

October 28, 2015

REQUEST	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)
LOCATION	Approximately 0.55 acres located on the east side of Sharon Road between Ashley Park Lane and Louisburg Square Lane. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow the addition of an eating/drinking/entertainment establishment (EDEE) with an accessory drive-through window to the currently approved uses for the site, which include retail, office, eating/drinking/entertainment establishment (EDEE) without drive-through service and a bank with one drive-through service window with one lane and one pass-by lane. The site is the final parcel to be developed as part of the Sharon Square, mixed use, pedestrian oriented development, located in SouthPark.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Tate Pappas SC Investors, LLC Tate Pappas SC Investors, LLC Jeff Brown & Keith MacVean
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent 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, as amended by a previous rezoning, recommends a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses. <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none">• The property is part of a unified mixed use development located in an area that is transforming into the walkable, multi-story mixed use development recommended in the adopted plan; and• The proposed rezoning will allow development of the site with a two-story building located directly at the corner of Sharon Road and Ashley Park Lane. The site and building design, with street front primary entrances, clear glass windows, and outdoor seating, will encourage pedestrian activity along these streets; and• The drive-through service window is in a similar location as previously approved on the current zoning, with parking and maneuvering generally placed behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road, with a substantial landscaped buffer; and• The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Majeed).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Land Use</u></p> <ol style="list-style-type: none">1. Removed definition and reference to limited service restaurant and
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- replaced with eating/drinking/entertainment establishment (EDEEs) with an associated drive-through service window and limited to 4,000 square feet.
2. Staff rescinded the request to add specification that the maximum building footprint will be no more than 2,700 square feet to be constructed in the location generally depicted on the site plan because the petitioner has provided a note committing to a minimum two story building.
 3. Amended optional provision Note C to allow, regardless of the use, a single-lane, drive-through service window with no pass-by lane, as generally depicted on the site plan.

Site and Architectural Design

4. Provided a building envelope with a build-to corner on Ashley Park Lane, directly beside the existing monument sign.
5. Showed landscaping commitments for the area between the drive-through service lane screen wall and the sidewalk on the landscape plan.
6. Amended the building elevations to clearly depict a two-story condition.

Administrative

7. Filed an administrative amendment to the previously approved petition establishing the allotted square footage remaining for the overall development as a result of this proposal and reduced the allowed number uses with drive-through service windows from two to one.

Technical Revisions

1. Showed right-of-way trees to be protected.
2. Changed to engineering scale.
3. Enlarged site plan drawing to 24" x36".
4. Provided response to outstanding issues showing how the petitioner is addressing them and indication of notes carried over and/or modified from the previously approved petition in a separate document.
5. Clouded individual changes not the entire block of notes so they will be easily identified.
6. Amended Note C related to allowable changes to the site plan and added that all changes will be in accordance with Section 6.207.
7. Corrected "Access" Note A that indicates access will be provided from Ashley Park Lane and Sharon Road. No access to Sharon Road is proposed on the site plan.
8. Clarified that the ordinance standard will be used for signage except for an optional provisions to allow wall signs up to 200 square feet or 10% of the wall area and to allow detached signs at the intersection of Sharon Road and Ashley Park Lane as approved by the approved administrative amendment on the previously approved rezoning.
9. Deleted sheet reference notes and provided labels within the site plan drawing.
10. Showed all setbacks measured from the future back of curb.
11. Deleted all minimum ordinance requirements.
12. Measured building height as defined by the Ordinance.
13. Amended the note related to how gross floor area will be calculated and used the zoning ordinance standard but stated the items that won't be counted towards the gross floor area.
14. Numbered conditional note sections.
15. Corrected references to other sections under Proposed Uses and Planned Unit Development section.
16. Indicated the assigned petition number in the side bar and in Notes heading.
17. Removed repeated development data table.
18. Eliminated all notes, including optional provisions, which do not specifically apply to this site and the proposed site plan.
19. Corrected formatting of notes so that words are not split between

	paragraphs.
	20. Reduced the building square footage from 4,300 square feet to 4,000 square feet.
	21. Added a landscape plan.
	22. Provided a note stating the existing temporary monument sign along Sharon Road will be removed.

VOTE

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

ZONING COMMITTEE DISCUSSION

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

- Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Land Use:
 - Adds a eating, drinking, entertainment establishment (EDEE) with an accessory drive-through window to the currently approved uses for the site, which include retail, office, eating/drinking/entertainment establishment (EDEE) without drive-through service and a bank with one drive-through service window with one lane and one pass-by lane.
 - Specifies that the accessory drive-through window on the site can only be associated with a bank or an EDEE. Limits the number of lanes to a single lane with no pass-by lane.
 - Limits the services of an EDEE with a drive through to serving primarily items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches, and similar foods that do not require on premise cooking.
 - Prohibits gasoline sales.
- Site and Architectural Design:
 - Limits the total number of buildings on the site to one, at a maximum size of 4,000 square feet, and a maximum height of 55 feet.
 - Commits to a minimum two-story building.
 - Provides a building envelope and build to line along Sharon Road and Ashley Park Lane.
 - Provides parking and maneuvering generally behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road with a substantial landscaped buffer as depicted on the site plan.
- Transportation and Access:
 - Provides pedestrian access from Sharon Road and Ashley Park Lane with public entrances facing each street and outdoor patio space oriented to Sharon Road and Ashley Park Lane.
 - Provides vehicular access from Ashley Park Lane.
 - Provides access to the parking structure located east of the site and provides a cross-access connection to the adjacent property south of the site.
- General Commitments:
 - Carries over a number of conditional notes from the previously approved rezoning.
- The following optional provisions are being requested:
 - Allow reduction in the width of the required setback along interior or private streets from 14 feet to ten feet from the nearest face of building to either the back of curb or edge of tree grate or planting area, whichever is greater. Street trees are not required along the private street but if provided may be placed in tree wells.
 - Allow wall signs up to 200 square feet or 10% of the wall whichever is less. Sign area may be increased if individual letters are used.
 - Allow previously approved signs at the corner of Sharon Road and Ashley Park Lane.
 - Allow either a limited service restaurant or a bank with an accessory drive-through window to be located on the site. Drive-through facilities are limited to a single lane. Drive-through facilities are only allowed as an optional provision in the MUDD (mixed use development)

district.

- Allow the definition of gross floor area as defined in the Ordinance to be applied in a manner described on the site plan.
- **Public Plans and Policies**
 - *South Park Small Area Plan*, as amended by petition 2006-042, recommends for the larger development in which this site is located a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses, with an emphasis on creating a pedestrian-friendly environment. The existing zoning prohibits accessory drive-through service windows associated with eating/drinking/entertainment establishments.
 - The petition supports the *General Development Policies-Environment* by developing an infill site, thereby minimizing further environmental impacts while accommodating growth.

TRANSPORTATION CONSIDERATIONS

- The primary transportation concerns for this zoning proposal are to ensure that the internal storage of vehicles using the drive-through is adequate to ensure that vehicles do not queue into public streets. While we expect that the queuing could exceed what is depicted on the plan, there is adequate room on-site to handle the expected queuing. Similarly, the site plan does not provide many on-site parking spaces, but there appears to be adequate parking in the area and many of the trips are expected to be served internally to the larger development or as pass-by trips through the drive-through. Given that many of the trips will be “pass-by” trips, meaning trips from vehicles already passing by the site on Sharon Road, this rezoning is not expected to significantly impact the amount of traffic on the surrounding thoroughfares.
- **Vehicle Trip Generation:**
 - Current Zoning: 6,700 trips per day
 - Proposed Zoning: 8,300 trips per day

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
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review