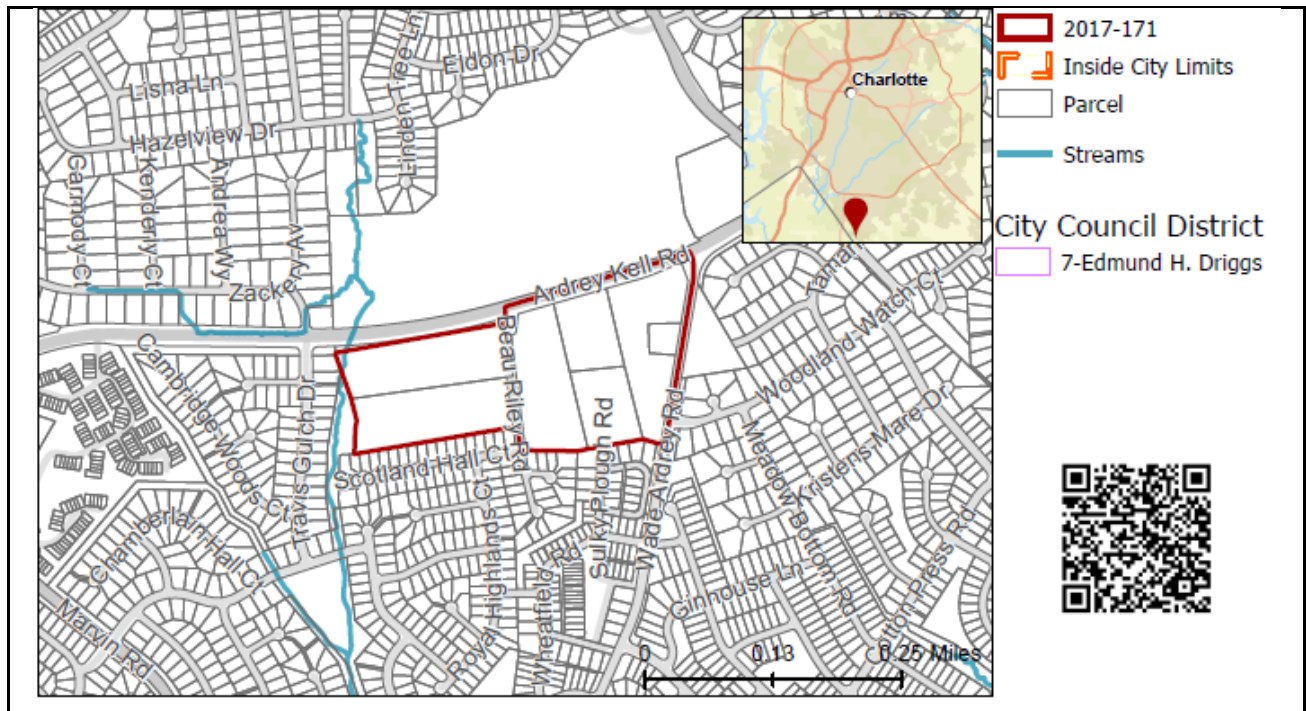


**REQUEST** Current Zoning: R-3 (single family residential)  
Proposed Zoning: MX-2 (INNOV) (mixed used, innovative) with five-year vested rights

**LOCATION** Approximately 36.7 acres located on the south side of Ardrey Kelly Road, west of Wade Ardrey Road and east of Travis Gulch Drive. (Council District 7 - Driggs)



**SUMMARY OF PETITION** The petition proposes redevelopment of seven parcels with five single family homes with a mixed residential community including single family lots and up to 205 townhome units for a total of 220 dwelling units.

**PROPERTY OWNER** Joe M. Ardrey, Marshall W. Ardrey, et. al.  
**PETITIONER** Century Communities  
**AGENT/REPRESENTATIVE** Collin Brown and Bailey Patrick, Jr., K&L Gates LLP

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.  
Number of people attending the first Community Meeting: 60.  
Number of people attending the second Community Meeting: 31

**STAFF RECOMMENDATION** Staff recommends approval of this petition.

Plan Consistency  
The petition is consistent with the *South District Plan* recommendation for residential use, and the proposed density of 5.99 units per acre meets the criteria in the *General Development Policies* for development at up to six dwellings per acre.

Rationale for Recommendation

- The subject rezoning is a combination of contiguous parcels situated on a major thoroughfare across from Ardrey Kelly High School, a major institutional use.
- The residential neighborhoods south and west of the subject site have been developed using the same MX-2 (mixed use) zoning classification proposed for the subject property, and include a mix

- of single family detached and townhouse dwellings.
- The petition limits the number of dwelling units to 220 and the density to 6.0 units per acre, which meets the suggested density by the *General Development Policies*.
- The rezoning provides for single family homes along the southern edge adjacent to existing single family homes, and provides an additional 30-foot buffer. This establishes a transition between the townhomes and the single family uses.

## PLANNING STAFF REVIEW

### • Background

- This petition was previously heard at the January 16<sup>th</sup> City Council meeting. After the public hearing the petitioner deferred the consideration of the petition by the Zoning Committee to allow time to revise the plan and meet with community. The Planning staff and Zoning Committee reviewed the revised plan and recommended a new public hearing due to the changes that were made to the site plan.

### • Proposed Request Details

The following provisions have been added to the site plan since the first public hearing:

- Provides left turn lanes at the site's access points at the intersections of Ardrey Kell Road/ Beau Riley Road and Ardrey Kell Road/ Wade Ardrey Road.
- Commits to pursue approval to install a traffic signal at the intersection of Beau Riley Road and Ardrey Kell Road. In the event that a full signal is not installed the petitioner shall relocate the HAWK pedestrian signal near Travis Gulch Drive to the Beau Riley/ Ardrey Kell Road intersection upon approval of CDOT and NCDOT.
- Specifies the petitioner will install a crosswalk connection from the existing sidewalk to the proposed sidewalk across the intersection of Wade Ardrey Road and Ardrey Kell Road.
- The Petitioner has voluntarily specified the allowed building materials for single family detached homes.
- Specifies that all corner/end units that face a public street shall have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the blank wall expanse to 15 feet on all building levels.
- Provides a linear park feature along Beau Riley Road to include seating areas, specialty landscaping and hardscape elements characterizing a linear park. Provides a pedestrian trail network connecting open space areas throughout the site, and provides amenity areas of pocket parks, community greens, amenity spaces that may include but not limited to clubhouses, pools, playgrounds, dog parks, and or picnic areas.

The following provisions that have been modified since the first public hearing:

- Allows up to six units per acre not exceeding 220 (previously 221) dwelling units. The site plan depicts single family lots along the southern portion of the site adjacent to existing single family homes.
- Notes that the total number of townhome units will not exceed 205 (previously 210) and that townhome lots may be converted to single family detached lots and specifies that single family cannot be converted to townhome units.
- Commits to a 30-foot buffer measured from the proposed right-of-way on Ardrey Kell Road and Wade Ardrey Road. The buffer shall be landscaped to meet Class C buffer standards when existing vegetation is not adequate.

The following provisions were contained in both the original site plan and are proposed in the new site plan:

- Provides an eight-foot planting strip and six-foot sidewalk along all public and private streets within the development and around the perimeter of the site.
- Provides architecture standards for attached units related to building materials, limits the number of townhomes to six units per building or less, and specifies that townhomes that abut internal sidewalks shall include elements such of stoops, porches and other architectural details.
- Specifies that each attached and detached dwelling unit shall be provided with a minimum ~~two~~one-car garage.
- Commits to buffered areas or undisturbed buffers at least 30 feet wide abutting existing single family homes along the southern property line and provides a 50-foot undisturbed buffer along a creek and the western property line.
- Limits the maximum height of pedestrian scale freestanding lighting to 21 feet.
- Proposes the following Innovative Development Standards:
  - Allow 20-foot setback along internal streets from front loaded single family detached units



and ten-foot setback from the back-of-sidewalk for attached townhome units.

- Allow alternative streetscape conditions for townhome units to front open space areas instead of a street.
- Allow alternative street construction standards to accommodate 90-degree-radius curves on public streets.
- Allow a minimum building separation of 10 feet between all buildings on the site.

• Existing Zoning and Land Use



- The subject property is zoned R-3 (single family residential) and is developed with single family homes on large lots.
- Abutting to the east, west, and south are single family homes. To the north across Ardrey Kell Road is Ardrey Kell High School.



The site is developed with single family homes on large lots.



North of the site, across Ardrey Kell Road, is Ardrey Kell High School.





East of the site, across Wade Ardrey Road is a vacant parcel and single family development.



West of the site is a stream buffer along a tributary of Six Mile Creek. Across the creek is single family development.



South of the site is a residential development containing a mixture of single family homes and townhomes.



• **Rezoning History in Area**



Petition	Summary of Petition	Status
2012-070	Rezoned 6.96 acres from R-3 (single family residential) to R-6(CD) (single family residential, conditional) to allow up to 27 single family detached homes for a density of up to 3.88 units per acre.	Approved
2014-003	Rezoned 4.97 acres from R-3 (single family residential) and MX-2 (mixed use) to O-1(CD) (office, conditional) to allow office and medical office, barber and beauty shops, civic, childcare, cultural facilities, financial institutions and studio uses.	Approved
2014-096	Rezoned 6.09 acres from R-3 (single family residential) to NS (neighborhood services) to allow up to 30,000 square feet office, wireless phone service provider, and personal service uses.	Approved
2016-082	Rezoned 5.67 acres from R-3 (single family residential) to I-1(CD) (industrial, conditional) to allow 135,000 square feet of climate controlled self-storage.	Approved

• **Public Plans and Policies**



- The *South District Plan* (1993) recommends residential uses at a density of up to three dwellings per acre.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed

residential densities greater than four units per acre. The petition density meets the *General Development Policies* locational criteria for consideration of up to six dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 6 dua
Meeting with Staff	1 – yes
Sewer and Water Availability	2 – yes
Land Use Accessibility	1 – Low
Connectivity Analysis	2 – Medium low
Road Network Evaluation	0 – no
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 10</b>	<b>Total Points: 10</b>

• **TRANSPORTATION CONSIDERATIONS**

- This site is located on a major thoroughfare between un-signalized intersections with a minor collector and a local street. The site plan commits to a local street network that supports internal and cross-connections and to work with the City to fill an existing sidewalk gap on Wade Ardrey. ~~CDOT continues to request that site plan labels are added to clarify the future curbline locations and left turn lane development at site accesses.~~
- See Outstanding Issues, Note 4 and Technical Revision, Note 6.
- **Vehicle Trip Generation:**  
 Current Zoning:  
     Existing Use: 80 trips per day (based on six single family dwellings).  
     Entitlement: 1130 trips per day (based on 108 single family dwellings).  
 Proposed Zoning: 1380 trips per day (based on 205 townhomes and 15 single family dwellings).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Solid Waste:** See Outstanding Issues, Note 2.
- **Charlotte Fire Department:** No on-street parking on streets less than 26 feet in width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 64 students, while the development allowed under the proposed zoning will produce 44 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is a reduction of 20 students.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units), as follows:
    - Elon Park Elementary from 146% to 149%
    - Community House Middle from 143% to 144%
    - Ardrey Kell High from 147% to 148%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Wade Ardrey Road and eight-inch water distribution main Beau Riley Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing eight-inch gravity sewer main located along Ardrey Kell Road and Wade Ardrey Road and the east side of the boundary.
- **Engineering and Property Management:**
  - **Arborist:** The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do NOT confirm or imply authorization by the City to remove any City trees located in street right-of-way (Ardrey Kell, Beau Riley, and Wade Ardrey Roads); City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way. No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee.  
  
 No trees can be planted in the right-of-way of any state maintained street (Ardrey Kell and Wade Ardrey Roads) without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact the City Arborist's office for a tree planting permit once plans have been approved by the City and before planting trees in the NCDOT right-of-way.  
  
 No trees can be planted in the right-of-way of any city maintained street (Beau Riley Road)

without explicit authorization from the City Arborist or his designee. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting.

The petitioner shall submit a tree survey for all trees two-inches in diameter at breast height (DBH) or larger located in the public right-of-way. In addition, the survey shall include all trees eight-inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional.

- **Erosion Control:** No outstanding issues.
  - **Land Development:** See Requested Technical Revisions, Note 5.
  - **Storm Water Services:** See Requested Technical Revisions, Note 5.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
  - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Site and Building Design

1. ~~Confirm with Solid Waste and CDOT that the proposed location for the potential future dumpster area is acceptable. Typically dumpster areas are located so that the trucks do not have to back up into public streets.~~ **Addressed, the petitioner revised the plan to show a larger potential area for the dumpster and the final location and design will be determined during construction permitting.**
2. ~~Add a note under Section II Permitted Uses to specify that in no case shall townhome units be located adjacent to the 30-foot buffer along the southern property line.~~ **Addressed.**
3. ~~Label the following proposed open spaces and amenity areas: at the southeast corner of the intersection of Beau Riley Road and Ardrey Kell Road, around potential BMP locations and the proposed linear park along Beau Riley Road.~~ **Addressed.**

### Transportation

4. ~~Amend note 6 under Streetscape, Landscaping, and Open Space to specify that the front of the sidewalk along Ardrey Kell Road shall be installed 49 feet from the centerline. Amend the site plan to label the future back-of-curb for Ardrey Kell 42.5 feet from existing centerline to accommodate half of a four-lane divided cross section with 16-foot median, 12-foot travel lanes, 8-foot buffered bike lane, and 2.5-foot curb and gutter. Specify that future curb lines for Wade Ardrey Road and Beau Riley Road will follow the local collector cross section (CLDSM-U-07).~~ **Addressed.**

## REQUESTED TECHNICAL REVISIONS

### Environment

5. ~~Delete all occurrences of the following note on sheet RZ-2 "Size and shape of pond/BMP facility to be determined during final engineering. If during final engineering design it is determined that the pond is not required it can be removed from the plan."~~ **Addressed.**

### Transportation

6. ~~Revise note 4 under Section IV Transportation to address all/any site access public street connections.~~ **Addressed.**

### Site and Building Design

7. ~~Amend the site plan exhibit to remove the extra townhome unit shown on one lot, north of the amenity area showing a clubhouse.~~ **Addressed.**
8. ~~Remove the buffer hashing that is shown across the connection to Sulky Plough Road.~~ **Addressed.**
9. ~~Amend Innovative standard III note 1 to specify that front loaded, attached townhome units will provide a garage setback of 20 feet from the back of the sidewalk.~~ **Addressed.**
10. ~~Delete the words "as generally shown on the rezoning plan." from section V Architectural Standards Note 4 that specifies sidewalks will connect front doors of townhome units to the sidewalk network.~~ **Addressed.**
11. ~~Elaborate Section V Architectural Standards note 6 to explain how blank walls will be broken up, for example through the use of a combination of doors, windows, change of materials, awnings, articulation, change of plane etc.~~ **Addressed.**
12. ~~Delete Note 3 under section VI Streetscape, Landscaping and Open Space related to setbacks as these are covered under the proposed Innovative standards.~~ **Addressed.**
13. ~~Delete Note 9 under section VI Streetscape, Landscaping and Open Space related to screening for the alleys as the alleys will be screened by the 30-foot buffer, landscaped to Class C standards, provided along Ardrey Kell Road and Wade Ardrey Road.~~ **Addressed.**

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report #1 and #2
- Pre-hearing analysis for first public hearing
- Pre-hearing analysis for second public hearing
- Post hearing analysis
- Zoning Committee Recommendation to defer and Recommendation to hold 2<sup>nd</sup> public hearing
- Zoning Committee Recommendation
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Department of Solid Waste 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 Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** John Kinley (704) 336-8311