

March 16, 2015

REQUEST	Current Zoning: R-3 (single family residential) and NS (neighborhood services) Proposed Zoning: MX-1 (mixed use) and MUDD-O (mixed use development, optional), with five-year vested rights.
LOCATION	Approximately 194 acres located on the north side of Ardrey Kell Road near the intersection of Providence Road and Ardrey Kell Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes a maximum of 954,000 square feet of office and retail, with up to four drive-through service windows, 265,000 square feet of institutional uses, 250,000 square feet of outdoor and indoor recreational uses, 700 residential dwelling units, and 300 age restricted residential units.
STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of all the outstanding issues. This petition is inconsistent with <i>Providence Road/I-485 Area Plan</i>. However, the petition proposes a walkable multi-use development that includes a unique mix of housing, office and retail uses, private recreation, public open space, and a potential school site. The proposed development will provide a range of commercial and civic services for the surrounding residential neighborhoods.</p> <p>While staff supports the proposed development, there remain some significant issues that should be addressed prior to a decision on the case. These include providing a clear explanation of site design commitments, an increase in public open space, clarification of the street network that will be provided, further limitation on free-standing retail, and increased commitment to traffic mitigation measures.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	HR Providence Road, LLC & Elm Golf, LLC Lincoln Harris, LLC Collin Brown/Bailey Patrick, Jr., K&L Gates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 24

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 954,000 square feet of office and commercial land uses. This includes 704,000 square feet of office and 250,000 square feet of non-office commercial land uses (i.e. retail, eating/drinking/ entertainment establishments, daycares, and personal services).
- Up to 250,000 square feet of indoor and outdoor recreational uses.
- Up to 265,000 square feet of institutional uses.
- Up to 1000 residential dwelling units. This includes 500 units of all types, plus 300 units for adult care center or nursing home within the MUDD-O (mixed use development, optional) portion of the site, and 200 detached/attached units within the MX-1 (mixed use) portion of the site.
- The site has been divided into eight development areas.
- Several use conversion stipulations. This includes office square footage to non-office commercial square footage and vice-versa at a ten percent maximum rate, office square footage to hotel rooms at a rate of 1,000 square feet for each room.
- Access to the site provided along Golf Links Drive, the proposed extension of Golf Links Drive and future streets. Up to four access points proposed along Ardrey Kell Road.
- Two proposed chokers roads along the western edge of the site to the existing single-family subdivision.

- Height is limited to 95 feet and six stories in the MUDD-O (mixed use development, optional) portion of the site.
- Architectural design guidelines for portions of the site to regulate how buildings will address public streets, private streets, open space areas, and parking areas.
- Building materials will be a combination of glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
- A three-acre internal green open space area adjacent to the commercial and residential area of the site will be designed as a significant pedestrian focal point with amenities.
- A 25-foot wide landscaped setback from the back of curb with a variety of landscape materials will be provided along Ardrey Kell Road.
- Detached lighting limited to 30 feet in height in portions of the site used for nonresidential uses and 25 feet in height in the portions used for residential uses.
- 25-foot buffer along the northern and western edges of the site.
- Future street connections to adjacent residential areas as indicated on the site plan.
- Various transportation improvements along Ardrey Kell Road, Providence Road, Golf Links Drive, and Interstate-485.
 - Providence Road and Interstate 485 Inner and Outer Loop Ramps:
 - Construct a westbound right-turn lane on the Inner Loop exit ramp with 525 feet of storage.
 - Construct a northbound right-turn lane on Providence Road with 900 feet of storage.
 - Modify the existing southbound right-turn lane on Providence Road to a combined right-turn lane.
 - Providence Road and Golf Links Drive:
 - Construct a second east bound left-turn lane on Golf Links Drive with 525 feet of storage.
 - Install 425 feet of storage and a south bound right-turn lane on Providence Road.
 - Install traffic signal and high visibility crosswalks with pedestrian signals at the intersection.
 - Providence Road and Ardrey Kell Road / Future Ardrey Kell Road Extension:
 - Construct a second east bound right-turn lane on Ardrey Kell Road with 350 feet of storage.
 - Ardrey Kell Road and Providence Row Lane/ Proposed Access A:
 - Construct dual east bound left-turn lanes on Ardrey Kell Road.
 - Construct a second west bound thru/right-turn lane on Ardrey Kell Road.
 - Installation of a traffic signal.
 - Ardrey Kell Road and Proposed Access D:
 - Construct a left-turn lane on Ardrey Kell Road with 400 feet of storage.
 - Construct a second west bound combined thru/right-turn lane on Ardrey Kell Road.
 - Installation of a traffic signal.
 - Ardrey Kell Road and Access B and C:
 - Proposed right-in and right-out access.
 - A raised median a minimum four feet in width.
 - A westbound through lane along the site's frontage.
- The following optional provisions are requested for the MUDD-O (mixed use development, optional) portion of the site:
 - Parking, maneuvering, and service areas between the buildings and Providence Road, Ardrey Kell Road, Golf Links Drive, and interior public or private streets as generally depicted on the site plan.
 - Interim surface parking lots in locations identified on the site plan as parking decks.
 - Up to four uses with accessory drive-through facilities.
 - Various modifications to the sign regulations for both detached and wall signs.
 - Elimination of the recessed doorway requirement when buildings abut sidewalks greater than twelve feet in width.
 - Allowance for long-term bike parking spaces to be located within the parking decks on site.
 - Allow streetscape and planting strip modifications.
- The following innovative development standards are requested for consideration by the Zoning Committee for the MX-1 (mixed use) portion of the site:
 - Allow single family lots to front private streets.
 - Reduce minimum lot sizes from 4,500 square feet to 3,800 square feet.
 - Modify the setback from 30 feet from back of curb to 14 feet from the right-of-way or back of sidewalk, whichever is greater, for single-family detached lots.

- Reduce minimum side yards to five feet for single family residential.
 - Reduce minimum rear yards from 30 feet to 20 feet however lots abutting Stone Creek Ranch will have a minimum rear yard of 35 feet.
 - Reduce minimum lot widths from 40 feet to 35 feet for single family lots however the minimum lot widths for lots abutting Stone Creek Ranch will be 60 feet.
 - Reduce minimum lot width for attached dwelling units from 40 feet to 22 feet.
 - **Existing Zoning and Land Use**
 - The subject parcels are developed with a golf course and various commercial structures. The properties to the north, south, and west are zoned R-3 (single family residential), R-8MF (CD) (multi-family residential), MX-1 (mixed use) and UR-2(CD) (urban residential, conditional) and are vacant or developed with residential structures. Properties to the east are zoned B-2(CD) (general business, conditional) and developed with commercial structures.
 - **Rezoning History in Area**
 - Petition 2013-085 rezoned approximately 89.5 acres along the east side of Providence Road at the intersection of Golf Links Drive and Ardrey Kell Road to allow the development of a mixed use community with up to 560,000 square feet of commercial uses, a 150-room hotel, and 560 dwelling units (Waverly).
 - Petition 2011-064 rezoned approximately 12 acres located on the southwest corner of Providence Road and Ardrey Kell Road. This petition was a site plan amendment to a previously approved UR-2(CD) (urban residential, conditional) rezoning from 2006 to increase the maximum number of townhome buildings while maintaining the same number of dwelling units at 53.
 - Petition 2011-021 rezoned approximately 22.7 acres located on the east side of Providence Road and south of Providence Country Club Drive from R-3 (single family residential) to R-3(CD) (single family residential, conditional) and INST (CD) (institutional, conditional). This petition allows for a nursing home consisting of 109 independent living units and 80 dependent beds and all other uses permitted in the R-3 (single-family residential) zoning district.
 - Petition 2009-085 rezoned approximately two acres located on the east side of Providence Road and north of Providence County Club Drive from R-3 (single family residential) to INST (CD) (institutional, conditional). This petition allowed for a 12,000-square foot childcare and preschool facility.
 - Petition 2007-105 rezoned approximately 5.34 acres to R-8MF (CD) (multi-family residential, conditional) to allow the development of 18 townhomes north of the subject site.
 - **Public Plans and Policies**
 - The *Providence Road/I-485 Area Plan* (2000) recommends residential uses up to a density of four dwelling units per acre for the former golf course portion of the subject site and office uses for the NS (neighborhood services) portion of the site as amended by rezoning petition 2004-134.
 - In 2014, staff relooked at potential development for this property. This review included input from the surrounding residential community and other interested stakeholders. As a result of this effort, an alternative concept for this site was developed. The concept included a mixture of residential and commercial uses in a pedestrian-oriented environment, an interconnected street network, and usable public open space. While this concept has not been formally adopted by City Council, staff used the results of this study to inform the staff recommendation for the proposed rezoning petition.
 - The petition is inconsistent with the Providence Road/I-485 Area Plan for the former golf course portion of the site but consistent with the plan for the existing office development.
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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:** CDOT has the following comments:
 1. Notes V.d.4.ii, and iii includes the phrase "if feasibly possible." These notes relate to the construction of an additional southbound through lane from Ardrey Kell to Providence Country Club and a new southbound right-turn lane onto Ardrey Kell from Providence Road. These improvements, if constructed, have considerable transportation benefit, but the phrasing of the note means this improvement is not a commitment of the petition at this time because we do not know if the project is feasibly possible. We recommend this phrase be removed, or if the petitioner determines this project to not be feasible, that the note be removed from the plan.

We recommend this be resolved in advance of the public hearing so as not to leave this matter in question.

2. The petitioner's traffic impact study recommends the construction of three new right-turn lanes at the intersection of Tom Short and Ardrey Kell. We recommend the conditional plan include these turn lanes.
 3. The traffic study also reveals that the storage for the existing westbound left-turn lane from Ardrey Kell Road onto Tom Short Road will be insufficient to accommodate the site generated traffic. We recommend the plan be revised to include the extension of the left-turn lane to provide 400' of storage.
 4. The study reveals that the dual left-turn lane storage needs for the eastbound approach of Golf Links Drive to Providence Road will extend beyond the driveways to the existing retail on both sides of Golf Links Drive. A median must be constructed along Golf Links to extend from Providence Road to a point at least 50' west of Golf Links Drive North.
 5. The study reveals that the dual left-turn lane storage needs for the eastbound approach of Ardrey Kell Road to Providence Road will extend beyond the driveway to the existing retail on the north side of Ardrey Kell. A median must be constructed along Ardrey Kell to extend from Providence Road to a point at least 50' west of this driveway.
 6. The proposed reconfiguration of the westbound approach of the I-485 inner loop ramp will shift the location of the through lane. In order to ensure proper lane alignment it may be necessary to make an alteration to the receiving lane on the other side of Providence Road. We recommend the petition include a note to this effect.
 7. We request the petitioner include a pedestrian refuge to cross Ardrey Kell on the east side of the Fairway Row intersection. Note V.d.6.iii appears to make this commitment at the intersection at the proposed Access "D" where it is not needed.
 8. Please correct note v.b.10 to reference sheet RZ-5 instead of RZ-4.
 9. Items V.b.11-14 are acceptable to CDOT however, they should be evaluated for compliance with the requirements of the Subdivision Ordinance if they have not been already.
 10. The petitioner should include a note committing to the funding the proposed traffic signals when the corresponding improvements are implemented. The petitioner will need to enter into an agreement with the City so that CDOT can implement the traffic signals at the developer's cost.
 11. The geometry of the Providence Row Lane connection to Ardrey Kell is not designed for signalization. The final design of the intersection may require some modifications to this approach in order to ensure the intersection can function properly.
 12. The Ardrey Kell curb line must be set in a location that will accommodate a half of a future median and the westbound bike lane. The exact location of the curb line will be determined at a later date.
 13. Phasing of Improvements: This plan includes phasing of development improvements. In general we support the phasing of the internal streets; however we have the following comments on the phasing of off-site improvements:
 - a. It appears that the intent of the phasing is to require some improvements to be deferred until certain development intensities trigger them. We request that a note be added that more explicitly indicates that all improvements not being deferred to future phases will be installed with the first building on the site.
 - b. CDOT does not support the phasing thresholds that have been proposed. The phasing languages uses an "and" condition for office and retail development which allows for the possibility that either one of the uses could be greatly exceeded without the other use exceeding its threshold. We recommend the two phases described in V.b.7, and 8 be modified to trigger the phased improvements when the combination of uses exceeds 200,000 sf for the first set of phased improvements and 400,000 sf for the final improvements.
- **Vehicle Trip Generation:**
Current Zoning: 13,250 trips per day.
Proposed Zoning: Unable to determine at the time of submittal due to the various uses.
 - **Connectivity:** See comments above.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 381 students, while the development allowed under the proposed zoning will produce 298 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
 - **Charlotte-Mecklenburg Storm Water Services:** Petitioner should remove note number 8 on sheet RZ-6.
 - **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.

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 providing more open space than the required amount.

OUTSTANDING ISSUES

- The outstanding issues are listed below, with recommendations about how each issue should be addressed.

I. General Outstanding Issues**A. Open Space**

To ensure the Statement of Overall Design Intent for Open Space and the creation of a series of interconnected public and private open spaces is achieved, the petitioner should:

1. Provide a note and revised schematic plan that reflects a minimum of 5 acres of centrally located open space.
2. Provide a note for each development area that commits to meeting the minimum MUDD open space requirements.
3. Identify existing natural areas that will be maintained as open space.

B. Freestanding Retail

To ensure the Statement of Overall Design Intent for Land Use, Community Design and Mobility is achieved in a manner that focuses on creating an interesting and inviting pedestrian environment, the petitioner should:

1. Eliminate freestanding retail as a permitted use in Development Area A.
2. Limit freestanding retail in Development Area B to one retail anchor and one other freestanding retail use not to exceed 24,000 square feet. The remaining retail uses shall be in multi-tenant buildings.

C. Street Network and Pedestrian Connectivity

To ensure the Statement of Overall Design Intent for Transportation and Mobility and the creation of multiple route options is achieved, the petitioner should:

1. Revise the Schematic Plan to reflect anticipated required streets as well as other vehicular, pedestrian and bicycle connections that will minimize block length and improve walkability as illustrated on the Conceptual Site Plan.

D. Conceptual Note

To ensure that the Conceptual Site Design informs the ultimate development of the site and individual development areas, the petitioner should:

1. Amend notes on RZ-2 and RZ-6 to include references to Section 6.207.
2. Commit that the overall design will be executed as conceptually illustrated with flexibility in parcel specific design so long as the building edges, primary orientation, open space commitments, and parking locations are not substantially altered.

E. Other

1. Address Transportation comments.
2. Address Storm Water Services comments.

II. Technical Outstanding Issues**A. On Sheet RZ-1:**

1. Provide a legend for various hatchings/buffers.
2. Label the Stone Creek Ranch neighborhood.
3. Under Proposed Uses, change "Section 3" to "as described on the following pages." Make this change on other sheets as needed.

B. On Sheet RZ-2, under Permitted Uses:

1. Eliminate drive-through's as a permitted use in Development Area A.

2. Add a note that Convenience Stores with accessory pumps are not permitted.
- C. On Sheet RZ-2, under General Provisions:**
 1. Modify Note "d" to state, "private streets will have a minimum of a 16 foot setback."
 2. Amend Note "c" to limit flexibility to general site design as described above under "General Outstanding Issues." The Conceptual master plan note allows for various changes and the schematic plan as illustrated is not consistent with the overall proposed development.
- D. On Sheet RZ-2, under Optional Provisions:**
 1. Remove Note "b," the optional request for an accessory service window in development area A.
 2. Remove Note "m," the optional request to allow deviations from typical streetscape standards upon the determination and mutual agreement of Petitioner, CDOT, and Planning Director.
- E. On Sheet RZ-2, under Permitted Uses, Development Area Limitations, Transfer & Conversion Rights:**
 1. Modify Note "e" to clarify that residential dwelling unit numbers are being allocated from the allowed 500 units.
 2. Modify Note "f" to clarify that residential dwelling unit numbers are being allocated from the allowed 500 units.
 3. Modify Note "g" to clarify that residential dwelling unit numbers are being allocated from the allowed 500 units.
 4. Modify Notes "i.1," "i.2" and "i.3" to remove the request to allow drive-through's in Development Area A.
- F. On Sheets RZ-3 and RZ-4, under General Design Guidelines:**
 1. Under Note "a.2," add a note that a minimum of 5 acres of open space will be centrally located to the office, multi-family and retail uses.
 2. Modify Notes "b.6" and "b.7" to read Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
 3. Revise Note "b.10" to commit to entrances for all uses fronting the public green and state that entrances for all non-residential uses will be open and operable during business hours.
- G. On RZ-4, under Development Area A Design Guidelines:**
 1. Modify Note "c.1" and eliminate freestanding retail.
 2. Modify Note "c.4" that parking areas will be screened from view and will not front the Public Green or be located to the side of buildings that front the Public Green.
 3. Remove Note "c.5."
 4. Remove Note "c.6."
 5. Add a note that states that commercial buildings service areas will be screened from all residential structures. This note should be added to all applicable Development Area Guidelines.
- H. On RZ-4, under Development Area B Design Guidelines:**
 1. Modify Note "d.1" to allow one free standing tenant to have a maximum square footage of 60,000 square foot or 85,000 square feet for a grocery store, to allow one additional freestanding retail use that is 24,000 square feet or less, and commit to locating the remaining commercial uses in multi-tenant buildings.
 2. Modify Note "d.3", clearly show, and label which buildings will have their service area towards the existing shopping center.
 3. Modify Note "d.4" to read "Any drive-through uses within development area B shall be internally orientated and drive-through facilities and associated maneuvering areas shall be screened with a low wall and landscaping when visible from Public Street A and Golf Links Drive."
- I. On RZ-4, under Development Area D Design Guidelines:**
 1. Modify Note "f.3" to read height will be limited to three stories.
 2. Add a note that publicly accessible open space will be provided within area "D" with the proposed school.
 3. Revise note "f.6" to provide specific limitations on the amount of parking between the proposed building and Golf Links Drive for this development area.
 4. Add a note committing to recreation fields and provide location options.

J. On RZ-4, under Development Area E Design Guidelines:

1. Add a note that if this area develops with residential uses, open space will be provided for each development per the ordinance requirements.

K. On RZ-4, under Development Area F Design Guidelines:

1. Provide development guidelines for this area.
2. Add a note and show on the site plan that this area will have a 25-foot buffer along the western edge adjacent to the future Stone Creek Ranch.

L. On RZ-4, under Development Area G Design Guidelines:

1. Modify Note "h.4" to read "Drive-through uses shall be oriented internally to the site. No circulation will be allowed between Public Street A and the proposed use."
2. Remove the following text from Note "h.6": "Alternate screening and landscaping treatments may be approved by the Planning Director."

M. On RZ-4, under Parking Areas Access and Circulation Design Guidelines:

1. Modify Note "b" to include decorative louvers and landscaping to screen parking decks.

N. On RZ-4, under Pedestrian Access and Circulation Design Guidelines:

1. Remove Note "d" from plan.

O. On RZ-4, under Open Space, Public Green, and amenity Area Design Guidelines:

1. Modify Note "a" to read: "The Petitioner will provide a minimum of five acres located within development Area A and B located within the village green as shown on the site plan." Commit to a green space that is generally configured and located as currently shown on the Conceptual Plan.
2. Modify Note "b" to read: "The Public Green shall be completed prior to the issuance of a certificate of occupancy for the first multi-family building in development area A or commercial building in development area B."

P. On RZ-5, under Buffers:

1. Modify Note "b" to read: "Petitioner shall provide a 25 foot landscaped setback along Ardrey Kell Road measured from the back of the future curb line. This area will be landscaped with a variety of landscape materials (trees, shrubs, ornamental grasses, and plantings for seasonal colors). A minimum of 25 shrubs and 5 large maturing trees per 100 linear feet will be planted within this area. An eight-foot sidewalk will be provided within the landscape setback."

Q. On RZ-5, under Lighting:

1. Add a note that attached and detached lighting will be downwardly directed.

R. On RZ-6, under Development Area H Design Guidelines:

1. For optional request 5 and on the site plan, add and label the dimension of the existing sidewalk and planting strip.
2. For optional request 5, add a note that if any of the existing buildings are redeveloped the required planting strip and sidewalk will be added along Golf Links Drive and Providence Road.

S. On RZ-7:

1. Remove the conceptual note and modify schematic plan to show the type of development that is anticipated to be constructed per the technical data sheet. Utilize Section 6.207 and add specific notes to the petition to accommodate potential changes to the plan.

T. On RZ-8:

1. Several notes on this page conflict with earlier stated design guidelines. Utilize the more restrictive notes.
2. Add conditional notes from this sheet to the design guidelines for each area.
3. Village Main Street Zone:
 - a. Modify note to read: "Service areas will not be on the street and will be screened."
4. Village Green Frontage:
 - a. Define and show examples of the proposed fenestration.
 - b. Remove allowance for parking fields to the side of buildings fronting the village green.
5. Golf Links Drive Frontage:
 - a. Modify note that reads, "No primary surface parking areas will be located between the buildings and the street." This note conflicts with the design guidelines. Add a note that no surface parking or maneuvering will be allowed between the building and the Public or Private Streets.
 - b. Modify note to read, "Ground level parking structures will be designed to screen the

view of cars by decorative louvers, green screens, or other elements that provide interest at ground level. At upper levels walls at a minimum of 36" tall shall screen cars." Add this note to the design guidelines for all the development areas and change appropriate note under "Parking Areas Access and Circulation Design Guidelines" to be the same as the note above.

- c. Remove note "Multi-family buildings facades over 250 feet in length shall be articulated to visually break down massing." Add the design notes from Development Area "A" - 7 i & ii & iii - under the design guidelines to apply to all multi-family dwelling units.
 - d. Increase the setback along Golf Links Drive to 20 feet for buildings lining any parking deck.
 - e. Add a note committing to not accessing individual units directly from Golf Links Drive and the streets surrounding the Village Green.
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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
- Charlotte Department of Solid Waste Services Review
- Transportation 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
- Urban Forestry Review

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