

<b>REQUEST</b>	Current Zoning: R-17MF SPA (multi-family residential, site plan amendment) Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights
<b>LOCATION</b>	Approximately 36.1 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes a revised site plan for the proposed Pinehurst Apartments redevelopment on Providence Road across from the Strawberry Hill development to make changes to the setback, building articulation, treatment of a parking deck and buffer requirements.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	NR Pinehurst Property Owner, LLC NR Pinehurst Property Owner, LLC John Carmichael
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 13
<b>STATEMENT OF CONSISTENCY</b>	<p>The Zoning Committee found this petition to be consistent 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"> <li>• The plan, as amended by the prior rezoning, recommends residential land use at 17 dwelling units per acre.</li> </ul> <p>Therefore, this petition was 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"> <li>• The petition is consistent with the land use and density recommended by the area plan; and</li> <li>• The petition fully screens the proposed parking structure with residential uses; and</li> <li>• The petition provides “eyes on the street” by providing additional units facing the street; and</li> <li>• The petition provides graphics and conceptual renderings that depict the design intent for the building, retaining walls, screen walls and landscaping along Providence Road and these provide a pedestrian friendly experience, and mitigate the building mass and length along Providence Road;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Eschert seconded by Dodson).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. Increased the transition zone between the back of the proposed sidewalk and the proposed retaining and privacy walls along Providence Road in front of buildings one and three.</li> <li>2. Removed details of the walls between the buildings and Providence Road on Sheet RZ-100.</li> <li>3. Provided a new sheet with a detailed plan graphic of the area between the buildings and Providence Road. Staff rescinded the request for the graphics to provide clear dimensions and distances for the planting strip, sidewalk, transition zone, retaining walls, and privacy walls because the petitioner has provided the graphics to show the design intent and the exact dimensions will be determined during plan review and permitting.</li> <li>4. Provided two cross-sections for privacy and retaining wall condition</li> </ol>
------------------------------------	--

- and privacy wall only condition. Staff rescinded the request for clear dimensions because the graphics show design intent and the exact dimensions will be determined plan review and permitting.
5. Staff rescinded the request to provide notes committing to minimum distances between the proposed sidewalk and the retaining walls, the proposed sidewalk and the privacy wall, and between the top of the retaining wall and the privacy wall along Providence Road because the petitioner has provided a series of graphics that show the design intent and has provided notes indicating the intent of the design depicted. The exact dimensions will be determined during plan review and permitting.
  6. Staff rescinded the request to provide notes committing to maximum heights for retaining walls and privacy walls along Providence Road because the petitioner has provided a series of graphics that show the design intent and provided notes indicating the intent of the design depicted. The exact dimensions will be determined during plan review and permitting.
  7. Committed to providing the following note for a prominent pedestrian entry into building three: "Building entrances shall be at a grade differing from the grade of the public sidewalk and shall be highly visible and architecturally treated as prominent pedestrian entrance through a combination of at least five (5) of the following features: (a) decorative pedestrian lighting/sconces; (b) architectural details carried through to upper stories; (c) covered porches, canopies, awnings or sunshades; (d) archways; (e) transom windows; (f) terraced or raised planters that can be utilized as seat walls; (g) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (h) double doors; (i) stoops or stairs; and/or (j) contrasting pavement from primary sidewalk; (k) or other elements to be determined during the urban plan review."
  8. Provided building elevations for building three.
  9. Committed to amending the optional provision to allow parking between the Phase 1 building and the internal street only along the private drive extending through the center of the Phase 1 building and up to one recessed loading space along the internal street.
  10. Added Sheet RZ-300 to depict conceptual wall sections.
  11. Amended the label on Sheet RZ-100 to remove the four-foot height specified for the wall.
  12. Added an optional provision to allow all the existing buildings, parking and maneuvering areas, amenities and other improvements located on the site to remain and be utilized until such time that the relevant portions of the site are redeveloped.

#### Transportation

13. Committed to adding a label regarding the sidewalk and planting strip width near the culvert on Sheet RZ-100 and add an optional request to indicate that the sidewalk and planting strip width at the northern property line, near the culvert will be determined during construction plan review and approved by CDOT and Engineering Property Management.
14. Committed to amend the label for "50' transitional R/W final location and extent of R/W dedication to be coordinated with CDOT and NCDOT" to say "Future R/W final location and extent of R/W dedication to be coordinated with CDOT and NCDOT."

#### Other Minor Issues

15. Committed to amend the Zoning Exhibit on Sheet RZ-200 to say MUDD-O.
16. Added the words "multi-family" to Note 1.d.
17. Changed the word "provision" to "provisions" in Notes 1.e, 2 and 2.a.
18. Modified Note 5.a to clearly indicate the standard applied to the exterior of new buildings constructed on the site and added that vinyl can be used for trim and railings.
19. Modified Note 5.d. to indicate that minor modifications to the

footprint of the phase one building may be made provided that the design intent of the building is satisfied.

20. Removed a note under architectural standards that stated, "As generally depicted on the rezoning plan the phase one units located along the southern edge of the site and directly fronting Providence Road shall be treated architecturally to address both Providence Road street frontage and the site's frontage of the adjacent proposed public street."

21. Removed a note under Streetscape, Buffers and Landscaping that stated "that portion of the four-foot masonry wall located at the southern edge of the Phase 1 building may be eliminated at the option of the petitioner."

22. Changed "four-foot masonry wall" to "screen walls" under Signage.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided a brief summary of the petition and the changes since the public hearing. The petitioner has provided conceptual renderings and plans for screen/retaining walls and building design along Providence Road. The petitioner has committed to addressing several minor issues with a revised site plan to be submitted after the Zoning Committee meeting. The plan is consistent with the area plan.

A commissioner asked whether the building mass and height has been mitigated. Staff explained that the previous rezoning approved a long, five-story building along Providence Road. The previously approved site plan provided areas of deeper building articulation. The proposed site plan removes that articulation. Staff requested the petitioner address the pedestrian level through the use of screen walls, landscaping and other architectural features for the building. The petitioner has addressed staff's request by providing conceptual renderings and plans for the Providence Road frontage.

The commissioner asked for clarity on what they submitted. Staff explained that staff's concern was the appearance of a long flush wall especially at the pedestrian level and the renderings provided show how the building and walls at the pedestrian level will be broken up. There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Carries over provisions from the previous rezoning for this site (petition 2015-052) and proposes several changes described below.
- Maintains the allowed maximum of 580 dwelling units and maximum building heights.

Proposed Changes:

- Proposes rezoning to MUDD (mixed use development) to accommodate a 14-foot setback from the back of the future curb. The adjacent property, to the south, was rezoned to MUDD (mixed use development) by petition 2015-046. As part of that development, a turn lane is proposed along the frontage of a portion of the subject site and the additional right-of-way would put the current zoning's setback into noncompliance.
- Eliminates the two areas of building inset (approximately 33 feet in depth by 66 feet in width) provided under the previous rezoning.

- 
- Provides a transition zone between the back of the proposed sidewalk and the proposed retaining and screen walls along Providence Road.
  - Provides conceptual plans for these screen walls and retaining walls with varying heights and landscaping along Providence Road.
  - Provides conceptual rendering of the building showing the design and architectural intent for the Phase 1 building.
  - Eliminates a provided buffer along the southern edge of the site. The adjacent property to the south was rezoned for an urban, mixed use development by petition 2015-046 and the buffer is not required when abutting mixed use developments.
  - Surrounds the parking structure facing the southern edge of the site with multi-family units. The previous plan allowed visible parking that was screened with a buffer.
  - Requests the following optional provision:
    - Allow parking and maneuvering space between the Phase 1 building and the internal street in the event the internal street is a public street.
    - Allow all the existing buildings, parking and maneuvering areas, amenities and other improvements located on the site to remain and be utilized until such time that the relevant portions of the site are redeveloped.
  - **Public Plans and Policies**
    - The *South District Plan* (1993), as amended by rezoning petition 2015-052, recommends residential uses up to 17 dwelling units per acre.
    - The petition supports the General Development Policies-Environment by protecting/restoring environmentally sensitive areas through preserving a portion of the SWIM buffer along McMullen Creek, which is to be conveyed to Mecklenburg County Park and Recreation Department, and by providing additional property for an accessible connection to the McMullen Creek Greenway from the proposed multi-family development.
  - **TRANSPORTATION CONSIDERATIONS**
    - This site was recently rezoned and implemented all the recommended transportation improvements. The requested change to MUDD-O (mixed use development, optional) zoning will help implement anticipated transportation improvements on Providence Road associated with the development of the site to the south. This rezoning will not impact the traffic generation of the site.
    - **Vehicle Trip Generation:**
      - Current Zoning: 3650 trips per day (based on 580 multi-family dwellings).
      - Proposed Zoning: 3650 trips per day (based on 580 multi-family dwellings).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 79 students, while the development allowed under the proposed zoning will produce 79 students. The net change in the number of students generated from existing zoning to proposed zoning is 0 students; therefore, the proposed development is not projected to increase the school utilization (without mobile classroom units) for Sharon Elementary (148%), Alexander Graham Middle (113%), Myers Park High (116%).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No comments received.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

---

**Attachments Online at [www.rezoning.org](http://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
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** John Kinley (704) 336-8311