

REQUEST	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)
LOCATION	Approximately 10.8 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 a site plan amendment to an approved rezoning allowing the redevelopment of a convenience store with gasoline sales and a parcel previously developed with multi-family structures for a mixed use development containing residential, commercial, and climate controlled self-storage uses across from the Strawberry Hill area.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Mallard Creek Associates #1, LLC and Golden Triangle #3, LLC Mallard Creek Associates #1, LLC Jeff Brown and Bridget Grant, Moore & Van Allen PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4.
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • The plan recommends mixed residential and retail/commercial uses as amended by the prior rezoning 2015-046. • 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: <ul style="list-style-type: none"> • The proposal is essentially the same as the site plan approved in the prior rezoning, with the addition of an underground self-storage component, a slight increase in the number of dwelling units, an increase in the number of allowed stories for a portion of the multi-family building, additional site plan area intended for tree save and buffer purposes, and modification of the streetscape along a portion of the private street; and • Aside from the addition of the self-storage facility and the slight increase of six dwelling units from 195 to 201, all previously approved development entitlements remain the same; and • The increase in the number of stories from five to six is only for a portion of the multi-family building that is at a minimum 100 feet from the nearest single family lot; and • The buffers are consistent with those approved with the prior rezoning and protect abutting single family; and • The reduced planting strip is along a private street, which abuts the service area for the proposed retail/grocery building. The reduction accommodates the loading, service and mechanical equipment area which will be screened with a wall;

By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Majeed).

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications: <u>Site and Building Design</u> 1. Amended the maximum building height note to say maximum
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	<p>building height of six stories applies to the portion of the building depicted on the site plan.</p> <ol style="list-style-type: none"> 2. Specified that along the internal private street where the sidewalk abuts the surface parking lot curb stops will be utilized. 3. Staff rescinded the request to amend the site plan and Note 5g to specify that the planting strip will be eight feet along the private drive from Fairview Road with the exception of the portion adjacent to the loading area and loading drive where a reduced planting strip of five-feet will be allowed because the petitioner needs to flexibility to locate mechanical equipment and other utility features in this area of the site and allows the petition to provide the landscaped buffer along the private drive abutting the single family home. 4. Clarified the use of the green space at the corner of Providence Road and Fairview Road as landscape/ amenity area. 5. Added two buffer exhibit sheets to the site plan to depict the commitments to landscaping, screen wall and buffer along the private drive off Fairview Road abutting the single family property. 6. Provided several conditional notes describing the commitments for the buffer between the private drive and the single family property to include a new eight-foot high wall, removal of existing thin trees, planting of new screening trees and landscaping, and the timing of those changes. 7. Committed to amending the maximum building height note on Sheet 2 to match the change made to the note on Sheet 1. 8. Committed to adding a note specifying the trash compactor located within the loading dock area of the building located along Fairview Road within permissible Area B must be emptied between the hours of 7:00am and 9:00pm EST.
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VOTE

Motion/Second: Wiggins / Majeed
 Yeas: Eschert, Labovitz, Majeed, Wiggins, Watkins, Spencer
 Nays: None
 Absent: None
 Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted the changes since the hearing. Staff stated the petitioner had committed to addressing the final outstanding issue listed in the agenda and had provided a note limiting the hours of garbage collection for the building located along Fairview Road.

Staff also noted that this petition is consistent with the *South District Plan* as amended by the previous rezoning. 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)

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Adds an underground climate controlled self-storage facility as a permitted use.
- Increases the number of allowed residential dwellings from 195 to 201.
- Increases the maximum allowed building height from five stories to six stories for the northern portion of the residential building; the maximum allowed height of 75 feet remains.
- Adds specification that parking for the self-storage use will be provided per the Ordinance.
- Adds an optional provision for the retail and multi-family uses located above the underground climate controlled self-storage facility to meet the requirements for active ground floor uses.

- Adds an optional provision to not require entrances to the underground self-storage facility from each of the abutting private streets.
 - Reduces the proposed planting strip from eight feet to five feet along a portion of the private street that provides access from Fairview Road.
 - Amends a note related to the yard requirement along the western edge of the site to specify that a 35-foot side yard, as measured from the proposed MUDD-O (mixed use development, optional) zoning line, will be provided along the edge of the site abutting the residential building. Maintains the 40-foot side yard for the remainder of the western edge of the site.
 - Amends a note related to the proposed brick wall along the western edge of the site to specify the wall will not follow the MUDD-O (mixed use development) zoning boundary but will follow the new property line.
 - Provides details related to increased landscaping and construction of a screen wall along the property line abutting the private drive off Fairview Road.
 - Specifies the trash compactor located in the loading area for the building located along Fairview Road will be emptied between the hours of 7:00am and 9:00pm.
 - Reduces the number of required open space/amenity court yards along the western edge of the site from two to one and specifies that a minimum of one will be provided and may be located above one-level of parking.
 - Increases the size of the open space/amenity courtyard depicted on the site plan along the northern edge of the site.
 - Removes label for area identified as potential tree save and open space at the corner of Providence and Fairview Roads and replaces it with a label identifying the area as landscape/amenity area.
 - Adds a note specifying that a tree survey indicating the location of all trees two inches or larger located within public street right-of-ways and all trees eight inches or larger within the setback will be submitted during the land development process.
 - Revises the building elevations for the residential building to reflect the change in the number of stories.
- **Public Plans and Policies**
 - The *South District Plan* (1993), as amended by rezoning petition 2015-046, recommends a mix of residential and retail/commercial uses.
- **TRANSPORTATION CONSIDERATIONS**
 - This site is located at the northwest corner of the signalized intersection of two major thoroughfares. Transportation improvements for this site were thoroughly studied and discussed through a traffic impact study for rezoning 2015-046. The current site plan maintains the commitment to all transportation improvements required by that study. While the petition increases the total daily trips beyond the threshold of the existing rezoning, CDOT has determined that the transportation mitigations should be adequate to maintain the operations of the transportation system.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 3920 trips per day (based on 109 dwellings, clubhouse/office, warehouse and convenience store).
 - Entitlement: 7870 trips per day (based on 95,000 square feet of retail and 195 dwellings).
 - Proposed Zoning: 8250 trips per day (based on 95,000 square feet of retail, 201 dwellings and 135,000 square feet of self-storage).

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 issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 62 students, while the development allowed under the proposed zoning will produce 64 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 2 students.
 - The proposed development is projected to increase the school utilization (without mobile classroom units), over existing conditions, as follows:
 - Sharon Elementary from 141% to 148%
 - Alexander Graham Middle from 112% to 113%
 - Myers Park High to remain at 115%.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Fairview Road and an existing eight-inch gravity sewer main located along Providence Road. Charlotte Water has water system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Providence Road and the northern corner of the rezoning site.
 - **Engineering and Property Management:** No trees can be removed from or planted in the right-of-way on Providence Road without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City. No trees can be planted in the right-of-way of Fairview Road without permission of the City Arborist's office. The petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight inches or larger in the setback.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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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
 - Charlotte Fire Department 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
 - Transportation Review

Planner: John Kinley (704) 336-8311