

<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: MUDD-O (mixed use development, optional), with five-year vested rights
<b>LOCATION</b>	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)
<b>SUMMARY OF PETITION</b>	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.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Phillips Place Hotel Investor, LLC; Phillips Place Partners, LLC Lincoln Harris, LLC Collin Brown and Bailey Patrick, Jr., K&L Gates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 20.

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to land use, transportation, site and building design.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>SouthPark Small Area Plan</i> recommendation of mixed residential and non-residential for the site.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</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 growth and development in a compact, pedestrian-oriented form.</li> <li>• 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"> <li>• Maintains the entitlement for 130 hotel rooms and allows for the addition of conference room space.</li> <li>• Maintains the entitlement for a theater and allows an increase in the square footage from 30,000 square feet to 40,000 square feet.</li> <li>• Increases the entitlement for commercial space with an additional 100,000 square feet, for a total of 211,000 square feet and specifies that a maximum of 131,000 square feet of the area may be devoted to retail and eating/drinking/entertainment establishments.</li> <li>• Maintains the entitlement for the existing 32 residential dwelling units and allows the conversion of commercial square</li> </ul> </li> </ul>
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footage to residential units for a total of up to 82 residential dwelling units.

- The petition 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.
- 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.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Divides the site into six development areas. The development areas may be developed with up to 130 hotel rooms, 32 residential units, 40,000 square feet of theater space, 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 131,000 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 120 feet across the site.
- Commits to the provision of the bicycle and pedestrian connection from the site to Broad Street.
- 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.
- Commits to a minimum of 1,500 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 30 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.
  - 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, expansion of existing signage 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.

- **Existing Zoning and Land Use**

- The subject site, located along Fairview Road, is part of the Phillips Place mixed-use development consisting of retail uses, a movie theatre, a hotel, and 32 dwelling units above ground floor commercial uses. The larger Phillips Place development includes multi-family units to the rear (southwest) of the subject site that are not included in the proposed rezoning. Further to the southwest beyond the multifamily Portion of Phillips Place is a mix of single family attached and detached homes along Sharon View Road in UR-2(CD) (urban residential, conditional) and R-3 (single family) residential. East of the site is a Duke Energy substation in R-3 (single family residential) and multi-family in R-15MF(CD) (multi-family, conditional) zoning. North of the site, across Fairview Road, are office uses in O-6(CD) and O-15 (CD) (office, conditional) zoning. Sharon Square mixed use development, Ashley Square multi-family development and the Allen Tate commercial building are west of the site located in MUDD-O (mixed development, optional) zoning.
- See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- There have been a number of rezonings to MUDD-O (mixed use development, optional) north and west of the site, within the SouthPark Mixed Use Activity Center, to allow residential, commercial and mixed use developments.

- **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. However, CDOT continues to request commitments to the Fairview Road recreational path along the site frontage and preservation for complete connections at Cameron Valley Parkway and Broad Street to develop the multimodal connectivity necessary to allow additional intensity in this activity center. CDOT acknowledges that these commitments would only be triggered by significant redevelopment of the buildings and/or site layout and not with incremental revision to existing buildings.
- See Outstanding Issues, Notes 5 through 7 and requested Technical Revisions 22 through 24.
- **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: 10578 trips per day (based on 131,000 square feet of retail, 40,000 square feet of movie theater, 130-room hotel, 32 dwellings and 80,000 square feet of office/commercial use excluding retail and EDEE).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** See Outstanding Issues, Note 8.
- **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) as follows:
    - Sharon Elementary from 154% to 157%
    - Alexander Graham Middle from 112% to 112%
    - Myers Park High from 114% to 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 Park and Recreation Department:** No issues.

## OUTSTANDING ISSUES

### Land Use

1. Confirm and amend, if necessary, the permitted uses so that the uses do not result in an increase of more than 2,499 trips beyond the current entitlement.

### Site and Building Design

2. Modify 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, 90 feet for Development Areas B and C, and 80 feet for buildings in Area A, F, E.
3. Make the following changes under II. Optional Provisions:
  - a. Amend Note a related to off street parking to specify locations in which the optional provision would apply.
  - b. Delete Note d.i and replace with "Allow the existing ground mounted shopping center/development identification signs located at the intersection of Fairview Road and Cameron Valley Parkway 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."
4. Add 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."

### Transportation

5. Revise the site plan to clarify that optional provision II.B is for reuse only. CDOT does not support this option for redevelopment or new buildings. Redevelopment and new buildings should include conditions for a 12-foot sidewalk and eight-foot planting strip along Fairview Road with eight to ten feet of clearance to face of buildings for the envisioned SouthPark recreational trail along Fairview Road and an eight-foot planting strip and eight-foot sidewalk along Cameron Valley Parkway.
6. Revise the site plan and add a note preserving Cameron Valley Parkway to be converted to a public street if requested and preserving an east-west connection between Charlton Lane and Broad Street to develop a public street when/if feasible.
7. Revise the site plan and add a note to construct or reconstruct curb ramps and crosswalks as needed at the Fairview Road and Cameron Valley Parkway intersection, including addition or upgrade of pedestrian signals as needed.
8. Add 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.

## REQUESTED TECHNICAL REVISIONS

### Land Use

9. Clarify 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 Note d that the total 82 units within the site is a combination of the existing units and those achieved through conversion rights.
10. Amend Note 3b to reflect six development areas (A, B, C, D, E and F).

### Site and Building Design

11. Amend the site plan to clearly depict the future back of curb and reflect a setback measured from

- the future back of curb.
12. Add "building frontage zone" lines to development area F along Charlton Lane, Phillips Place Court, and Cameron Valley Parkway.
  13. Depict area(s) of amenitized publicly accessible open space on the site plan.
  14. Amend the legend to show a setback line that is different from the easement line.
  15. Amend the site plan to depict the existing streetscape as referenced in Note a under II. Optional Provisions.
  16. Pull back the indent for Note i under II. Optional Provisions as written it appears to be a sub-note of Note h and pull back the indent of Notes b through e under III. Permitted Uses. As written they appear to be sub-notes of III.a.3.
  17. Amend 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. Amend Note f under II. Optional Provisions to change the development area from C to D, clarify the signage is to be associated with the movie theater and shall not be in a location visible from Fairview Road.
  19. Delete Note VI.a related to new structured parking facilities as it is not clear and not necessary.
  20. Amend 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. Add that amenitized open space will be provided in locations generally depicted on the site plan.
  21. Amend Note X.b under Lighting to change to maximum height from 30 feet to 31 feet to match industry standards.

#### Transportation

22. Combine Note 4b. under IV. Transportation with Note 4a. and delete Note 4c. because Note IV.a. covers the commitment for the connection.
23. Revise 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 requests right of way set at two feet behind back of sidewalk where feasible.
24. Revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.

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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- 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

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