

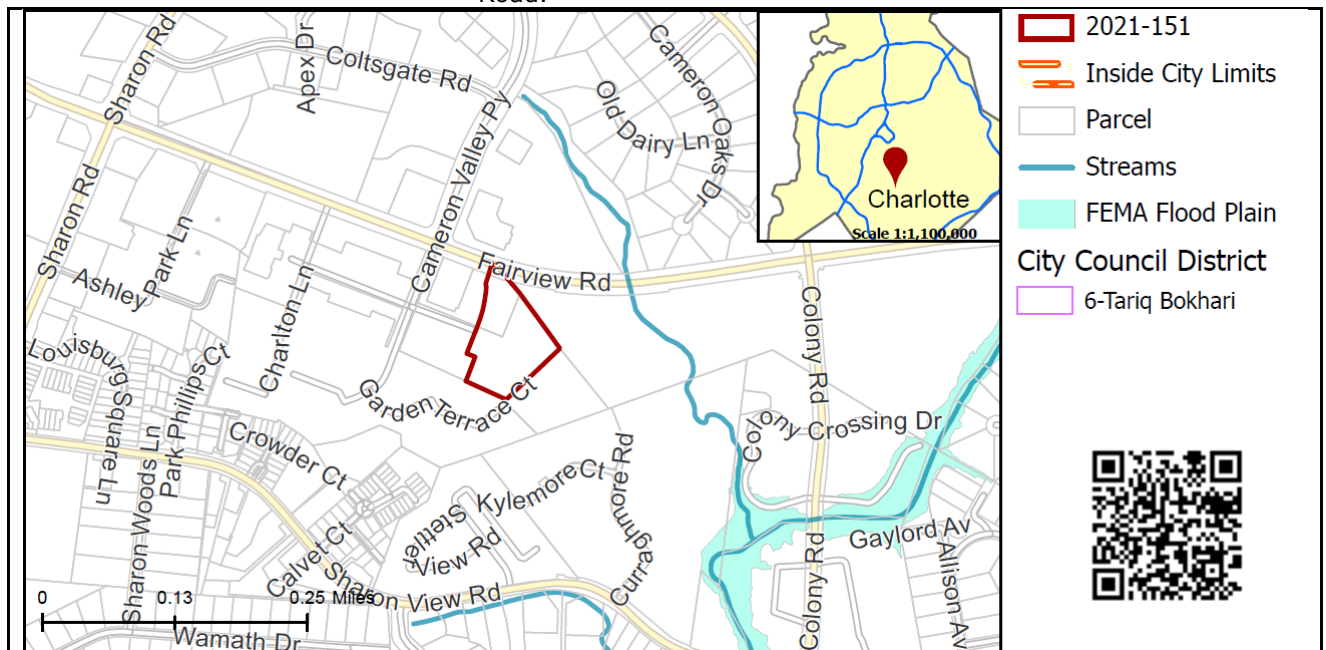
## REQUEST

Current Zoning: MUDD-O (mixed use development district, optional)

Proposed Zoning: MUDD-O SPA (mixed use development district, optional, site plan amendment)

## LOCATION

Approximately 3.65 acres located on the south side of Fairview Road and east side of Cameron Valley Parkway, west of Colony Road.



## SUMMARY OF PETITION

The petition proposes to allow the redevelopment of the existing movie theater with up to 250,000 square feet of office uses and up to 20,000 square feet of commercial uses subject to conversion rights for the site located in the Phillips Place Shopping Center in the SouthPark area.

## PROPERTY OWNER

Phillips Place Owner LLC

## PETITIONER

Lincoln Harris

## AGENT/REPRESENTATIVE

Collin Brown & Brittany Lins / Alexander Ricks

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 10.

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **consistent** with the *SouthPark Small Area Plan* recommendation for residential/office/retail use.

### Rationale for Recommendation

- The petition introduces additional mix of uses to the Phillips Place shopping center.
- The site is located in a mixed use activity center according to the *Centers Corridors and Wedges Growth Framework*
- Building heights exceeding MUDD's maximum of 120 feet are appropriate for areas within mixed use activity centers, the

building is over 80 ft from the nearest property line in common with residential use and the site does not abut single family use or zoning.

- Mixed use activity centers are appropriate for mixed use designed in a pedestrian oriented form.
- The site plan provides a minimum of 16,000 square feet of amenitized urban open space on ground level.
- The petition commits to construct the SouthPark Loop on the Philips Place frontage and constructs Loop pedestrian crossing improvements at the Fairview Road Cameron Valley Parkway intersection providing significant improvements to pedestrian infrastructure in the area.

## PLANNING STAFF REVIEW

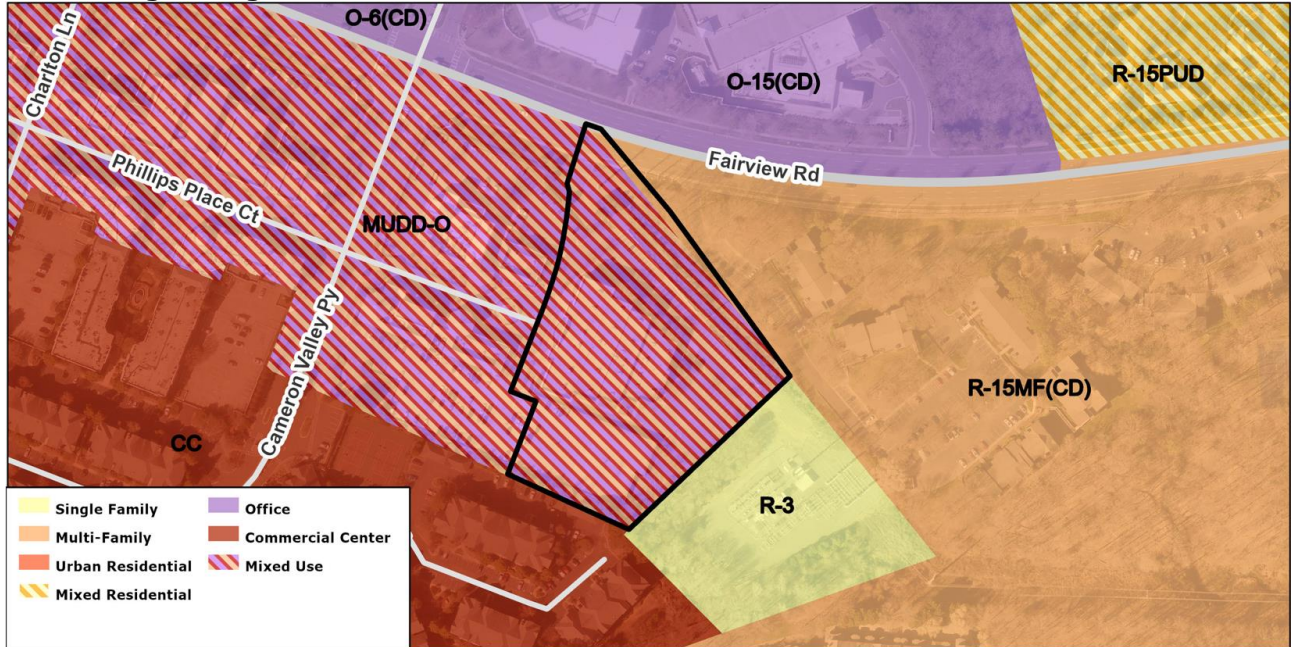
### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 250,000 square feet of office uses and up to 20,000 square feet of retail, eating/drinking/entertainment (EDEE) or personal service uses or other commercial uses.
- Prohibits car washes, automobile service stations and EDEEs with accessory drive-through service windows.
- Proposes allowed conversion of unused office space to retail at a rate of 1 square foot to 1 square foot provided the total amount of retail shall not exceed 40,000 square feet. Unused office space may also be converted to lodging uses at a rate of 500 square feet to 1 room.
- Requests an optional provision to allow building height exceeding 120 ft for a total maximum building height of 250 feet. *Specifies the additional building height only applies to the building envelope depicted on the rezoning plan.*
- *Limits height for the parking structure to 65 feet.*
- *Provides renderings and site cross sections to illustrate view of building from nearby residential.*
- Provides architectural standards related to exterior building materials. Screening for multi-level parking structures, minimum of 10 ft building step back for building height over 120 feet, and standards for building articulation and transparency.
- Access via existing private streets (Phillips Place Ct and Cameron Valley Parkway) connecting to Fairview Road.
- Provides transportation improvements including extending and constructing turn lanes at Fairview Road and Colony Road and provides a bus shelter pad on Fairview Road.
- *Commits to construction the SouthPark Loop (Loop) along the portion of Philips Place frontage between Cameron Valley Parkway and the Phillips Place western property line. The petitioner will also either construct the portion of the Loop in front of parcel 18313302 (Allen Tate building) or if easements cannot be obtained invest an additional \$50,000 into FFE (furniture/fixtures/equipment) and/or planting enhancements for the portion of the Loop constructed along the Phillips Place frontage.*
- *Notes that Loop installation will occur within 12 months after receipt of the proposed office building permit and coordinated CDOT and Planning staff.*
- Constructs Loop intersection improvements at Cameron Valley Drive and Fairview Road by adding accessible ramps at all corners of the intersection and adding Loop branded crosswalks across each leg of the intersection.
- Commits to a minimum 7000 square foot "forecourt"/ urban open space area at the main entrance with specialty pavers and a minimum of 9,000 square feet of amenitized urban open space each to include and at least two of the following amenities: seating area, fountain, public art, picnic tables, benches, enhanced landscaping pergolas and/or trellis areas.



- Existing Zoning and Land Use



The site was previously rezoned to MUDD-O by petition 2017-110 to allow a mix of uses in the Phillips Place shopping center including allowing a building height of 120 feet and the option of a movie theater in this portion of the center. The site is located in the SouthPark mixed use activity center and in an area with a mix of uses.



The site, indicated by the red star above, is surrounded by a mix of uses with non-residential to the west and northwest, and residential to the south and east.





The site is currently developed with a movie theater in the eastern end of the Phillips Place shopping center.



Northeast of the site along Fairview Road is multi-family residential.



East of the site is an electrical sub-station accesses through the rear of the site.

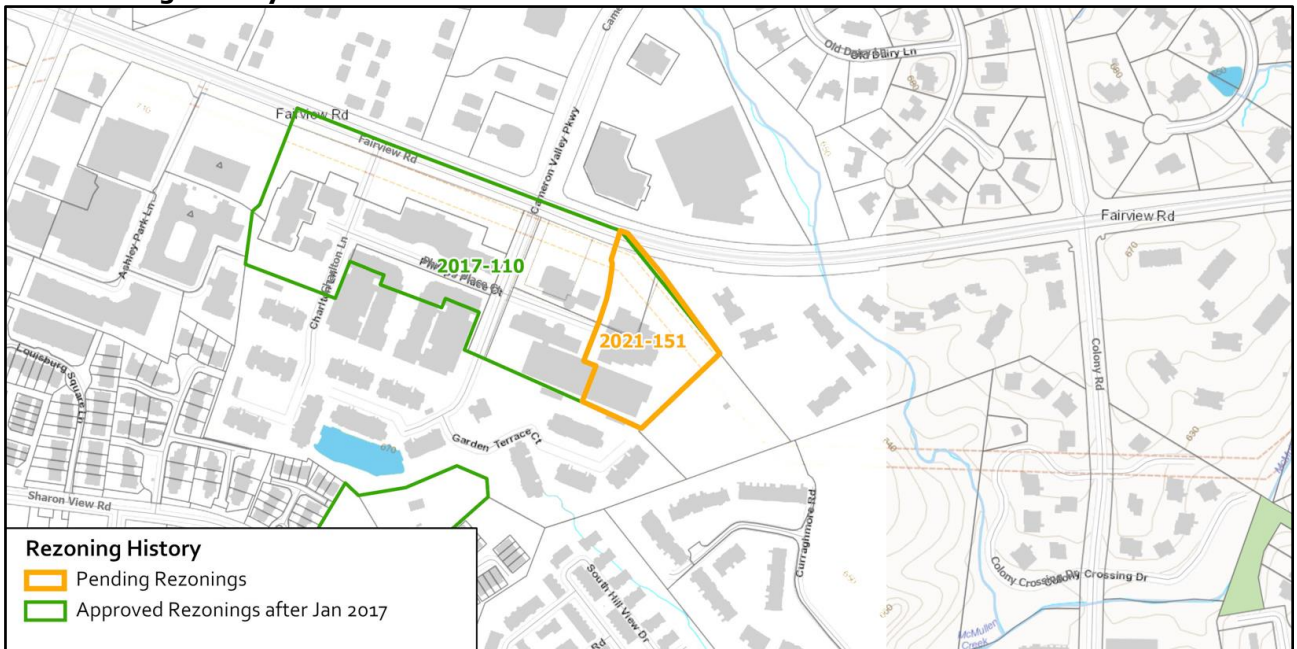


South of the site is multi-family residential accessed from Cameron Valley Py.



West of the site are shops of the Phillips Place shopping center.

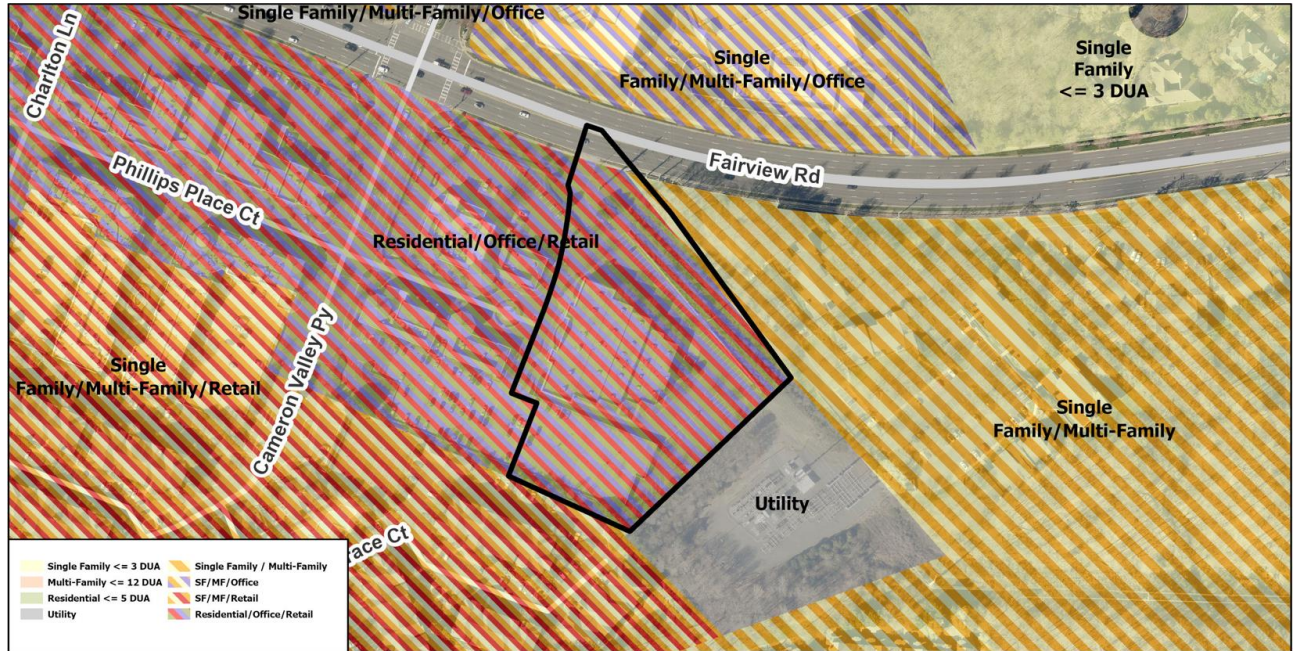
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-110	16.07 acres (site and Phillips Place shopping center) to MUDD-O to allow expansion and redevelopment of the existing hotel, commercial buildings and movie theater.	Approved



- **Public Plans and Policies**



- The *SouthPark Small Area Plan* (2000) recommends residential/office/retail mixed use.

- **TRANSPORTATION SUMMARY**

- The site is located on Fairview Road, a City-maintained major thoroughfare and Cameron Valley Parkway, a private local road. The 3.65-acre site abuts the terminus of the South Park Cultural Loop Capital Improvement Project. This site plan amendment includes a maximum development of 250,000 sf of office, 20,000 sf of retail, EDEE or commercial uses. A Traffic Impact Study (TIS) was required for the review of this petition and approved by CDOT on January 24, 2022. The site plan commits to constructing TIS recommend improvements to include increasing the left turn storage on Fairview Road at Cameron Valley Parkway and on Colony Road at Fairview Road. The TIS also recommends the construction of an additional southbound left turn lane on Colony Road with 250 feet of storage. All outstanding CDOT comments have been addressed.

- **Active Projects:**

- Southpark Cultural Loop
  - Status: n/a
  - Scope: Construct multi-use path looping around the core of Southpark via public/private partnerships
  - PM: Kristie Kennedy/Monica Holmes

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 1,995 trips per day (based on 19,730 sqft of retail and 28,901 sqft of theater use).

Entitlement: 2,645 trips per day (based on 29,885 sqft of retail use and 28,901 sqft of theater use).

Proposed Zoning: 4,595 trips per day (based on 250,000 sqft of office and 20,000 sqft of retail use).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Fairview Rd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Fairview Rd. No outstanding issues.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** No outstanding issues.

#### **OUTSTANDING ISSUES**

##### Site and Building Design

1. ~~Provide a height for any parking structures to be constructed in the parking envelope and clarify the optional provision applies to only the building envelope.~~ Addressed, the petition clarifies the optional for additional height only applies to building envelope.
2. ~~Expand parking screening in Design Guideline note 2. to include screening vehicles from adjacent properties.~~ Addressed
3. ~~Show and label primary facades on the site plan references in Design Guidelines note 6.e.~~ Addressed
4. ~~Clarify what total ground floor height means in Design Guidelines note 6.a. and clarify it is for primary facades.~~ Addressed

#### **REQUESTED TECHNICAL REVISIONS**

##### Site and Building Design

5. ~~Add "portion of" to each parcel number referenced for the rezoning.~~ Addressed
6. ~~Clarify vehicular access points to the parking envelope.~~ Addressed

---

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





**Planner:** John Kinley (704) 336-8311

## Goals Relevant to Rezoning Determinations









### Rezoning Petition # 2021-151

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	X
	<b>Goal 3: Housing Access for All</b> Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	X



	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	<p>N/A</p>
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>