
REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: MUDD-O (mixed use development, optional), with five-year vested rights
LOCATION	Approximately 15.11 acres located on the south side of Fairview Road east of Sharon Road and across from Cameron Valley Parkway. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow expansion and redevelopment of the existing hotel, commercial buildings and movie theater in Phillips Place located in the SouthPark Activity center.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Phillips Place Hotel Investor, LLC; Phillips Place Partners, LLC Lincoln Harris, LLC Collin Brown and Bailey Patrick, Jr., K&L Gates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 20
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• 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:<ul style="list-style-type: none">• The plan recommends mixed residential and non-residential for the site.• 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">• This petition is for a portion of Phillips Place, a mixed use development located on Fairview Road. Phillips Place is developed with commercial uses, residential units above ground floor commercial uses along the internal private street, and traditional multi-family residential uses to the rear of the overall development. This petition does not include the traditional multi-family residential uses; and• Phillips Place is located in the larger SouthPark area. 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• In addition, the <i>Centers, Corridors and Wedges Growth Framework</i> identifies SouthPark as a Mixed Use Activity Center, a priority area for growth and development in a compact, pedestrian-oriented form; and• The proposed rezoning will provide the predominately non-residential portion of the development with the flexibility to evolve to address the changing retail and commercial climate, while maintaining the pedestrian-oriented internal character. Specifically, the petition:<ul style="list-style-type: none">• Maintains the entitlement for 130 hotel rooms and allows for the addition of conference room space; and• Maintains the entitlement for a theater and allows an increase in the square footage from 30,000 square feet to 40,000 square feet; and• Increases the entitlement for commercial space with an additional 110,000 square feet, for a total of 211,000 square feet and specifies that a maximum of 141,000 square feet of the area may be devoted to retail and eating/drinking/ entertainment establishments; and• Maintains the entitlement for the existing 32 residential dwelling units and allows the conversion of commercial

square footage to residential units for a total of up to 82 residential dwelling units; and

- Maintains Phillips Place's existing form with a network of internal sidewalks and buildings located at the back of the sidewalks along the internal streets; and
- Parking, except for on-street parking and parking along Fairview Road, is located in structured parking facilities or to the side of or behind buildings, thus maintaining the active, pedestrian oriented form along the internal streets;

By a 6-0 vote of the Zoning Committee (motion by McClung seconded by Nelson).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Land Use</u></p> <ol style="list-style-type: none"> 1. Confirmed the permitted uses do not result in an increase of more than 2,499 trips beyond the current entitlement. 2. Increased the maximum area that may be devoted to retail and EDEE uses from 131,000 square feet to 141,000 square feet. This change results in an increase in the vehicle trips per day but increase remains fewer than 2,499 trips per day from the entitlement. 3. Amended the Site Development Data on RZ-1 and RZ-2 to reflect the change in the maximum area that may be devoted to retail and EDEE uses. <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 4. Modified the maximum building height in the Site Development Data on RZ-1 and RZ-2 to specify a maximum height of 120 feet for only area D and 80 feet for Development Areas A, B, C, E and F. 5. Make the following changes under II. Optional Provisions: <ol style="list-style-type: none"> a. Amended Note a. related to off street parking to specify locations in which the optional provision would apply as areas A, B, C and D. b. Deleted Note d.i and replaced with "Existing ground mounted shopping center/development identification signs located at the intersection of Fairview Road and Cameron Valley Parkway shall be permitted to remain or be expanded or replaced provided that no more than two signs each up to 24 feet in height and containing up to 150 square feet of sign area are located at the intersection." 6. Added a note under VII. Pedestrian Access and Circulation that states "Where walkways abut parking the sidewalk will be a minimum of seven-feet in width." <p><u>Transportation</u></p> <ol style="list-style-type: none"> 7. Revised the site plan to clarify that optional provision II.B is for reuse only and does not apply to Fairview Road. The site plan indicates a Duke easement exists along the frontage of the site. 8. Added notes stating that because of the Duke easement along the frontage of Fairview Road the development will not encroach into the easement and not preclude the future provision of a 12-foot multi-use path, eight-foot planting strip, and eight to ten-foot pathway buffer by others in the future. 9. Revised the site plan and added a note that when the petitioner enters permitting phase for development in excess of 185,000 square feet of commercial square footage, the 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. 10. Added a note committing to provide and construct a new waiting pad for a new bus stop on Fairview Road along this site's frontage in a location to be determined during permitting. The bus pad shall be constructed according to standard detail 60.01B.
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REQUESTED TECHNICAL REVISIONSLand Use

11. Clarified the following notes under III. Permitted Uses:
 - a. Note b that the hotel use is only permitted in Area A and the movie theater is only permitted in area Area D.
 - b. Note c that 32 residential units are existing and up to 50 additional units may be constructed utilizing the conversion rights, and
 - c. Note d that the total 82 units within the site is a combination of the existing units and those achieved through conversion rights.
12. Amended Note 3b to reflect six development areas (A, B, C, D, E and F).

Site and Building Design

13. Added "building frontage zone" lines to development area F along Charlton Lane, Phillips Place Court, and Cameron Valley Parkway.
14. Depicted area(s) of amenitized publicly accessible open space on the site plan.
15. Amended the legend to show a setback line that is different from the easement line.
16. Pulled back the indent for Note i under II. Optional Provisions and pulled back the indent of Notes b through e under III. Permitted Uses.
17. Amended Note b.i under II. Optional Provisions to clarify that if a sidewalk is constructed abutting parking it shall be at least seven feet wide to accommodate overhangs and door swings.
18. Amended Note f under II. Optional Provisions to change the development area from C to D, and clarified the signage is to be associated with the movie theater.
19. Amended Note a under VIII. Open Space to increase the minimum amount of amenitized open space from 1,500 square feet to 6,000 square feet, as this reflects the approximate size of the existing uncovered plaza areas within the site. Added that amenitized open space will be provided in locations generally depicted on the site plan.
20. Amended Note X.b under Lighting to change maximum height from 30 feet to 31 feet to match industry standards.
21. Amended the site plan to clearly depict the setback measured from the future back of curb along Fairview Road.

Transportation

22. Combined Note 4b. under IV. Transportation with Note 4a. and delete Note 4c. because Note IV.a. covers the commitment for the connection to Broad Street.
23. Revised the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT rescinded the request to commit to right of way set at two feet behind back of sidewalk where feasible because this will be determined during permitting.
24. Revised the site plan to add a note specifying all transportation improvements will be approved and constructed prior to the development of more than 30,000 square feet of commercial or residential uses at the site.
25. Amended the site plan to depict the existing streetscape as referenced in Note a under II. Optional Provisions.
26. Added a note committing to the provision of a minimum of two bicycle racks within the site.

VOTE	Motion/Second: McClung / McMillan Yeas: Majeed, McClung, McMillan, Nelson, Spencer, Sullivan Nays: None Absent: Fryday Recused: None
ZONING COMMITTEE DISCUSSION	Staff provided a brief summary of the petition and the changes since the public hearing. Staff explained that the issues noted in the Zoning Committee agenda had been resolved. Staff noted that the petition is consistent with the <i>SouthPark Small Area</i> Plan recommendation for mixed residential and non-residential for the site.
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

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Divides the site into six development areas (A, B, C, D, E, F). The development areas may be developed with up to 130 hotel rooms (only allowed in Area A), 32 residential units, 40,000 square feet of theater space (only allowed in Area D), and 211,000 square feet of commercial uses, subject to conversion rights specified below.
- Specifies that the site currently contains 111,000 square feet of retail and EDEEs (eating/drinking/entertainment establishments) and allows the development of up to 100,000 square feet of additional commercial space; however, the total amount of area devoted to retail and EDEE uses shall not exceed 141,000 square feet.
- Allows unused commercial space to be converted to residential units at a rate of 1,000 square feet of commercial to one residential unit for an additional 50 residential units for a total of up to 82 residential units.
- Prohibits car washes, automobile service stations and EDEEs with drive-through service windows.
- Specifies a maximum building height of 80 feet across the site except for Development Area D which is allowed 120 feet.
- Commits to the provision of the bicycle and pedestrian connection from the site to Broad Street. Provides a minimum of two bike racks within the site accessible to the public.
- Site access from Fairview Road will remain. Access points to individual development areas may be modified as depicted on the site plan; however, the total number of access points to Area B, located between Charlton Avenue and Cameron Valley Parkway, shall not exceed three with a maximum of two access points on Phillips Place Court.
- Provides a number of general design guidelines including standards for building materials, primary building frontages, screening, tree plantings, pedestrian entrances, streetscape treatment, blank walls, and minimization of building scale and massing.
- Specifies that new structured parking facilities shall be designed to encourage and complement pedestrian scale activity on the ground floor. Newly constructed exposed parking structures and off-street surface parking areas shall not be visible from the public or private street. Openings at the street level are limited to vehicular entrances. Pedestrian access and ventilation shall be decorative and designed to be integral of the overall building design.
- Provides a network of six-foot sidewalks and cross-walks along the internal streets linking buildings, parking areas, and areas of interest with one another. Where walkways occur adjacent to buildings, a minimum walkway width of six feet will be maintained clear of door swings, shopping cart storage, and temporary trash or similar impediments, and where parking occurs next to parking the walkway will be a minimum of seven feet in width.
- Commits to a minimum of 6,000 square feet of urban open space; all new development shall meet or exceed the Ordinance requirements for urban open space.
- Specifies attached and detached lighting will be downwardly directed with the exception of attached accent lighting. Limits the height of detached lighting to 31 feet in height.
- Notes that the petitioner intends to develop the site in phases based on market demand.
- Requests the following optional provisions:
 - Allow off-street, surface level, vehicular parking and maneuvering areas between buildings and public and private streets in Areas A, B, C and D.

- Allow deviations from standard sidewalk and planting strip requirements to accommodate or match existing streetscape design and allow parking areas to remain in their current condition in the event streetscape infrastructure is installed adjacent to the parking area. The deviations in the streetscape requirements shall not apply to Fairview Road.
- Modifications for signage including: allowing existing signage to remain, be expanded or replaced at the intersection of Cameron Valley Parkway and Fairview Road; wall signs up to 200 square feet or 10% of wall area to which they are attached whichever is less; one wall sign that could be part of a spire element in Development Area C not to exceed 350 square feet; temporary signs and banners; one new detached, ground mounted sign on Fairview Road up to 12 feet in height and 100 square feet in area; and allow up to two new detached, ground mounted signs internal to the site, not located on Fairview Road up to five feet in height and 60 square feet in area.
- **Public Plans and Policies**
 - The *SouthPark Small Area Plan* (2000) shows the property as a mix of residential, office, and retail uses. This recommendation was confirmed by the 2011 rezoning of the subject site.
 - 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. This vision was recently reinforced through the work of a panel of experts from the Urban Land Institute studying the SouthPark area.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on a major thoroughfare at the signalized intersection with a major collector. The proposed plan does not substantially increase the daily trips generated by this site.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 8470 trips per day (based on 108,022 square feet of retail, 30,000 square feet of movie theater, 124-room hotel, and 32 apartments).
 - Entitlement: 8650 trips per day (based on 111,000 square feet of retail, 30,000 square feet of movie theater, 130-room hotel, and 32 apartments).
 - Proposed Zoning: 10870 trips per day (based on 141,000 square feet of retail, 40,000 square feet of movie theater, 130-room hotel, 32 dwellings and 70,000 square feet of office/commercial use excluding retail and EDEE).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear in width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning may generate 10 students, while the development allowed under the proposed zoning may produce 26 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 16 students.
 - The proposed development is projected to increase the school utilization (without mobile classroom units) over existing conditions as follows:
 - Sharon Elementary from 154% to 157%;
 - Alexander Graham Middle to remain at 112%; and
 - Myers Park High to remain at 114%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Fairview Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Fairview Road.
- **Engineering and Property Management:**
 - **Arborist:** Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street. Petitioner must submit a tree survey for all trees two-inch or larger located in the rights-of-way. In addition, the survey shall include all trees eight-inch or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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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 Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Park and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311