

REQUEST	Current Zoning: R-12MF (multi-family residential) and B-1(CD) (neighborhood business, conditional) Proposed Zoning: Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 10.7 acres located on the northwest corner at the intersection of Providence Road, Fairview Road and Sardis Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to redevelop existing multi-family residential and retail sites with a multi-use development consisting of up to 95,000 square feet of retail, eating/drinking and entertainment, general and medical office, and personal service uses, and up to 195 residential dwellings.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Mallard Creek Associates #1, LLC and Golden Triangle #3, LLC Mallard Creek Associates #1, LLC 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: 0

STATEMENT OF CONSISTENCY	<p>The multi-family residential use proposed by this petition is found to be consistent with the land use recommendation of the <i>South District Plan</i>; however, the proposed retail elements are found to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends multi-family residential for the subject properties. <p>However, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed zoning:</p> <ul style="list-style-type: none"> • Creates a unique walkable, interconnected district that includes this site and the multi-family developments approved to the north and across Providence Road, which is an enhancement to the area. • Site design is integral to development of a pedestrian friendly multi-use environment and guarantees a strong pedestrian environment; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Labovitz).</p>
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ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Addressed Transportation comments as follows: <ol style="list-style-type: none"> a. Amended Note 4a to extend the two existing southbound left-turn lanes on Providence Road from 275 feet to a total of approximately 850 feet. b. Amended Note 4b as follows: Modify the lane markings on the southbound combined left-thru lane on Randolph Road to a combined left-thru-right lane. (This improvement is subject to further review and approval by CDOT). c. Amended Note 4c as follows: Construct a full directional crossover with 150 feet of storage and a 100 foot bay taper for the northbound left turn movement utilizing the existing two-way left-turn lane and extend the 130 feet of storage to 250 feet of storage with appropriate bay taper for the southbound left turn movement. d. Amended Note 4(II)(e) to add the following: The proposed
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- signalized directional cross-over along Providence Road may not be replaced with other improvements.
2. Addressed Engineering and Property Management comments by reflecting tree save and right-of-way trees on the rezoning plan.
 3. Deleted Note C under Access III, which allowed the driveway and pedestrian connections to the private street to be eliminated.
 4. Eliminated portion of Note 5g, which allowed the fire access to effectively eliminate the landscape buffer.
 5. Staff has rescinded the request for the petition to provide additional details on and commitment to build the pergola shown in cross-section B.
 6. Provided a network of sidewalks throughout the site and along drive aisles as well as internal streets.
 7. Provided a planting strip and sidewalk along Providence Road and Fairview Road. Increased the setback to a minimum of 21 feet along Providence Road and to a minimum of 25 feet along Fairview Road, and provided a three-foot masonry screen wall to screen any parking located between the building and the street.
 8. Amended Note 3e to add the following: The two uses allowed to have an accessory drive-through window may be general retail uses or office uses such as but not limited to a grocery store, a drug store, or a financial institution. One of the allowed accessory drive-through windows will be utilized by the proposed grocery store pick up, pharmacy pick up, and home delivery pick up as generally depicted on the rezoning plan. Locations of the drive through lanes are reflected on the site plan.
 9. Added Note 5m as follows: A minimum of 10,000 square feet of urban open space will be provided on the site. This urban open space area will be improved with landscaping, seating, and hardscaping areas. The urban open space areas will not include private outdoor dining areas, areas located in the buffer of the building setbacks/yards as generally indicated on the rezoning plan.
 10. Staff has rescinded the request to provide more detail on the site plan to reflect fenestration and articulation requirements for building street walls due to the addition of landscaping commitments.
 11. Ensured the accessory drive-through window is not oriented toward the internal street by amending optional provision in Note 2d as follows: To allow up to two uses with accessory drive-through windows in the configuration and with vehicular storage as generally depicted on the rezoning plan. The allowed accessory windows will be designed so that traffic does not circulate between the proposed building and Providence Road, Fairview Road, or within Permissible Building Area A between the building and the private street as generally depicted on the rezoning plan. An eating/drinking/entertainment establishment (EDEE) with an accessory drive-through window will not be allowed.
 12. Provided additional areas of landscaping on the elevations and commitments in development notes.
 13. Staff has rescinded the request to reduce the width of the driveway/loading area from the private street into the parking garage area due to site constraints.
 14. Provided a building height transition between the single family homes and the residential building that is proposed to be up to 75 feet in height. Added a note that the maximum building height of 75 feet for the building located within Permissible Building Area C and abutting the existing single family lots on Columbine Circle will be measured from a grade elevation of 691 feet above sea level.
 15. Staff rescinded the request to save trees six inches or greater in caliper in the 40-foot rear yard and provide additional standards for new planting due to topographical site constraints.
 16. Added Note 3d to specify the total amount of retail/commercial

space for Building Area C as follows: Approximately 150 linear feet of the ground floor of the building constructed within Permissible Building Area C must contain nonresidential uses (not including accessory nonresidential uses associated with the proposed residential units). These nonresidential uses will be oriented toward the internal private street. Amended Note 3c as follows: Up to 30 additional dwelling units may be developed within the Permissible Building Area C by converting allowed non-residential square footage at the rate of 200 square feet of non-residential square footage for each additional dwelling unit added up to a maximum of 30 units or 6,000 square feet of non-residential floor area.

17. Staff has rescinded the request for the petitioner to provide landscape standards for the area behind the sidewalk along Fairview Road due to site constraints.
18. Added Note 5b to provide additional commitments to the street walls along Providence Road and Fairview Road as follows: The street wall of the building constructed within Permissible Building Area B abutting Fairview Road will be treated with a combination of the following features: (i) windows with applied graphics images; (ii) internally illuminated window boxes with applied graphics images; (iii) vertical elements such as art work and/or decorative garden and landscape elements; (iv) decorative lighting elements; and (v) heavy landscaped areas composed of a combination of large and small maturing evergreen and deciduous trees, evergreen and deciduous shrubs and seasonal color as generally depicted on Street EL-4 of the rezoning plans.
19. Added Note 6d to address exterior building materials as follows: The buildings constructed on the site will be constructed so at least 40% of the exterior building exclusive of windows, doors and roofs will be constructed utilizing the following materials: brick, stone, precast stone, precast concrete, synthetic stone, and decorative block.
20. Incorporated clear glass on the North Elevation 4 (retail at the corner of Providence Road and the new street). Provided standards to ensure that all pedestrian entrances will be prominent features by adding Note 6l as follows: Each operable pedestrian entrance (defined as an entrance designed to provide customers access to the proposed nonresidential uses) will be designed to be clearly identifiable and prominent elements within the building facades in which they are located.
21. Staff has rescinded the request for the petitioner to provide elevations for the side of the building adjacent to the single family residential use/zoning as the site plan includes courtyards and provides for building materials.
22. Committed to differentiated storefronts as illustrated on the elevations for the retail space below the residential use.
23. Clarified the intent to use film on windows by listing as an optional request.
24. Clarified the location of the fire truck access on the site plan.
25. Revised the optional requests for signage to require the shopping center sign to be ground mounted. Amended optional provision in Note 2a to request up to 220 square feet of sign surface area per wall, increased from 200 square feet. Amended optional provision in Note 2b to allow one detached ground mounted sign per street front with a maximum 20 feet and containing up to 150 square feet of sign area, increased from 128 square feet of sign area. Amended optional provision in Note 2c to allow freestanding single use buildings to have a detached sign up to four feet high with up to 32 square feet of sign area, removing former request for a detached identification sign. Staff has rescinded the request for other changes.
26. Amended optional provision Note 2e to not require doorways to be recessed in the face of the building(s) when the width of the

- sidewalk is at least 10 feet and to not require doorways to be recessed when sliding glass doors are used to provide access.
27. Amended Note 2d to specify that eating/drinking/entertainment establishments (EDEE) with an accessory drive-through window will not be allowed.
 28. Amended notes to use the Zoning Ordinance definition of height.
 29. Clarified parking on Sheets TD-1 and TD-2 to reflect one space per 500 square feet of non-residential gross floor area.
 30. Removed the definition for gross floor area. Amended maximum gross square feet of development under Site Development Data, to add the following: However, a loading dock (open or enclosed), outdoor dining areas, and surface structure parking areas shall not be counted toward the allowed gross floor area (floor area as defined by the ordinance) proposed by this rezoning petition. Amended Note 3b to remove the following: As per the definition of gross floor, area below the square footage of the proposed parking structure will not be considered when calculating the allowed square feet of gross floor area for the site. Amended footnote under Permitted Uses, Development Area Limitations as follows: For purposes of the development limitations set forth in these development standards (but not to be construed as a limitation on FAR requirements), the following items will not be counted as part of the allowed gross floor area (floor area as defined by the ordinance) for the site: surface or structured parking facilities, all loading dock areas (open or enclosed), and outdoor dining areas whether on the roof of the buildings or at street level (parking for outdoor dining areas will be provided as required by the ordinance or these development standards).
 31. Identified the future back of curb along Providence Road on the site plan.
 32. Showed all building setbacks on the site plan.
 33. Amended the second Note 7b to specify the site will comply with the Tree Ordinance.
 34. Added Note 5n to state that outdoor dining areas may be provided along the internal private street, adjacent to the proposed buildings, in the urban open space and open space areas provided on the site. The location and size of outdoor dining areas will be determined during the urban review process for the site.
 35. Staff has rescinded the request for the cross-sections on SP-2 should be redrawn to an engineering scale and dimensioned.
 36. Specified building materials on site plan and added Note 6b.
 37. Staff has rescinded the request to amend Note 1D to limit the number of principal buildings on the site to four.
 38. Added Note 6n to confirm details/dimensions for the wall adjacent to the loading area for the grocer as follows: The proposed loading/service area of the proposed building located within Permissible Building Area B adjacent to the internal private street and along the western property boundary will be screened from the internal private street with either a wall a minimum of eight feet tall, or tall evergreen landscaping, or a combination of a wall and landscaping as generally depicted on the rezoning plan. The design of the wall, if used, will include openings or other design features so that the upper two feet of the wall is not solid.
 39. Added Note 6j to specify that one of the proposed open space/amenity courtyards located along the western property boundary of the building constructed within Permissible Building Area C may be located above one level of parking.
 40. Amended Sheet SP-1 to specify that the amenity area adjacent to the single family use/zoning on Columbine Circle is at grade.
 41. Added a note on Sheet SP-2 to specify that the reduction to six-foot sidewalks is to be used to save existing trees. Amended Note pertaining to Section A of Sheet SP-2 to allow adjustment of

- the sidewalk location and/or width (no less than six feet) along Fairview Road in limited instances as needed.
42. Amended all sheets to specify that the screen wall will be eight feet tall.
 43. Added Note 6k to state that other than angled (including ninety-degree parking) or parallel parking along the internal private street, surface parking areas will not be allowed within Permissible Building Area C.
 44. Added Note 2g as follows: To allow parking between the buildings in Permissible Areas A and B and Providence Road as generally depicted on the rezoning plan.
 45. Amended Note 1d to reduce the maximum number of principal buildings from six to five and added the following location requirements: One building may be located within each Permissible Building Area A and C, and up to three buildings may be located within Permissible Building Area B.
 46. Added optional provision Note 2h as follows: To allow windows and window boxes located on the buildings within Permissible Building Area A and B that face Providence Road and Fairview Road to have graphic images (not signs) applied to 100% of the glazing of the window or window box, and to allow along the internal private street along the western property boundary to have graphic images (not signs) applied to 25% of the glazing of the window or window box. These windows and graphic images may be used to meet the street wall requirements of the ordinance and will be generally located at the ground floor level of the building to help enhance the pedestrian environment at the base of the building. This optional provision does not prohibit the installation of window signs as allowed by the ordinance as part of the images applied to the windows or window boxes.
 47. Amended Note 5a to add the following: Detached signs and the low masonry wall used to screen the parking areas will be allowed within the 21-foot setback established along Providence Road.
 48. Amended Note 5c to add the following: The low wall will be constructed of masonry materials that match the masonry materials used on the retail buildings.
 49. Amended Note 5e as follows: Where crosswalks are required to link the proposed sidewalk network to the proposed uses on the site, the crosswalks will be designed with either pavers or stamped asphalt to help create a clear pedestrian path to the buildings within the site.
 50. Added Note 5f as follows: Along the portion of the private street that provides access to the site from Fairview Road; the proposed six-foot sidewalk and eight-foot planting strip may be located on either side of the private street as long as the width of the sidewalk is maintained and the sidewalk is separated by an eight-foot planting strip from the private street.
 51. Amended Note 5g to add the following: A portion of this side/rear yard area may be used for required fire truck access as generally depicted on the rezoning plan. The side/rear yard will be landscaped with a mix of large maturing evergreen and deciduous trees and shrubs. The large maturing trees (evergreen or deciduous) planted in this side/rear yard will be a minimum of 10 to 12 feet tall at installation.
 52. Amended Note 5g to specify that an eight-foot brick wall will be provided along the western property line adjacent to the homes on Columbine Circle, and stated that the height of the proposed wall will be measured on the outside of the wall (i.e. from the adjoining property owners' side of the wall).
 53. Amended Note 5k to state that the possible location of some of the proposed urban open space is generally depicted on the rezoning plan.
 54. Added Note 5n as follows: Outdoor dining areas may be provided along the internal private street adjacent to the proposed

- buildings in the urban open space and open space areas provided on the site. The location and size of outdoor dining areas will be determined during the urban review process for the site.
55. Amended Note 6a to add the following: Concrete masonry units or decorative block may be used as a principal building material on any of the proposed building elevations.
 56. Amended Note 6b to add the following: The use of colors (red hues) that are typically associated with brick materials on the attached elevations does not imply that the material illustrated is a brick material.
 57. Added Notes under General Design Guidelines as follows:
 - a. The building elevations of the western and northern facades of the building proposed to be constructed within Permissible Building Area C will be similar to the building elevations provided on Sheet EL-3 with the exception that the first floor level will have either residential units or parking within a parking structure (i.e. not nonresidential store fronts).
 - b. Building street walls will meet or exceed the MUDD requirements for blank walls. The attached building elevations are representative of the street wall treatments proposed along Providence Road and Fairview Road as well as along the site's internal private street. These building elevations reflect combinations of materials, material changes, building off-sets and window boxes that will be used to meet or exceed the MUDD requirements for street walls.
 - c. Within Permissible Building Area C the ground floor retail uses developed along the internal private street will be designed and constructed with a variety of architectural treatments to create a variety of store front appearances as generally depicted on Sheet EL-3 of the rezoning plan.
 - d. Within Permissible Building Area B surface areas and maneuvering for parking will not be allowed to occur between the proposed buildings and Providence and Fairview Road.
 - e. Within Permissible Building Area A surface parking areas will not be allowed to occur between the building constructed within Permissible Building Area A and Providence Road.
 - f. The building constructed within Permissible Building Area C will be designed so the portion of building oriented toward the western property line will have a minimum of two open space/amenity court yards that break up the building mass as generally depicted on the rezoning plan
 - g. The petitioner will provide along the internal private street landscaping and landscape structures such as but not limited to trellises, pergolas, sculptures, benches, landscaping, decorative fountains, or other similar features to define, separate and enhance the pedestrian zone along the internal private street as generally depicted on the rezoning plan. The intent of these site elements is to create a separation between the sidewalks along the private street and adjoining surface parking areas.
 58. Committed to amend elevations for the building facing Fairview Road to reflect the proposed large maturing trees between the sidewalk and the building.
 59. Committed to modify an optional request to indicate that the small building within Permissible Area B facing Providence Road may not use graphic images (film) to cover more than 50% of the window area facing Providence Road.
 60. Committed to amend Note 6a to indicate that decorative block will not exceed 25% of any building elevation.
 61. Committed to amend Note 6(o) to require the use of landscape elements; landscaping alone cannot be used to meet this design standard.
 62. Committed to amend Note 4d as follows: The site's internal private street will be designed to include sidewalks and planting

strips as generally depicted on the rezoning plan except as provided for in Note 5f.

63. Committed to add a note indicating that the setback along Providence Road may be reduced to 16 feet for approximately 135 feet, to accommodate the proposed roadway improvements (and pedestrian refuge islands) along Providence Road as depicted on the site plan.

VOTE	Motion/Second:	Dodson/Labovitz
	Yeas:	Dodson, Eschert, Labovitz, Nelson, and Sullivan
	Nays:	None
	Absent:	Wiggins
	Recused:	Lathrop

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - A 0.54 acre portion of the subject property was rezoned to B-1(CD) (neighborhood business, conditional) via Petition 1976-14 to allow a maximum 3,400-square foot convenience store with gas pumps.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Development areas identified as Permissible Building Areas (PBA) A, B, and C.
 - Up to 95,000 square feet of retail, eating/drinking/entertainment, general and medical office and personal service uses permitted in Permissible Building Areas A, B, and C.
 - A maximum of 195 residential dwelling units are permitted in Permissible Building Area C.
 - Up to 30 additional dwelling units or 6,000 square feet of nonresidential floor area may be developed in Permissible Building Area C by converting allowed non-residential square footage at the rate of 200 square feet of non-residential square footage for each additional dwelling unit.
 - Two accessory drive-through windows will be permitted on the site. One will be utilized by the proposed grocery store as a grocery pickup, pharmacy pickup and home delivery pickup.
 - Gasoline service stations with or without a convenience store, and eating/ drinking/ entertainment establishments with accessory drive-through windows are prohibited.
 - Maximum building height for buildings developed principally with residential uses will be limited to five stories and 75 feet. Buildings developed principally with non-residential uses will be limited to two stories and 45 feet.
 - A 25-foot setback from the existing back of curb along Fairview Road and a 21-foot setback from the existing or future back of curb on Providence Road except that the setback along Providence Road will be reduced to 16 feet for approximately 135 feet as depicted on the site plan.
 - Evergreen and deciduous trees and shrubs will be planted within the setback along Fairview Road between the back of the sidewalk and the face of the building.
 - A 3.0 high masonry wall will be used to screen parking areas along Providence Road.
 - An eight-foot planting strip and eight-foot sidewalk will be provided along Providence Road and Fairview Road.
 - A 40-foot side/rear yard, which will include a required fire truck access, will be provided abutting the existing homes on Columbine Circle, as generally depicted on the rezoning site plan.
 - A solid six to eight-foot brick wall will be provided along the western property line adjacent to single family dwellings on Columbine Circle.
 - A 20-foot landscape area will be provided along the north property line adjacent to the Pinehurst Apartments. This landscape area will contain a variety of trees and shrubs, except in portions of the landscape area required to be used to provide fire access to the building.
 - Interior urban open space will be provided throughout the site, including an area located at the corner of Providence Road and Fairview Road that will be improved with seating areas, landscaping and hardscape improvements. A minimum of 10,000 square feet of urban open

space will be provided on the site and will be improved with landscaping, seating and hardscape areas. The urban open space will not include private outdoor dining areas, areas located in buffers or the building setbacks/yards.

- Building materials consist of a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, and handrails/railing. Concrete masonry units or decorative block may not be used as a principal building material on any of the proposed building elevations.
- Building elevations of the northern, southern, eastern and western facades have been provided. The use of colors (red hues) that are basically associated with brick materials on the elevations does not imply the material illustrated is brick. Buildings will be constructed so at least 40% of the exterior building facades of each building exclusive of windows, doors and roofs will be constructed utilizing brick, stone, precast stone, precast concrete, synthetic stone and decorative block.
- The proposed building in Permissible Building Area B, with frontage on Fairview Road, will have an operable pedestrian entrance from the building to the urban open space at the intersection of Providence Road and Fairview Road.
- Detached lighting limited to 25 feet in height.
- Access to the site will be provided from Providence Road and Fairview Road.
- A private street will be constructed through the site from the access point on Providence Road to the access point on Fairview Road. A public access easement will prohibit the private street from being closed or gated and will require the private street to be kept open for use by the public for ingress and egress.
- An existing CATS bus stop will be relocated along the site frontage on Providence Road, and petitioner will construct a concrete bus passenger waiting pad as part of the relocated bus stop.
- The following transportation improvements are to be provided by the petitioner on its own or in cooperation with other parties who may implement portions of the improvements:
 - Extend the two southbound left-turn lanes on Providence Road from 275 feet to 350 feet. This will modify the two-way left-turn lane located north of the existing southbound left-turn lanes to a directional crossover.
 - Extend the existing southbound right-turn lane on Providence Road from 475 feet to the north property line.
 - Modify the lane markings on the southbound combined left-turn lane on Randolph Road to a combined left-thru-right lane.
 - Install pedestrian amenities such as crosswalk, pedestrian signal heads, and push buttons on the east leg of the intersection across Sardis Road.
 - Construct a full directional crossover with 150 feet of storage and a 100-foot bay taper for the northbound left-turn movement and maintain the 130 feet of storage and 135-foot bay taper for the southbound left-turn movement.
 - Extend the existing raised median on Providence Road from Fairview Road/Sardis Road that currently terminates prior to Old Sardis Road to Full Access "A"/Future Street, with a length of 290 feet.
 - Install a traffic signal with protected signal phasing for the northbound/southbound left-turn from Providence Road to Access "A" and Future Street.
 - Install pedestrian amenities such as crosswalk, pedestrian signal heads, and push buttons on all four legs of the intersection of Providence Road and Access "A"/Future Street.
 - The proposed right-in/right-out only Access "B" should include one ingress lane and one egress lane that terminates as a right-turn exit lane.
- Optional Provisions:
 - Allow wall signs to have up to 220 square feet of sign surface area per wall or 10 percent of the wall area to which attached, whichever is less.
 - Allow one detached ground mounted sign per street front with a maximum height of 20 feet and containing up to 150 square feet of sign area.
 - Allow freestanding single use buildings to have a detached sign up to four feet with up to 32 square feet of sign area.
 - Allow up to two uses with accessory drive-through windows as configured with vehicular storage as shown on the site plan. The allowed accessory windows will be designed so that traffic does not circulate between the proposed building and Providence Road, Fairview Road, or within Permissible Building Area A between the building and the private street as generally depicted on the rezoning plan. To not require doorways to be recessed into the face of the building when the width of the sidewalk is at least 10 feet or when sliding glass doors are used to provide access.

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:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** 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.
- **Urban Forestry:** No issues.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - 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 Water 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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