

### Charlotte-Mecklenburg Planning, Design, & Development

DATE: September 2, 2020

TO: Sonja Sanders Zoning Supervisor FROM: Taiwo Jaiyeoba Planning Director

**SUBJECT:** Administrative Approval for Petition No. 2017-110 Lincoln Harris, LLC

Attached is the revised site plan for the petition above. This request allows the modification of the proposed site plan as listed below. Since these changes do not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 <u>Alterations to Approval</u>, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

• To allow an modification to the requirement and timing of the bicycle pedestrian path requirement.

Staff supports of the request because:

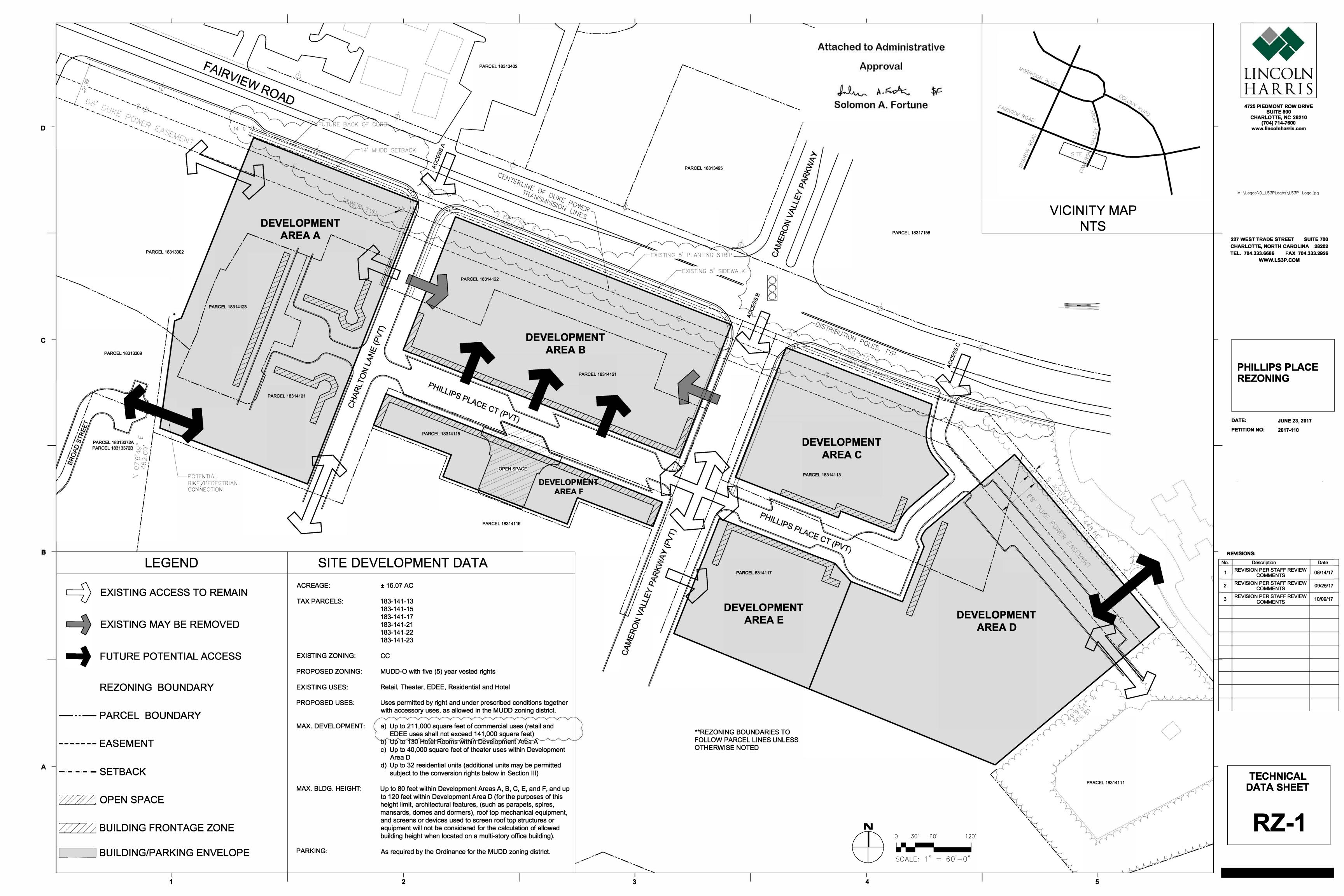
 The site plan complies with the conditional notes and still meets the intent of the original approval by the City Council.

Note: All other Zoning, Subdivision, Tree, PCSO Ordinances, conditional requirements and building codes still apply.

Signage was not reviewed as part of this request.

Charlotte Planning, Design & Development Department

www.charlotteplanning.org



	Site Development Data:	
	Acreage: Tax Parcels:	± 16.07 acres 183-141-23, 183-141-22, 183-141-21, 183-141-13, 183-141-17, 183-141-15
	Existing Zoning:	CC
	Proposed Zoning: Existing Uses:	MUDD-O with five (5) year vested rights. Retail, Theater, EDEE, Residential and Hotel
	Proposed Uses:	Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district.
	Maximum Development:	a. Up to 211,000 square feet of commercial uses (retail and EDEE uses shall not exceed 141,000 square feet)
		b. Up to 130 Hotel Rooms within Development Area A
D –		<ul> <li>c. Up to 40,000 square feet of theater uses within Development Area D</li> <li>d. Up to 32 residential units (additional units may be permitted subject to the conversion rights below in Section III)</li> </ul>
	Maximum Building Heigl	
		mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building).
	Parking:	As required by the Ordinance for the MUDD zoning district.
	I. General Provisions: a. Site Description.	These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Lincoln Harris ("Petitioner") to accommodate the
	revitalization of th	e existing mixed use commercial shopping center development on an approximately 16.07 acre site along Fairview Road and Phillips Place Court (the "Site").
	including residenti	ning is intended to accommodate development on the Site in a manner consistent with the objectives set forth in the Southpark Small Area Plan. Development of the Site would include a horizontally-integrated mixture of uses, potentially in office, retail, EDEE, hotel, showroom and other commercial uses. The Petitioner seeks to preserve existing buildings and infrastructure where possible while maintaining enough flexibility to develop new improvements in a manner and
	a public realm that	ponsive to market demand. The Petitioner desires to significantly reduce the amount of existing surface parking by building parking structures with smaller footprints that can be shared by a variety of uses. The Petitioner seeks to maintain is consistent with the existing development. The overall development plan is intended to allow the Site to evolve in a manner that is consistent with the future vision for the area, resulting in a well designed, quality experience for the
<u>.</u>		es, and visitors, as well as the larger community. Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
	C C	g Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place or
	such portion of the	Site, subject to the Optional Provisions provided below.
	standards, FAR rea all of the Site and	Development. The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation uirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior established to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein.
	e. Existing Develop	nent. All existing infrastructure, structures, uses and parking areas on the Site may be maintained and continued in their current condition until such time as the particular infrastructure, structure, use or parking area is redeveloped
		shall prevent the Petitioner from demolishing any existing buildings and replacing them with new structures. Rights. Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing o
		r redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year
	II. Optional Provisions fo	r the MUDD-O Area:
с –	The following optional	provisions are provided to accommodate deviations from the MUDD standards:
		surface level, vehicular parking and maneuvering areas between buildings and public and private streets in Development Areas A, B, C and D.
		s from standard sidewalk and planting strip requirements in order to accommodate or match existing streetscape design, in areas as generally depicted on the Rezoning Plan. Streetscape deviations shall not occur along Fairview Road.
	seven (7) foor	wide sidewalk in order to accommodate overhangs and door swings.
	· · · · ·	ig wall mounted and detached ground mounted signage to remain. With the exception of Provision II.d.i below, existing signs may be updated as long as their overall size and height is not increased. Other existing nonconforming signage
		n, however shall be removed upon the demolition of the existing building for which the signs are associated.
	each up to 24	nd mounted shopping center and development identification signs located at the intersection of Fairview Road and Cameron Valley Parkway shall be permitted ot remain or be expanded or replaced provided that no more than two (2) sign feet in height and containing up to 150 square feet of sign area are located at the intersection.
	0	s having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less. mounted sign associated with a Movie Theater use (which may be part of a spire element) in Development Area D not to exceed 350 square feet.
	g. To allow temporar	v signs and banners not to exceed 100 square feet in sign area (not including existing nonconforming signs). Any such signs or banners will be professionally fabricated banners made of fabric or plastic of any type. Paper banners will not
5°	-	more than two (2) banners will be allowed at a time. rview Road, one (1) new ground mounted signs up to 12 feet in height and containing up to 100 square feet of sign area (not including existing nonconforming signs).
	U	(2) new detached, ground mounted signs internal to the Site (not including existing nonconforming signs). The detached signs may be up to five (5) feet in height and contain up to 60 square feet of sign area. These signs shall not be
	located on Fairview	7 Road.
	Note: The optiona	provisions above regarding certain signs are additions/modifications to the standards for signs in the MUDD zoning district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.
	III. Permitted Uses:	
		imum Development provisions set forth below, the Site may be devoted to any commercial or residential uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses
	a. Subject to the Max associated therewi	imum Development provisions set forth below, the Site may be devoted to any commercial or residential uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses h, except for the following:
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- visible from streets or open spaces. However, on-street parking is permitted within any Primary Building Frontage.
- 3. New meter banks will be screened where visible from public view at grade from public or private streets and shall be located outside of the setback.
- 4. New rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
- 5. Trees may be provided in grates or raised planters rather than in planting strips.
- above.
- architecturally treated as prominent pedestrian entrance through a combination of at least five (5) of the following features:
- i. Decorative pedestrian lighting/sconces;
- ii. Architectural details carried through to upper stories; iii. Covered porches, canopies, awnings or sunshades;
- iv. Archways;
- v. Transom windows;
- vi. Terraced or raised planters that can be utilized as seat walls; vii. Common outdoor seating enhanced with specialty details, paving, landscaping or water features;
- viii. Double doors;
- ix. Stoops or stairs; and/or
- x. Contrasting pavement from primary sidewalk
- used to call attention to amenity areas, gathering spaces and plazas as a method of way-finding. 10. Expanses of blank or unarticulated walls greater than 20 feet in length shall be treated with a minimum of three (3) options below:
- Provide a higher level of transparency on the ground floor, such as exaggerated or larger windows indicative of living areas or retail spaces; i. Utilize horizontal and vertical variations in wall planes;
- iii. Provide architectural protrusion to accentuate enclosed balconies;
- iv. Utilize corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses; v. Provide amenity landscaping, such as a sitting area with arboring; and/or
- vi. Any other architectural improvements as allowed by the Ordinance to improve the visual aesthetics of blank or unarticulated wall. 11. The scale and massing of buildings longer than 150 feet along a street or public open space or greater than 30,000 horizontal square feet shall be minimized by utilizing at least three (3) options below:
- i. Provide a minimum four (4) foot step back for buildings taller than four stories above the first floor or second floor; ii. Provide varied roof lines through the use of slopes, modulated building heights, gables, dormers or innovative architectural solutions;
- iii. Utilize corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses; iv. Provide architectural protrusion to accentuate enclosed balconies;
- v. Provide amenity landscaping, such as a sitting area with arboring; and/or
- vi. Any other architectural improvements as allowed by the Ordinance to improve the visual aesthetics of scale and/or massing. 12. If commercial uses are not oriented to an existing or new street and cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director.
- VI. Parking Areas, Access and Circulation Design Guidelines:
  - surface parking areas that are visible from public or private streets shall not be allowed.
- b. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design. c. For any new buildings constructed on the Site, bicycle parking areas shall be provided as required by the Ordinance.

# VII. Pedestrian Access and Circulation Design Guidelines:

- a. Along the Site's internal streets, the Petitioner will provide a minimum six (6) foot sidewalk and a cross-walk network that links the buildings, parking areas and areas of interest on redeveloped areas within the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. Where walkways abut parking areas, the sidewalk shall be a minimum of seven (7) feet in width.
- b. Where walkways occur along building walls, a walkway width of at least six (6) feet must be maintained clear of main door swings, shopping cart storage, and temporary trash or similar impediments. c.
- requirements are allowable only in cases of hardship. VIII. Open Space and Amenity Areas.

Petitioner shall provide open spaces throughout the Site in accordance with the following standards:

a. Urban Open Spaces: New development within the Site shall meet or exceed the Urban Open Space requirements of the MUDD district. The Site shall contain a minimum of 6,000 square feet of Urban Open Space, as generally depicted on the Rezoning

### IX. Signage:

Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided. Because the Site will be viewed as a Planned/Unified-Development as defined by the Ordinance, shopping center signs may be located throughout that portion of the Site zoned MUDD-O as allowed by the Ordinance and the Optional Provisions. In addition, uses located on the interior of the Site may be identified on the allowed shopping center/development signs. The allowed signs may contain identification signage for any of the uses located on the Site. Signage for uses not included within the Site but associated with other elements of the "Phillips Place" development may be allowed within the Site.

### X. Lighting:

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site, except street lights located along public streets, will be limited to 31 feet in height.
- c. Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.
- d. Architectural lighting may be integrated into building elements.

### XI. Phasing:

- Petitioner intends to develop the Site in phases and may develop individual buildings based on market demand. All required sidewalks, street trees and open space amenities adjacent to a particular building shall be installed prior to the issuance of the first Certificate of Occupancy (this requirement shall not apply to Temporary Certificates of Occupancy) for that building. XII. Amendments to the Rezoning Plan:
- Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Block portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance. XIII. Binding Effect of the Rezoning Application:
- If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Blocks, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns. XIV. Vested Rights Provision:
- If this Rezoning Petition is approved by the Charlotte City Council then, pursuant to Section 1.110 of the Ordinance, the Petitioner hereby requests a five-year vested right to undertake and complete the development of this Site under the terms and conditions as so approved, commencing upon approval of this Rezoning Petition by the Charlotte City Council. The Petitioner makes this request for a five-year vested right due to the size and phasing of the proposed development, market conditions and the level of investment involved.

## linance").

### $\sim\sim\sim\sim$ ows the development of up to 100,000 square feet of additional commercial uare footage devoted to retail and EDEE uses shall not exceed 141,000

### cted prior to the issuance of the eighth (8th) certificate of

### nucted by others in coordination with the easement holder.

2. "Primary Building Frontages" are generally depicted on the Technical Data Sheet. Within these areas shall include principal uses. Within these areas, no structured parking areas or off-street parking and maneuvering areas shall be

6. Dumpsters, loading and services areas shall be screened from streets, common open spaces and any adjacent residential uses with materials complimentary to the principal structure. Dumpster enclosures will not directly abut the back of a sidewalk. 7. Backflow preventers and transformers shall be screened and located outside the setback, but can be located in the four (4) foot transition zone. Backflow prevention devices may also be located inside buildings, as permitted in the optional provisions

8. Buildings shall be designed so that individual shops, tenants or common entrances have direct access to public or private streets, pedestrian corridors or open spaces. Building entrances shall be at or slightly above grade and shall be highly visible and

9. Streetscape treatment will be a unifying element through the use of consistent paving, pedestrian scale lighting, enhanced landscaping, site furnishings and signage. Specialty pavers, stained and patterned concrete, paving or other similar means will be

a. Petitioner seeks to limit areas where parking structures and off-street surface parking areas are visible from public or privates streets. Therefore, newly constructed exposed parking structures (driveway entrances to parking decks are permitted) and off-street

Subject to the optional provision set forth above, deviations from typical sidewalk and planting strip requirements are allowable on private streets along redeveloped areas upon approval by CDOT and the Planning Director. Any changes to dimensional

Attached to Administrative Approval

> Julin A.F. \$F Solomon A. Fortune



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# PHILLIPS PLACE REZONING

DATE:

JUNE 23, 2017 **PETITION NO: 2017-110** 

### **REVISIONS:**

No.	Description	Date
1	SHEET ADDED; REVISION PER STAFF COMMENTS	08/14/1 <b>7</b>
2	REVISION PER STAFF COMMENTS	09/25/17
3	REVISION PER STAFF COMMENTS	10/09/17
22		

DEVELOPMENT
STANDARDS

**RZ-2**