

REQUEST	Current Zoning: R-12MF (multi-family residential) and B-1(CD) (neighborhood business, conditional) 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.
STAFF RECOMMENDATION	<p>Staff does not recommend approval of this petition as currently proposed. The proposed multi-family residential use is consistent with the land use recommendation set forth in the <i>South District Plan</i>; however, the proposed retail elements are inconsistent with the adopted plan. In addition, the site is located at one of Charlotte's most congested intersections and this development will have an adverse impact on the operation of the Providence Road and Fairview Road intersection.</p> <p>There is an opportunity to create a unique walkable, interconnected district that includes this site and the multi-family developments approved to the north and across Providence Road. While the adopted plan does not fully support such development, it could be considered an enhancement to the area and a reason to deviate from the recommendations of the area plan.</p> <p>Site design is integral to development of a pedestrian friendly multi-use environment. However, the site design for the subject property does not guarantee a strong pedestrian environment nor does it warrant the anticipated degradation to the vehicular environment, especially to Providence Road.</p>
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

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 area 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 may be developed in Permissible Building Area C by converting allowed non-residential square footage at the rate of 250 square feet of non-residential square footage for each additional dwelling unit, up to 30 dwelling units or 7,500 square feet of non-residential floor area.
 - Two accessory drive-through windows will be permitted on the site.

- 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.
- 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 to 3.5-foot 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.
- 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.
- 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.
- 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.
- Elevations reflecting architectural style and building quality have been provided.
- 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 each resulting in 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 within 100 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-turns 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 200 square feet of sign surface area per wall or 10 percent of the wall area to which attached, whichever is less. The sign area of the wall signs may be increased by 10 percent if individual letters are used.
 - Allow one detached shopping center identification sign per street front with a maximum height of 20 feet and containing up to 128 square feet of sign area.

- Allow freestanding single use buildings to have a detached identification sign up to four feet with up to 32 square feet of sign area.
 - Allow up to two uses with accessory drive-through windows.
 - To not require doorways to be recessed into the face of the building.
 - Permit and apply the definition of "gross floor area" as follows: "Gross Floor Area shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the site measured from the outside of the exterior walls or from the center line of party walls; provided however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access, all loading dock areas, outdoor coolers and outdoor dining areas whether on the roof of the building or at street level."
- **Existing Zoning and Land Use**
 - The subject properties are developed with a gas station and convenience store in the B-1(CD) (neighborhood business, conditional) and 109 multi-family apartment units in 15 buildings in R-12MF (multi-family residential) zoning. Surrounding properties on the west side of Providence Road are developed with single family and multi-family residential dwellings in R-3 (single family residential), R-12MF (CD) (multi-family residential, conditional), and R-17MF (CD) (multi-family residential, conditional) zoning. Properties on the east side of Providence Road are zoned R-12MF (multi-family residential), B-1(CD) (neighborhood business, conditional), NS (neighborhood services), MUDD-O (mixed use development, optional), and INST(CD) (institutional, conditional) zoning containing office and commercial uses are located adjacent to the site and near the intersection of Providence Road and Sardis Road.
 - **Rezoning History in Area**
 - Petition 2015-52 approved a site plan amendment for 36 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane to amend the building layout and provide structured parking for 580 previously approved multi-family dwelling units.
 - Petition 2014-93 rezoned 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road and Fairview Road to MUDD-O (mixed use development, optional) to allow 35,000 square feet of commercial floor area, with up to two drive-through service windows.
 - **Public Plans and Policies**
 - The *South District Plan* (1993) recommends multi-family residential.
 - The petition is inconsistent with the *South District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
 1. This site is located in a wedge and located at one of Charlotte's most congested intersections. In general, this development will have an adverse impact on the operation of the Providence / Fairview intersection. We therefore highly encourage that should this petition be recommended for approval that the highest possible attention be given to the quality of urban design to ensure a walkable node is created.
 2. Part of ensuring the rezoning achieves walkability goals is improving the quality of pedestrian crossings of Providence Road, which could be enabled by us of signalization at the access from Providence Road. The proposed signalized left-over is presently being evaluated by both NCDOT and CDOT in order to determine if the proposed access will adversely affect the operation of the Providence / Fairview intersection. It is unclear whether this access will be supported. If the signal is not approved, this will reduce the potential walkability between the uses on either side of Providence Road. Also, this location will need to be restricted to right-in / right-out operation, which will impact the existing full movement access on the west side of Providence Road. We would also not support the extension of the southbound right-turn lane without the signal due to safety concerns. Without the ability to provide left-turns directly into the site, we expect more use of the northbound left-turn lanes on Providence Road onto Fairview and more use of the full movement access provided by the recently approved Petition 2015-052.
 3. If a signalized left-over is approved, the design will need to be modified to provide suitable accommodations for pedestrian crossings. It is likely this would need to occur as a two-stage pedestrian crossing, which will require significantly more width than is presently depicted on the plan.
 4. CDOT may not be supportive of the proposed modification of the southbound lane markings on

Randolph Road at Sardis Road. We recommend this note be modified to indicate the change is subject to CDOT approval.

- **Vehicle Trip Generation:**
Current Zoning: 1,300 trips per day.
Proposed Zoning: 8,300 trips per day.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 12 students, while the development allowed under the proposed zoning will produce 25 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 13 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** Show tree save and right-of-way trees on the rezoning plan.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **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 address the noted substantive and technical issues as follows:
Substantive:
 1. Address Transportation comments.
 2. Add a note that the proposed development is contingent upon installation of a traffic signal that allows pedestrians to cross Providence Road north of Providence Road and Fairview Road.
 3. Address Engineering and Property Management comment.
 4. Under Access III, delete Note C, which allows the driveway and pedestrian connections to the private street to be eliminated.
 5. Eliminate Note 5h, which allows the fire access to effectively eliminate the landscape buffer.
 6. Provide additional details on and commitment to building the pergola shown in cross-section B.
 7. Provide a network of sidewalks throughout the site and along drive aisles as well as internal streets.
 8. Provide a planting strip and sidewalk along Providence Road and Fairview Road. Increase the setback to a minimum of 30 feet and provide screening for any parking located between the building and the street.
 9. Amend Note 3C to limit the number of accessory drive-through windows to one and clarify that there will be a pick up window only for the grocery store. Show the location and describe the operations of that window.
 10. Provide open space that exceeds standards of the MUDD (mixed use development) district. Consider a minimum 0.25-acre open space area (not including buffers, setbacks, or tree save).
 11. Provide more detail on the site plan to reflect fenestration and articulation requirements for building street walls that exceed standards of the MUDD (mixed use development) district.
 12. Ensure that the accessory drive-through window is not oriented toward the internal street.
 13. Provide area to be landscaped that is located adjacent to the building. Reflect on elevations.
 14. Reduce the driveway/loading area width from the private street into the parking garage area to improve the pedestrian route.
 15. Provide a building height transition between the single family homes and the residential building proposed to be up to 75 feet in height. Add a note that height is to be measured from the existing average grade.
 16. Commit to saving trees six inches or greater in caliper in the 40-foot rear yard and provide additional standards for new planting.
 17. Do not provide for retail to residential conversions in Permissible Building Area C, and specify the total amount of retail/commercial space for this area.

18. Provide landscape standards for the area behind the sidewalk along Fairview Road.
19. Provide additional commitments to the street walls along Providence Road and Fairview Road.
20. All elevations excluding windows and doors will be constructed of 60 percent stone, masonry, brick or similar material.
21. Incorporate clear glass on the North Elevation 4 (retail at the corner of Providence Road and the new street). The primary entrance should be oriented to the new street.
22. All pedestrian entrances should be prominent features. Provide standards to accomplish this.
23. Provide elevations for the side of the building adjacent to the single family residential use/zoning.
24. Commit to differentiated storefronts as illustrated on the elevations for the retail space below the residential use.
25. Clarify the intent to use film on windows, which is not listed as an optional request.
26. Clarify the location and width of the fire truck access on the site plan.
27. Reduce the number of optional requests for signage.
28. Eliminate the optional request to not require doorways to be recessed into the face of the building.

Technical

29. Add to Note 2d that the accessory drive-through windows will not be for EDEE as per Note 3d.
30. Amend the definition height to meet the Zoning Ordinance definition.
31. Clarify parking as sheet TD-1 says one space per 400 square feet of non-residential gross floor area and sheet TD-2 says one space per 500 square feet of non-residential gross floor area.
32. Remove the definition for gross floor area and all reference to it and use the ordinance standard for calculating square footage.
33. Identify the future back of curb along Providence Road on the site plan.
34. Show all building setback and yard requirements on the site plan.
35. Remove the second Note 7b.
36. Label possible outdoor dining areas and note that they may be reconfigured through the administrative amendment process.
37. Cross-sections on SP-2 should be redrawn to an engineering scale and dimensioned.
38. Building materials should be called out on EL-1, EL-2, EL-3, and the second EL-2 (which should be relabeled to EL-4).
39. Amend Note 1D to limit the number of principal buildings on the site to four, which aligns with the number of principal buildings reflected on the site plan.
40. Confirm wall details/dimensions for the wall adjacent to the loading area for the grocer.
41. Specify the height of the parking deck with the amenity area above located adjacent to the single family use/zoning on Columbine Circle.
42. Specify whether the amenity area adjacent to the single family use/zoning on Columbine Circle is at grade.
43. Add a note on Sheet SP-2 to specify that the reduction to six-foot sidewalks is in limited instances and identify these instances.
44. Amend all sheets to specify that the screen wall will be eight feet. Some sheets reference it as six feet to eight feet, and Sheet SP-3 references eight feet.
45. Specify "no surface parking" in Permissible Building Area C.
46. Specify no parking between the buildings and the street in Permissible Building Areas A and B.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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 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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