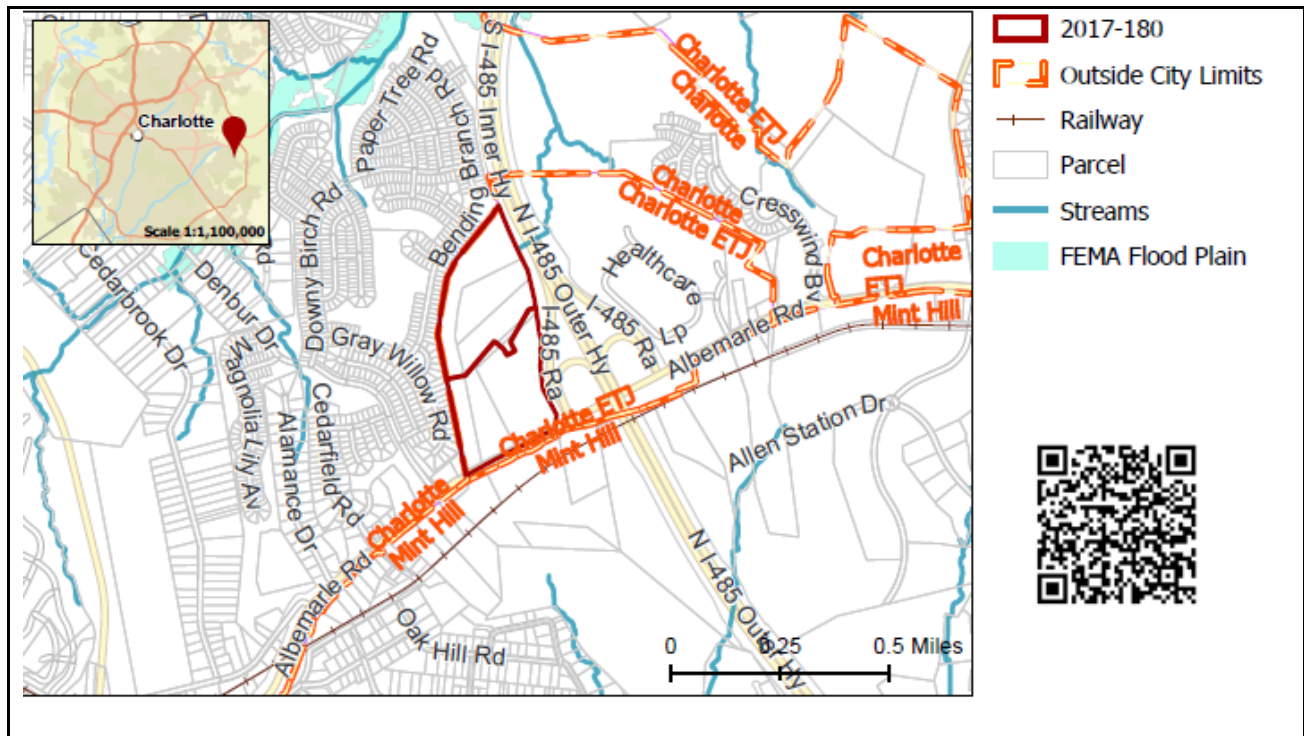


**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: MX-1 (mixed use) and NS (neighborhood services)

**LOCATION**

Approximately 66.90 acres located on the north side of Albemarle Road and west of I-485.  
(Outside City Limits)



**SUMMARY OF PETITION**

The petition proposes to develop a predominantly vacant site and retain the one existing residential structure on the site to allow a mixture of uses consisting of office, eating/drinking/entertainment establishment (EDEE), retail, multi-family and single family detached dwelling units.

**PROPERTY OWNER  
PETITIONER  
AGENT/REPRESENTATIVE  
COMMUNITY MEETING**

JS Helms Family Properties, LLC.  
JS Helms Family Properties, LLC  
Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC  
Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 19.

**STAFF  
RECOMMENDATION**

Staff does not recommend approval of this petition.

Plan Consistency  
The petition is inconsistent with the *Albemarle Road/I-485 Plan*, which recommends single family residential at a density of up to four units per acre.

Rationale for Recommendation

- The site plan includes a mix of low and moderate density residential uses as well as commercial uses.
- Although the proposal is inconsistent with the plan there is the potential to create a walkable multi use village center on this site, and to retain a large existing pond on the rear of the site.
- However, staff does not believe that the site plan has adequately integrated the commercial uses into a walkable multi use center.

- The proposed commercial uses are located on the exterior of the property fronting on Albemarle Road and are largely separated from the residential uses by parking areas and an internal driveway, making pedestrian access challenging.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Petition consists of Development Area A and Development Area B.
- Development Area A proposes MX-1 (mixed use) zoning to allow up to 75 detached dwelling units and accessory uses.
- Development Area B proposes NS (neighborhood services) zoning to allow:
  - Up to 45,000 square feet of retail, general and medical office, a financial institution, eating/drinking/entertainment establishment (EDEE), ~~gas station/convenience store~~, and personal service uses.
  - Within the existing home which will be retained, up to 5,000 square feet for an art gallery/art studio/cultural arts facility. A residential unit may also be located within the existing home.
  - 350 multi-family residential dwelling units
  - Up to two uses with accessory drive through windows.
  - One ~~gas station convenience store use, or in lieu of the gas station convenience store, a~~ financial institution with accessory drive through windows may be constructed.
  - **Gas station or convenience store with or without gasoline sales is prohibited.**
- Building heights limited to three stories and 50 feet.
- Site access via Public Street A and one private driveway off Albemarle Road. Public Streets A, B and C will be provided internally along with a future road connection through the proposed MX-1 (mixed use) portion of the property to Bristley Road in abutting Woodbury Subdivision to the northwest.

#### Streetscape

- Provides an eight-foot planting strip and 12-foot multi-use path along the project frontage on Albemarle Road.
- A CATS bus stop pad will be provided on Albemarle Road.

#### Transportation

##### Albemarle Road and Denbur Drive

- Adds a second southbound left-turn lane.
- Modifies the southbound right-turn lane onto Denbur Drive by including a median island, and removing traffic signal control.

##### Albemarle Road and Directional Cross-Over Access "A"

- Adds an eastbound directional cross-over on Albemarle Road into the site, and a westbound right-turn lane on Albemarle Road.
- Installs a traffic signal with permitted/protected signal phasing for the eastbound left-turn movement on Albemarle Road.

##### Albemarle Road Access "B"

- Constructs a westbound right-turn lane on Albemarle.
- Constructs a right-in and right-out lane that terminates as a right-turn lane at Albemarle Road. The existing median on Albemarle Road will eliminate left entering and exiting vehicular movements

##### Albemarle Road at Wilgrove-Mint Road

- Provides two signal controlled pedestrian crosswalks across Wilgrove-Mint Hill Road and across the east leg of Albemarle Road.
- Creates a separate northbound right-turn lane on Wilgrove Mint Hill Road to eastbound Albemarle Road.

#### Architectural Standards

##### • Standards for Nonresidential buildings.

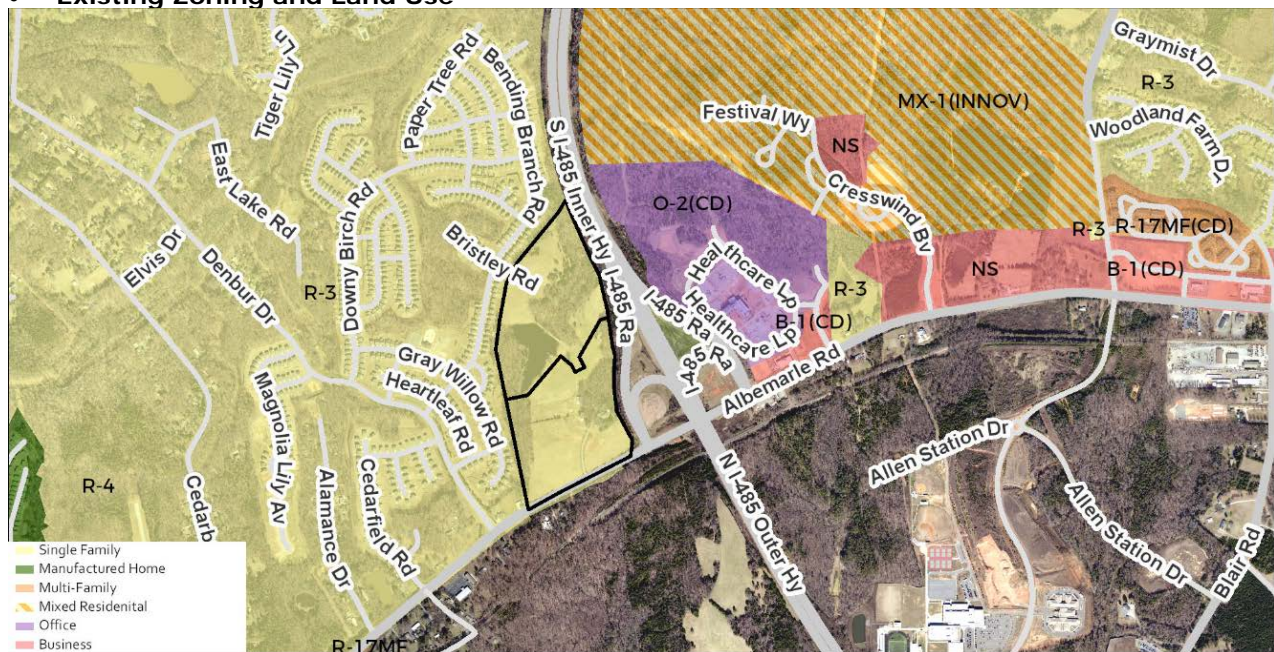
- Specifies building materials; vinyl is prohibited except on windows and soffits.
- Parking and maneuvering is prohibited between the buildings located at the intersection of Albemarle Road and Public Streets A and B. Parking areas may be located to the side of proposed buildings along Albemarle Road as indicated on the site plan.
- Buildings shall be placed so as to present a front or side façade to all public streets.
- The minimum height of one-story nonresidential buildings will be 22 feet except for the existing single family dwelling.
- Nonresidential buildings will provide street level pedestrian oriented active uses along Public Street A.

- Standards for Residential buildings in Development Area B
  - Buildings shall front a minimum of 50% of the total site street frontage of Public Streets A and C.
  - Driveways serving single units shall be prohibited on all network required streets.
  - Buildings exceeding 135 feet in length shall include modulations of the building massing/façade plane.
  - Building elevations shall be designed to create visual interest as specified on the site plan.
  - All residential ground floor units will have entrances facing Public Streets A and B, and the entrances will be connected to the adjoining streets or open space.

Streetscape, Landscaping and Buffers

- A 50-foot wide Class C buffer will be provided between Development Area B and the adjoining Woodbury Neighborhood in R-3 (single family residential) zoning. A 20-foot Class C buffer will be provided between adjacent to the neighborhood and Development Area A.
- A 12-foot wide multi-use path will be provided along the project’s frontage on Albemarle Road.
- An internal sidewalk and cross-walk network will be provided throughout the site.
- A series of passive and active open space areas will be provided throughout the development, and the existing pond will be preserved and may be used to meet storm water and water quality requirements.

• **Existing Zoning and Land Use**



- The subject property is developed with one single family detached dwelling in R-3 (single family residential) zoning.
- Mint Hill’s jurisdiction is located to the south across Albemarle Road. The Mint Hill land use plan recommends office and single family residential land uses in Mint Hill’s jurisdiction.



The subject property is a large site developed with a single family dwelling.



The properties to the east and north are developed with a single family subdivision.

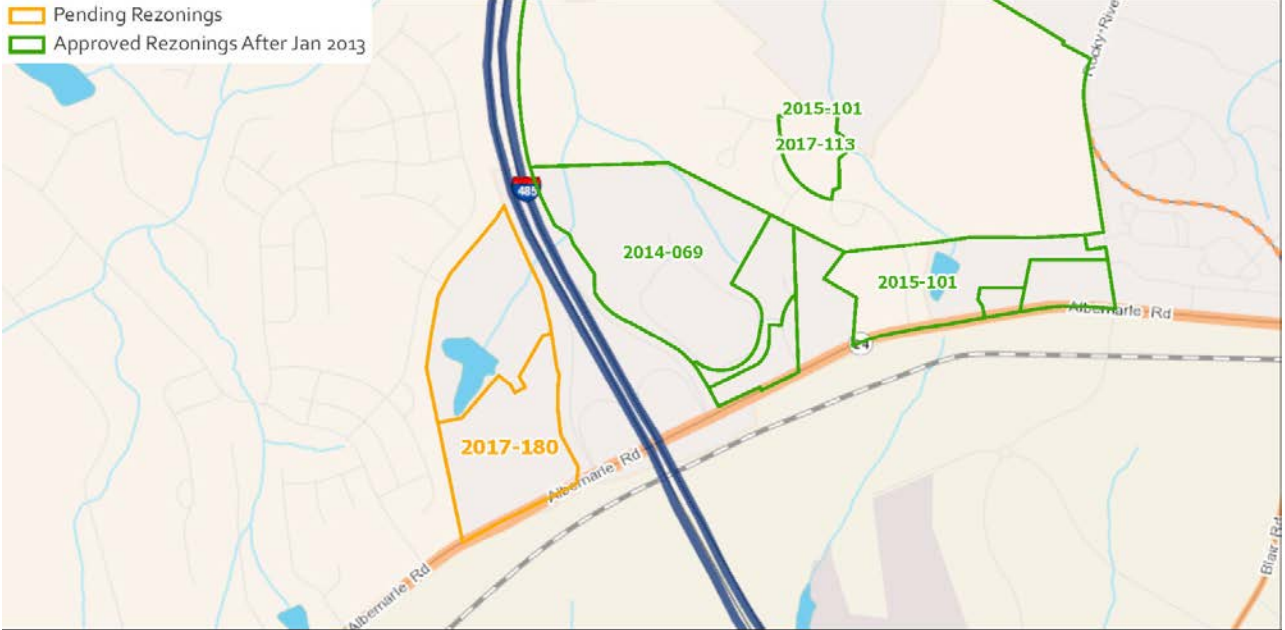


The property is bordered by Interstate 485 to the east.



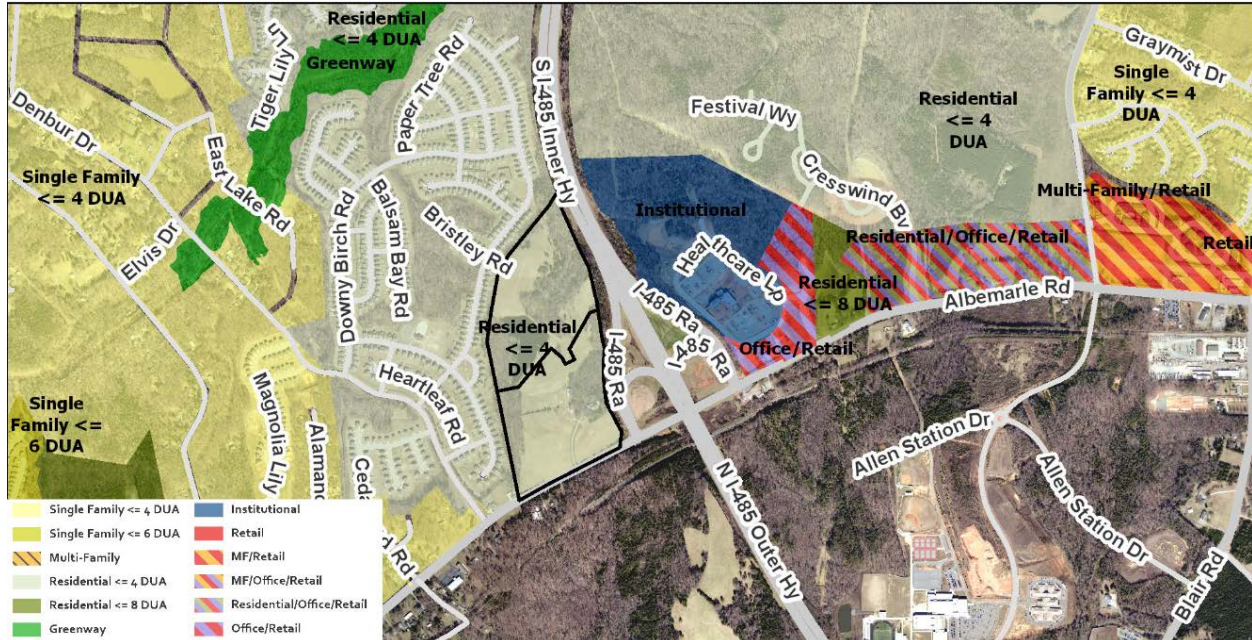
Properties to the south are vacant undeveloped land.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-113	Approximately 8.3 acres from MX-1 INNOV to NS to allow 23,000 square feet of indoor recreation uses including an indoor pool and accessory uses permitted in the district.	Approved
2015-101	Approximately 371 acres from R-3 to B-1(CD) to allow retail, general and medical office uses, EDEE, personal services and other commercial uses, and a 230-unit independent and dependent nursing home, and up to 850 age restricted dwelling units.	Approved
2014-69	Approximately 81.75 acres from INST(CD) and B-1(CD) to O-2(CD) and B-1(CD) SPA to allow a 50-bed hospital, and up to 117,000 square feet of medical and general office, retail/commercial and personal services uses.	Approved

• **Public Plans and Policies**



- *Albemarle Road/I-485 Plan (2003)* recommends single family residential land uses up to four dwelling units per acre.

• **TRANSPORTATION CONSIDERATIONS**

- This site is located on a major thoroughfare, near I-485. The site plan commits to accommodate the future cross section of Albemarle Road, including construction of a multi-use path across the site frontage and right-of-way dedication. Transportation improvements needed to mitigate increases in area traffic were identified in the traffic study. The petitioner has committed to make these improvements as indicated on the site plan. ~~CDOT would like the petitioner to describe the future curb line in more detail as it relates to the frontage and the proposed right turn lanes.~~

- See Outstanding Issues, Notes 1 and 2.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on one single family dwelling).

Entitlement: 1,990 trips per day (based on 200 single family dwellings).

Proposed Zoning: ~~17,350~~ 9,690 trips per day (based on 75 single family dwellings, 350 multi-family apartment units, ~~a 16-pump gas station and convenience store~~, and 5,000 square feet of EDEE uses with a drive through, and 8,000 square feet of high-turnover sit-down EDEE use).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No on-street parking.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 101 students, while the development allowed under the proposed zoning will produce 166 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 65 students.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - J. H. Gunn Elementary from 124% to 137%
    - Albemarle Road Middle from 117% to 121%
    - Rocky River High from 92% to 94%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch transmission main located along Albemarle Road. A Willingness to Serve application was received for the parcels in question. After an analysis of the sanitary sewer system associated with proposed design in the Willingness to Serve application for sewer, it was determined that there is currently sufficient capacity to accommodate the proposed flow at the connection point(s) indicated on the submitted utility plan. Please note that availability of flow is

subject to change, and this Willingness to Serve review does not guarantee future capacity.

- **Engineering and Property Management:**

- **Arborist:** Project is currently outside the City of Charlotte city limits. If the project is annexed into the City of Charlotte then no trees can be removed from the right-of-way of any existing or newly created City maintained street without explicit permission of the City Arborist's office. 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; 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. See Outstanding Issues, Note 8.

- **Erosion Control:** No outstanding issues.
- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See Outstanding Issues, Note 6.

- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.

- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

## OUTSTANDING ISSUES

### Transportation

1. Clearly reflect that the 47-foot back-of-curb dimension is along the site's entire frontage along Albemarle Road and does not include the right turn lane. Additional request based on revised site plan: Clarify the back-of-curb is 47 feet from existing centerline of the road across the entire frontage. **Addressed**
2. ~~Revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **Addressed**

### Land Use

3. ~~Specify the proposed residential density on the site by providing the acreage of the area proposed for residential uses.~~ **Request has been rescinded by staff.**
4. ~~Remove the interchange oriented gas station and convenience store uses as they are not neighborhood service uses.~~ **Addressed**
5. ~~Remove the proposed EDEE with drive through window, which is not permitted in the NS (neighborhood service) district.~~ **Rescinded by staff as an EDEE (Type 1) drive-in service is a permitted use provided the EDEE has more than 50 seats. EDEE (Type 2) with drive-in service are only allowed in B-2 zoning.**

### Environment

6. ~~Show tree save calculations clearly in table on the site map.~~ **Addressed**
7. The petitioner must submit a tree survey for all trees two inches or larger located in the rights of way of all public streets. The petitioner has added a note to the site plan indicating that a tree survey will be submitted as part of the land development permitting process for the Site.

**Outstanding**

### Site and Building Design

8. ~~For clarity, amend Note 4b to disallow parking between the buildings and Albemarle Road.~~ **Addressed**

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## 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 Land Use and Environmental Services Agency Review
- Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327