



Zoning Committee

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**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 1.82 acres located on the west side of Providence Road, south of Fairview Road, and north of East Barden Road. (Council District 6 - Bokhari)

**PETITIONER**

Nest Home Communities LLC

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**ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

**To Approve:**

This petition is found to be **inconsistent** with the *2040 Policy Map (2022)* based on the information from the staff analysis and the public hearing, and because:

- The map recommends Neighborhood 1 place type.

However, 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 proposal is for an infill parcel fronting on Providence Rd, a major thoroughfare.
- Other similar situated and sized parcels along Providence Rd. have been rezoned to allow townhomes.
- The site and proposed N2 place type provides a transition from the institutional uses to the north and east and to the single family development to the south and west.
- The previous rezoning from 2007 was indefinitely deferred due to concerns from NCDOT, Temple Israel and the Jewish Center regarding the proposed driveway location at the traffic signal. This rezoning resolves the concern by locating a right-in/right-out driveway at the northern edge of the site.
- There is bus service and bus stop for Route 14 adjacent to the site, along Providence Rd.
- The petition installs a 12 ft wide multi-use path along Providence Rd.
- The plan limits the building height to 40 ft, same as single family zoning.

- The plan provides a 10 ft wide buffer around the perimeter of the site providing screening between the development and the neighboring uses.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion
  - 5: Safe & Equitable Mobility
  - 7: Integrated Natural & Built Environments

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map (2022)* from Neighborhood 1 to Neighborhood 2 for the site.

Motion/Second: Welton / Harvey  
 Yeas: Gaston, Gussman, Harvey, Lansdell, Rhodes, Russell, Welton  
 Nays: Lansdell, Rhodes, Harvey  
 Absent: None  
 Recused: None

## ZONING COMMITTEE DISCUSSION

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

Commission Russell asked where the outfall for the stormwater facility would be located. Staff advised they did not have that information, but the petitioner or agent could answer. The Committee suspended the rules to allow the petitioner's agent to respond. Michael Ambrosio, who turned it over to Dennis Terry to respond. Mr. Terry explained that the stormwater would be underground and the outfall would daylight within the site and surface flow into the tree save. There is no City of Charlotte stormwater network extending to the site. Commissioner Russell asked why the drainage would flow to the tree save rather than draining to Providence Rd. Mr. Terry explained that the site drops off towards the rear of the site and there is not enough fall to drain towards Providence Rd. The Committee reinstated the rules of procedure for the meeting.

Commissioner Lansdell asked for confirmation that NCDOT did not want an intersection and asked if there were opportunities to change the status of the alley to a public roadway design. Isaiah Washington responded and said that yes, NCDOT and CDOT maintains the desire for the entrance to be away from the intersection. He also explained that driveway/alley design wasn't as much of the reason as the desire to minimum traffic signal function to keep traffic moving along Providence Rd.

Commissioner Lansdell asked about the speed limit along Providence Rd at this location. CDOT staff confirmed it was 45 MPH. Commissioner Lansdell asked about the sidewalk access for units 7-12. Planning staff confirmed that those units would cross the alley to access the sidewalk internal to the site.

Commissioner Lansdell asked about the widths for alleys.

Planning staff pointed to the detail from the Land Development Standards Manual that indicated the widths for the alley.

Commissioner Welton expressed concern about the amount of stormwater and said he spoke to the Stormwater staff who explained that the notes the petitioner added said it would not make things perfect but would be better than the base requirements of the Stormwater Ordinance. He encouraged the petitioner to continue to look for solutions. Commissioner Welton asked if the inconsistency were by form or Policy. Planning staff confirmed it was inconsistent by both.

Commissioner Lansdell asked about Fire access. Staff stated that Fire reviewed the plans and did not have comments.

Commissioner Lansdell pointed to the detail for the alley that shows a 16 ft alley. CDOT confirmed it was a 16 ft alley but it was clarified it includes the valley curb on either sides to make a total of 20 ft of paved surface required for Fire access.

Commissioner Gussman asked if stormwater and density were things considered when considering the petition. Staff explained that they did look at other developments of similar products and parcel sizes along Providence Rd. There are a few example of similar developments not far from this site where the parcels are larger single family, infill sites fronting on Providence Rd, a major thoroughfare. Commissioner Welton noted that there are a number of small developments along Providence Rd. and typically developments put car drivers where they can best be served by a larger road.

There was no further discussion of this petition.

#### **MINORITY OPINION**

There were concerns expressed about the transition from the driveway to the narrower alley and the inconsistent sidewalk access for the units (units 7 through 12 would have to cross the alley to get to the sidewalk). Concerns were also raised about stormwater issues for neighbors and level of communication with the community about stormwater issues.

#### **PLANNER**

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