



## Zoning Committee

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### REQUEST

Current Zoning: R-20MF (multi-family)

Proposed Zoning: MUDD-O (mixed-use development district, optional) with 5-year vested rights.

### LOCATION

Approximately 8.55 acres located on the east side of Old Providence Road and west side of Providence Road, north of River Oaks Lane. (Council District 6 - Bokhari)

### PETITIONER

Horizon Development Properties, Inc.

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

#### To Approve:

This petition is found to be **consistent** based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map (2022)* recommends the Neighborhood 2 Place Type.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The site is made up of a low density, aging garden-style apartments. This site, along with two nearby rezonings, petition 2023-038 and 2023-039, represent a potential shift in the Providence/Old Providence Road area. Replacing much of the aging auto-centric apartments and dated retail development with a walkable 10-minute neighborhood that better utilizes land on this major corridor.
- The proposed plan could create a variety of housing that may include rehabilitation of existing garden-style apartments, single-family attached, and multi-family units.
- The plan includes provisions for affordable housing attainable to households making between 30% and 80% of the area median income (AMI) to be persevered for a minimum of 30 years.
- The petition will also construct a 12-foot multi-use path and 8-foot planting strip along the site's frontage on

Providence Road and improve sidewalk facilities and planting strip on Old Providence Road, and construct a new bus waiting pad, greatly enhancing the pedestrian and transit user experience in the area.

- However, the proposed maximum building heights range up to 80 feet which, if built, would achieve an unprecedented scale of development for the Providence Road corridor.
- Pedestrian connectivity is also proposed internal to the site between this development and the proposed rezoning to the south, petition 2023-039. But the details of this connection have not been finalized and should be detailed in both plans prior to a rezoning decision being made.
- The site is served by the number 14 CATS local buses providing service between the Charlotte Transit Center and the Arboretum Shopping Center. As well as the 61X express bus providing commuter service between the Charlotte Transportation Center and the Waverly Shopping Center.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
  - 2: Neighborhood Diversity & Inclusion
  - 3: Housing Access for All
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities

Motion/Second: Winiker / McDonald  
 Yeas: Winiker, McDonald, Shaw, Welton, Russell, Stuart, Neeley  
 Nays: None  
 Absent: Sealey, Blumenthal  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the *2040 Policy Map*.

Commissioner Welton asked about the outstanding issue regarding height. He noted that staff has requested a 65-foot height limit, and the petitioner is proposing an 80-foot height limit. Staff stated that the only Centers Place Type in the area is a Neighborhood Activity Center (NC) contained within the site of Petition 2023-038. The UDO calls for no taller than 65 feet as a base maximum height in the NC zoning district. Staff believes that height beyond 65 feet would set an unfavorable precedence as there are no buildings taller than 65 feet along the Providence Road corridor until you near Uptown.

Commissioner Welton asked if there are applicable bonus provisions that would allow for additional height. Staff responded that there are bonus provisions under the UDO that would allow for additional height, but the requested zoning of this petition is a legacy district from the previous Zoning Ordinance.

Commissioner Welton stated that a new 10-minute neighborhood is poised for the area with the three rezoning requests and felt that allowing additional height would be appropriate to facilitate additional density and the units would be easily accessible to the new walkable neighborhood. Staff commented that they are generally in support of the rezoning request, and the height is one outstanding issue, consequently, it is ultimately up to City Council to decide if it is an appropriate height.

Commissioner Shaw asked if the rezoning request was conditional. Staff stated that it is a conditional rezoning request and explained the difference between an Optional (O) and a Conditional District (CD) rezoning as it relates to the MUDD zoning requested with this petition.

There was no further discussion of this petition.

**PLANNER**

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