

REQUEST	Current Zoning: O-15(CD) (office, conditional) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 5.4 acres located on the southeast corner of Pineville-Matthews Road and Providence Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to redevelop two bank branches and an office building with a commercial mixed use development containing a new bank branch building, a mixed use building, a grocery store, and a structured parking facility in the Arboretum activity center.
PROPERTY OWNER	Arboretum Office #1, LLC Bank of America, National Association Wells Fargo Bank, N.A.
PETITIONER AGENT/REPRESENTATIVE	Childress Klein Properties, Inc. Bridget Grant, Keith MacVean, & Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 103.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and transportation and technical issues related to land use, site and building design and environment.

Plan Consistency

The petition is inconsistent with the *South District Plan* recommendation for office use of the subject property.

Rationale for Recommendation

- The subject property is located within the Arboretum Mixed Use Activity Center, as identified by the *Centers, Corridors and Wedges Growth Framework*.
- Activity centers are priority areas to accommodate future growth in an urban, pedestrian-oriented development form.
- The petition meets the objectives for a designated activity center, as well as the adopted *General Development Policies* design guidelines for retail/mixed use, as follows:
 - Mix of uses: The proposed retail and office uses replace the existing auto-oriented office/bank branch environment with a more walkable mixed use form of development.
 - Walkability and urban open spaces: The proposed site plan includes two urban plazas, providing public gathering spaces for the development. The open spaces and on-site sidewalks link principal entrances of the office and retail uses. They also provide a walkable connection with the property to the east, and a sidewalk connection along Arboretum Shopping Center Drive.
 - Shared parking: The petition converts the surface parking to structured parking shared by all uses on the site, resulting in a more efficient use of the property.
 - Landscaping: The proposed site plan maintains a wide setback with preservation of landscaping elements and trees along Providence Road and Pineville Matthews Road.
- The plan provides for transportation mitigation measures and, in addition, improved pedestrian facilities to alleviate an increase in traffic volume.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

Land Use and Development Limitations:

- Allows the construction up to three buildings on the site and a maximum of 85,400 square feet of retail, EDEE (eating/drinking/entertainment establishments), general and medical office uses, and personal service uses of which no more than 76,860 square feet may be devoted to retail, EDEE and/or personal service uses, all served by a two-level structured parking facility.
- A minimum of 1,200 square feet of ground floor leasable space shall be provided in the mixed use building oriented to the south and abutting the urban open space.
- Prohibits gasoline service stations with or without a convenience store, automotive services stations, and accessory drive-through facilities associated with an EDEE or limited service restaurants.
- Limits the maximum building height of building envelope A (southern/grocery building) to 45 feet, building envelope B (western/mixed use building) to 55 feet, and building envelope C (northern/bank building) to 30 feet.

Setback/ Streetscape and Pedestrian Improvements:

- Provides the following setback and streetscape improvements along the public and private streets:
 - A 30-foot setback for buildings in Building Envelope A and a 45-foot setback for buildings in Building Envelope B, each as measured from the future back of curb along Providence Road and a 20-foot setback as measured from the future back of curb along Pineville-Matthews Road.
 - Efforts to preserve existing trees fronting Providence Road and at the intersection with Pineville-Matthews Road through the use of meandering sidewalks.
 - Screening of parking and vehicular circulation with a combination of landscaping and a low wall along Pineville-Matthews Road.
 - An eight-foot planting strip and a minimum six-foot sidewalk along Pineville-Matthews Road.
 - An eight-foot planting strip and a minimum six-foot sidewalk along one side of Arboretum Shopping Center Drive. Minor modifications of the planting strip and/or sidewalk widths along Arboretum Shopping Center are permitted for limited distances so long as the sidewalk is a minimum of five feet when buffered by a planting strip or eight feet when at back of curb.
 - An eight-foot planting strip and a twelve-foot multi-use path along Providence Road between Arboretum Shopping Center Drive and Pineville-Matthews Road; the width of the trail may be reduced to a minimum of eight feet in segments to preserve existing trees.
- Specifies that an internal network of sidewalks with a minimum six feet of clear width will be provided connecting the buildings and parking to one another and where internal crosswalks are required they will be designed with pavers or stamped asphalt.

Transportation:

- Provides vehicular access to the site via two driveways connecting to Arboretum Shopping Center Drive.
- Proposes the following transportation improvements prior to the issuance of the first certificate of occupancy for the first new building in area A or B:
 - Construction of a southbound right-turn lane on Providence Road;
 - Modification of the westbound laneage on Arboretum Shopping Center Drive to provide dual left-turn lanes, a right-turn lane, conversion of existing through-right lane to a through only lane, and median to separate westbound and eastbound movements; and
 - Construction of an eight-foot sidewalk at the back of curb south of Arboretum Shopping Center Drive to Winding Oak Drive.
- Petitioner commits to provide and install a traffic signal at the intersection of Pineville-Matthews Road and Beckmore Plan contingent upon written approval of CDOT and NCDOT. The petitioner shall be relieved of this commitment after exercise of good faith efforts for a reasonable duration of time, no less than 18 months from approval of the rezoning.

Open space, Building Design and other conditions:

- Commits to a minimum of 7,000 square feet of urban open space on the site improved with amenities such as seating, landscaping and hardscape areas. A minimum of 3,000 square feet of the urban open space will be located at the corner of the site at the intersection of Providence Road and Pineville-Matthews Road, and a minimum of 4,000 square feet will be provided between the mixed use building and the grocery store. The urban open space will not include any private outdoor dining areas.
- Provides a number of general design guidelines related to allowed building materials, percentage of certain building materials, blank walls, use of clear windows and operable doors, building articulation, minimum building height, screening of the grocery use loading area

adjacent to Arboretum Shopping Center Drive, pedestrian arcade along Providence Road for direct public entry into the grocery store, open air stairways between the open space and grocery store to the upper level of the parking structure, and a pedestrian connection from the site to the adjacent parcel east of the site.

- Limits the hours of operations for all principal uses from 6:00 am to 11:00 pm.
- Prohibits outdoor live music performances. Outdoor speakers providing background music audible only on-site are permitted.
- Limits trash removal to a period between 7:00 am to 9:00 pm.
- Prohibits internally illuminated signs on the portions of the building fronting Arboretum Shopping Center Drive.
- Specifies all new lighting will be fully shielded and downwardly directed. Limits the height of detached lighting to 26 feet.

Requests the following optional provisions:

- Allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
 - Allow one detached ground mounted sign per street front with a maximum height of 15 feet and containing up to 150 square feet of sign area.
 - Allow free-standing single-use buildings to have a detached sign up to four feet high with up to 32 square feet of sign area.
 - Allow up to one use with accessory drive-through window(s) associated with a financial institution in the configuration and with vehicular storage as generally depicted on the rezoning site plan. The drive-through will be designed so that it does not circulate between the proposed building and Pineville-Matthews Road.
 - To not require doorways to be recessed into the face of the building(s) when the width of the sidewalk is at least 10 feet and/or when it is an emergency exit.
 - Allow alternative "blank wall" standards, including but not limited to the use of opaque and spandrel glass as further specified in the Development Standards.
- **Existing Zoning and Land Use**
 - The subject property is located within the Arboretum Mixed Use Activity Center. It is an element of a master plan zoned by Petition 1986-112 for all four quadrants of the intersection of Providence Road and Pineville-Matthews Road. Each quadrant had a specific land use intention and zoning designation. Single family neighborhoods generally surrounded the Mixed Use Activity Center.
 - The rezoning site is within the southeast quadrant of the 1986 rezoning petition. The quadrant is zoned O-15(CD) (office, conditional). The subject site is currently occupied by two branch bank facilities and a medical office building. Other portions of this quadrant, not a part of this rezoning, are medical and general office uses and an additional branch bank. The 1986 rezoning plan includes significant landscaped buffer areas along Pineville-Matthews Road and Providence Road, and adjacent to the surrounding neighborhoods. Single family homes in R-3 (single family residential) zoning surround the larger office development in this quadrant, but do not have street or pedestrian connections, and do not directly abut the proposed rezoning.
 - The southwest quadrant is the Arboretum Shopping Center, mainly zoned B-1SCD (business shopping center development) and CC (commercial center) with and a small element zoned B-1(CD) (neighborhood business, conditional).
 - The northeast quadrant is the Arboretum Apartments, zoned R-15MF(CD) (multi-family residential, conditional), with a small branch bank component zoned O-15(CD), office, conditional.
 - The northwest quadrant originally had office and multi-family residential components, now entirely office use including a branch bank. This quadrant is zoned O-15(CD) (office, conditional) and O-1(CD) (office, conditional). It is surrounded by more recent townhome and multi-family residential development zoned R-8MF(CD) and R-17MF(CD) (multi-family residential, conditional).
 - See "Rezoning Map" for existing zoning in the area.
 - **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **Public Plans and Policies**
 - The *South District Plan* (1993) recommends office use for the subject property, reflecting the original 1986 master plan for the larger development.
 - The *Centers, Corridors and Wedges Growth Framework* (2010) maps the area as an element of the Arboretum Mixed Use Activity Center.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located at the signalized intersection of two major thoroughfares, Providence Road and Pineville-Matthews Road.
- The proposal increases development intensity on the subject site. The initial traffic study identified traffic mitigation approaches and the revised traffic study identified alternative mitigation as follows:
 - *Initially identified:* Dedicated dual left-turn lanes out of the Arboretum Shopping Center to north bound Providence Road. This mitigation would be within property outside of the control of the petitioner and would impact recently installed pillar monuments for the Arboretum Shopping Center. A right-turn lane from the rezoning site on Arboretum Shopping Center Drive to northbound Providence Road was also initially identified and will be provided.
Alternative: Dedicated dual left-turn lanes from the rezoning site on Arboretum Shopping Center Drive to south bound Providence Road, and a right-turn lane from the rezoning site on Arboretum Shopping Center Drive to north bound Providence Road. The signalization at the intersection would be modified resulting in a dedicated left signal out of Arboretum Shopping Center.
 - *Initially identified:* A 300-foot south bound, right-turn lane on Providence Road into the Arboretum Shopping Center. This mitigation would have an impact on existing trees along Providence Road.
Alternative: A 200-foot south bound, right-turn lane on Providence Road into the Arboretum Shopping Center. The 200 feet provides a similar level of mitigation while preserving trees along Providence Road.
 - *Initially identified:* North bound right-turn lane on Providence Road to Arboretum Shopping Center Drive into the rezoning site. This mitigation would impact single family home(s) at the intersection of Providence Road and Winding Oak Drive as well as the existing privacy wall, mature trees, and utilities between Winding Oak Drive and Arboretum Shopping Center Drive.
Alternative: The mitigation efforts provided, as listed above, increase the level of service of the Arboretum Shopping Center Drive and Providence Road intersection. In addition the petitioner is committing to provide a multi-use path from Arboretum Shopping Center Drive along the site's frontage of Providence Road to Pineville-Matthews Road.
 - *Additional transportation commitments:* Reservation of right-of-way for future widening along Providence Road. The petitioner is also offering the installation of a traffic signal at the intersection of Pineville-Matthews Road and Beckmore Place.
- CDOT continues to request a full-width, multi-use path to accommodate bicycle and pedestrian traffic along the site frontage on Providence Road and Pineville-Matthews Road.
- See Outstanding Issues, Notes 3 through 5.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 2,410 trips per day (based on 14,390 square feet of drive-in bank(s) and 13,200 square feet of office).
 - Entitlement: 2,410 trips per day (based on 14,390 square feet of drive-in bank(s) and 13,200 square feet of office)
 - Proposed Zoning: 8,225 trips per day (based on 14,500 square feet of office; 15,100 square feet of retail; 50,800 square feet of grocery; and 5,000 square feet of bank with drive-through).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on streets less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability via an existing 24-inch water transmission main along Pineville-Matthews Road and an existing 16-inch water transmission main located along Providence Road. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Pineville-Matthews Road, Providence Road, and Arboretum Shopping Center Drive.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from or planted in the right-of-way of all State maintained streets (Providence Road and Pineville-Matthews 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. 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.

- **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** See Requested Technical Revisions, Note 13.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Park and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Change the setback from 20 feet from the future right-of-way to 35 feet from the future back of curb along Pineville-Matthews Road on the site plan and legend on RZ-01, the technical data sheet on RZ-2, Note 5.b, and the enlarged frontage plan of RZ-05.
2. Provide additional annotations on the building renderings and elevations including:
 - Change of materials and insets in the loading view;
 - Change of materials of the façade, as shown on the following elevations: mixed use building, mixed use building Providence, internal street, main entry, and Providence Road;
 - Corner architectural building feature in the views showing the corner of the building at the internal street and Providence Road; and
 - Store front entry and glass for the retail space and stairs to the upper level in internal parking deck elevation.

Transportation

3. In lieu of a 200-foot north bound turn lane at Providence Road and Arboretum Shopping Center Drive, extend the proposed 12-foot multi-use path from the intersection of Providence Road and Pineville-Matthews Road along the site's frontage along Pineville-Matthews Road.
4. Show the extension of the right-of-way across Arboretum Shopping Center Drive for the future widening of Providence Road.
5. Amend Note g under Streetscape, Buffer, Landscaping, Open Space and Screening to remove the portion of the note that states that the 12-foot multi-use path may be narrowed to preserve trees. The path may meander to help preserve trees but should not be reduced in width.

REQUESTED TECHNICAL REVISIONS

Land Use

6. Clarify/ confirm that the overall allowed square footage includes the proposed financial institution in Notes 3.a and b under Permitted Uses, Development Area Limitations.

Site and Building Design

7. Delete the setbacks listed in the legend of RZ-01 as they are more clearly depicted on the site plan and further specified in the development standards.
8. Amend the technical data sheet to show the 45-foot setback from building envelope B to match what is shown on the conceptual site plan, enlarged frontage plan and specified in the development standards.
9. Confirm/ clarify the location of the future back of curb along Pineville-Matthews Road. If the existing curb line remains confirm with a note or label and amend RZ-01, RZ-02 and the enlarged plan on RZ-05 accordingly.
10. Delete Note 1.iv as Section 6.207 expressly prohibits increasing the mass of buildings through the administrative amendment process.
11. Clarify in Note 5.f that the sidewalk provided along Arboretum Shopping Center Drive will connect to Providence Road and Pineville-Matthews Road.
12. Delete ", areas located in buffers or the building setbacks/yards as generally indicated on the rezoning plan." from Note 5.i related to outdoor dining space as areas for private outdoor dining are not depicted on the site plan.
13. Provide a height standard for the proposed low wall to screen parking.

Environment

14. Add the following note to Note 8 Under Environmental Features: "If the petitioner utilizes the existing detention pond on an adjacent site for storm water management requirements of the proposed development, the Petitioner shall include documentation in the formal plan submittal for permitting confirming the proper easements have been established per City standards and that the pond was properly designed and constructed to manage storm water runoff from all parcels served by the pond to meet the Post Construction Stormwater Ordinance requirements."

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Park and Recreation Review
 - Transportation Review

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