

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional) and MX-2(INNOV) (mixed use, innovative)
<b>LOCATION</b>	Approximately 38.30 acres located on the east side of Providence Road between Interstate 485 and Providence Country Club Drive. (Outside City Limits)
<b>SUMMARY OF PETITION</b>	The petition proposes a mixed use community with up to 30,000 square feet of commercial uses, a hotel with up to 180 rooms, and 425 multi-family dwelling units on the front portion of the site, closest to Providence Road. The request for the back portion of the site, east of Ardrey Kell Extension is for 118 single family detached and single family attached units.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Star City Development Company, Inc. Crescent Communities, LLC Jeff Brown & Keith MacVean
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 21.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>Providence Road/I-485 Area Plan Update</i> for Areas A and B and consistent with the plan for Area C, based on information from the staff analysis and the public hearing, and because the plan recommends: <ul style="list-style-type: none"> <li>• Residential uses at up to eight dwelling units per acre for Areas A, B, and C of the rezoning.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed zoning:</p> <ul style="list-style-type: none"> <li>• Supports the vision for the Providence Road/I-485 area as a walkable multi-use center that provides a range of options for people to live, work, shop and play; and</li> <li>• Helps fulfill the vision for road connectivity in the area.</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Dodson).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <p><u>Land Use</u></p> <ol style="list-style-type: none"> <li>1. Removed Area D from the proposed rezoning and specified that Area C would be allowed a maximum of eight dwelling units per acre. Committed to a minimum 20% common open space to be provided in Area C and a minimum of 5% of the total site acreage as usable open space to be provided throughout the site as generally depicted on the site plan.</li> <li>2. Removed conversion allowance for hotel to convert to retail uses. The hotel may be converted to 22,000 square feet of general and medical offices and other non-retail type uses. This change provides the developer the flexibility to address market demands while maintaining a true mix of uses on the site.</li> <li>3. Staff rescinded the request to either set aside the northern portion of Area A for which there is no designated use as tree save or open space, and state that it will not be used for commercial development, or remove that area from the rezoning, because the petitioner added a note specifying that this portion will not be utilized with buildings or parking as part</li> </ol>
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of this rezoning petition. The area may be developed in the future as part of a new petition that assigns development rights to the area.

4. Reduced the acreage to be rezoned from 72.20 acres to 38.30 acres reflecting the removal of Area D from the rezoning request.
5. Reduced the number of allowed units in the MX-2 portion (Areas C and D) from 175 to 118. This was accomplished by removing Area D from the proposed rezoning and limiting the density in Area C to up to eight dwelling units per acre.

#### Transportation

6. Removed proposed lane changes on the east leg of the Golf Links Drive and Providence Road intersection.
7. Staff rescinded the request to remove the option of a future street connection to extend into the site from the existing service road adjacent to I-485 because the intent is that this connection to Providence Road could be extended as properties continue to develop and the service road is no longer needed to serve parcels to the east.
8. Provided an additional 300 feet of storage to the northbound right-turn lane onto the eastbound I-485 ramp for a total of 600 feet of storage.
9. Provided a six-foot sidewalk along the east side of Providence Road to connect from the northern limit of the project to the sidewalk on the north side of the I-485 bridge.
10. Staff rescinded the request to commit to the construction of the connection from Street #1 to Castleford Avenue because the petitioner has removed Area D from the rezoning petition.
11. Committed to amend Note 4.I.e to specify that pedestrian refuge islands and pedestrian signalization will be provided by the petitioner, with specific details to be determined during the building permit process and subject to approval by CDOT.

#### Park and Recreation

12. Staff rescinded the request to amend Note 8.d to specify that the 100-foot SWIM buffer along the site's frontage of Six Mile Creek as indicated on the rezoning plan will be conveyed to Mecklenburg County for future greenway use upon the issuance of the first certificate of occupancy for the overall site, instead of with the first final plat for Area D because the petitioner has removed Area D from the rezoning petition.

#### Environment

13. Staff rescinded the request to show how right-of-way trees will be protected and provide a location or approach for addressing tree save requirement, because the site plan states the site will comply with the Tree Ordinance.
14. Committed to delete the last sentence of Note 10.d.

#### Site and Building Design

15. Provided a design intent statement for the overall project to ensure that there is a clear understanding of the design concept for the site and to make it easier to administer the rezoning site plan during the permitting process.
16. Committed to provide at least 5% usable open space, in addition to buffers, tree save and setbacks, as this is a critical component of a pedestrian oriented multi-use center.
17. Identified retaining wall locations and their maximum heights along public streets to ensure that there are no tall retaining walls that negatively impact the pedestrian environment by adding a note stating that retaining walls located along the site's public streets will not exceed six feet in height and if walls greater than six feet are required along public streets, the walls will be tiered so that no single wall exceeds six feet.
18. Amended Note 2.I.d for the optional provision for signs to reduce the maximum height from eight to five feet and the size from 80 to 36 square feet for one ground mounted sign to be located along Ardrey Kell Road, to be consistent with the standards for

- the abutting Waverly development. One ground mounted sign located in Area B along Golf Links Drive will be eight feet in height with a size of 80 square feet.
19. Provided the following statement; "allow the petitioner to develop residential community with coordinated open space, variations in lot sizes and yards that allow the proposed residential uses to work with the existing topography and other natural features located on the site" explaining how the proposed innovative standards requested for the area to be zoned MX-2(INNOV) (mixed use, innovative) meet the intent of the district to provide innovative site design.
  20. Provided a minimum six-foot sidewalk along internal public and private streets in Note 4.III.g.
  21. Staff rescinded the request to amend Note 4.III.g to state that the connection to the future greenway along Six Mile Creek will occur with associated phasing of development or the construction of greenway whichever occurs first because the petitioner has removed Area D from the proposed rezoning.
  22. Staff rescinded the request to amend Note 5.d to specify that buildings will be designed with "prominent doors" that provide access to adjoining streets, to support the development of a walkable community because the petitioner added Note 5.e, stating that each building in Area B will provide a minimum of one centrally accessible prominent entrance to the public or private streets they front. Prominent entrances may include some combination of double doors, transom windows, pedestrian scale lights, awnings, covered entrance, portico, or porch.
  23. Amended Note 5.g to specifically prohibit garages accessed from Ardrey Kell Road to limit curb cuts along Ardrey Kell Road and to maintain smooth traffic flow.
  24. Staff rescinded the request to amend Note 5.h to prohibit above ground back flow preventers within setbacks because this is already a minimum requirement of the Zoning Ordinance.
  25. Added a note committing to the arrangement of buildings and parking areas along the site's public and private streets as generally depicted on the rezoning plan to address the request to commit to the size and massing of buildings as generally depicted to provide greater clarity related to the development concept and design.
  26. Amended Note 7.c.ii to specify that, for Golf Links Drive, Ardrey Kell Road and Streets #1 through #3, at the ground floor level, the maximum contiguous area without windows or doors shall not exceed five feet in height and 20 feet in length, to provide an interesting walking environment.
  27. Amended Note 7.a to provide a minimum 29-foot setback measured from the future back of curb along Providence Road to be consistent with the setback provided for the abutting Waverly development. Also, added that a minimum six-foot landscaped area will be provided behind the sidewalk.
  28. Reduced the width of the sidewalk along Providence Road from eight feet to six feet to match the standard approved for the Waverly development.
  29. Amended Note 8.a. to specify that the 45-foot setback may be reduced to accommodate widening of Providence Road but in no case will the setback be less than 29 feet. This matches the standard approved for the Waverly development.
  30. Committed to provide design standards for attached units within Area C that front street 1 or 4 to include garages recessed at least two feet from main building face and the door to the townhome unit will have a covered stoop or a porch. The petitioner will use best efforts to group townhome unit entrances and design townhome driveways so as to provide suitable landscape areas for installation of street trees.

	<p><u>Technical</u></p> <ol style="list-style-type: none"> <li>1. Staff rescinded the request to amend Note 1.d to reduce the maximum number of buildings allowed in Area A from seven to five as depicted on Sheet RZ-2 because the petitioner amended the note to specify that the total number of buildings in Area A would not exceed seven, of which no more than three may be located along Providence Road.</li> <li>2. Deleted Note 2.II.a.vi related to the building height measurement in the MX(INNOV) (mixed use, innovative) area.</li> <li>3. Amended Note 3.c to say that the allowed non-residential use “if constructed will” be: constructed within a building that also contains residential units, “or” as part of a leasing office for the residential community in a free-standing building. Amended the last sentence to say that the building with the non-residential square footage will be located either along Golf Links Drive “or” at the intersection of Golf Links Drive and Street #1.</li> <li>4. Amended the second sentence of Note 4.III.d by adding “except as noted below.”</li> <li>5. Amended Note 6.c.i to change “primary and secondary streets” to public streets and streets #1 through #3 for buildings to be located in Area B. Removed the last sentence of the note.</li> <li>6. Committed to amend Note 2.I.g by removing the words “and amenity zone” and include both public streets and street #1.</li> <li>7. Committed to amend Note 4.III.f to read: “Minor modifications to the alignment of the internal vehicular circulation and driveways may be made by the Petitioner, with the approval of Planning and CDOT, to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval in accordance with published standards.”</li> <li>8. Committed to amend the number of allowed units in the MX-2 portion to 118 units to reflect the acreage zoned MX-2 at eight units to the acre.</li> <li>9. Committed to delete the word “retail” from last sentence of Note 3.d.</li> <li>10. Committed to amend the second paragraph of Note 2.II.a to add “a” between the words “develop” and “residential community” and change the word “lots” to “lot.”</li> <li>11. Committed to amend Notes 3.a and 3.h. to refer to the northern portion of Development area A as “A1” to match the rezoning plan.</li> <li>12. Committed to remove Castleford Avenue and Yorkshire Lane from Note 4.III.a.</li> <li>13. Committed to add the word “or” between “portico” and “porch” in the last part of Note 5.e.</li> </ol>
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**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and described the changes since the public hearing. A commissioner expressed the importance for other departments to provide comments on rezonings especially in areas with rapid growth. Staff stated the Planning Department was working with other departments to gather important feedback. There was no further discussion on this petition.

**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:

- Divides the property into three development areas (A, B, C). MUDD-O (mixed use development, optional) zoning is being requested for Areas A and B and MX-2(INNOV) (mixed use, innovative) is being requested for Area C. Details for each of these areas are provided below:
  - Area A:
    - Up to 26,000 square feet of retail, general and medical office uses, eating/drinking/entertainment establishments (EDEE), and personal services uses.
    - A hotel with up to 180 rooms, which may be converted into an additional 22,000 square feet of non-retail, general and medical office uses and personal services uses.
    - Maximum building height of 95 feet.
  - Area B:
    - Up to 425 residential dwelling units of all types
    - Up to 4,000 square feet of gross floor area of retail, general and medical office uses, eating/drinking/entertainment establishments (EDEE), and personal service uses.
    - The 4,000 square feet of non-residential uses will be located on Golf Links Drive or at the intersection of Golf Links Drive and Street #1.
    - Maximum building height of 75 feet.
  - Area C:
    - Up to 118 detached, attached (including duplex, triplex, and quadraplex) dwelling units reflecting a density of eight dwelling units per acre.
- Provides a number of transportation improvements most notably the extension of Golf Links Drive and Ardrey Kell Road, additional network required street connections, and turn lanes on Providence Road. Access directly to the site from Providence Road is provided through two right-in/out connections. Additional access to the site is provided through Waverly with stubbed future connections to undeveloped land east of the site.
- Provides sidewalks and pedestrian crosswalk and refuge islands between the site and the north side of the I-485 bridge.
- Provides a network of sidewalks that will connect buildings to one another, and to the public and private streets.
- Provides a number of architectural and design standards for development in Areas A and B, including specifying building materials, building orientation, and design guidelines specific to multi-family uses.
- Specifies that buildings along Ardrey Kell Road within Area C will front the road and parking, other than on-street parking, will not be allowed between the buildings and Ardrey Kell Road. Each building will have a door that provides access to Ardrey Kell Road.
- Provides the following design standards for attached units fronting Street #1 or #4: (i) garages recessed at least two feet from main building face, and (ii) the door to the townhome unit will have a covered stoop or a porch. The petitioner will use their best efforts to group townhome unit entrances and design townhome driveways so as to provide suitable landscape areas for installation of street trees.
- Provides the following setbacks and streetscape elements:
  - a 29-foot setback from the future back of curb, consistent with the Waverly development and 45-foot setback from the existing back of curb along Providence Road with an eight-foot sidewalk and minimum eight-foot planting strip,
  - a 22-foot setback along Golf Links Drive and Ardrey Kell Road with eight-foot planting strip, eight-foot sidewalk, and six-foot landscaped area,
  - a 20-foot setback with eight-foot planting strip, six-foot sidewalk, and six-foot landscaped area along Street #1 within Development Area A and B, and
  - a 14-foot setback with eight-foot planting strip and six-foot sidewalk along Streets #2 and #3.
- Provides 20% common open space within Area C and at least 5% of the total site area for usable open space, in addition to buffers, tree save and setbacks.
- Proposes the following optional requests for the MUDD-O Areas:
  1. To allow maneuvering and circulation for accessory drive-through windows to occur between the proposed buildings within Development Area A and: (i) Providence Road and (ii) the internal public and/or private Street #1, in the manner generally depicted on the Rezoning Plan.
  2. To allow up to two uses with accessory drive-through windows to be constructed on

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- Development Area A as part of the development contemplated by the Rezoning Plan.
3. To allow one detached ground mounted sign per public street front within Development Area A with a maximum height of 20 feet and containing up to 150 square feet of sign area.
  4. To allow one ground mounted detached sign fronting Golf Links Drive within Development Area B with a maximum height of eight feet and containing up to 80 square feet of sign area and to allow one fronting Ardrey Kell Road with a maximum height of five feet and 36 square feet in area.
  5. To allow each free standing building along Providence Road to have one sign up to five feet high with up to 36 square feet of sign area.
  6. To 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, within Development Areas A. The sign area of the wall signs may be increased by 10% if individual letters are used.
  7. To not require doorways to be recessed into the face of the building(s) when the abutting sidewalk width is greater than 12 feet or when the doorway is not oriented to a public street (e.g. interior parking areas).
- Proposes the following Innovative Development Standards for the MX-2 Areas:
    1. A minimum lot size for single family detached lots of 3,800 square feet.
    2. A minimum lot width for single family detached lots of 35 feet, except for the Exterior Lots which will have a minimum lot width of 40 feet.
    3. A minimum side yard of 3.75 feet, only for lots that have vehicular access from an alley. (This standard may be modified as described in section 2.II.b).
    4. A minimum front setback of 10 feet as measured from the proposed right-of-way of public the streets, except along Ardrey Kell Road where a 22-foot setback as measured from the back of curb will be provided.
    5. A minimum rear yard of 20 feet.
    6. The ability to allow single family lots to front on private streets. Private streets will be built to public street standards and may not be gated.
  - **Public Plans and Policies**
    - The *Providence Road/I-485 Area Plan Update (2000)* recommends residential up to eight dwelling units per acre for Development Areas A, B, and C
    - In 2010, the Planning Department completed a Development Response for the southeast quadrant of the Providence Road/I-485 Interchange, in which the subject site is located. This study included the part of the Providence Road/I-485 Mixed Use Activity Center located in this quadrant of the interchange, as well as abutting Wedge areas. This effort was undertaken with input from area property owners, neighborhood representatives and other City departments but was not formally adopted as a policy by City Council.
    - The Development Response identified a potential development scenario and street network concept for the study area. The focus of the study was on creating a cohesive walkable district with a range of commercial and residential uses and an interconnected street network, while protecting environmental features and providing a range of open space opportunities. The results of the Development Response were used as one evaluation tool for the recently approved rezoning for the Waverly development.
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## TRANSPORTATION CONSIDERATIONS

- Providence Road south of I-485 experiences significant congestion today. The new traffic expected to be generated by the recently approved Waverly and Golf Links developments will increase congestion in this area, even with the considerable transportation improvements that will be constructed by these developments. This site will add more traffic to Providence Road. Although the rezoning proposal includes a commitment to add a right-turn lane onto the eastbound I-485 ramp, the overall congestion will be exacerbated on the Providence Road corridor. This is in part due to the lack of opportunities to provide traditional roadway improvements that can help mitigate the congestion. This site plan does propose an internal street network that builds upon the local street network being established by the Waverly and Golf Links developments, which will help provide circulation within the overall activity center and increase the likelihood that trips can be internalized without impacting Providence Road.
- This site also advances the completion of Ardrey Kell extension, which is a proposed minor thoroughfare that will help reduce congestion in the I-485 / Providence interchange area once it connects to Tilley Morris.
- This form of development continues the pattern in this area of organizing new development in a concentrated mix of uses, which is better than separating those same uses over greater distances, which would increase vehicle-miles-travelled.

- The Petitioner has agreed to CDOT's request to extend a sidewalk along the east side of Providence Road to connect to the existing sidewalks on the north side of I-485, and make necessary modifications to the intersections to accommodate pedestrians.
- **Vehicle Trip Generation:**  
Current Zoning: 2,100 trips per day (R-3 with 217 single family detached dwelling units)  
Proposed Zoning: 8,500 trips per day

**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:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** 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.
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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
  - Transportation Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review

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