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<b>REQUEST</b>	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
<b>LOCATION</b>	Approximately 3.90 acres located at the intersection of Providence Road and Queens Road and generally bounded by Huntley Place and Bolling Road.
<b>SUMMARY OF PETITION</b>	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.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding site plan issues. The petition is consistent with the <i>Central District Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Numerous. See application on website. Harris Teeter, Inc. Jeff Brown and Keith MacVean/King & Spalding, LLP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### 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 68 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.
- **Existing Zoning and Land Use**

The majority of the subject property is currently developed as a shopping center with a vacant parcel at the intersection of Huntley Place and Bolling Road. Properties to the south and west have office zoning classifications and are occupied with office and religious institutional uses. Properties to the east are zoned and used as single family residential. North of the subject site are zoning categories which include R-43MF, O-2, and B-1. These properties contain institutional, office, commercial, and multi-family uses.
- **Rezoning History in Area**
  - Petition 2008-065 rezoned property located on both sides of Providence Road at Oxford Place from R-3, R-43MF, O-2, and O-2(CD) to MUDD-O to allow for future expansions of Myers Park Presbyterian Church.
  - Petition 2011-008 is to be heard by City Council in June of this year for a rezoning of approximately 1.2 acres on the west side of Providence Road between Moravian Lane and Ardsley Road from B-1 to UR-C(CD) to allow for the reuse of an existing 43,050 square foot building.

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

- **Charlotte Area Transit System:** Provide a concrete pedestrian waiting pad at the existing CATS bus stop along Providence Road.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Department of Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 6,845 trips per day.  
Proposed Zoning: 7,680 trips per day.
    - **Connectivity:** 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.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
  - **Urban Forestry:** Indicate the proposed property lines for the parcel with which the minimum 15% tree save area is to be calculated.
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**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.
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**OUTSTANDING ISSUES**

- The petitioner should:
  1. Provide a conditional note which indicates if Development Area C is redeveloped/rezoned and is required 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.
  2. Provide a concrete pedestrian waiting pad at the existing CATS bus stop along Providence Road.
  3. Indicate the proposed property lines for the parcel with which the minimum 15% tree save area is to be calculated.
  4. Modify 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 ...".
  5. Relocate Note 4.b. to within Note 12 Streetscape and Landscaping.
  6. Modify the second sentence of Note 14.b. to reference Development Area A rather than Development Area B.
  7. Modify 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...".
  8. Modify 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".

9. Clearly identify and label 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.
  10. Reword 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."
  11. Provide more details of the one-foot wide "green screen" along Providence Road.
  12. Remove Note 2.h. under Optional Provisions as it is stated in Note 1.c. and not part of the optional provisions.
  13. Add a reference to the alternative development scenarios for Development Area B in Note 3.b. "Permitted Uses and Development Area Limitations".
  14. Modify the last sentence of Note 3.c. by eliminating the reference to enclosed loading dock areas as being excluded from the floor area calculation.
  15. Eliminate Note 2.g. "Basement of Development Area C" and place the restriction of no restaurants within the basement in the "Permitted Uses" notes on the site plan.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- 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

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