

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: R-12MF(CD) (multi-family residential, conditional) with five-year vested rights.
<b>LOCATION</b>	Approximately 76.77 acres located on the north side of Brown-Grier Road near the intersection of Steele Creek Road and Brown-Grier Road. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 597 multi-family and townhome units at a density of 7.78 units per acre on acreage that is partially vacant and partially developed with low density residential housing and agricultural uses in the Steele Creek Area.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Various Charter Properties, Inc. John Carmichael, Robinson, Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 19

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The proposed use is consistent with the residential land use recommendation, but inconsistent with the density of up to six dwelling units per acre, as per the <i>Steele Creek Area Plan</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The proposed rezoning is located in the Steele Creek area, near Interstate 485 and between the Whitehall and Berewick developments. The site is in the southern portion of a 370-acre pocket of undeveloped land, in a high growth area.</li> <li>• The proposed density is inconsistent with the adopted <i>Steele Creek Area Plan</i>. However, staff has performed a recent study, the <i>Steele Creek Development Response Study</i>, to relook at the area in which this site is located due to changing conditions, an increase in development pressure, and a significant opportunity due to the amount of contiguous vacant property.</li> <li>• The development response indicates that the area in which the site is located is appropriate for primarily lower intensity residential development, generally at an overall density of up to six dwelling units per acre. In addition, the study further indicates that sites closer to Brown-Grier Road, such as the subject site, may be appropriate for somewhat higher density.</li> <li>• The average density for the proposed development is eight units per acre, consistent with the development response study's consideration for higher density along Brown-Grier Road.</li> <li>• The petition provides an on-site street network that is consistent with the development response study recommendations. The proposed street network connects to abutting vacant land, setting up for an extensive local street network for the larger area, and supporting the City's street connectivity goals.</li> <li>• The proposal also accommodates a future greenway that will provide green space and, when constructed, a bicycle and pedestrian amenity for area residents.</li> </ul>
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## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes up to 597 multi-family and single family attached (for sale townhomes) residential units at a density 7.88 dwelling units per acre.
- Proposes a maximum height of 48 feet or three stories.
- Divides rezoning site into Development Area A and Development Area B.

#### Development Area A

- Up to 292 multi-family units on approximately 24.5 acres of the rezoning site, at 11.92 dwelling units per acre.
- Incidental and accessory uses may include, without limitation, a leasing and management office and amenities such as a clubhouse and fitness center, swimming pool, dog park, and outdoor grilling and gathering areas.

#### Development Area B

- Up to 305 townhomes on approximately 51.24 acres of the rezoning site, at 5.95 dwelling units per acre.
- The townhomes will include both front loaded units and alley loaded units.
- Incidental and accessory uses may include, without limitation, amenities such as a shade structure, swimming pool and playground.

#### Transportation Improvements

- Reserves as future right-of-way for future Dixie River Road (to be constructed by others and not Petitioner) a 100-foot wide portion of the Site located at the northeasterly corner of the Site generally depicted on the Rezoning Plan (the "Future Dixie River Road Right-of-Way").
- Dedicates and conveys to the City of Charlotte (the "City") or to NCDOT those portions of the Site located immediately adjacent to Brown-Grier Road as required to provide right-of-way measuring 61.5 feet from the existing centerline of Brown Grier Road.
- Provides a network of new streets throughout the site connecting to Brown-Grier Road and providing stub connections to the north and west.
- Brown-Grier Road and Cedar Hill Drive/Proposed Access "A" (unsignalized)
  - Construct an eastbound left-turn lane on Brown-Grier Road.
  - Construct westbound left-turn and right-turn lanes on Brown-Grier Road.
  - Construct Proposed Access "A."
- Steele Creek Road and Brown-Grier Road (signalized)
  - Extension of the existing southbound left-turn lane on Steele Creek Road.
  - Complete the extension of the westbound right-turn lane on Brown-Grier Road.
- Brown-Grier Road and Proposed Access "B" (unsignalized)
  - Construct an eastbound left-turn lane on Brown-Grier Road.
  - Construct a westbound right-turn lane on Brown-Grier Road.
  - Construct Proposed Access "B."
- Brown-Grier Road and Proposed Cross-over Access "C" (unsignalized)
  - Construct a westbound right-turn lane on Brown-Grier Road.
  - Construct an eastbound directional crossover.
  - Construct Proposed Access "C."
- Brown-Grier Road and Proposed right in/out Access "D" (unsignalized)
  - Construct a westbound right-turn lane on Brown-Grier Road.
  - Construct Proposed Access "D."
- The above roadway improvements must fit within the City of Charlotte's future planned widening project for Brown-Grier Road (slated to begin construction in 2020) that will improve the roadway corridor between Steele Creek Road and Sandy Porter Road. The improvements will include an additional thru lane in each direction and appropriate left-turn lanes or median island, buffered bike lanes, curb/gutter, planting strip, and sidewalk on both sides of the roadway.
- Architectural Standards- Development Area A (multi-family)
  - Proposes maximum building height of 48 feet or three (3) stories.
  - Proposes that the facade of a building that faces network streets shall contain a minimum of 20% brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
  - Prohibits the following exterior building materials:
    - Vinyl siding (but not vinyl hand rails, windows, soffits, garage doors, doors or door trim).
    - Concrete masonry units not architecturally finished.
  - Focuses building placement and site design on enhancing the pedestrian environment through the following:
    - Buildings shall be placed so as to present a front or side facade to all network required streets (public or private).

- Buildings shall front a minimum of 50% of the total network required street frontage.
- Parking lots shall not be located between any network required public or private street and a building.
- Building massing and height shall be designed to break up long monolithic building forms as follows:
  - Buildings exceeding 120 feet in length shall include modulations of the building.
  - Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of two (2) feet extending through at least a full floor.
  - Balconets (a railing in front of a window giving the effect of a balcony) shall not be used at the street level along network required public or private streets. Patios and porches, if any, shall make a connection to the sidewalk.
- Elevations, including the elevations of any garage carriage units that abut a network required public or private street, shall be designed to create visual interest as follows:
  - Building elevations shall be designed with vertical bays or articulated architectural facade features.
  - Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets.
  - Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions.
- Architectural Standards – Development Area B (townhomes)
  - Proposes maximum height of two (2) stories.
  - Proposes maximum height of 40 feet as measured from the average grade at the base of the building.
  - Provides conceptual architectural perspectives of the front elevations of the front loaded single family attached dwelling units to be constructed on the Site.
  - Proposes the primary exterior building materials for the single family attached dwelling units to be located on the Site be face brick, cementitious siding, manufactured stone ~~and~~ or stucco.
  - Prohibits use of vinyl, EIFS or masonite as an exterior building material on the single family attached dwelling units to be constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim, and railings.
  - Proposes all corner or end dwelling units that face a public or private street shall have windows or other architectural details that limit the maximum blank wall expanse to 10 feet on each level of the dwelling unit.
  - Provides walkways to connect each single family attached dwelling unit to the sidewalk located along the adjacent public or private street.
- Proposes a 50-foot Class C buffer along portions of the site's boundary lines. Class C buffer may be reduced by 25% with the installation of a wall, fence, or berm per ordinance.
- Dedicates and conveys those portions of Development Area B that are depicted on the Rezoning Plan as Proposed 80' Greenway Area-Dedication From Top of Bank (the Greenway Area) to Mecklenburg County for future greenway purposes, prior to the issuance of a certificate of occupancy for the fiftieth (50<sup>th</sup>) single family attached dwelling unit constructed on that portion of the Site designated as Development Area B.
- Provides within the Greenway Area a 30-foot wide graded area to accommodate a 12-foot wide greenway trail to be constructed by Mecklenburg County and appropriate shoulders and drainage for the greenway trail.
- Limits height of freestanding lighting to 21 feet.
- **Existing Zoning and Land Use**
  - The site is developed with low density residential housing, agricultural use, and vacant/undeveloped land. The site immediately is surrounded by single family residential neighborhoods, educational institutions and office/retail uses.
  - North are undeveloped acreage, vacant land, low density single family residential homes, and retail uses zoned R-3 (single family residential), R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area), R-4(CD) (single family residential, conditional), NS (neighborhood services), and CC LLWPA (commercial center, Lower Lake Wylie Protected Area).
  - East are single family homes, Kennedy Middle School, Steele Creek Elementary School, and vacant land zoned R-3 (single family residential) and UR-2(CD) (urban residential, conditional).
  - South are single family neighborhoods zoned R-3 (single family residential), R-4 (single family residential), R-4(CD) (single family residential, conditional), and multi-family residential homes zoned R-17MF (multi-family residential).
  - To the west are vacant land and single family neighborhoods zoned R-3 (single family residential) and R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area).
  - See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- There have been rezonings in the immediate area to accommodate residential and retail/office uses.
  - Petition 2017-065 proposes to rezone approximately 11.98 acres located at the end of Rigsby Road, south of Interstate 485 and east of Paragon Drive, to R-22MF(CD) (multi-family residential, conditional) with five-year vested rights, in order to allow up to 240 residential dwelling units (multi-family, duplex, triplex, and quadraplex), not to exceed four stories in height. This petition is in inactive status.
  - Petition 2017-023 proposes to rezone approximately 16.23 acres on the east side of Steele Creek Road and south of Rigsby Road, across from Shopton Road West and Dixie Road, to MUDD-O (mixed use development, optional) with five-year vested rights in order to allow up to 50,000 square feet of non-residential uses and up to 210 multi-family residential units. This request has been deferred to a tentative January public hearing.
  - Petition 2015-045 approved UR-2(CD) (urban residential, conditional) zoning for up to 271 multi-family units on 16.98 acres located on the southwest corner at the intersection of Brown-Grier Road, West Arrowood Road and Sandy Porter Road.
  - Petition 2012-101 approved CC (commercial center) zoning for up to 35,000 square feet of retail and office uses on approximately 4.63 acres located on the west side of Steele Creek Road between Dixie River Road and Shopton Road West.

- **Public Plans and Policies**

- The *Steele Creek Area Plan* (2012) recommends residential land uses up to six dwelling units per acres for this site.
- In March of this year, City staff initiated the *Steele Creek Development Response Study* to address development opportunities and pressures in the area bounded by Interstate 485 on the north, Steele Creek Road on the west, Brown Grier Road on the south and Sandy Porter Road on the west. The subject property is located within the study boundaries. The findings of the study were that there have been a number of factors impacting development pressures in the study area, and these factors were unforeseen by the *Steele Creek Area Plan*. These include development of the Charlotte Premium Outlet Mall and changes in flight patterns at Charlotte Douglas International Airport. As a result of these factors and shifting market dynamics, the staff produced development study recommends that a variety of development types be recommended for the study area, instead of only low density residential as recommended by the adopted area plan. (Note: A summary document (not adopted by City Council) of the development response has been drafted and can be found at [www.charlotteplanning.org](http://www.charlotteplanning.org))
- The development response depicted the subject property as appropriate for primarily lower intensity residential development, generally at an overall density of up to six dwelling units per acre. However, the study also indicated that sites closer to Brown-Grier Road, such as the subject site, or adjacent to office uses may be appropriate for increased density.
- The development response also recommended a preferred future street network and greenway system in order to increase connectivity in the area, and to establish the beginning of a transportation network for the 370 acres of undeveloped land in which this site is located.
- The site is also within the Whitehall/Ayrsley CNIP (Comprehensive Neighborhood Improvement Program) area, which is a program under the City's Community Investment Plan (CIP). The Whitehall / Ayrsley CNIP area includes a number of infrastructure improvement projects such as the Brown-Grier Road widening project, which is adjacent to this proposed rezoning petition.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located along a major thoroughfare within the project limit of a City street improvement project. The current site plan creates a street network and preserves right-of-way that is consistent with the street network envisioned by the *Steele Creek Development Response Study* and also commits to mitigation measures identified in the traffic impact study. CDOT is working with the petitioner to coordinate with the City's Brown-Grier Road street improvement project.

~~• See Requested Technical Revisions, Note 10.~~

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 20 trips per day (based on two single family dwellings).

Entitlement: 3,600 trips per day (based on 381 single family dwellings).

Proposed Zoning: 3,590 trips per day (based on 292 apartments and 305 townhomes).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking for roads having less than 26-foot clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning may generate 226 students, while the development allowed under the proposed zoning may produce 110 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
  - The proposed development is projected to increase the school utilization (without mobile classroom units) over existing conditions as follows:
    - Berewick Elementary from 108% to 116%;
    - Kennedy Middle from 113% to 115%; and
    - Olympic High from 163% to 165%.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Brown-Grier Road. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Brown-Grier Road and along Steele Creek Road (passing through parcels 201-48-101, 201-48-102, and 201-10-104). There is also a 12-inch gravity sewer main located along the eastern boundary of parcel 201-48-105.
- **Engineering and Property Management:**
  - **Arborist:** Trees in the right-of-way of Brown-Grier Road are protected by the Tree Ordinance. No trees can be removed from the right-of-way without permission of the City Arborist's office. No trees can be planted in the right-of-way of Brown-Grier Road without permission of NC Department of Transportation and the City Arborist's office. Contact Laurie Reid (704-336-5753) at the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City. The petitioner must submit a tree survey for all trees two inches or larger located in the right-of-way. In addition, the survey shall include all trees eight inches or larger in the setback.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** Please note that Mecklenburg County Park and Recreation (MCPR) will not allow a road intersecting Park property from development site to Gallant Lane per the proposed stub connection shown to Mecklenburg County property line. MCPR recommends sidewalks on the proposed local residential wide road for a connection to the future greenway. [Addressed.](#)

**OUTSTANDING ISSUES**Environment

1. ~~Please show and label stream buffers on rezoning plan.~~ [Addressed](#)
2. ~~Please either delete Note D under the Environmental Features heading or revise note to read as follows: *The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.*~~ [Addressed](#)
3. [Change Note 6.C. to read: The tree save areas depicted on the Rezoning Plan are conceptual, and the actual locations of the tree save areas on the Site may vary from what is depicted on the Rezoning Plan. The actual locations of the tree save areas shall be determined prior to the first plan approval during the permitting process.](#) [Addressed](#)
4. ~~Parcel #201-481-01, 201-481-02, 201-481-03, 201-481-05, 201-105-09 and 201-101-04 A & B are adjacent to the Steele Creek Greenway corridor as indicated on the 2015 Greenway Master Plan Update. MCPR would like to request the following revisions from the petitioner to Revised Site Plan dated 9/18/2017:~~
  - ~~Proposed 80 foot Greenway Area Dedication from Top of Bank" on both sides of Steele Creek Tributary.~~ [Addressed as noted under "Proposed Request Details."](#)
  - ~~For Development Standard 7. Parks, Greenway and Open Space — A: "Prior to the dedication and conveyance of the Greenway Area to Mecklenburg County, Petitioner shall have the right to install and locate utility lines through the Greenway Area and to reserve such easements over the Greenway Area that are necessary to maintain, repair and replace such utility lines, and to reserve such other easements as may be reasonably necessary in connection with the~~

~~development of the Site" as long as these easements and utility lines do not interfere with the construction and maintenance of the greenway. Any Easements must be reviewed prior to the greenway dedication. Addressed~~

Site and Building Design

5. ~~Show trail along both sides of open space/tree save area. Connect units to trail and proposed amenity areas. Addressed~~
6. ~~No alley loaded elevations have been provided, and should be included in the submittal. Addressed~~
7. ~~Provide windows in all front loaded garage doors. Addressed~~
8. ~~Increase porch/entrance architectural element to be more prominent. Staff rescinded this request.~~
9. ~~For front loaded units, either change the setback of garage door so it is located behind the front door or change to rear loaded. Addressed by providing a minimum of 66% or 201 units that will be rear loaded units.~~
10. ~~Revise Architectural Standards Note A(3)(d)(ii) language "Patios and porches, if any, shall make a connection to the sidewalk." Petitioner needs to commit to providing this element. Addressed~~

**REQUESTED TECHNICAL REVISIONS**

Transportation

11. ~~The petitioner should remove Note 3H as it conflicts with Note 3I. Addressed~~

Site and Building Design

12. ~~Note 2A.1 includes a playground to be located in Area A, but Note 7.F does not make mention of a playground in Area A. Addressed~~
13. ~~Clarify if roll out carts are to be method of refuse/recycling for acreage to be developed with single family attached dwelling units. Addressed~~

**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 Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Claire Lyte-Graham (704) 336-3782