

<b>REQUEST</b>	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)
<b>LOCATION</b>	Approximately 10.8 acres located on the northwest corner at the intersection of Providence Road, Fairview Road, and Sardis Road. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	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.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Mallard Creek Associates #1, LLC and Golden Triangle #3, LLC Mallard Creek Associates #1, LLC Jeff Brown and Bridget Grant, Moore & Van Allen PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4.

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to specification of maximum building height.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>South District Plan</i> recommendation as amended by the prior rezoning petition 2015-046 for mixed residential and retail/commercial uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• 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 of 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• The buffers are consistent with those approved with the prior rezoning and protect abutting single family.</li> <li>• 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.</li> </ul>
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**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.
- 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.
- Adds a note specifying that a tree survey indicating the location of all trees two inches or larger located with 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.
- **Existing Zoning and Land Use**
  - The subject property is developed with a convenience store with gasoline sales and 109 multi-family apartment units in 15 buildings. The property was rezoned to MUDD-O (mixed use development, optional) for up to 95,000 square feet of retail, eating/drinking/entertainment establishments, general and medical office and personal service uses, and a maximum of 195 residential dwelling units under petition 2015-046.
  - Surrounding properties west and north of the site are developed with single family and multi-family residential dwellings in R-3 (single family residential) and MUDD-O (mixed use development, optional) zoning.
  - Properties on the east side of Providence Road are zoned R-12MF (multi-family residential), B-1(CD) (neighborhood business, conditional), NS (neighborhood services), MUDD-O (mixed use development, optional), and INST(CD) (institutional, conditional) zoning, and are developed with multi-family residential, office, and commercial uses adjacent to the site and near the intersection of Providence Road and Sardis Road.
  - Properties across Fairview Road, south of the site, are zoned R-17MF(CD) and R-15MF(CD) (multi-family residential, conditional) and are developed with multi-family residential uses.
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area include:**
  - Petition 2016-032 rezoned 36 acres located on the west side of Providence Road, north of the site, between Cloister Drive and Knob Oak Lane, altering the building layout of 580 previously approved multi-family 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 35,000 square feet of commercial floor area, with up to two drive-through service windows.
  - Petition 2012-076 rezoned 1.66 acres located on the northeast corner of Providence Road and Mammoth Oaks Drive from INST(CD) (institutional, conditional) to B-1(CD) (neighborhood business, conditional) to allow a free-standing surface parking lot associated with an adjacent religious institution.
- **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 zoning, 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.

#### **OUTSTANDING ISSUES**

##### Site and Building Design

1. Amend the maximum building height note to say maximum building height of six stories applies to the portion of the building depicted on the site plan.
2. Specify that along the internal private street where the sidewalk abuts the surface parking lot the sidewalk will be at least 10 feet wide or curb stops will be utilized.
3. 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.
4. Clarify the use of the green space at the corner of Providence Road and Fairview Road.

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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- 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