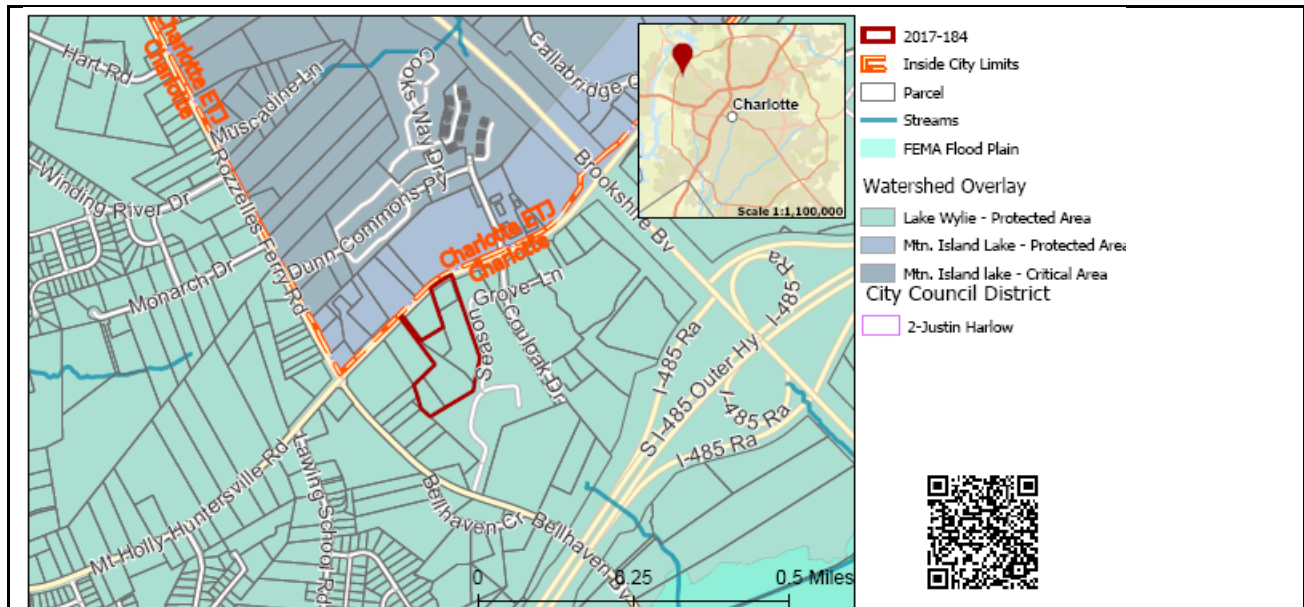


**REQUEST**

Current Zoning: R-3 LWPA (single family residential, Lake Wylie Protected Area)  
Proposed Zoning: R-12MF LWPA (multi-family residential, Lake Wylie Protected Area)

**LOCATION**

Approximately 8.56 acres located on the south side of Mount Holly-Huntersville Road, east of Rozzelles Ferry Road and west of Brookshire Boulevard.  
(District 2 – Harlow)



**SUMMARY OF PETITION**

The petition proposes to allow all uses permitted in the R-12MF LWPA (multi-family residential, Lake Wylie Protected Area) district for parcels located west of the intersection of Brookshire Boulevard and Mount Holly Huntersville Road within the Brookshire/I-485 mixed use activity center. The site is developed with two single family residential homes with wooded acreage.

**PROPERTY OWNER**

Edward Parks Trust; Betty J. Parks Trust; Daniel E. Parks; Myra Triplett; Myra T. Parks

**PETITIONER**

Sean Brady

**AGENT/REPRESENTATIVE**

Collin W. Brown; Bailey Patrick, Jr., K&L Gates LLP

**COMMUNITY MEETING**

Meeting is not required.

**STAFF RECOMMENDATION**

Staff does not recommend approval of this petition in its current form.

Plan Consistency

The petition is inconsistent with the *Brookshire Boulevard/I-485 Area Plan* recommendation for mixed-use (multi-family/office/retail) use.

Rationale for Recommendation

- The proposed use is inconsistent with the adopted land use for the site, which calls for a mix of multi-family/office/retail uses.
- The proposed R-12MF (multi-family residential) district permits limited non-residential uses. However, the petition lacks details to show how compliance with the plan will be achieved and should be converted to a conditional request.
- In addition, comparable rezonings have provided architectural notes through conditional zoning, committing to pitched roofs, usable porches and stoops, and design for corner/end units that

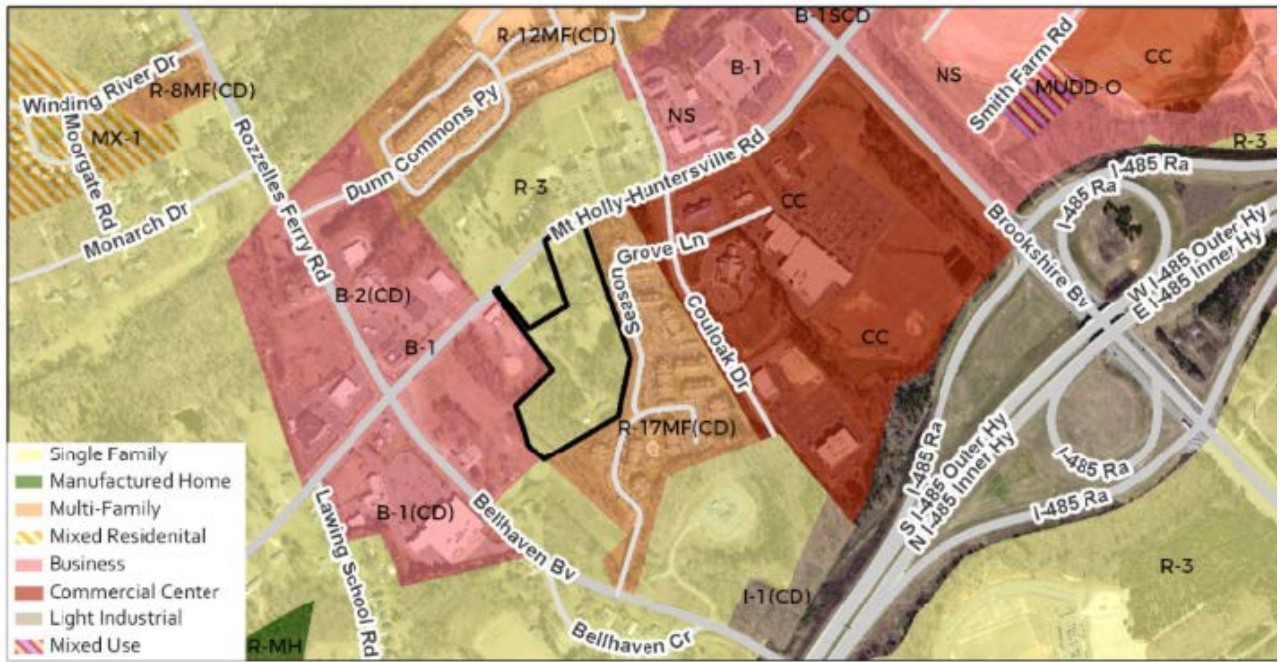
are not provided with this petition. Staff could support this petition if such commitments are included.

**PLANNING STAFF REVIEW**

**Proposed Request Details**

This is a conventional rezoning petition with no associated site plan. The R-12MF (multi-family residential) district is designed to promote a variety of housing types with a range of densities, located near employment centers, shopping facilities, and roads capable of handling the traffic generated by higher-density development. These districts may also accommodate limited institutional, public, and commercial uses appropriate within a residential environment.

**Existing Zoning and Land Use**



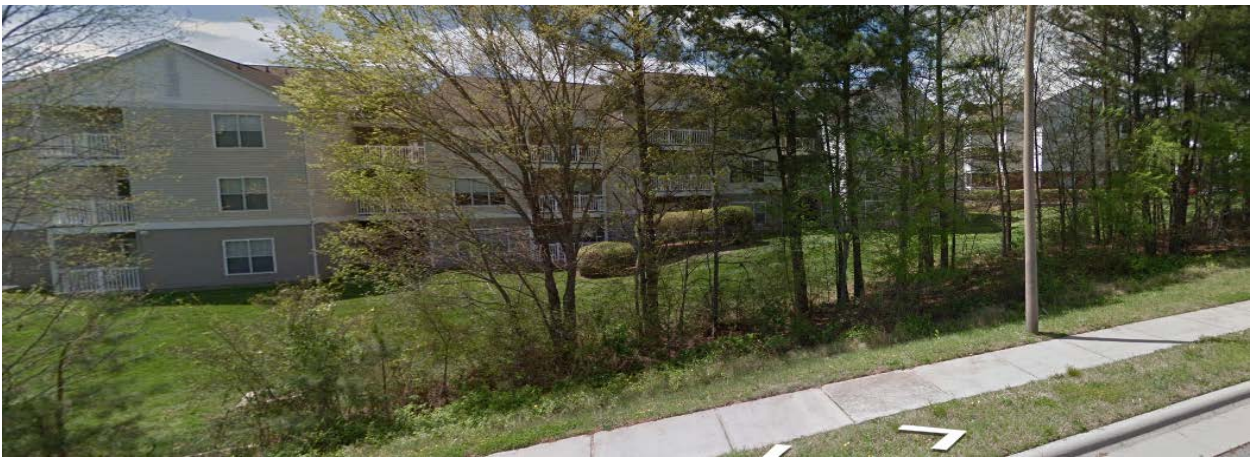
The site is currently developed with single family homes and wooded areas and is surrounded by institutional, religious, residential, and commercial activities and uses, including Cooks Memorial Presbyterian Church to the north across Mount Holly Huntersville Road and Cooks Volunteer Fire Department to the west.



The site is currently developed with single family homes.

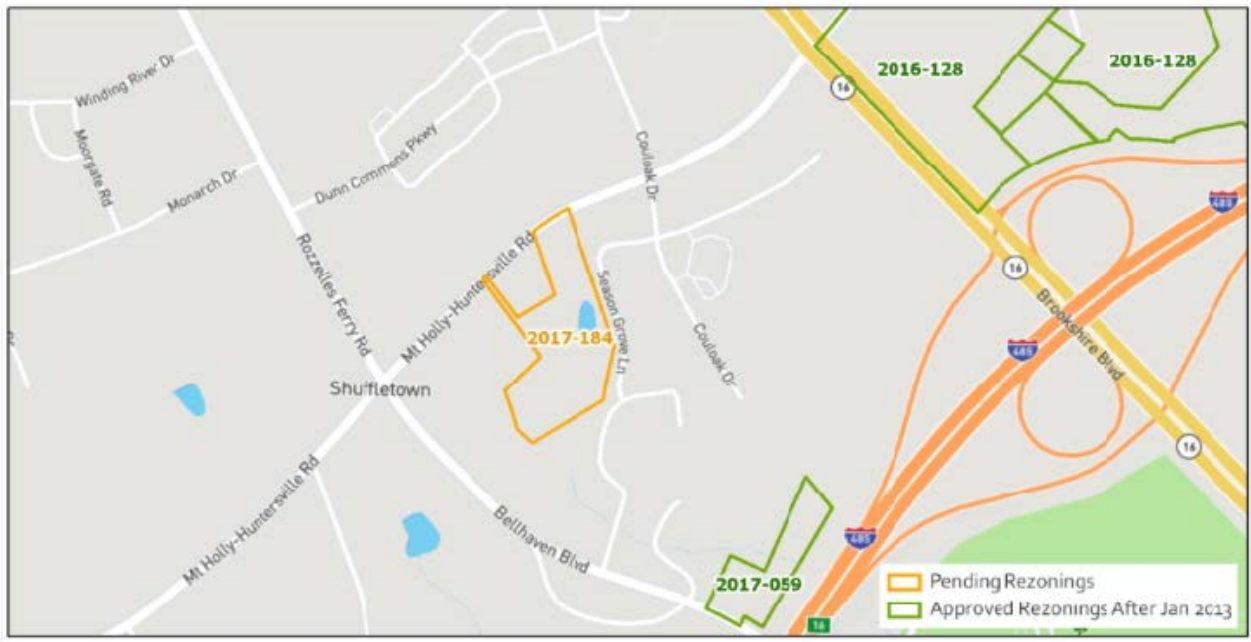


The adjoining properties along Mount Holly-Huntersville Road include a single family home and a volunteer fire department.



The property to the east along Couloak Drive is developed with apartments.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-128	Approved modifications to an approved multi-use development to allow additional office square footage, a hotel, a theater, and to add property.	Approved

2017-059	Approved construction of a new building to allow industrial uses.	Approved
----------	---	----------

• **Public Plans and Policies**



- The *Brookshire/I-485 Area Plan* (2002) recommends mixed-use (multi-family/office/retail) land use for this site.
- The plan specifies that mixed-use is by definition intended to include at least two of the following uses: office, multi-family residential, and retail. Residential density may not exceed 12 units per acre.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is on a major thoroughfare. During permitting, CDOT will work with the petitioner to reserve right-of-way for a future widening on Mt Holly-Huntersville Road and develop the required streets to support cross access to Season Grove Lane and a street stub to Bellhaven Boulevard. This supports a goal of the *Brookshire Boulevard / I-485 Area Plan* to connect development and disperse traffic and lessen thoroughfare congestion.
  - **Vehicle Trip Generation:**  
 Current Zoning:  
 Existing Use: 30 trips per day (based on two single family dwellings).  
 Entitlement: 290 trips per day (based on 25 single family dwellings).  
 Proposed Zoning: 740 trips per day (based on 102 apartments).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** Developer must comply with the City's Housing Policies if seeking public funding for multi-family housing developments. According to recent data from the U.S. Department of Housing and Urban Development, there is an estimated need for approximately 34,000 affordable workforce housing units in the City of Charlotte. In an effort to increase the estimated supply, developers are encouraged to assist in providing homes at diverse price points to meet increased housing demand.
- **Charlotte Fire Department:** No on-street parking. Dead end access exceeding 150 feet requires approved Charlotte Fire Department turnaround. See charlottefire.org for other requirements.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 13 students, while the development allowed under the proposed zoning will produce 29 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 16 students. Adequacy of existing school capacity in this area is a significant problem. We are particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development may exacerbate those situations. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed below.
  - The proposed development is projected to increase the school utilization (without mobile classroom units) over existing conditions as follows:

- Mountain Island Lake K-8 from 171% to 175%; and
- West Mecklenburg High from 112% to 112%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch transmission main located along Mount Holly-Huntersville Road.

The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Due to the limited project details that were provided, Charlotte Water cannot provide concurrence for this rezoning boundary at this time. It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity.

Development is encouraged to contact Installation Development Services at (704) 336-5499 to review service connection design requirements and City Ordinances (e.g., backflow, separate meter Ordinance, public/private pipeline extensions). Comments: Development will need to submit a CAP application, contact New Services for water/sewer services and dismantlements, will require water/sewer extension through a donated project if public road is built (if all private streets, please send plans to Charlotte Water to permit private water), will need to send plans to NC-DEQ Mooresville Regional Office at (704) 663-1699 for sewer permitting, and will need to verify at least 36" min cover over Charlotte Water's existing water main at the proposed connection point at Mt Holly Huntersville Road.

Reservation of sanitary sewer system capacity through the Charlotte Water's Capacity Assurance Program is the responsibility of the customer/development. Contact the New Services Group at (704) 432-5801 for further information on reserving capacity up to 12 months.

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** Site must comply with the Tree Ordinance.
- **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. A letter of notification and the required forms have been mailed directly to the petitioner by Mecklenburg County Air Quality.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

#### OUTSTANDING ISSUES

1. The proposed land use is inconsistent with the *Brookshire/I-485 Area Plan* (2002), which recommends mixed-use (multi-family/office/retail) land use for this site.
2. The plan specifies that mixed-use is by definition intended to include at least two of the following uses: office, multi-family residential, and retail.
3. Amend the request to a conditional district to include quality site and building design elements.

---

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

- Application
- Locator Map
- 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
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Transportation Review