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<b>REQUEST</b>	<p>Current Zoning: O-2(CD) (office, conditional), R-8MF(CD), R-12MF(CD) (multi-family residential, conditional), and former right-of-way with no established zoning.</p> <p>Proposed Zoning: CC (commercial center) and the establishment of CC (commercial center)</p>
<b>LOCATION</b>	<p>Approximately 77.31 acres located east of Interstate 485 between Caldwell Road and Rocky River Road. (Outside City Limits)</p>
<b>SUMMARY OF PETITION</b>	<p>The petition proposes to develop vacant acreage located outside the city limits and abutting the Mecklenburg/Cabarrus County line, to allow up to 191,000 square feet of nonresidential uses including office, retail, eating/drinking/entertainment establishments, a motion picture theater, and a hotel, along with up to 515 residential dwelling units.</p>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	<p>Rocky River Road Associates, LLC Rocky River Road Associates, LLC Keith MacVean and Jeff Brown, Moore &amp; Van Allen, PLLC</p>
<b>COMMUNITY MEETING</b>	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 28</p>
<b>STATEMENT OF CONSISTENCY</b>	<p>The Zoning Committee found this petition to be inconsistent with the <i>Rocky River Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"><li>• The plan, as amended by rezoning petition 2008-014, recommends 646 for sale multi-family residential dwellings, and 30,000 square feet of office uses.</li></ul> <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"><li>• This plan modifies an existing approved site plan for a development that is split across jurisdictional boundaries, with part of the site located in Charlotte's extraterritorial jurisdiction and part located within the Town of Harrisburg; and</li><li>• The proposed plan provides a more unified, master planned development with a walkable pedestrian environment, particularly in the commercial area, and unified architectural standards; and</li><li>• The proposal reduces the number of residential units in the City of Charlotte jurisdiction from 646 multi-family units to 515 townhome and multi-family units, resulting in a greater mix of housing types; and</li><li>• While the increase in non-residential development from 30,000 square feet of office use to 191,000 square feet of commercial uses is inconsistent with the adopted plan, the increase in commercial development will result in a greater integration of residential and non-residential uses and the creation of a new pedestrian oriented main street; and</li><li>• The <i>Harrisburg Area Land Use Plan (2010)</i>, for the portion of the development to be located in the Town of Harrisburg, recommends a mix of uses that combines commercial and civic/institutional land uses with a mixture of housing types where supported by infrastructure in the area adjacent to the Charlotte site. This rezoning enables the overall development to be more cohesive and related across jurisdictional boundaries;</li></ul> <p>By a 6-0 vote of the Zoning Committee (motion by Fryday seconded by Wiggins).</p>

**ZONING COMMITTEE  
ACTION**

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

1. Added Note 4G under heading of "Transportation" as follows: Remark the northbound approach of Farmington Ridge Parkway at Caldwell Road to create three lanes; one receiving lane, a left-turn lane, and a thru/right-turn lane).
2. Amended Note 3B as follows: "These proposed network required public and private streets, except Main Street/Private Street D, will be constructed per City of Charlotte development standards even if the site is not annexed into the City of Charlotte prior to the construction of the roads."
3. Amended Note 3B as follows: "These proposed network required public and private streets, except Main/Private Street D, will be constructed per City of Charlotte development standards even if the site is not annexed into the City of Charlotte prior to construction of the roads."
4. Amended to reflect a continuous 50-foot potential undisturbed Post Construction Buffer located between Parcels D and E through the area of previously drained pond.
5. Clarified the limits of the 35-foot SWIM Buffer within 100-foot potential undisturbed Post Construction Buffer paralleling Hawkins Meadow Court.
6. Added Note 7B under "Environmental Features" as follows: The location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water design requirements and natural site discharge points.
7. Replaced note that parking for the proposed uses may be located in either county, with the following note: Parking as required by the ordinance will be provided.
8. Amended Note 5(B)(1)(vi) as follows: Direct, or as direct as possible, pedestrian connections, via a sidewalk, will be provided between street facing doors, corner entrance features to sidewalks on adjacent streets. If a building has multiple street frontages with doors facing different streets only one of the entrances will be required to provide a connection. This standard will not apply to emergency access doors. Not all street facing doors need to be designed as customer doors, unless located on the "Main Street."
9. Amended Note 5(B)(3)(iii) as follows: Usable front porches, if provided, will be covered and be at least six feet deep. Stoops and entry-level porches may be covered but should not be enclosed.
10. Added the following note under Note 5(B)(1)(ix) and 5(B)(2)(ix): Retaining walls will be treated with landscaping.
11. Amended Note 6(C) to add the following: Multi-family buildings will provide a four-foot transition zone behind the sidewalk of a required network private or public street. Stairs and stair rails, stoops, one-story open air porches and other architectural features may be located within the four foot transition zone.
12. Amended Note 6(D) to as follows: Surface parking spaces will not be located between the proposed buildings and new network required public streets, and existing Rocky River Road. This standard will not apply to I-485 and associated on-ramp.
13. Amended Note 5(B)(2)(iii)(b) as follows: Buildings shall front a minimum 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).
14. Amended Note 10(A) as follows: The petitioner will request that the Planning staff eliminate the extension of Brandon Trail Drive into the site as allowed by Section 20-23(4)(c) of the subdivision regulations.
15. Amended Note 5(B)(1)(ix) under Architectural Standards as

follows: Minimum height of buildings along the Main Street (Private Street D) will be a minimum of 22 feet high.

**VOTE**

Motion/Second: Majeed / Spencer  
 Yeas: Fryday, Majeed, McClung, Spencer, Watkins and Wiggins  
 Nays: None  
 Absent: None  
 Recused: Lathrop

**ZONING COMMITTEE DISCUSSION**

Staff noted that there are no outstanding issues, and the petition is inconsistent with the Rocky River Road Area Plan recommendations, as updated by rezoning petition 2008-14. A committee member questioned the status of the rezoning on abutting property located in Cabarrus County. Staff responded that the rezoning has been approved by Cabarrus County. There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 191,000 square feet of nonresidential uses, including a 120-room hotel, a motion picture theater, eating/drinking/entertainment establishments, retail and office uses, and up to 515 residential units.
- Site divided into Development Areas A, B, C, D, E, F, and G.
- Proposed buildings must be wholly constructed within either Mecklenburg County or Cabarrus County. No buildings will be constructed so that they straddle the existing county line. Parking for the proposed uses may be located in either county.
- Development Areas A and B allow up to 240 for sale single family attached dwelling units, at a maximum density of eight units per acre.
- Development Areas C, D, E, and F allow up to 275 residential dwelling units, and 191,000 square feet of nonresidential uses, including a motion picture theater and a 120-room hotel.
- Convenience stores, with or without fuel sales, and eating/drinking/entertainment establishments with accessory drive-through windows are prohibited.
- No building permits may be issued for the development until the site has been annexed into the City of Charlotte. The petitioner has applied for voluntary annexation.
- Transportation:
- Site access will be provided from Farmington Ridge Parkway, which will be extended and opened from Rocky River Road to Caldwell Road prior to the issuance of the first certificate of occupancy. The petitioner will study and correct a potential intersection sight distance issue at Farmington Ridge Parkway and Caldwell Road. Olivia Catherine Way will be extended into the site.
- A new network of public and private streets will be constructed on the site. Cross-sections for each proposed street has been included with the petition.
- Transportation improvements will occur at the following locations: (a) I-485 inner ramp at Rocky River Road, (b) Rocky River Road at Plaza Road Extension/Farmington Ridge Parkway, (c) Rocky River Road at proposed right-in/right-out access, and (d) Caldwell Road and Farmington Ridge Parkway.
- Proposed network required public and private streets, except Main/Private Street D, will be constructed per City of Charlotte development standards even if the site is not annexed into the City of Charlotte prior to construction of the roads.
- Proposed network required public and private streets, except Main/Private Street D, will be constructed per City of Charlotte development standards even if the site is not annexed into the City of Charlotte prior to construction of the roads.
- Architectural Standards:
  - Nonresidential Uses
    - Maximum building height of 22 feet.
    - Building materials will be a combination of brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, EIFS or wood. Vinyl as a building material

may only be used on windows, soffits, and handrails/railings.

- Buildings will be architecturally integrated by using similar or compatible architectural styles, building materials, landscape elements, plants, and signage treatment to create a unified and cohesive development. Buildings along the proposed Main Street will present a front or side façade to the street.
- Buildings fronting public and private streets (other than I-485 and associated on-ramps) will be articulated such that expanses of solid walls exceeding 20 linear feet will be avoided with horizontal or vertical variations in wall planes, materials and/or building color.
- Direct, or as direct as possible, pedestrian connections, via a sidewalk, will be provided between street facing doors, corner entrance features to sidewalks on adjacent streets. If a building has multiple street frontages with doors facing different streets only one of the entrances will be required to provide a connection. This standard will not apply to emergency access doors. Not all street facing doors need to be designed as customer doors, unless located on the "Main Street."
- Building facades, with the exception of the motion picture theater, fronting public or private streets (other than I-485 and associated on-ramps) shall include a minimum of 30% transparent glass between two and eight feet on the first floor. The first floor building facades fronting the proposed Main Street shall include a minimum of 60% transparent glass between two and eight feet. Shadow boxes or window graphics may be utilized for no more than 10% of the transparency requirement.
- Provision of direct pedestrian sidewalk connections between street facing doors, corner entrance features to sidewalks on adjacent streets.
- Retaining walls will be treated with landscaping.
- The minimum height of buildings along the Main Street (Private Street D) will 22 feet in height.

#### Multi-family Residential Uses Excluding Townhomes

- Buildings abutting a network required street shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural or synthetic stone, stucco, or other material approved by the Planning Director. Concrete masonry units not architecturally finished, and vinyl siding (except for use on hand rails, windows or door trim) are prohibited.
- Buildings shall be placed so as to present a front or side façade to all network required streets. Buildings shall front a minimum of 30% of the total network required street frontage on the site.
- No parking will be located between the building and any network required street.
- Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane, which will be a minimum of 10 feet wide and shall project or recess a minimum of two feet extending through at least a full floor.
- Residential units fronting public streets will provide ground floor entrances, with stoops.
- Building elevations facing network required streets shall not have blank walls greater than 20 feet in all directions.
- Retaining walls will be treated with landscaping.
- Multi-family buildings will provide a four-foot transition zone behind the sidewalk of a required network private or public street. Stairs and stair rails, stoops, one-story open air porches and other architectural features may be located within the four foot transition zone.
- Buildings shall front a minimum 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).

#### Townhome Style Residential Uses

- Residential entrances within 15 feet of the sidewalk must be raised a minimum of 12 inches from the average sidewalk grade.
- Usable porches and/or stoops will be located on the front and/or side of the building. Usable front porches, if provided, will be covered and at least six feet deep. Stoops and entry level porches may be covered but not enclosed.
- Townhouse buildings should be limited to five individual units or fewer.
- Brick, natural or synthetic stone, stucco, or other material approved by the Planning Director will comprise a minimum 20% of the building façade facing required network streets.
- Concrete masonry units not architecturally finished, and vinyl siding (except for use on hand rails, windows or door trim) are prohibited.
- Retaining walls will be treated with landscaping.
- A 35-foot landscaped setback will be provided along I-485.

- The required 35-foot setback along proposed public streets may be reduced to 16 feet. A 16-foot setback measured from the future back of curb will be provided along proposed private streets.
  - Parking as required by the ordinance will be provided.
  - Parking will not be located between buildings and new public streets or the existing Rocky River Road.
  - Eight-foot planting strips and eight-foot sidewalks will be provided along internal streets. All proposed sidewalks may meander to preserve existing trees within the setbacks along existing public streets.
  - Petitioner will request a modification to the subdivision ordinance requirement for the extension of Brandon Trail Drive into the site as allowed by the alternative compliance provisions of the ordinance.
  - Surface parking spaces will not be located between the proposed buildings and new network required public streets, and existing Rocky River Road. This standard will not apply to I-485 and associated on-ramp.
  - The petitioner will request that the Planning staff eliminate the extension of Brandon Trail Drive into the site as allowed by Section 20-23(4)(c) of the subdivision regulations.
- **Public Plans and Policies**
    - The *Rocky River Area Plan* (2006), as updated by Rezoning Petition 2008-014, recommends 646 for sale and multi-family residential dwellings, and 30,000 square feet of office uses. Approximately 1.94 acres of the subject property is former right-of-way, which has no current zoning.
    - *Rocky River Area Plan* Design Guidelines
      - Create streetscapes that promote pedestrian activity and strengthen the Rocky River area's unique character.
      - Utilize architectural styles that reflect and enhance the rural character of the Rocky River area.
      - Develop neighborhood centers and other non-residential development at appropriate locations to complement the scale and character of the surrounding environment, promote connectivity, and balance density with quality open spaces.
      - Offer a variety of housing types that balance density with quality open space, promote connectivity, and whose overall character reflects the vision of the Rocky River area.
    - The *Harrisburg Area Land Use Plan* (2010) recommends a mix of uses for the portion of the development to be located in the Town of Harrisburg that combines commercial and civic/institutional land uses with a mixture of housing types where supported by infrastructure in the area adjacent to the Charlotte site.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is adjacent to a major thoroughfare with major street connections falling outside of the City's jurisdiction. The current site plan develops a street network using the City's desired cross sections to accommodate all users and commits to offsite transportation improvements to mitigate new vehicle trips.
    - **Vehicle Trip Generation:**
      - Current Zoning:
        - Existing Use: 0 trips per day (based on vacant parcel).
        - Entitlement: 4,090 trips per day (based on 646 multi-family dwelling units and 30,000 square feet of office use).
      - Proposed Zoning: 13,510 trips per day (based on 191 square feet of retail, 240 single family attached dwellings, and 275 multi-family dwelling units).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 237 students, while the development allowed under the proposed zoning will produce 143 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
  - The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:

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- Reedy Creek Elementary from 121% to 131%
  - Northridge Middle from 104% to 109%
  - Rocky River High from 92% to 93%.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing eight-inch water distribution mains located along Olivia Catherine Way and Brandon Trail Drive, and an existing 16-inch transmission main located along Rocky River Road. Sewer system availability is provided via an existing 10-inch gravity sewer main located on tax parcel 105-361-01.
  - **Engineering and Property Management:**
    - **Arborist:** Site shall comply with the City of Charlotte Tree Ordinance if the project area is annexed into the City of Charlotte. No trees can be removed from or planted in the right-of-way of state maintained streets without permission of NCDOT and the City Arborist, or along City maintained streets without permission from the City Arborist's office.
    - **Erosion Control:** No issues.
    - **Land Development:** No issues.
    - **Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** Development of this site may require submission of an asbestos notification of demolition and renovation to Mecklenburg County Air Quality due to possible demolition or relocation of an existing structure.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://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 Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Charlotte Engineering and Property Management
    - City Arborist Review
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327