

REQUEST	Current Zoning: O-3(CD) (office) Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights
LOCATION	Approximately 1.621 acres located on the east side of Park South Drive between Fairview Road and Pine Valley Road (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes the redevelopment of a portion of a parcel developed with a parking structure with a 180-room hotel and up to 7,500 square feet of retail space in the SouthPark area.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Fairview Plaza Buildings, LLC Fairview Plaza Buildings, LLC John Carmichael (Robinson Bradshaw)
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9.
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found the hotel use consistent with the <i>SouthPark Small Area Plan</i>; however, the retail component not consistent with the plan based on the information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends office or office/residential mixture. • 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: <ul style="list-style-type: none"> • The <i>Centers, Corridors and Wedges Growth Framework</i> identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and • The more specific 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 • Since the plan was adopted, various rezonings have occurred in the area resulting in a more thorough mix of uses; and • Although the proposed retail component is not strictly consistent with the plan recommendation, it complements the larger existing office development and proposed hotel, and is an appropriate element in the mix of uses on and around the site; and • The proposed site plan intensifies the subject site by redeveloping a portion of a two-level parking garage with a hotel and retail uses; and • The new hotel and retail use will enhance the pedestrian environment by providing active, ground floor uses oriented to the public sidewalk on Piedmont Row Drive South; <p>By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Spencer).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. Amended note 6L to remove the first three sentences related to exterior dumpster enclosures and changed the word "may" to "shall" related to dumpster locations in the parking structure or within the interior of a building. 2. Added two sheets to the rezoning plan including conceptual
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- building rendering and plan and section details for the "green ribbon" area.
3. Change "site" to "rezoning site" throughout the rezoning plan.
 4. Removed reference to Park South Drive under the zoning code summary for setbacks as the rezoning site does not front Park South Drive.
 5. Clarified that optional provisions 2B and 2C related to the motor court and valet service only applies to building A.
 6. Added knee walls to list of possible elements within the "green ribbon" area along Piedmont Row Drive South.
 7. Added a note 6J under architectural standards related to the provided conceptual building rendering.
 8. Added a note 7C under setback and yards/ streetscape related to the provided "green ribbon" plan and section details.

Land Use

9. Added a note 4D, instead of amending note 4C, to specify a maximum of 10,000 square feet for retail and EDEE uses associated with the hotel, not to include ballrooms, conference rooms and meeting facilities.

Transportation

10. Provided a Technical Traffic Memorandum that includes the revised trip generation, trip distribution, and mitigation measures associated with the revised plan.
11. Reserved 18 feet (eight-foot planting strip, eight-foot sidewalk and two-foot maintenance buffer) for future public right-of-way along the site's southern property line from Piedmont Row Drive South to Park South Drive to provide space for a portion of a planned east-west public connection street along the site's southern property line. The conditional notes state that the petitioner will retain the reserved property until such time the City requests this property for public use. When future right-of-way is requested the petitioner shall dedicate this reservation to the City.
12. Staff rescinded the request to reserve a local commercial narrow half-street section along the site's western boundary for a future north-south private street because the petitioner added a note 5F that says that a two-way vehicular connection the private street to the northern drive will be provided, the exact route will be determined during permitting and may be through the parking structure. The petitioner also added a note 5G that says that a pedestrian connection from the private street to the northern drive will be located on the top level of the parking structured and the access may include stairs.
13. Staff rescinded the request to construct/convert the drive aisle along the site's northern boundary to a local office commercial wide half-section with recessed parallel on-street parking along the site's northern boundary because this connection functions as a driveway and the petitioner has committed to provide a minimum four-foot planting strip and minimum six-foot sidewalk along the northern boundary line and the driveway.
14. Clarified that the petitioner will construct an eight-foot planting strip and six-foot sidewalk behind the existing Piedmont Row Drive South westerly curblin, north of the site to the next drive aisle.
15. Revised the site plan (cross section A-A) and conditional note 5.C.1 to local office/commercial "narrow" street section.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

16. Deleted the existing conditions survey sheet.

VOTE

Motion/Second: Watkins / Majeed
 Yeas: Fryday, Lathrop, Majeed, McClung, Spencer, and Watkins
 Nays: None

	Absent:	Wiggins
	Recused:	None
ZONING COMMITTEE DISCUSSION	Staff provided a summary of the petition. Staff noted that the petitioner made a few clarifications to the site plan and provided a conceptual rendering of the building and "green ribbon." Staff stated that the petition the hotel use was consistent with the plan recommendation but the proposed retail was inconsistent with the plan. 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:

- Allows up to two buildings on the site.
- Allows a hotel with up to 180 rooms and a maximum of 7,500 square feet of non-hotel commercial uses including retail, eating/drinking/entertainment establishments (EDEE), personal service use, and structured parking decks as an accessory use. EDEE accessory to the hotel will not count towards the 7,500 square feet of non-hotel uses.
- Allows a maximum of 10,000 square feet for retail and EDEE uses associated with the hotel, not to include ballrooms, conference rooms and meeting facilities.
- Prohibits automotive service stations, convenience stores with or without gasoline sales and drive-through service windows accessory to any use.
- Specifies that structured parking may be located beneath the buildings.
- Proposes access points from a private drive along the northern boundary of the site, a private street along the southern boundary of the site, and Piedmont Row Drive South.
- Commits to provide a 20-foot setback with an eight-foot planting strip and eight-foot sidewalk along the southern boundary adjacent to the private street.
- Provides a 30-foot setback with an eight-foot planting strip and eight-foot sidewalk with a 14-foot "green ribbon" (an area of extended building setback to provide space for landscaping, outdoor dining, or other pedestrian scale amenities) within the site frontage along Piedmont Row Drive South. Provides an eight-foot planting strip and six-foot sidewalk from the northern edge of the site to the driveway on the northern side of the adjacent office buildings also along Piedmont Row Drive South.
- Commits to request the adjacent property owner(s) dedicate to the City as public right-of-way the existing private street located to the south of the site. The petitioner's only obligation is to make the request; failure or refusal of the adjoining property owner(s) to dedicate should not cause delay or withholding of the permitting or certificate of occupancy for the site.
- Reserves 18 feet for a future street connection along the site's southern property line from Piedmont Row Drive South to Park South Drive.
- Limits the maximum building height of Building A, on the western and southern edge of the site, to 150 feet. Limits the maximum height of Building B along Piedmont Row Drive South to 25 feet. If building A and building B are combined the maximum height is 150 feet.
- Specifies buildings will have prominent pedestrian entrances and be oriented to Piedmont Row Drive South.
- Provides conceptual building rendering and plan and section details for the "green ribbon" area.
- Provides a number of building design and architectural standards related to percentage of doors and windows, ground floor elevations, blank walls, wall projections and recesses, differentiation between first floor and upper floors, screening of mechanical equipment and dumpster enclosures.
- Specifies that the 14-foot "green ribbon" is a transition area that will contain hardscape and landscaping and may contain chairs, tables, seat walls, knee walls and other seating elements provided a minimum eight-foot clear sidewalk is maintained.
- Requests the following optional provisions:
 - Allow an increase in the allowable height from 120 feet to 150 feet.
 - Allow valet service, a driveway, an entrance into the structured parking facility or motor court to be located between building A and the required setback along Piedmont Row Drive South as parking and maneuvering is not permitted between building and the required setback.

- Allow hardscape, landscaping, tables, chairs, and other seating to be located within the inner 14 feet of the 30-foot setback along Piedmont Row Drive South.
- **Public Plans and Policies**
 - The *SouthPark Small Area Plan* (2000) shows the property as office or office/residential mixture.
 - 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.
- **TRANSPORTATION CONSIDERATIONS**
 - The site's primary access will be served from Piedmont Row Drive South, and the site's parking deck access will be served from South Executive Park Drive (a private street with public access rights). The proposed parking deck will provide internal access to two private streets. The petitioner is also extending, connecting and improving sidewalks along the west side of Piedmont Row Drive South to enhance pedestrian walkability in the area. CDOT continues to request an updated traffic analysis to clarify impact, and determine if offsite mitigations are needed, and reservations to accommodate the envisioned street network.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on parking structure)
 - Entitlement: 0 trips per day (based on parking structure per 1995-017)
 - Proposed Zoning: 2,700 trips per day (based on 180 room hotel and 7,500 square feet of retail).

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 issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing eight-inch water distribution mains located Park South Drive and Piedmont Row Drive South. The proposed rezoning is located in an area that Charlotte Water has been determined to have limited sanitary sewer system capacity.
 - **Engineering and Property Management:**
 - **Arborist:** No issues.
 - **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 Neighborhood & Business Services 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 Parks and Recreation Review
- Transportation Review

Planner: John Kinley (704) 336-8311