 feet.
 - Area B – is located at the southeast corner of the site at the intersection of Colony and Sharon Roads, and is proposed for commercial uses (including office, hotel, eating/drinking/entertainment establishments and retail), up to 250,000 square feet of office, 225 hotel rooms 100,000 square feet of retail, and building heights up to 75 feet along Sharon Road, 120 feet along Colony Road and 140 feet along Rexford Road.
 - Area C – is located at the northwest corner of the site at the corner of Roxborough and Rexford Roads and is proposed for up to 640 multi-family dwelling units, with building heights up to 85 feet along Roxborough Road and 160 feet along Rexford Road and Adair Court
 - Area D – is located at the southwest corner of the site at the corner of Rexford Road extension and Sharon Road and is proposed for commercial uses (office, retail and eating/drinking/ entertainment establishments), up to 200,000 square feet of retail or office uses, with building height up to 75 feet.
- General provisions:
 - Allows up to 10% of the multi-family units to be transferred between the multi-family development areas provided the total does not exceed 990 dwelling units.
 - Provides a minimum 30-foot setback along Roxborough, Colony and Sharon Roads with a few exceptions along Roxborough Road as identified on sheet RZ-2 and within Area D where a colonnade is allowed to encroach up to 15 feet. Provides a 50-foot setback along the 120-foot height zone, south of Adair within Area B, for the proposed office building.
 - Provides numerous on and off-site transportation improvements including but not limited to:
 - extensions of Rexford Road and Adair Court through the site;
 - funding contribution for future traffic signal at Roxborough Road and Rexford Road;
 - construction of a traffic signal at Adair Court and Colony Road;
 - construction of a directional crossover on Sharon and Rexford Roads;
 - a waiting pad for the existing bus stop on Sharon Road;
 - pedestrian crossings on Sharon Road at Rexford Road and on Colony Road at the drive connection within Area B; and
 - renovation and landscaping of medians along Colony Road between Runnymede Lane and Cloverfield Road.
 - Specifies numerous architectural and design commitments along with a descriptive design intent.
 - Prohibits commercial service and loading areas along Rexford Road, Adair Court, Roxborough Road, Colony Road and Sharon Road except within Development Area D where a service area may be provided along Adair Court if the area is screened by walls.
 - Commits to providing at least four acres of publicly accessible open space, including approximately two acres in the perimeter tree save edge along Roxborough, Colony and Sharon Roads and approximately two acres in the urban core, which includes a central plaza at the intersection of Adair Court and Rexford Road.
 - Commits to a workforce housing program for no fewer than five percent of the total number of residential units constructed on the site for a period not less than 15 years.
- Requests optional provisions to allow:
 - A limited amount of short-term surface parking and drives between public or private streets as generally depicted on the site plan.

- Up to three porte-cocheres and valet parking areas between buildings and streets.
 - Stormwater and water quality facilities within setbacks and beneath sidewalks.
 - Innovative sidewalk and planting designs along Roxborough, Sharon and Colony Roads in order to preserve existing trees.
 - Building entrances which are not recessed when adjacent sidewalks are at least ten feet wide.
 - Innovative street designs, non-standard cross-sections, alternative materials, planted medians and other features within portions of Rexford Road and Adair Court as generally depicted on sheet RZ-5.
 - Flexibility with regard to the definition of the "base" of a building (i.e. "base" of the building may be higher or lower than "the first three floors above street grade").
 - Drive-through service windows as an accessory to one bank or financial institution. The service window shall not be visible from any public or private street and shall be internal to a building or structured parking facility.
 - Up to ten detached, ground-mounted signs in general locations indicated on the site plan. Signs in Area B and D will be no greater than 65 square feet and up to five feet in height. Signs at access points C and E will be no greater than 32 square feet and up to four feet in height.
 - Up to 200 square feet of sign surface per wall or up to 10% of the wall area for which they are attached whichever is less for wall signs within Areas B and D. Only one sign in excess of the requirements of the Zoning Ordinance shall be permitted along the sites frontage on Colony Road.
- **Public Plans and Policies**
 - The *SouthPark Small Area Plan* (2000) shows the property as multi-family with limited retail/service use.
 - 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 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**
 - No issues.

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:** No issues.
- **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

- 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
 - Transportation 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

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