

**\*PRE-HEARING STAFF ANALYSIS\***

**Rezoning Petition No. 2007 - 61**

**Property Owner:** Kenneth R. Walters and Victoria B. Walters

**Petitioner:** Kenneth R. Walters and Victoria B. Walters

**Location:** Approximately 26.21 acres located on the west side of Back Creek Church Road, between Wakerobin Lane and Rosemallow Road

**Center, Corridor or Wedge:** Wedge

**Request:** R-3, single family residential, up to 3 dwelling units per acre, to R-8MF (CD) (multi-family, up to 8 dwelling units per acre, conditional)

**Note: The petitioner is requesting an indefinite deferral of this request.**

**Summary**

This petition proposes to rezone approximately 26.21 acres from R-3 to R-8MF(CD) to accommodate the construction of a condominium development. Two major roadways split this property into three parts: the realignment of Back Creek Church Road and the Eastern Circumferential. These portions of rights-of-way consist of approximately 4.41 acres of the overall 26.21-acre parcel. The rezoning proposes up to 96 condominium units at a density of 4.40 dwelling units per acre (minus the 4.41 acres of right-of-way).

**Consistency and Conclusion**

The *Rocky River Road Area Plan* recommends both residential up to 8 dwelling units per acre and residential up to 4 dwelling units per acre on the subject property. The plan calls for a split recommendation of density in this location; therefore, staff applied the residential *General Development Policies (GDP)*. The site scored a 9, permitting a residential density of up to 4 dwelling units per acre.

Two major outstanding site plan issues remaining include reservation of the rights-of-way for the Back Creek Church Road realignment and the future Eastern Circumferential, and proposed development on acreage south of the future Eastern Circumferential. This information is also necessary in order to better determine the density of the project and ensure it is in keeping with the *Rocky River Road Area Plan* and *General Development Policies*. In its current form, the request and associated site plan can not be supported by staff.

## **Existing Zoning and Land Use**

The parcel is surrounded by vacant acreage and low density residential development. To the north, east, and south are vacant land and scattered residential housing on properties zoned R-3. To the west is vacant land on property zoned MX-2 Innovative.

## **Rezoning History in Area**

Rezoning Petition 2002-112 rezoned approximately 156 acres to the west from R-3 and B-1 to MX-2, to allow the development of 235 single family detached dwellings, 381 single family attached units, and 132 multi family units with an option to convert the multi-family units to 62 single family attached units.

## **Public Plans and Policies**

The *Rocky River Road Area Plan* recommends both residential up to 8 dwelling units per acre and residential up to 4 dwelling units per acre on the subject property. The application of the residential *General Development Policies* resulted in the site scoring a 9, permitting a residential density of up to 4 dwelling units per acre.

## **Proposed Request Details**

The request is to rezone approximately 26.21 acres in order to accommodate the construction of up to 96 condominium units. The elimination of the acreage for the Back Creek Church Road and Eastern Circumferential results in the reduction of the parcel to 21.81 acres, and a project density of 4.40 dwelling units per acre. The site plan accompanying this petition includes the following development details:

- Up to 96 condominium units (four buildings with each containing 24 units)
- Parking areas adjacent to the parking areas totaling 150 spaces
- Main ingress/egress onto Back Creek Church Road
- Proposed 50-foot Class “C” buffer along the northeast property line.
- Delineation of proposed Back Creek Church realignment
- Delineation of proposed Eastern Circumferential thoroughfare
- Thirty-foot wide internal private streets
- Detention area, open space areas, and identification of a wetland area
- Thirty-five foot S.W.I.M. buffers

## **Public Infrastructure**

**CDOT.** Charlotte Department of Transportation (CDOT) has reviewed this petition and notes that as currently zoned the site could generate approximately 750 trips per day. Under the proposed zoning the site could generate approximately 1,400 trips per day, which will have a

minor impact on the surrounding thoroughfare system. CDOT has provided additional comments critical to support of the petition:

- The existing (or under construction) stub street connecting to this property near the hill in the western part of the site needs to be shown on the site plan. Verify that the “approximate location of stub street” aligns with what has been built or proposed in the adjacent subdivision Creekside at Wyndham Place. The Subdivision Ordinance will require the connection/extension of this street stub. (*Previous review comment*)
- A private street/driveway connection from the site to the proposed Eastern Circumferential Roadway is needed to provide a second access to the site. The connection should be shown in the same location as in the previous site plan.

**CATS.** CATS has reviewed this petition and has no comments.

**Connectivity.** The site plan submitted indicates primary access will be via an ingress/egress point on Back Creek Church Road, including a proposed left turn lane onto the site. As noted above in comments provided by CDOT, the stub street connecting to the subject property needs to be shown on the plan. In addition, a private street/driveway connection from the site to the proposed Eastern Circumferential Roadway needs to be provided as a second access to the site.

**Storm Water.** County (LUESA) and City (Storm Water Services) Agencies have reviewed the subject petition and have provided attached comments pertaining to storm water quantity control, storm water quality treatment, volume and peak control, stream buffers, provision of a Solid Waste Management Plan, and 35-foot S.W.I.M. buffer and additional stream buffers.

**School Information.** CMS has reviewed the petition and notes that 56 students would be generated under the existing zoning, while the proposed zoning designation would generate 22 students. Therefore, the net change in the number of students resulting from the existing zoning and proposed zoning classifications is 0. (*This review is based upon an initial submittal proposing 206 attached multi-family units for sale*)

**Park and Recreation.** The Mecklenburg County Park and Recreation Department has reviewed the petition, noting the construction of the Back Creek Greenway as part of the proposed Portrait Homes development to the north.

## **Outstanding Issues**

**Land Use.** The *Rocky River Road Area Plan* recommends both residential up to 8 dwelling units per acre, as well as residential up to 4 dwelling units per acre on the subject property. Additionally, greenway is recommended for a portion of the property. The plan calls for a split recommendation of density in this location; therefore, staff applied the residential *GDPs*. The site scored a nine, which allows up to 4 dwelling units per acre.

**Site plan.** The following items remain outstanding:

- On site plan identify plant and tree species to be utilized within Class “C” buffer.
- Site plan must provide language reserving rights-of-way for the realignment of Back Creek Church Road and the future Eastern Circumferential thoroughfare.
- Site plan must include legal description of rights-of-way to be reserved.
- Site plan must identify intended use of acreage on the south side of the proposed Eastern Circumferential.
- On site plan show internal pedestrian connections and pedestrian connections to adjacent rights-of-way.
- On site plan label zoning designations of abutting properties.
- On site plan show bike racks near condominium buildings.
- The site plan shows a photo of the proposed elevation. Revise site plan to indicate proposed building materials.