

REQUEST	Current Zoning: R-17MF(CD) (multi-family residential, conditional) Proposed Zoning: R-17MF(CD) SPA (multi-family residential, conditional, site plan amendment) with five year vested rights
LOCATION	Approximately 36.10 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane and across from Strawberry Hill Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The site plan amendment proposes to amend the building layout and provide structured parking, while maintaining the maximum 580 multi-family dwelling units approved via Petition 2013-23. The petition is consistent with the <i>South District Plan</i> , which recognizes the multi-family residential dwellings approved per the previous petition.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	NR Pinehurst Property Owner LLC NR Pinehurst Property Owner LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>South District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends residential land uses up to 17 dwelling units per acre for the site. <p>Therefore, 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:</p> <ul style="list-style-type: none"> • It will not increase the number of proposed residential units; and • The petition specifies the maximum height per building, with the taller buildings located along Providence Road and two to three-story buildings abutting the neighboring single family uses; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Nelson).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to recommend APPROVAL of this petition subject to the staff working with the petitioner to fine-tune outstanding issues 2 and 4, and with the following modifications: <ol style="list-style-type: none"> 1. Showed a 12.5-foot wide "Class B" buffer abutting tax parcels 18312114 and 10 and added a note that the buffer can be eliminated if the abutting land use changes such that a buffer is no longer needed. 2. Provide elevations for the two, three-story buildings, structured parking, and the garages. Staff has rescinded this request. Elevations for buildings in Phase 1 were provided and notes have been added to specify that buildings in Phase 2 may have a variety of architectural styles, however, such buildings shall be compatible to and complementary with the building to be constructed in Phase 1, in terms of architectural style and character and exterior building materials. 3. Amended Note 4c to replace "schematic images" with "architectural renderings" of the various exterior components and elements of the buildings. 4. Amended Note 5e to provide a 15-foot wide landscape area that shall be provided adjacent to tax parcels as depicted on the rezoning plan. The outer 12.5 feet shall be a "Class B"
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- buffer. The inner 2.5 feet shall contain supplemental landscaping. Among other things, the purpose of this 15-foot wide landscape area is to screen the ground floor of the southern edge of the structured parking facility. This 15-foot landscape buffer area shall meet the tree and shrub planting requirements of a "Class B" buffer.
5. Provided standards for the portion of the structured parking facility that will be visible from Providence Road and abutting the existing multi-family development to the east as follows: "The exterior building material of the southern edge of the structured parking facility shall be precast or cast in place concrete, and the screening of cars on the upper floors of the structured parking facility shall be accomplished through the use of barrier panels designed as a part of the structured parking facility. Cars located on the ground floor of the structured parking facility shall be screened through the use of landscaping."
 6. Deleted Note 1f.
 7. Deleted Note 1g, which stated that accessory buildings and structures located on the site shall not be considered in any limitation on the number of buildings on the site.
 8. Specified that the maximum number of proposed units in Phase 1 and Phase 2 shall be 350.
 9. Provided the typical Street A dimensioning approved with Petition 2013-23.
 10. Maintain the street network shown on Petition 2013-23, as the Subdivision Ordinance requires three blocks and two streets along Providence Road. Staff has rescinded this request. The Subdivision Ordinance for the street requirements was incorrectly applied based on the site location. Therefore, the proposed site plan complies with the Subdivision Ordinance.
 11. Amend the notes under Open Space/Tree Save Areas/Greenway Conveyance to specify that the open space area and access easement depicted on the rezoning plan will be dedicated and conveyed to County Parks and Recreation prior to the issuance of a certificate of occupancy for the first new building constructed in Phase 2.
 12. Addressed Transportation comments as follows:
 - a. Retained the right-in/right-out driveway as currently depicted on the conditional site plan.
 13. Modified Note 3c as follows: "The estimated cost of installing a traffic signal at this location is \$80,000. Prior to the issuance of a building permit for the first new building constructed on the site the petitioner shall submit the sum of \$80,000 to CDOT for the potential traffic signal. This \$80,000 payment shall be held by CDOT for the first three-year period commencing on the date of the issuance of the building permit for the first new building constructed on the site. If CDOT/NCDOT approves the installation of the traffic signal within this three year period, then the \$80,000 will be applied to the cost of installing the traffic signal. If CDOT/NCDOT does not approve the installation of the traffic signal within this three year period, then the \$80,000 payment shall be returned to the petitioner. CDOT and the petitioner shall enter into an escrow agreement to document this agreement. Notwithstanding the foregoing, in the event that CDOT and/or NCDOT determine prior to the expiration of the three year period that a traffic signal will not be installed at this location, then CDOT shall return the \$80,000 payment to the petitioner upon making such determination."
 14. Added Note 1e as follows: "Those buildings designated as Buildings 1, 2, 5, 6, 12, 13, and 14 are located in a building envelope formed by the internal street to the east and the parking areas to the north, west and south. Buildings 1, 2, 5, 6,

- 12, 13, and 14 may rotate and/or change locations within that building envelope at the option of the petitioner.”
15. Amended Note 3(a)(vii) under Transportation to remove “prior to issuance of a building permit for the first building to be constructed on the site as part of the redevelopment.”
 16. Added Note g under Transportation as follows: “The southernmost vehicular access point into the site from Providence Road shall be a private drive that extends from Providence Road, through the structured parking facility to the internal private street. A schematic design of this private drive is set out on the rezoning plan. This private drive will be open to the public for vehicular ingress and egress to and from the site.”
 17. Added Note 4d under Architectural Standards as follows: “In addition to the design flexibility provided in paragraph c above, the exterior design of the building to be constructed on that portion of the site designated as Phase 1 may be modified to accommodate optional courtyards, recesses, modulations and other forms of building articulation.”
 18. Amended Note 4j under Architectural Standards as follows: “Exterior dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate.”
 19. Added Note 5j under Streetscape, Buffers and Landscaping as follows: “That portion of the four to five foot tall masonry wall located at the southern edge of the building to be constructed in Phase 1 that is depicted on the rezoning plan may be eliminated at the option of the petitioner.”
 20. Added Note 7c under Open Space/Tree Save Areas/Greenway Conveyance/Amenities as follows: “The new amenity areas for the proposed multi-family residential community to be developed on the site shall be located generally in those areas depicted on the rezoning plan. The existing amenity areas located on that portion of the site designated as Phase 2 may remain in place until such time that Phase 2 is developed.”
 21. Added Note 8b under Signage as follows: Signage may be installed on the four to five foot masonry wall located at or in proximity to the site’s frontage on Providence Road.
 22. There should be some consideration to the end units wrapping the corner to the new public street. At a minimum, notes should reflect some orientation or clear glass on this façade. Staff has rescinded this request.
- The following items have been agreed upon and staff will continue to work with the petitioner to fine-tune these notes:
2. Notes 4(d) and (e) related to the massing of the building specifically related to Providence Road frontage and the pockets of open space.
 4. Note 4 (h) related to the architectural treatment of the south side of the parking structure.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and noted that staff continues to work with the petitioner to refine development notes submitted with the revised site plan. Staff reviewed the following current list of outstanding items:

1. Amend Note 5e to reference Building 4 instead of Building 5.
2. The massing of the building has changed significantly, specifically related to Providence Road frontage and the pockets of open space that have been eliminated or are noted as “potential.” The

- pockets or courtyards need to be required and at grade.
3. There should be some consideration to the end units wrapping the corner to the new public street. At a minimum, notes should reflect some orientation or clear glass on this façade.
 4. The deck should be treated with a combination of decorative louvres, landscaping or other elements of architectural interest, not just landscaping.

Staff provided an update on the aforementioned issues as follows:

1. Item 1- Has been addressed satisfactorily as follows: Amended Note 5e to reference a 15-foot landscape area that shall be provided adjacent to tax parcels 18312114 and 18312110 as depicted on the rezoning plan.
2. Item 2- Petitioner has agreed to remove the note stating that the courtyard reflected along Providence Road may not be listed as optional. In addition, the petitioner agreed to replace the front elevations with the original elevations, which illustrate courtyards along Providence Road with a minimum depth of ten (10) feet and a length equivalent to up to three units.
3. Item 3- Staff has rescinded this request.
4. Item 4- Petitioner agrees to provide landscaping, architectural interests, and will list louvers as an option.

The committee suspended the rules to allow the petitioner to state how they plan to address screening of the parking deck edge and building massing along Providence Road (Items 2 and 4 above). The petitioner's representative agreed to replace the front elevations with the original elevations, which illustrate courtyards along Providence Road with a minimum depth of ten (10) feet. The length of the proposed courtyard space will be equivalent to up to three units and will match the courtyard shown on the other side. The petitioner will commit to additional landscaping, paint, and other architectural interests such as masonry columns that will break up the façade for the entire four stories of the proposed parking deck, and will list the provision of louvers as an option. The deck has been rotated so that a small section is exposed to the street. A committee member asked about uses on the abutting property to the south. Staff responded that the parcels are developed with a gas station and an apartment complex, noting that both properties are included in a pending rezoning petition that seeks to change the use.

A committee member inquired about the number of existing apartments on the petitioned site. Staff responded that the site is currently developed with 407 apartments and the number of proposed apartments units remains consistent with the original approval for 580 units.

A committee member synopsisized that due to the rotation of the parking deck and apartments above, a steppe and articulation that was provided on the original site plan submittal has been modified and the petitioner is working to provide a level of relief along Providence Road that is acceptable to staff.

A committee member asked if a traffic signal is proposed with this rezoning request. CDOT staff responded that there is a commitment for a signal evaluation on Providence Road across from Strawberry Hill Drive and a financial participation should a signal be warranted. A committee member asked if Providence Road will be able to handle the traffic generated from this proposed development. CDOT staff responded that, in terms of this petition as a standalone development, CDOT thinks a signal and turn lanes could handle any increase in traffic but added that there are coordination efforts between this proposal and the abutting pending petition to be able to handle access comprehensively. CDOT staff added that there are a number of dynamics currently in play that could affect the location of any proposed traffic signal.

Staff requested the ability to continue to work with the petitioner to craft the notes for the outstanding issues, and added that the committee would be notified and a special vote would be requested of City Council should there be any resulting changes.

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**

- Petition 2013-23 rezoned 36.10 acres to allow up to 580 multi-family dwelling units, in 22 principal buildings, at a density of 16.07 units per acre. Parking is provided via surface lots and detached garages. Parking is disallowed between the buildings and Providence Road. Access is provided via two driveways on Providence Road, and an internal future connection is provided to the abutting property to the east. If a traffic signal is approved by NCDOT and CDOT within three years of approval and prior to submittal of plans for subdivision approval, then the petitioner will contribute up to \$90,000 toward the installation. Although the 2013 rezoning was approved, the site has yet to redevelop

• Proposed Request Details

The site plan amendment contains the following changes:

- Amends configuration of buildings, parking, open space and tree save areas. No longer reflects a proposed car wash and swimming pools on the site plan.
- Adds Note 1H to specify the proposed development will occur in two phases, and notes that improvements depicted on Phase 2 shall not be required to be constructed and installed until such time as Phase 2 is developed, unless specified otherwise.
- Assigns maximum height individually per building, with the buildings fronting Providence Road limited to five-stories and the remaining buildings ranging from two to three story buildings, and garages limited to one story.
- Removes limitation of 22 maximum principal buildings. Reflects 14 principal buildings and five one-story garages.
- Deletes site plan note requiring provision of a low decorative wall that will be used to screen parking areas located along Providence Road, and eliminates masonry wall cross-section.
- A four to five-foot masonry wall is labeled along Providence Road on Sheet RZ-100 and reflected on the elevations on Sheet RZ-200, with a note that the wall will match architecture and the final location to be determined during construction documents phase. Added a note that the portion of the four to five foot tall masonry wall located at the southern edge of the building to be constructed in Phase 1 may be eliminated at the option of the petitioner.
- Specified that the maximum number of units in Phase 1 and Phase 2 shall be 350.
- Adds a note that structured parking may be located on the site.
- Amends Note 3b to specify that right-of-way dedication will occur prior to the issuance of the first certificate of occupancy for the first new building completed on the site.
- Proposes one entrance on Providence Road instead of the two allowed per the approved site plan. Amended Note 3c to reference the one driveway on Providence Road.
- Provided new/enhanced representational conceptual elevations for buildings along the Providence Road frontage. Added Note 4c specifying that the elevations are conceptual schematic images and changes and alterations that do not materially change the overall conceptual architectural style, character and quality shall be permitted.
- Provided standards for the portion of the structured parking facility that will be visible from Providence Road and abutting the existing multi-family development to the east as follows: "The exterior building material of the southern edge of the structured parking facility shall be precast or cast in place concrete, and the screening of cars on the upper floors of the structured parking facility shall be accomplished through the use of barrier panels designed as a part of the structured parking facility. Cars located on the ground floor of the structured parking facility shall be screened through the use of landscaping."
- Added a note that those buildings designated as Building 1, 2, 5, 6, 12, 13, and 14 may rotate and/or change locations within that building envelope at the option of the petitioner.
- Added note that the exterior design of the building to be constructed in Phase 1 may be modified to accommodate optional courtyards, recesses, modulations and other forms of

- building articulation.
- Removed note from the elevations stating that no more than 25 percent of the wall surface shall be left open.
 - Added a note allowing dumpster and recycling areas to be located within structured parking facilities and that exterior dumpster and recycling areas will be enclosed by a solid wall with one side being a decorative gate.
 - Amended Note 5d to specify that the 50-foot “Class C” buffer along the western boundary and a portion of the southern boundary will be established upon the demolition of existing buildings in these areas, which is expected to occur in Phase 2 of the development.
 - Provides a 15-foot wide landscape area that shall be provided adjacent to tax parcels 18312114 and 18312110 as depicted on the rezoning plan. The outer 12.5 feet shall be a “Class B” buffer and the inner 2.5 feet shall contain supplemental landscaping. Among other things, the purpose of this 15-foot wide landscape area is to screen the ground floor of the southern edge of the structured parking facility. This 15-foot landscape buffer area shall meet the tree and shrub planting requirements of a “Class B” buffer.
 - Providing a six-foot masonry wall in place of a six-foot board on board fence, with landscaping, along the inner edge of the 50-foot rear yard. Added a note that installation of this masonry wall will not allow the width of the 50-foot “Class C” buffer to be reduced. Noted that the aforementioned minimum six-foot tall masonry wall, which is proposed in Phase 2, will be installed prior to the issuance of a certificate of occupancy for the first new building to be constructed on the site.
 - Amended notes under Open Space/Tree Save Areas/Greenway Conveyance to specify that the open space area and access easement depicted on the rezoning plan will be dedicated and conveyed to County Parks and Recreation prior to the issuance of a certificate of occupancy for the first new building constructed in Phase 2.
 - Amended Note 10a to refer to Standard 60.01B (ten-foot pad) instead of Standard 60.01A (five-foot pad) in regards to provision of a CATS bus stop pad.
 - Added request for five-year vested rights.
 - Provided a project phasing exhibit on Sheet RZ-200. Eliminated the building and parking envelope area and dedicated tree save area exhibits.
 - Labeled proposed street trees on Sheet RZ-100 indicating that the final location and species selection is to be determined during the construction phase and coordinated with Urban Forestry.
 - Removed a 12.5-foot wide “Class B” buffer abutting tax parcels 18312114 and 18312110 zoned B-1(CD) (neighborhood business, conditional) and R-12MF (multi-family residential).
 - Labeled “Class C” buffer area to state that buffer shall count toward 15 percent tree save requirement.
 - Slightly amended location of the proposed future connection to abutting tax parcel 18312110, with a note that the final location will be coordinated with the adjacent property owner and CDOT.
 - Eliminated buffer plan and rendering.
 - Provided the typical Street A dimensioning for internal Private Street A. Noted that this private drive will be open to the public for vehicular ingress and egress to and from the site.
 - Retained the right-in/right-out driveway as currently depicted on the conditional site plan.
 - Provided a note that prior to the issuance of a building permit for the first new building constructed on the site the petitioner shall submit the sum of \$80,000 to CDOT for the potential traffic signal. This \$80,000 payment shall be held by CDOT for the first three-year period commencing on the date of the issuance of the building permit for the first new building constructed on the site. If CDOT/NCDOT approves the installation of the traffic signal within this three-year period, then the \$80,000 will be applied to the cost of installing the traffic signal. If CDOT/NCDOT does not approve the installation of the traffic signal within this three year period, then the \$80,000 payment shall be returned to the petitioner. CDOT and the petitioner shall enter into an escrow agreement to document this agreement. Notwithstanding the foregoing, in the event that CDOT and/or NCDOT determine prior to the expiration of the three year period that a traffic signal will not be installed at this location, then CDOT shall return the \$80,000 payment to the petitioner upon making such determination.
 - Added a note that new amenity areas will be developed on the site as depicted on the rezoning plan and the existing amenity areas located on Phase 2 may remain in place until such time that Phase 2 is developed.
 - Allows signage to be installed on the four to five foot masonry wall located at or in proximity to the site’s frontage on Providence Road.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends residential uses up to 17 dwelling units per acre as amended by prior rezoning petition 2013-23.

- The petition is consistent with the *South District 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:** 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.
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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*.
 - Protects/restores environmentally sensitive areas by preserving a portion of the SWIM buffer along McMullen Creek to be conveyed to Mecklenburg County Park and Recreation Department and providing additional property for an accessible connection to the McMullen Creek Greenway from the proposed multi-family development.
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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation 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

Planner: Sonja Sanders (704) 336-8327