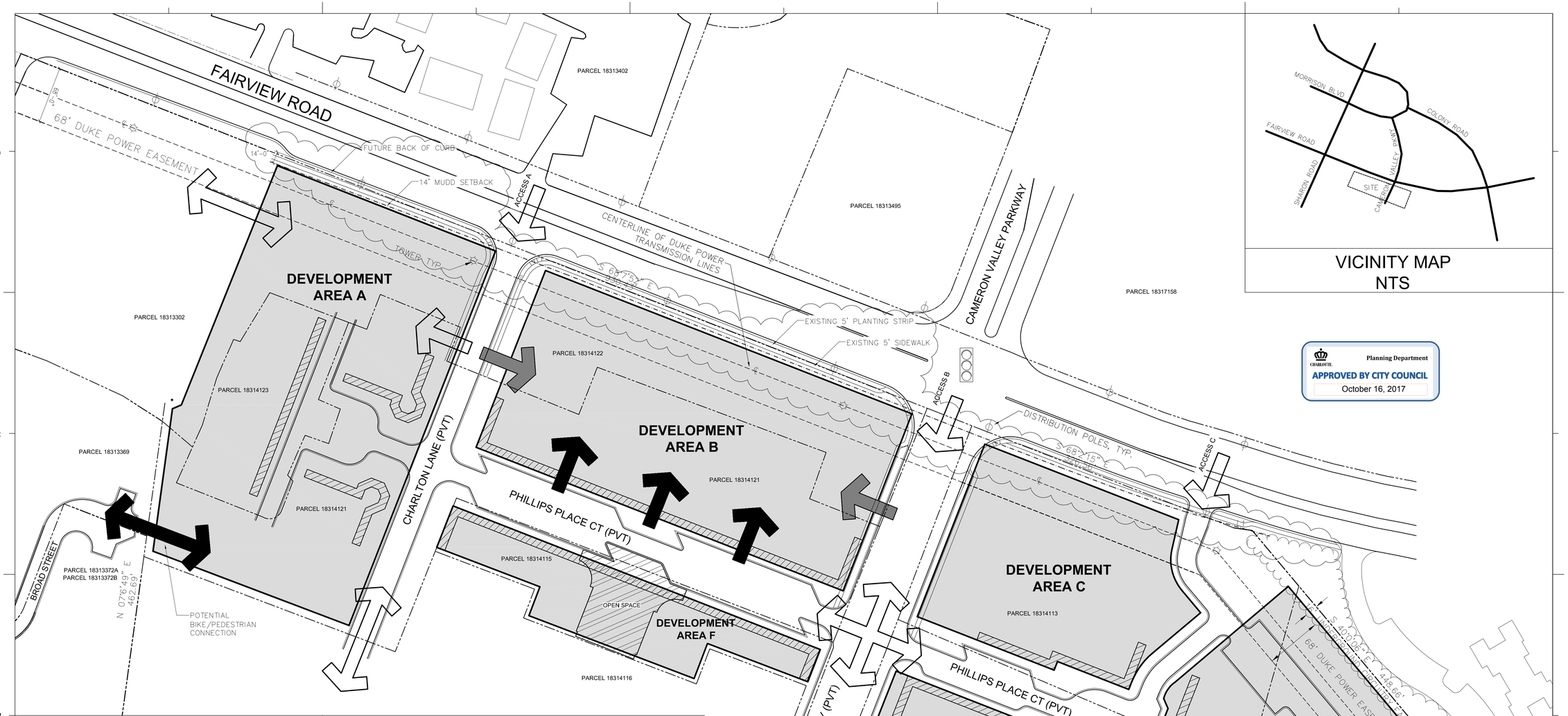

VICINITY MAP
NTS

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CHARLOTTE. Planning Department
APPROVED BY CITY COUNCIL
October 16, 2017

PHILLIPS PLACE REZONING

DATE: JUNE 23, 2017
PETITION NO: 2017-110

REVISIONS:

No.	Description	Date
1	REVISION PER STAFF REVIEW COMMENTS	08/14/17
2	REVISION PER STAFF REVIEW COMMENTS	09/25/17
3	REVISION PER STAFF REVIEW COMMENTS	10/09/17

LEGEND

- EXISTING ACCESS TO REMAIN
- EXISTING MAY BE REMOVED
- FUTURE POTENTIAL ACCESS
- REZONING BOUNDARY
- PARCEL BOUNDARY
- EASEMENT
- SETBACK
- OPEN SPACE
- BUILDING FRONTAGE ZONE
- BUILDING/PARKING ENVELOPE

SITE DEVELOPMENT DATA

ACREAGE:	± 16.07 AC
TAX PARCELS:	183-141-13 183-141-15 183-141-17 183-141-21 183-141-22 183-141-23
EXISTING ZONING:	CC
PROPOSED ZONING:	MUDD-O with five (5) year vested rights
EXISTING USES:	Retail, Theater, EDEE, Residential and Hotel
PROPOSED USES:	Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district.
MAX. DEVELOPMENT:	a) Up to 211,000 square feet of commercial uses (retail and EDEE uses shall not exceed 141,000 square feet) b) Up to 130 Hotel Rooms within Development Area A c) Up to 40,000 square feet of theater uses within Development Area D d) Up to 32 residential units (additional units may be permitted subject to the conversion rights below in Section III)
MAX. BLDG. HEIGHT:	Up to 80 feet within Development Areas A, B, C, E, and F, and up to 120 feet within Development Area D (for the purposes of this height limit, architectural features, (such as parapets, spires, mansards, domes and dormers), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building).
PARKING:	As required by the Ordinance for the MUDD zoning district.

**REZONING BOUNDARIES TO FOLLOW PARCEL LINES UNLESS OTHERWISE NOTED

N

0 30' 60' 120'
SCALE: 1" = 60'-0"

TECHNICAL DATA SHEET

RZ-1

Site Development Data:

--Acreage:	± 16.07 acres
--Tax Parcels:	183-141-23, 183-141-22, 183-141-21, 183-141-13, 183-141-17, 183-141-15
--Existing Zoning:	CC
--Proposed Zoning:	MUDD-O with five (5) year vested rights.
--Existing Uses:	Retail, Theater, EDEE, Residential and Hotel
--Proposed Uses:	Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district.
--Maximum Development:	a. Up to 211,000 square feet of commercial uses (retail and EDEE uses shall not exceed 141,000 square feet) b. Up to 130 Hotel Rooms within Development Area A c. Up to 40,000 square feet of theater uses within Development Area D d. Up to 32 residential units (additional units may be permitted subject to the conversion rights below in Section III)
--Maximum Building Height:	Up to 80 feet within Development Areas A, B, C, E, and F, and up to 120 feet within Development Area D (for the purposes of this height limit, architectural features, (such as parapets, spires, mansards, domes and dormers), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building).
--Parking:	As required by the Ordinance for the MUDD zoning district.

I. General Provisions:

a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Lincoln Harris ("Petitioner") to accommodate the revitalization of the existing mixed use commercial shopping center development on an approximately 16.07 acre site along Fairview Road and Phillips Place Court (the "Site").

b. **Intent.** This Rezoning is intended to accommodate development on the Site in a manner consistent with the objectives set forth in the Southpark Small Area Plan. Development of the Site would include a horizontally-integrated mixture of uses, potentially including residential, office, retail, EDEE, hotel, showroom and other commercial uses. The Petitioner seeks to preserve existing buildings and infrastructure where possible while maintaining enough flexibility to develop new improvements in a manner and at a time that is responsive to market demand. The Petitioner desires to significantly reduce the amount of existing surface parking by building parking structures with smaller footprints that can be shared by a variety of uses. The Petitioner seeks to maintain a public realm that is consistent with the existing development. The overall development plan is intended to allow the Site to evolve in a manner that is consistent with the future vision for the area, resulting in a well designed, quality experience for the residents, employees, and visitors, as well as the larger community.

c. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below.

d. **Planned/Unified Development**. The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein.

e. **Existing Development**. All existing infrastructure, structures, uses and parking areas on the Site may be maintained and continued in their current condition until such time as the particular infrastructure, structure, use or parking area is redeveloped. However, nothing shall prevent the Petitioner from demolishing any existing buildings and replacing them with new structures.

f. **Five Year-Vested Rights**. Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period.

II. Optional Provisions for the MUDD-O Area:

The following optional provisions are provided to accommodate deviations from the MUDD standards:

a. To allow off-street, surface level, vehicular parking and maneuvering areas between buildings and public and private streets in Development Areas A, B, C and D.

b. To allow deviations from standard sidewalk and planting strip requirements in order to accommodate or match existing streetscape design, in areas as generally depicted on the Rezoning Plan. Streetscape deviations shall not occur along Fairview Road.

i. In the event that new streetscape infrastructure is installed adjacent to existing surface parking areas, the parking areas may remain in their current condition. If a sidewalk is constructed abutting parking areas, the Petitioner shall provide a minimum seven (7) foot wide sidewalk in order to accommodate overhangs and door swings.

c. To allow building setbacks of existing structures to remain.

d. To allow all existing wall mounted and detached ground mounted signage to remain. With the exception of Provision II.d.i below, existing signs may be updated as long as their overall size and height is not increased. Other existing nonconforming signage is allowed to remain, however shall be removed upon the demolition of the existing building for which the signs are associated.

i. Existing ground mounted shopping center and development identification signs located at the intersection of Fairview Road and Cameron Valley Parkway shall be permitted ot remain or be expanded or replaced provided that no more than two (2) signs each up to 24 feet in height and containing up to 150 square feet of sign area are located at the intersection.

e. To allow wall signs having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.

f. To allow one wall mounted sign associated with a Movie Theater use (which may be part of a spire element) in Development Area D not to exceed 350 square feet.

g. To allow temporary signs and banners not to exceed 100 square feet in sign area (not including existing nonconforming signs). Any such signs or banners will be professionally fabricated banners made of fabric or plastic of any type. Paper banners will not be allowed; and no more than two (2) banners will be allowed at a time.

h. To allow along Fairview Road, one (1) new ground mounted signs up to 12 feet in height and containing up to 100 square feet of sign area (not including existing nonconforming signs).

i. To allow up to two (2) new detached, ground mounted signs internal to the Site (not including existing nonconforming signs). 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 Fairview Road.

Note: *The optional provisions above regarding certain signs are additions/modifications to the standards for signs in the MUDD zoning district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.*

III. Permitted Uses:

a. Subject to the Maximum Development provisions set forth below, the Site may be devoted to any commercial or residential uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith, except for the following:

1. Car washes;

2. Automobile service stations; and

3. EDEEs with drive-through service windows.

b. The Rezoning Plan sets forth six (6) development areas as generally depicted on the Technical Data Sheet as Development Areas A, B, C, D, E and F (each a "Development Area" and collectively the "Development Areas").

c. Subject to the restrictions and limitations listed below, the principal buildings constructed within the Development Areas may be developed with up to 130 hotels rooms and associated accessory uses, 32 residential units, up to 40,000 square feet of theater space and up to 211,000 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district. Up to 50 additional residential units may be constructed, if the conversion rights listed below are utilized, for a maximum total of 82 residential units throughout the Site in combination with the 32 existing residential units currently present at the Site.

i. Hotel uses shall only be permitted in Development Area A.

ii. Movie theater uses shall only be permitted in Development Area D.

iii. At the time of this rezoning petition the Site contains approximately 111,000 square feet of retail and EDEE uses (exclusive of hotel and theater uses). This rezoning petition allows the development of up to 100,000 square feet of additional commercial square footage. As a result, up to 211,000 square feet of commercial uses may be developed (in addition to hotel and theater uses also allowed). However, the total amount of square footage devoted to retail and EDEE uses shall not exceed 141,000 square feet.

d. Unused commercial square footage may be converted to residential units at a rate of 1,000 s.f. of commercial to 1 residential unit, not to exceed 82 total residential units within the Site, including those already existing at the Site.

e. For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements) the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, all loading dock areas (open or enclosed), and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

IV. Transportation:

a. Petitioner shall provide, at a minimum, a bicycle and pedestrian connection from the Site to Broad Street as generally depicted on the Rezoning Plan.

b. Petitioner shall provide a minimum of two (2) bike racks within the Site to be located in areas generally accessible to the public.

c. At such time as Petitioner enters the permitting phase for development in excess of 185,000 square feet of commercial square footage, Petitioner shall coordinate with CDOT regarding the potential for reconstructing curb ramps and crosswalks, on the South side of Fairview Road, and upgrading pedestrian signals at the intersection of Fairview Road and Cameron Valley Parkway.

d. Petitioner shall not expand development into the area marked as the Duke Power Easement on sheet RZ-1. This will allow space for streetscape improvements in the future to be constructed by others in coordination with the easement holder.

e. Petitioner shall dedicate and convey in fee simple all rights of way to the City of Charlotte before the Site's first building certificate of occupancy is issued.

f. All transportation improvements, other than those set forth in paragraph IV.c. above, will be approved and constructed prior to the development of more than 30,000 square feet of additional commercial or residential, above and beyond the exiting conditions at the Site.

g. **Access and Internal Streets**:

1. Access to the Site from external public streets will be as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

2. The total number of access points to Fairview Road will not exceed current conditions.

3. The internal private streets will have recorded public access easements. However, this shall not preclude Petitioner from temporarily closing internal private streets for, but not limited to, special events, festivals, public markets, concerts, block parties or similar events.

4. The exact number and location of vehicular access points will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. Petitioner, in its discretion may limit ingress and egress movements or restrict certain vehicular access points to one-way traffic if necessary.

i. Although the locations of access points may change, as demonstrated on the Rezoning Plan, the total number of access points to Development Area B shall not exceed three (3) access points, with a maximum of two (2) access points on Phillips Place Court.

ii. Up to two (2) vehicular access points may be located on Phillips Place Court between Carlton Lane and Cameron Valley Parkway.

5. The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within streets abutting or internal to the Site in order to designate and define pedestrian cross-walks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the Petitioner understands that an encroachment and maintenance agreement must be obtained from CDOT before any decorative pavers and/or stamped pavement proposed in the public right-of-way may be installed.

6. The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval.

V. Design Guidelines:

a. **General Design Guidelines.**

1. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco, cementatious siding (such as hardi-plank), or wood. EIFS as a building material will not be allowed on newly constructed buildings, except as back-up for architectural trim on stucco clad buildings. Existing EIFS materials shall be permitted to remain. Vinyl, as a building material, will only be allowed on windows, soffits and trim features.

2. "Primary Building Frontages" are generally depicted on the Technical Data Sheet. Within these areas building frontages shall include principal uses. Within these areas, no structured parking areas or off-street parking and maneuvering areas shall be visible from streets or open spaces. However, on-street parking is permitted within any Primary Building Frontage.

3. New meter banks will be screened where visible from public view at grade from public or private streets and shall be located outside of the setback.

4. New rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.

5. Trees may be provided in grates or raised planters rather than in planting strips.

6. Dumpsters, loading and services areas shall be screened from streets, common open spaces and any adjacent residential uses with materials complimentary to the principal structure. Dumpster enclosures will not directly abut the back of a sidewalk.

7. Backflow preventers and transformers shall be screened and located outside the setback, but can be located in the four (4) foot transition zone. Backflow prevention devices may also be located inside buildings, as permitted in the optional provisions above.

8. Buildings shall be designed so that individual shops, tenants or common entrances have direct access to public or private streets, pedestrian corridors or open spaces. Building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrance through a combination of at least five (5) of the following features:

i. Decorative pedestrian lighting/sconces;
ii. Architectural details carried through to upper stories;
iii. Covered porches, canopies, awnings or sunshades;
iv. Archways;
v. Transom windows;
vi. Terraced or raised planters that can be utilized as seat walls;
vii. Common outdoor seating enhanced with specialty details, paving, landscaping or water features;
viii. Double doors;
ix. Stoops or stairs; and/or
x. Contrasting pavement from primary sidewalk.

9. Streetscape treatment will be a unifying element through the use of consistent paving, pedestrian scale lighting, enhanced landscaping, site furnishings and signage. Specialty pavers, stained and patterned concrete, paving or other similar means will be used to call attention to amenity areas, gathering spaces and plazas as a method of way-finding.

10. Expanses of blank or unarticulated walls greater than 20 feet in length shall be treated with a minimum of three (3) options below:

i. Provide a higher level of transparency on the ground floor, such as exaggerated or larger windows indicative of living areas or retail spaces;
ii. Utilize horizontal and vertical variations in wall planes;
iii. Provide architectural protrusion to accentuate enclosed balconies;
iv. Utilize corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses;
v. Provide amenity landscaping, such as a sitting area with arboring; and/or
vi. Any other architectural improvements as allowed by the Ordinance to improve the visual aesthetics of blank or unarticulated wall.

11. The scale and massing of buildings longer than 150 feet along a street or public open space or greater than 30,000 horizontal square feet shall be minimized by utilizing at least three (3) options below:

i. Provide a minimum four (4) foot step back for buildings taller than four stories above the first floor or second floor;
ii. Provide varied roof lines through the use of slopes, modulated building heights, gables, dormers or innovative architectural solutions;
iii. Utilize corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses;
iv. Provide architectural protrusion to accentuate enclosed balconies;
v. Provide amenity landscaping, such as a sitting area with arboring; and/or
vi. Any other architectural improvements as allowed by the Ordinance to improve the visual aesthetics of scale and/or massing.

12. If commercial uses are not oriented to an existing or new street and cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director.

VI. Parking Areas, Access and Circulation Design Guidelines:

a. Petitioner seeks to limit areas where parking structures and off-street surface parking areas are visible from public or privates streets. Therefore, newly constructed exposed parking structures (driveway entrances to parking decks are permitted) and off-street surface parking areas that are visible from public or private streets shall not be allowed.

b. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.

c. For any new buildings constructed on the Site, bicycle parking areas shall be provided as required by the Ordinance.

VII. Pedestrian Access and Circulation Design Guidelines:

a. Along the Site's internal streets, the Petitioner will provide a minimum six (6) foot sidewalk and a cross-walk network that links the buildings, parking areas and areas of interest on redeveloped areas within the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. Where walkways abut parking areas, the sidewalk shall be a minimum of seven (7) feet in width.

b. Where walkways occur along building walls, a walkway width of at least six (6) feet must be maintained clear of main door swings, shopping cart storage, and temporary trash or similar impediments.

c. Subject to the optional provision set forth above, deviations from typical sidewalk and planting strip requirements are allowable on private streets along redeveloped areas upon approval by CDOT and the Planning Director. Any changes to dimensional requirements are allowable only in cases of hardship.

VIII. Open Space and Amenity Areas.

Petitioner shall provide open spaces throughout the Site in accordance with the following standards:

a. Urban Open Spaces: New development within the Site shall meet or exceed the Urban Open Space requirements of the MUDD district. The Site shall contain a minimum of 6,000 square feet of Urban Open Space, as generally depicted on the Rezoning Plan.

IX. Signage:

Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided. Because the Site will be viewed as a Planned/Unified-Development as defined by the Ordinance, shopping center signs may be located throughout that portion of the Site zoned MUDD-O as allowed by the Ordinance and the Optional Provisions. In addition, uses located on the interior of the Site may be identified on the allowed shopping center/development signs. The allowed signs may contain identification signage for any of the uses located on the Site. Signage for uses not included within the Site but associated with other elements of the "Phillips Place" development may be allowed within the Site.

X. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except street lights located along public streets, will be limited to 31 feet in height.

c. Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.

d. Architectural lighting may be integrated into building elements.

XI. Phasing:

Petitioner intends to develop the Site in phases and may develop individual buildings based on market demand. All required sidewalks, street trees and open space amenities adjacent to a particular building shall be installed prior to the issuance of the first Certificate of Occupancy (this requirement shall not apply to Temporary Certificates of Occupancy) for that building.

XII. Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Block portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

XIII. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Blocks, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

XIV. Vested Rights Provision:

If this Rezoning Petition is approved by the Charlotte City Council then, pursuant to Section 1.110 of the Ordinance, the Petitioner hereby requests a five-year vested right to undertake and complete the development of this Site under the terms and conditions as so approved, commencing upon approval of this Rezoning Petition by the Charlotte City Council. The Petitioner makes this request for a five-year vested right due to the size and phasing of the proposed development, market conditions and the level of investment involved.

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PHILLIPS PLACE REZONING

DATE: JUNE 23, 2017

PETITION NO: 2017-110

REVISIONS:

No.	Description	Date
1	SHEET ADDED; REVISION PER STAFF COMMENTS	08/14/17
2	REVISION PER STAFF COMMENTS	09/25/17
3	REVISION PER STAFF COMMENTS	10/09/17

DEVELOPMENT STANDARDS

RZ-2