

**Note: The petitioner is requesting a withdrawal of the petition.**

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<b>REQUEST</b>	Current Zoning: R-17MF(CD), multi-family residential, conditional Proposed Zoning: MX-2(INNOV), mixed use, innovative
<b>LOCATION</b>	Approximately 22.27 acres located on the north side of East W.T. Harris Boulevard between Old Concord Road and Rose Heather Court.
<b>SUMMARY OF PETITION</b>	The petition proposes to allow a maximum of 150 detached and attached rooming unit cottages containing up to 750 rooming units.
<b>STAFF RECOMMENDATION</b>	Staff supports the petitioner's request for a withdrawal. However, if the withdrawal is not granted staff recommends a deferral.
<b>PROPERTY OWNER</b>	John, Kirk, et al.
<b>PETITIONER</b>	Aspen Heights
<b>AGENT/REPRESENTATIVE</b>	Bailey Patrick, Jr. and Collin W. Brown, K&L Gates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### **PLANNING STAFF REVIEW**

- **Background**

- The subject property was part of a larger rezoning in 1999 (petition 1999-09), which included the adjacent property to the west. The rezoning, in its entirety, allowed 447 condominium units on 31.4 acres. The approved site plan included the following:
  - A private road to Old Concord Road via the adjacent property to the east.
  - Access to the abutting R-17 MF tract to the west.
  - A 100-foot building setback along East W. T. Harris Boulevard.
  - 50-foot landscaped setback along East W.T. Harris Boulevard.
  - 50-foot class "C" buffer along the northern and eastern property boundaries.
  - Maximum of three story buildings.
  - Building exteriors of brick veneer and "lap siding".

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 150 multiple rooming unit cottages, at a density of 6.7 dwelling units per acre.
- Up to five rooming units in each cottage, for a maximum of 750 rooming units.
- Mixture of attached and detached units.
- Maximum height of 35 feet and two stories.
- Primary exterior building materials consisting of a combination of shake, hardi-plank, or cementitious siding, with a minimum 35 percent of the exterior of each building excluding windows, door and roofs will be constructed of masonry materials.
- Units adjacent to East W. T. Harris Boulevard will have front elevations that face that street.
- Landscaping provided along portions of eastern and western property boundaries.
- Parking provided at one space per rooming unit and guest parking at one space per 15 rooming units.
- Detached lighting fixtures not to exceed 25 feet in height.
- Dedication of 80 feet within the stream buffer along the northern property boundary to Mecklenburg County Park and Recreation Department for future use as a greenway.
- Innovative requests for reduced yard requirements and minimum spacing between cottages.

- **Existing Zoning and Land Use**

The subject property is currently undeveloped. Single family dwellings in R-3 zoning abut the site to the north. The remaining adjacent properties on both sides of East W. T. Harris Boulevard are developed with multi-family residential dwellings in R-9MF(CD), R-17MF, and R-17MF(CD) zoning.

- **Rezoning History in Area**

- There have been no rezonings in the immediate area in recent years.

- **Public Plans and Policies**

- The *Northeast District Plan (1996)* recommends multi-family land uses at a density of up to 17 dwelling units per acre, as amended per rezoning petition 99-09.
  - The proposed land use is consistent with the *Northeast District Plan*.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Department of Solid Waste Services:** No issues.
  - **Transportation:** The petitioner should extend the northbound right turn lane on Old Concord Road onto Mclean Road.
    - **Vehicle Trip Generation:**  
Current Zoning: 420 trips per day.  
Proposed Zoning: 560 trips per day.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **Mecklenburg County Parks and Recreation Department:** Work with Park and Recreation Department to define the greenway area to be dedicated.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Protects/restores environmentally sensitive areas by dedicating an 80-foot wide strip of land within the stream buffer along the northern property boundary of the site extending from the site's eastern property boundary and running in a westerly direction along the northern property boundary to the western property boundary to the Mecklenburg County Park and Recreation Department for future use as a greenway.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Build the private street to the standards of a Local Residential Medium classification and reflect a 56-foot in width instead of 53 feet.
  2. Amend the Sidewalk Unit Access Detail on Sheet RZ.2 to reflect a minimum five-foot sidewalk from the front of each unit that ties into the sidewalk along the private street.
  3. Delineate the areas for proposed landscaping referenced in Note 5(g) under the heading of Streetscape and Landscaping.

4. Add a note under the heading of Parks, Greenway and Open Space to indicate that greenway trails are not permitted in delineated tree save areas.
  5. Amend Note 5(g) under the heading of Streetscape and Landscaping to state that a minimum of 15 feet is required to provide planted materials.
  6. Correctly label side and rear yards based on building orientation.
  7. Amend Note 2 under heading of Innovative Development Standards to state that the site will comply with the minimum development standards in the City of Charlotte Zoning Ordinance unless the requested innovative standards are approved.
  8. Amend the innovative requests to comply with staff's recommendations as follows:
    - a. Minimum setback along East W. T. Harris Boulevard: 50-foot minimum with an undisturbed Class C buffer
    - b. Minimum setback along internal private streets: 18 feet from back of curb
    - c. Minimum internal rear yard: 10-foot minimum from back of curb
    - d. Minimum side yard: 15 feet
    - e. Minimum rear yard: 15 feet
    - f. Minimum spacing between cottages: 12 feet
  9. Address CDOT comments.
  10. Address Park and Recreation comments.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review

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