

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.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues.
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

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 15 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.
 - 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.

- 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.
- 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.
- 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 last building completed adjacent to McMullen Creek.
- 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.
- Eliminated typical Street A dimensioning for internal Private Street A.
- **Existing Zoning and Land Use**
 - The subject property is currently developed with approximately 407 multi-family dwelling units. Surrounding properties are developed with single family and multi-family residential dwellings in R-3 (single family residential) and R-12MF (multi-family residential) zoning. B-1(CD) (neighborhood business, conditional), NS (neighborhood services) and MUDD-O (mixed use development, optional) zoning containing office and commercial uses adjacent to the site and near the intersection of Providence Road and Sardis Road.
- **Rezoning History in Area**
 - Pending petition 2015-46 abutting the subject property located on the northwest corner at the intersection of Providence Road, Fairview Road and Sardis Road proposes to rezone 10.7 acres from R-12MF (multi-family residential) and B-1(CD) (neighborhood business, conditional) to MUDD-O (mixed use development, optional). The proposed request will allow up to 100,000 square feet of retail, eating/drinking/entertainment establishments, general and medical office and personal serviced uses, with up to two accessory drive-through service windows, but the request prohibits gasoline sales, with or without a convenience store. Also, the petition proposes up to 225 residential 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 a maximum 35,000 square feet of commercial floor area, with up to two drive-through service windows.
 - Petition 2012-76 rezoned 1.66 acres located on the northeast corner of the intersection of Providence Road and Mammoth Oaks Drive from INST(CD) to B-1(CD) to allow a free-standing surface parking lot associated with an adjacent religious institution.

- **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:** Petitioner is requested to retain the right-in/right-out driveway as currently depicted on the conditional site plan. Petitioner should modify Note 3D to commit the funds for signalization to be made available when CDOT and NCDOT determine the signal is justified for installation beginning with the permitting of the first building on the site and ending one year after the permitting for the last building allowed on the site.
 - **Vehicle Trip Generation:**
Current Zoning: 3,860 trips per day.
Proposed Zoning: 3,860 trips per day.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 82 students, while the development allowed under the proposed zoning will produce 82 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - **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.

OUTSTANDING ISSUES

- The petitioner should:
 1. Show the 12.5-foot wide "Class B" buffer abutting tax parcels 18312114 and 10 and add 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.
 3. Add additional details regarding the "schematic images of the various exterior components and elements of the buildings" as indicated in Note 4c.
 4. Provide a buffer between Building 5 and the adjacent property.
 5. Provide 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.
 6. Delete Note 1f.
 7. Amend Note 1g to exclude the garages, which should be counted as principal buildings.
 8. Specify the number of proposed units in Phase 1 and Phase 2.
 9. Provide 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.

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 building in Phase 1.
 12. Address Transportation comments.
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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 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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