

REQUEST	Current Zoning: R-4, single family residential and B-1, neighborhood business Proposed Zoning: MUDD-O, mixed use development district, optional, with five year vested rights
LOCATION	Approximately 3.90 acres located at the intersection of Providence Road and Queens Road and generally bounded by Huntley Place and Bolling Road.
SUMMARY OF PETITION	The petition proposes the redevelopment of a portion of the Myers Park Shopping Center. The existing Harris Teeter and the Myers Park Hardware buildings are to be demolished and replaced with a maximum 42,200 square foot commercial building.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Numerous. See application on website. Harris Teeter, Inc. Jeff Brown and Keith MacVean/King & Spalding, LLP
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Firestone).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Provided a concrete pedestrian waiting pad at the existing CATS bus stop along Providence Road. 2. Indicated the proposed property lines for the parcel with which the minimum 15% tree save area is to be calculated. 3. Modified the second sentence of Note 3.e. to read: "Such building may be divided into two buildings but the existing building or any such buildings located within Development Area C in the future shall remain in substantially the same location and orientation ..." 4. Relocated Note 4.b. to within Note 12 "Streetscape and Landscaping." 5. Modified the second sentence of Note 14.b. to reference Development Area A rather than Development Area B. 6. Modified the list of "Proposed Uses" under "Site Data" to match the wording under Note 3.a. which reads "...non-residential uses as permitted by right or under prescribed conditions in the MUDD zoning district...". 7. Modified the "Maximum Principal Building Sizes" under "Site Data" for Development Area C to read "...35,300 square feet (as defined below) which includes the basement space". 8. Clearly identified and labeled the elevation on Sheet RZ-8 which is to represent the proposed "step down in height from Providence Road" on RZ-8 as referenced by the "Maximum Building Height" under "Site Data" and by Note 5.a.
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9. Reworded the last sentence of Note 2.c. "Development Area C Aspects" as follows: "... (ix) allow parking within for the basement area of the building within Development Area C to adhere to the ratio of one (1) parking space per 1,000 square feet of space as described below."
10. Provided additional details of the one-foot wide "green screen" along Providence Road.
11. Removed Note 2.h. under "Optional Provisions" as it is stated in Note 1.c. and not part of the optional provisions.
12. Added a reference to the alternative development scenarios for Development Area B in Note 3.b. under "Permitted Uses and Development Area Limitations".
13. Clarified on the site plan sheet that the proposed enclosed loading dock area is excluded from the maximum gross floor area.
14. Eliminated Note 2.g. under "Basement of Development Area C" and place the restriction of no restaurants within the basement under the "Permitted Uses" notes on the site plan.
15. Modified the maximum height for Development Area A from 68 feet to 58 feet.
16. Modified Note 12.b. to indicate the existing trees along Bolling Road will be maintained and replaced, if necessary, to continue to provide screening by the owner of Development Area C.
17. Clarified Note 14.c. to indicate how roof mounted mechanical equipment will be screened.

VOTE

Motion/Second:	Dodson/Firestone
Yeas:	Dodson, Fallon, Firestone, Lipton, Phipps, Rosenburgh, and Walker
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee and indicated all outstanding issues have been resolved except one. The outstanding issue pertains to the optional request to eliminate the required sidewalk along Bolling Road. Staff stated their support of the optional request but indicated the need to justify not complying with City policy regarding sidewalks along public streets. Staff had requested a note on the site plan to indicate if Development Area C is rezoned in the future for redevelopment and is required to provide a sidewalk along Bolling Road a sidewalk of the same width would be constructed within Development Area B along Bolling Road.

A Commissioner began by stating their understanding of staff's request. However, they indicated the petitioner was in a unique situation regarding having to balance obtaining neighborhood support for both the rezoning and an amendment to the covenants on a portion of the subject site and addressing staff issues. It was also stated that Bolling Road is a cul-de-sac street and currently has no sidewalks on the either side. The Commissioner continued by stating that if Development Area C is rezoned, staff would be able to request a sidewalk connection from Bolling Road into the site at that time.

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:

Development limited to:

Up to a 42,200 square foot new commercial building within Development Area A.

Green space, amenities, and up to 13 parking spaces within Development Area B with alternate design scenarios if the current deed restrictions are not modified.

No significant changes to the existing 35,000 square feet commercial building within Development Area C except it may be increased by 300 square feet and may be divided into two buildings.

Limits the height of the new building to 58 feet along Providence Road with a step down in height from Providence Road.

Parking to be provided at the following ratios:

Retail and restaurant uses at one space per 375 square feet.

Office and other uses at one space per 400 square feet.

Uses within the basement of the existing building in Development Area C at one space per 1,000 square feet (optional provision).

Lighting within Development Areas A and B limited to 25 feet in height and shall be full cut-off type lighting fixtures with the exception of lower decorative lighting along drives and sidewalks. No wall-pak lighting on the proposed new building.

Eight-foot planting strips and six-foot sidewalks along street frontages within Development Area A.

Elevations included for the new building indicating four sided architecture and committing to building materials consisting primarily of brick, stone, effice, wood and similar materials.

Meter banks, above ground backflow preventers, and roof mounted mechanical equipment will be screened from public view.

Walls used to enclose the solid waste and recycling areas within Development Area A will be architecturally compatible with the building materials and colors used on the proposed building.

Implement the following transportation improvements:

Expand the northbound right turn lane from approximately 40 feet of storage to 170 feet of storage on Providence Road.

Reduce the turning radius for the northbound right turn lane and receiving lane on Providence Road.

Modify all crosswalks within the intersection of Providence Road and Queens Road (i.e. upgrade pedestrian accessible ramps to ADA standards and modify existing pedestrian refuge islands).

Enhance the turning radius at the intersection of Providence Road and Huntley Place.

Any necessary traffic signal modifications associated with other transportation improvements including pedestrian poles with countdown signals and pushbuttons.

Pavement widening on the south side of Huntley Place to accommodate a minimum of two on-street parking spaces.

Improve or install up to four speed bumps along Huntley Place if requested by a majority of the residents on Huntley Place and approved by the City.

Improve open space within Development Area B, if private restrictions are amended, to include a seating area, brick wall, sidewalks, drinking fountain, dog fountain, additional plantings, and up to 13 compact parking spaces constructed on above grade pervious pavers.

Optional provisions within Development Area A include:

Wall signs to have a maximum sign surface not to exceed 10% of the building wall area up to a maximum of 200 square feet.

Screening of new parking along Providence Road to be accomplished by a four-foot high "green screen" wall within a one-foot wide planter.

Sidewalk connection to Huntley Place to be a minimum of four feet wide.

Parking and maneuvering located between the building and adjoining public streets.

Parking not required for second floor outdoor seating/dining area.

Optional provisions within Development Area B include:

- Eliminate the required sidewalk along Bolling Road.
- Reduce the planting strip width to six feet along Huntley Place.

Optional provisions within Development Area C include:

- Existing 50 square foot detached sign allowed to remain or be replaced with a new sign of equal or smaller size.
- Wall signs to comply with the standards of the B-1 zoning district.
- Existing sidewalk along Providence Road to remain.
- Eliminate the required sidewalk along Bolling Road.
- Existing parking and maneuvering allowed to remain between the existing building and public rights-of-way.
- Existing parking in the setbacks to remain.
- Existing configuration of parking spaces and aisles to remain subject to minor modifications.
- No planting strip with street trees along Providence Road to be provided.
- No screening of the existing parking along Providence Road and the southern property line.

Parking ratio of one space per 1,000 square feet for uses within the basement of the existing building. Uses for the basement shall not include restaurant uses.

Public Plans and Policies

The *Central District Plan* (1993) recommends retail uses on the subject property. The plan also recognizes the opportunity for redevelopment within the vicinity of the Providence Road and Queens Road intersection for more intense urban scale development. Any redevelopment should be designed to blend in with adjacent single family areas and also be pedestrian oriented.

The petition is consistent with the *Central District Plan*.

Staff Recommendation (Updated)

Staff agrees with the recommendation of the Zoning Committee. However, staff also recommends that the remaining outstanding issue be addressed.

DEPARTMENT COMMENTS (see full department reports online)

Charlotte Area Transit System: No issues.

Charlotte Department of Neighborhood & Business Services: No issues.

Charlotte Department of Transportation: No issues.

Charlotte Fire Department: No issues.

Charlotte-Mecklenburg Schools: No issues.

Charlotte-Mecklenburg Storm Water Services: No issues.

Mecklenburg County Land Use and Environmental Services Agency: No issues.

Mecklenburg County Parks and Recreation Department: No comments received.

Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.

This site meets minimum ordinance standards.

OUTSTANDING ISSUES

The petitioner should:

1. Provide a conditional note which indicates if Development Area C is redeveloped/rezoned and is re to provide a sidewalk along Bolling Road, a sidewalk of the same width will be constructed within Development Area B along Bolling Road prior to the issuance of a certificate of occupancy within Development Area C.
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Attachments Online at www.rezoning.org

Application
Pre-Hearing Staff Analysis
Site Plan
Community Meeting Report
Charlotte Department of Neighborhood & Business Services Review
Charlotte Department of Transportation Review
Charlotte Fire Department Review
Charlotte-Mecklenburg Storm Water Services Review
Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Shad Spencer (704) 353-1132