

Please note: There is a Sufficient Protest Petition filed against this rezoning petition.

REQUEST	Current Zoning: R-3, single family residential and R-3(CD), single family residential, conditional Proposed Zoning: MUDD-O, mixed use development, optional and MX-2, mixed use, with five-year vested rights
LOCATION	Approximately 89.5 acres located on the east side of Providence Road between Golf Links Drive and Chancelot Lane. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes a mixed-use development that would permit up to 560,000 square feet of office and commercial land uses, a 150-room hotel and 561 dwelling units.
PROPERTY OWNER PETITIONER	Numerous. See application on website. Providence Road Farms LLC, Crosland Southeast, and Childress Klein Properties
AGENT/REPRESENTATIVE	Jeff Brown and Keith MacVean / Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 50
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Providence Road/ I-485 Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Allen).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Modified Note 1.c "Graphics and Alterations/Modifications" on Sheet RZ-3A to clarify the processes involved to allow modifications to the rezoning plan. 2. Modified Note 2.I.a on Sheet RZ-3A to read: "To allow vehicular parking, maneuvering and service between the proposed buildings and Providence Road, Golf Links Drive and the interior public and private streets, in the manner generally depicted on the Rezoning Plan. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets and is contained in Sections 5 and 6." 3. Modified the optional provision in Note 2.I.m on Sheet RZ-3A to indicate that the minimum eight-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 55 percent of the length of the Providence Road frontage rather than a minimum of 50 percent. 4. Modified Note 4.III.j on Sheet RZ-3A to allow adjustments to vehicular circulation subject to CDOT approval. 5. Modified Note 5.III.c on Sheet RZ-3A to indicate that a minimum eight-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 55 percent of the length of the Providence Road frontage rather than a minimum of 50 percent. 6. Modified Note 5.II.k on Sheet RZ-3A to read: "Buildings, accent walls, landscaping, hardscape elements and/or similar site furnishings will be developed within Development Areas B, C, D, and E in a manner that is harmonious, complementary and creates a cohesive appearance along Providence Road while allowing each building to have its own unique characteristics."
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7. Modified Note 5.IV.g on Sheet RZ-3A to state: "Surface parking areas, except the surface parking area located between Private Street 1 within Development Area A and Development Area C, shall be framed by either a public or private street, or an abutting exterior property line designed in a manner that utilizes landscape islands to create smaller pockets of parking areas as generally depicted on Sheet RZ-4."
8. Defined "personal services."
9. Deleted Note 11.b on Sheet RZ-3B that allows the site to be considered a mixed-use center for the purposes of compliance with the Tree Ordinance.
10. Modified the third sentence of the building fenestration note on Sheet RZ-4 to state: "Fenestrations shall extend from a height of no more than three feet from the exterior average grade at the base of the building to at least the height of the door head."
11. Modified the note under "Secondary Frontage" on Sheet RZ-4 to indicate that the buildings must have at least 40 percent fenestration in aggregate but in no case will any individual building have less than 25 percent fenestration.
12. Eliminated the "schematic depictions" note on Sheets RZ-4 and RZ-5.
13. Provided building elevations of the proposed multi-family buildings and the carport/garage buildings located within "Development Area I" that front along the public streets.
14. Removed the reference to outparcel sign locations on Sheet RZ-5.
15. Reduced the size of Sheets RZ-4 and RZ-5 to 24"X36" site plan sheets.
16. Addressed Charlotte-Mecklenburg Storm Water Services outstanding issue by removing notes "a" through "d" under Note 8 "Environmental Features" on Sheet RZ-3B in their entirety and replacing them with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points".
17. Addressed the following remaining Transportation outstanding issues:
 - a. Clarified when Ardrey Kell Road would be constructed to the northernmost property line.
 - b. Indicated the back of curb location for Ardrey Kell Road to be 29.5 feet from the centerline of the street.
 - c. Revised the first bullet under Transportation Note "D" to the following: "Install a full-movement traffic signal upon meeting applicable MUTCD signal warrants. A signal warrant analysis will be submitted upon completion of Development Area "A"".
 - d. Deleted the last two sentence of Note 4.III.g on Sheet RZ-3A.
 - e. Indicated that the proposed median shown on Ardrey Kell extension at the intersection with Providence Road will accommodate an eight-foot pedestrian refuge island. The final design of the pedestrian refuge island will be determined during the driveway permit process.
 - f. Revised the first bullet under Note "f" of the "Transportation Improvements and Access" section to the following: "Install a traffic signal with full pedestrian accommodations upon meeting the applicable MUTCD signal warrants. The petitioner will provide a signal warrant analysis to CDOT for review and approval upon completion of the construction of the dense multi-use area of the site."

- g. Revised "Access" Note "g" to the following: "The petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the petitioner understands that they would need to obtain an encroachment agreement for any decorative pavers and/or stamped pavement proposed in the public right-of-way."
- h. Revised "Access" Note "i" to the following: "The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the petitioner, subject to CDOT's final approval, to accommodate changes in in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered."
- i. Revised the wording of the "Right-of-way Availability" note as such:
 - i. Remove the minimum 60 day good faith period, and specify that all minimum good faith time periods will be in accordance with the standard City right-of-way acquisition process as administered by the City's Engineering & Property Management Department.
 - ii. Re-word the sentence starting with "Furthermore, in the event...." to the following: "Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in acquisition of additional right-of-way as contemplated herein above, then the petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations."

VOTE

Motion/Second:	Allen/Walker
Yeas:	Allen, Dodson, Labovitz, Nelson, Ryan, Sullivan, and Walker
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee and noted the outstanding issues had been addressed. One committee member began the discussions by asking staff to comment on the proposed transportation improvements associated with the subject rezoning. Staff indicated that the improvements are sufficient to mitigate the traffic generated by the proposed development. It was also noted that the internal street network is design to accommodate the local traffic associated with the proposed development and that signalization improvements and other road improvements along Providence Road will help to mitigate any additional congestion along Providence Road. A question was then asked by the committee member as to whether the access issue with the Cranfield Academy had been addressed. The committee suspended their rules of procedure to allow the petitioner's agent to respond to the question. The agent stated that the owner of the Cranfield Academy and the petitioner are close to reaching an easement agreement to allow the Cranfield Academy to utilize the abutting proposed private streets. The agent also stated that another option is to convert the private streets to public streets.

Before the Zoning Committee took action on the petition, Staff read the revised optional provision Note 2.I.a on Sheet RZ-3A for the record. The note states: "To allow vehicular parking, maneuvering and service between the proposed buildings and Providence Road, Golf Links Drive and the interior public and private streets, in the manner generally depicted on the Rezoning Plan. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets and is contained in Sections 5 and 6."

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**• Background**

- The R-3(CD) (single family residential, conditional) portion of the subject rezoning was part of a larger rezoning approved per Petition 2011-021. The 2011 rezoning indicated an 80-foot wide right-of-way dedication from the Providence Country Club Drive extension to the southern property line and allowed for all uses permitted within the R-3 (single-family residential) zoning district.
- It is anticipated that the petitioner will submit an application for the subject property to be voluntarily annexed into the city limits of Charlotte.
- A proposed thoroughfare realignment for the Ardrey Kell Road extension is currently being evaluated by the Charlotte Regional Transportation Planning Organization (CRTPO).

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 560,000 square feet of office and commercial land uses. This includes 330,000 square feet of office and 230,000 square feet of non-office commercial land uses (i.e. retail, restaurant, and personal services).
- A hotel with up to 150 rooms.
- Up to 561 residential dwelling units. This includes 471 units of all types within the MUDD-O (mixed use development, optional) portion of the site and 90 detached/attached units within the MX-2 (mixed-use) portion of the site.
- Several conversion stipulations. This includes office square footage to non-office commercial square footage and vice-versa at varying rates, hotel rooms to residential units and vice-versa at varying rates, and hotel rooms to office and non-office commercial square footage resulting in up to 50 additional hotel rooms, an additional 33,300 square feet of office square footage, and up to 50,000 square feet of office and non-office commercial uses.
- Up to six uses with accessory drive-through window facilities and one gas station with or without a convenience store.
- Access to the site provided along Providence Road, the proposed extension of Ardrey Kell Road and future streets. Up to 15 access points proposed to Ardrey Kell Extension.
- Parking standards within the MUDD-O (mixed use development, optional) portion of the site will be at the higher parking ratios required for typical suburban residential, office, and commercial uses rather than the reduced urban ratios of the MUDD (mixed use development) zoning district.
- Height is limited to 95 feet in the MUDD-O (mixed use development, optional) portion of the site.
- Architectural design guidelines for portions of the site to regulate how buildings will address public streets, private streets, open space areas, and parking areas.
- Building materials will be a combination of glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
- Certain outparcels along Providence Road at certain intersections will be restricted from having parking, maneuvering, and drive-through lanes between the buildings and the abutting streets.
- Outparcels along Providence Road at other intersections with drive-through lanes between the buildings and the streets will have low walls with accent plantings along those street frontages.

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- A public plaza internal to the main commercial area of the site will be designed as a significant pedestrian focal point with amenities that include water features, specialty paving, seating, artwork, and other elements to create a vibrant plaza.
 - The area surrounding the water quality pond will be improved as an amenity area with seating, trails, and landscaping.
 - A 29-foot wide landscaped setback from the back of curb with a variety of landscape materials will be provided along Providence Road. A low wall will be provided in portions of this landscaped setback where parking areas exceed 150 linear feet. Such low wall will extend for at least 50 percent of the length of the parking area.
 - Landscape areas of varying width will be provided along the exterior property lines of the MUDD-O (mixed use development, optional) portion of the subject property.
 - A total of 40 non-exclusive park and ride spaces will be provided to CATS along with the construction of a bus shelter waiting pad.
 - Detached lighting limited to 30 feet in height in portions of the site used for nonresidential uses and 25 feet in height in the portions used for residential uses.
 - The following optional provisions are requested for the MUDD-O (mixed use development, optional) portion of the site:
 - Parking, maneuvering, and service areas between the buildings and Providence Road, Golf Links Drive, and interior public and private streets as generally depicted on the site plan.
 - Interim surface parking lots in locations identified on the site plan as parking decks.
 - Up to six uses with accessory drive-through facilities.
 - Various modifications to the sign regulations for both detached and wall signs.
 - Elimination of the recessed doorway requirement when buildings abut sidewalks greater than six feet in width.
 - Allowance for long-term bike parking spaces to be located within the parking decks on site.
 - Allow the streetscape along Providence Road to be modified by indicating that a minimum eight-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 50 percent of the length of the Providence Road frontage. In areas where the sidewalk meanders, the sidewalk shall never be closer than four feet from the back of curb of Providence Road.
 - The following innovative development standards were requested for consideration by the Zoning Committee for the MX-2 (mixed use) portion of the site:
 - Allow single family lots to front private streets.
 - Reduce minimum lot sizes for interior lots from 4,500 square feet to 3,800 square feet.
 - Reduce minimum lot widths for interior lots from 40 feet to 35 feet.
 - Reduce minimum side yards from five feet to 3.75 feet for lots that have vehicular access from an alley.
 - Modify the setback from 32 feet from back of curb to five feet from the right-of-way or back of sidewalk, whichever is greater.
 - Reduce minimum rear yards for interior lots from 30 feet to 20 feet.
 - Increase the maximum building height measured at the side yard from 35 feet to 40 feet.
 - **Public Plans and Policies**
 - The *Providence Road/I-485 Area Plan* (2000) recommends residential uses up to a density of eight dwelling units per acre for the portion of the subject site north of the original Ardrey Kell Road extension alignment. This northern portion of the site is also identified for a small pedestrian oriented retail center (less than 50,000 square feet) integrated into the residential development with access off the Ardrey Kell Road extension. The majority of the subject site, located south of the original Ardrey Kell Road extension alignment, is recommended for residential uses up to a density of four dwelling units per acre.
 - In 2011, the I-485 & Providence Road Development Response Memorandum (not adopted by City Council) was drafted to determine whether a consensus on a development framework (i.e. streets/connectivity, open space, and land use) was possible and if a broader reconsideration of the existing adopted area plan was warranted. During that process, consensus was not reached on land use.
 - The land use concept developed during that process explored an alternative to the existing area plan and included a 340,000-square foot multi-use commercial center on the east side of Providence Road between Ardrey Kell Road and Golf Links Drive. The concept included a mix of retail, office, and higher density residential in a walkable pedestrian-oriented pattern.
 - The petition is inconsistent with the *Providence Road/I-485 Area Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development proposed by the subject rezoning would generate 121 students. The number of students generated under the existing zoning would be 134 students. Therefore, the net decrease in the number of students generated from the existing zoning to the proposed zoning is thirteen students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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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*.
 - Facilitates the use of alternative modes of transportation by providing 40 non-exclusive parking spaces for CATS transit customers along with the construction of a bus shelter waiting pad.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- 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
- Urban Forestry Review

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