
REQUEST	<p>Current Zoning: R-3 (single family residential), R-12MF (multi-family residential) and B-1(CD) (neighborhood business, conditional)</p> <p>Proposed Zoning: MX-1 INNOV (mixed use, innovative) and NS (neighborhood services), with five-year vested rights</p>
LOCATION	<p>Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road. (Outside City Limits)</p>
SUMMARY OF PETITION	<p>The petition proposes to develop a large vacant parcel near the intersection of Albemarle and I-485 with:</p> <ul style="list-style-type: none">• 290,000 square feet of retail, general and medical office uses, eating/drinking/entertainment establishments, personal services and other commercial uses, and• a 230-unit independent and dependent nursing home, and up to 850 age restricted dwelling units.
PROPERTY OWNER	<p>485 Investments, LLC, Lee Security, LLC, Jerry N. Helms and Family Trust, Mary Lynn Rhodes Restated Revocable Trust and Henry Oliver Rhodes, Sr. Revocable Trust</p>
PETITIONER AGENT/REPRESENTATIVE	<p>Kolter Acquisitions LLC Jeff Brown and Keith MacVean, Moore & Van Allen</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online.</p>
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found the request to rezone the portion of the subject property to MX-1 (mixed use) to be consistent with the adopted policies in the <i>Albemarle Road/I-485 Interchange Study</i>. The Committee further found that a portion of the area proposed for NS (neighborhood services) is consistent with the plan policies; however, the remaining area proposed for NS is inconsistent with the plan based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none">• The plan recommends single family land uses between four and eight dwelling units per acre for the MX-1 (mixed use) portion of the property and a mix of residential, office, and retail uses and single family residential up to eight units per acre for the NS (neighborhood services) portion of the property. <p>However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none">• Rezoning petition 2008-051 established O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) zoning for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485 and• In light of the proposed hospital and retail uses to the west of the subject site, and the commercial zoning to the east of the site, well designed office and retail uses are appropriate for the portion of the site fronting Albemarle Road; and• The proposed non-residential development along Albemarle Road is intended to have a pedestrian oriented character and provides a direct connection to the large residential neighborhood that is planned for the rear portion of the site, and could also complement the hospital with potential medical offices and services; and• This commercial center will provide goods and services within walking distance of the neighborhood, which the Albemarle/I-485 plan envisioned for residents of this area; and

- The single family residential neighborhood is designed to promote walkability, provide a series of water quality facilities designed to serve as amenities, and retain significant open space;

By a 6-0 vote of the Zoning Committee (motion by Commissioner Majeed seconded by Wiggins).

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Note 6n has been amended to specify that at least one open space area located within Development Area B and along Street 2 will have a minimum of 30 feet of frontage on Street 2 and a minimum depth of 50 feet.
2. Note 6n has been amended to specify that the open space area will contain seating areas, landscaping and hardscape elements.
3. The approximate locations of tree save/open space areas have been shown on Sheet RZ-3. Added Note 9c to specify that site will comply with the requirements of the City of Charlotte Tree Ordinance.
4. Note 13a was amended to specify that dedication and conveyance of the 100-foot SWIM buffer shall occur as part of the Subdivision approval process for this portion of the site, and that storm water detention/water quality facilities shall not be located within the dedication area.
5. The petitioner has removed Note 10c as requested.
6. The definition of gross floor area under Note 3 was deleted.
7. Notes 6f and 6g were amended to add the following: "Angled on-street parking will be provided if allowed by the jurisdiction and/or NCDOT."
8. Note 7b was amended to state "at least one primary" building entrance.
9. Cell towers were added to the list of permitted uses.
10. Clarified the transfer notes for the continuing care retirement center units in Note 3f under Permitted Uses as follows: "The petitioner reserves the right to increase the allowed number of CCRC units allowed in the Development Area B by 100 units by transferring and converting residential dwelling units from the MX-1 portion of the site. Each residential unit transferred from the MX-1 portion of the site will equal two additional CCRC units available for development on Development Area B. No more than 50 units may be so transferred from the MX-1 portion of the site to Development Area B, and for each unit transferred from the MX-1 portion of the site the total number of units allowed in the MX-1 area will be reduced by an equal amount."
11. All references to "multi-family" were changed to "continuing care retirement center (CCRC)."
12. Note 4a has been amended as follows: "The following transportation improvements are also illustrated on Figure 15 on Sheet RZ-4. The figure on Sheet RZ-4 is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on Figure 15 for the proposed improvement)."
13. Note 41b(i) has been added as follows: "Increase the westbound right turn lane storage on Albemarle Road to the I-485 northbound on ramp to 325 feet with a 75 foot taper."
14. Note 4 (1)(e)(ii) has been amended as follows: "Construct an exclusive right turn lane on the northbound approach of Harrisburg Road. A minimum of 150 feet of full storage and appropriate bay taper should be provided."
15. Note 4 (1)(e)(iii) has been added as follows: "Extend the existing westbound left turn lane from Camp Stewart Road to southbound Harrisburg Road from 150 feet to 250 feet of full storage and appropriate bay taper should be provided."

16. Note 4 (1)(i) has been added: "Extension of Public Street 5 to Novant Health Inc. and to connect to Novant Health Parkway subject to the terms and conditions set forth in this Section 4." (See site plan for full text.)
17. Note 4 (1)(j) has been added as follows: "Intersection of Albemarle Road and Blaire Road (NC 51) (Intersection 9)."
18. Note 4 (1)(j)(i) has been added as follows: "Extend (restripe) the exclusive northbound left turn storage on Blair Road (NC 51) to westbound Albemarle Road from 425 feet to 575 feet plus appropriate taper."
19. Note 4(II)(b)(i) has been amended as follows: "Petitioner has the right to construct up to the maximum amount of land use densities shown below by constructing the appropriate roadway improvements listed, or by submitting construction plans for the appropriate roadway improvements as indicated in a particular phase, for each level of development without being required to construct the remainder of the required transportation improvements listed above in Section 4.1.a-j until the development density levels shown below are exceeded." Further added the following: "The phase numbers for the nonresidential Development Areas are not meant to require them to be completed in the sequential order they are listed (before the residential or before each other) and as a result may be developed sooner upon the substantial construction of the roadway improvements listed for each nonresidential Development Area."
20. Phasing Notes 4(II)(b)(A-G) have been amended.
21. Note 4(II)(G)(d)(i)(c) has been amended to add the following: "(for example the acquisition of the Connector Right-of-way as set forth above)."
22. Note 6f has been added as follows: "All buildings shall provide street level, pedestrian oriented active uses along Street numbers 5, 2 and 3. Buildings along these street fronts will also have operable pedestrian doors that face these streets when angled parking is also provided. Angled on-street parking will be provided if allowed by the jurisdiction and/or CDOT."
23. Note 6j has been amended to add the following: "or CCRC buildings."
24. Note 11c has been amended to add the following: "if developed as two separate areas under separate ownership."
25. The legend and some dimensions on Recommended Improvement diagram have been amended.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and explained there are no outstanding issues. A commissioner asked why departmental comments did not address impacts on the environment in terms of storm water services, utilities, etc. Staff responded that departments provide a cursory review during the rezoning process, and the site will be checked for compliance during the subdivision review and permitting phase.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**

Approximately 1.98 acres of the subject property were rezoned to B-1(CD) via Petition 2007-133 to allow an eating/drinking/entertainment establishment.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Site consists for Development Areas A, B and C.
- The site plan allows for up to 290,000 square feet of office, retail, eating/drinking/entertainment establishments and personal services, 850 age restricted residential units, a continuing care retirement community (CCRC) with up to 230 dependent or independent units, and an existing cell tower to remain.
- The overall MX-1 residential portion allows for a density of 2.5 acres per unit.
- Development Area A (MX-1 Innovative District)
 - Allows up to 850 detached age restricted dwelling units, of which up to 150 dwelling units could be duplex units together with accessory uses allowed in the district such as community areas including pool and club house, customary home occupations, fences and walls, and outdoor lighting.
 - Innovative Provisions to allow preservation of natural features and open space:
 - (i) Decrease the minimum lot size from 10,000 square feet to 3,800 square feet for single family detached lots.
 - (ii) Decrease the minimum lot width from 70 feet to 35 feet for interior single family detached lots and a minimum lot width of 40 feet for single family detached exterior lots.
 - (iii) Decrease the minimum front setback from 30 feet to 10 feet as measured from the proposed right-of-way of public streets. If a driveway is to be used to provide additional parking, the minimum setback from the back of the sidewalk will be enough not to block the sidewalk.
 - (iv) Decrease the minimum interior rear yard from 45 feet to 20 feet.
 - (v) Ability to allow single family lots to front on private streets. Any private streets used will not be gated.
 - (vi) Reserve the right to modify the aforementioned innovative provisions or seek other innovative development standards in the future pursuant to the applicable process set forth in the ordinance.
- Development Area B (NS District)
 - Allows up to 130,000 square feet of gross floor area of retail, eating/drinking/entertainment establishments, and personal services; up to 60,000 square feet of gross floor area of general and medical office uses; and, accessory uses such as accessory buildings, fences, walls, and lighting allowed in the district.
 - Allow up to two uses with accessory drive-through windows. However, only one eating/drinking/entertainment establishment with an accessory drive-through is allowed.
 - The petitioner reserves the right to increase the allowed number of CCRC units allowed in the Development Area B by 100 units by transferring and converting residential dwelling units from the MX-1 portion of the site. Each residential unit transferred from the MX-1 portion of the site will equal two additional CCRC units available for development on Development Area B. No more than 50 units may be so transferred from the MX-1 portion of the site to Development Area B, and for each unit transferred from the MX-1 portion of the site, the total number of units allowed in the MX-1 area will be reduced by an equal amount.
- Development Area C (NS District)
 - Allows up to 100,000 square feet of general and medical office uses or a nursing home consisting of dependent and independent units up to 230 units.
 - The allowed number of nursing home units in Development Area C may be increased by 100 units by transferring and converting residential dwelling units from the MX-1 in Area A.
- Building Design and Architecture
 - Maximum building height limited to four stories and 60 feet in the NS (neighborhood services) district (Areas B and C), and minimum height of 22 feet.
 - Designation of materials for principal buildings.
 - Buildings in Development Areas B and C, which are proposed to be NS (neighborhood service), will be designed so that building facades orient to the new or existing streets, will not have lengths of uninterrupted blank walls over 20 feet, will have extensive transparent glass, and will have prominent principal entrances.
 - All buildings shall provide street level, pedestrian oriented active uses along Streets "5," "2," and "3." Buildings along these street fronts will also have operable pedestrian doors that face

these streets when angled parking is also provided. Angled on-street parking will be provided if allowed by the jurisdiction and/or CDOT.

- Transportation, Streetscape, and Parking
 - Site access provided via Albemarle Road, Rocky River Church Road and Old Iron Lane, in addition to other public street extensions and connections made from the site to adjoining properties.
 - Parking and maneuvering prohibited between the building and Streets 1, 2, 3 and 5 in Development Areas B and C, except the building located at the corner of Rocky River Church Road and Albemarle Road may have parking and maneuvering between the building and Street 3.
 - Eight intersection improvements associated with the development, and development will be phased and linked to substantial completion of roadway improvements.
 - A sidewalk and crosswalk network along internal streets which links all principal buildings with one another.
 - Added a note that the development "Phasing for Offsite Roadway Improvements diagram," and the phase numbers for the nonresidential Development Areas are not meant to require them to be completed in the sequential order they are listed (before the residential or before each other) and as a result may be developed sooner upon the substantial construction of the roadway improvements listed for each nonresidential "Development Area" in the development standards.
- Open Space/Environment
 - A series of passive and active open space areas throughout the residential community in Areas A, B, and C.
 - A portion of the 100-foot Surface Water Improvement Management Buffer (SWIM buffer) will be dedicated to Mecklenburg County Parks and Recreation and shall occur as part of the Subdivision approval process for this portion of the site, and that storm water detention/water quality facilities shall not be located within the dedication area.
 - Storm water detention and water quality areas located along an interior public street will be landscaped to create an attractive street edge.
 - At least one open space area located within Development Area B and along Street 2 will have a minimum of 30 feet of frontage on Street 2 and a minimum depth of 50 feet.
- **Public Plans and Policies**
 - *Albemarle Road/I-485 Interchange Study* (2003) recommends single family land uses at between four and eight dwelling units per acre for portions of the subject property, and a mix of residential, office, and retail for a portion.
 - *General Development Policies-Environment*. The petition supports the *General Development Policies-Environment* by facilitating a land use pattern that accommodates growth while respecting the natural environment, particularly in the residential area with protection of stream corridors and contiguous green space. The residential area is designed in a manner retains some existing tree canopy and green space.
- **TRANSPORTATION CONSIDERATIONS**
 - No issues.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No comments received.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Charlotte Fire Department:** No issues.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte-Mecklenburg Schools Review
 - Engineering and Property Management Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Charlotte Fire Department Review
 - Transportation Review

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