

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 included in 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

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of the requested technical revisions and the outstanding issues related to clarification of the proposed use and design.</p> <p><u>Plan Consistency</u> The proposed development is consistent with <i>SouthPark Small Area Plan</i> recommendation, as amended by petition 2006-042, for a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses.</p> <p><u>Rationale for Recommendation</u></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. • 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. • 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. • The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Land Use:
 - Adds a “limited service restaurant” (a type of eating/drinking/entertainment establishment defined by the petitioner) 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 a limited service restaurant. Allows up to three drive-through lanes for a bank.
- Defines "limited service restaurant" as a restaurant with no more than 4,300 square feet of floor area 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 4,300 square feet, and a maximum height of 55 feet.
 - Commits to a minimum two-story building.
 - 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 provide 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:
 - Allowance for a limited amount of parking and maneuvering between buildings and abutting public or private streets, as generally depicted on the Schematic Site Plan.
 - 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 along the private drives may be placed either in planting islands along the proposed angled parking or within tree wells, covered by grates within the sidewalk areas within the conditions described in the previous bullet and in lieu of a planting strip.
 - Allow signage throughout the site as generally described and depicted in the signage package attached to this petition and incorporated herein by reference. Administrative approvals of deviations from the Signage Package may be granted by the Planning Director or staff; subject to approval of a specific sign design, location, and plan for the signs in question.
 - Allow either a limited service restaurant or a bank with an accessory drive-through window to be located on the site. Drive-through facilities associated with a bank shall be limited to double travel lanes and may have a pass by lane, which will constitute a third travel lane, which may contain an automated teller machine (ATM). Drive-through facilities are only allowed as an optional provision in the MUDD (mixed use development) district.
- **Existing Zoning and Land Use**
 - The subject site is located in SouthPark, south of the mall, is currently developed with a leasing office as part of the 7.04-acre Sharon Square mixed-use development originally approved in 2006 under rezoning petition 2006-042. This is the final parcel in the project to be developed.
 - Petition 2006-042 allowed a mix of commercial, office, eating/drinking/entertainment establishments (EDEE), and residential uses developed in a pedestrian friendly manner. The site plan also allowed the optional for up to two accessory drive-through service windows associated with banks. On the subject site, the site plan allows a bank, up to 16,000 square feet, with an accessory drive-through service window, with access from Ashley Park Lane and Sharon Road and parking and maneuvering located to the rear and side of the building.
 - Properties north and east of the site are zoned MUDD-O (mixed use development, optional) by the same petition (2006-042) that previously zoned the subject site. These parcels are developed with a mixed use development named Sharon Square.
 - The property to the west, across Sharon Road, was recently rezoned to MUDD-O (mixed use development, optional) and is currently developed with apartments and approved for hotel uses.
 - Property to the south, on the same side of Sharon as the subject site, is zoned MUDD-CD (mixed use development, conditional) and developed with a dry cleaner and approved for a mixed use development with retail and residential uses.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2014-059 rezoned 3.65 acres located on the west side of Sharon Road, across Sharon

Road from the subject site, between Fairview Road and Hazelton Drive to MUDD-O (mixed used development, optional) to up to two hotels at a maximum height of 7 stories/70 feet, with a total of 285 hotel rooms.

- Petition 2013-066 rezoned 5.22 acres located on the north side of Sharon View Road, east of the site, near the intersection of Sharon View Road and Mountainbrook Road to UR-2(CD) (urban residential, conditional) to up to 36 attached and detached single family homes.
- **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 throughfares.
- **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 issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** See Requested Technical Revisions, Note 1.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

OUTSTANDING ISSUES

Land Use

1. Remove definition and reference to limited service restaurant and provide a commitment that eating/drinking/entertainment establishment (EDEEs) with an associated drive-through service window and limited to 4,000 square feet.
2. 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.
3. Amend 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. Provide a building envelope with a build-to corner on Ashley Park Lane, directly beside the existing monument sign.
5. Provide landscaping commitments for the area between the drive-through service lane and the sidewalk.

Administrative

6. File 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 reduce the allowed number uses with drive-through service windows from two to one. The administrative amendment needs to be submitted prior to a decision on this petition.

REQUESTED TECHNICAL REVISIONS

1. Show right-of-way trees to be protected.
2. Change to engineering scale.
3. Enlarge site plan drawing to 24" x36".
4. Provide 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. Cloud individual changes not the entire block of notes so they will be easily identified.
6. Remove notes C, D, and E related to allowable changes to the site plan and add that all changes will be in accordance with Section 6.207.
7. Correct "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. Combine all notes related to signage and clarify if the ordinance standards will be used or if an optional is being requested. If an optional is requested for signs, provide the sign details.
9. Delete sheet reference notes and provide labels within the site plan drawing.
10. Show all setbacks measured from the future back of curb.
11. Delete all minimum ordinance requirements.
12. Measure building height as defined by the Ordinance.
13. Remove the note related to how gross floor area will be calculated and use the zoning ordinance standard.
14. Number conditional note sections.
15. Correct references to other sections under Proposed Uses and Planned Unit Development section.
16. Indicate the assigned petition number in the side bar and in Notes heading.
17. Remove repeated development data table.
18. Eliminate all notes, including optional provisions, that do not specifically apply to this site and the proposed site plan.
19. Correct formatting of notes so that words are not split between paragraphs.

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 Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte-Mecklenburg Utilities Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

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