

REQUEST	Current Zoning: R-3 (single family residential), R-12MF (multi-family residential) and B-1(CD) (neighborhood business, conditional) Proposed Zoning: MX-1 INNOV (mixed use, innovative) and NS (neighborhood services), with five-year vested rights
LOCATION	Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes to develop a large vacant parcel near the intersection of Albemarle and I-485 with: <ul style="list-style-type: none"> • 290,000 square feet of retail, general and medical office uses, eating/drinking/entertainment establishments, personal services and other commercial uses, • a 230-unit independent and dependent nursing home, and • up to 850 age restricted dwelling units.
PROPERTY OWNER	485 Investments, LLC, Lee Security, LLC, Jerry N. Helms and Family Trust, Mary Lynn Rhodes Restated Revocable Trust and Henry Oliver Rhodes, Sr. Revocable Trust
PETITIONER AGENT/REPRESENTATIVE	Kilter Acquisitions LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Plan Consistency</u> The request to rezone a portion of the subject property to MX-1 (mixed use) is consistent with the adopted policies in the <i>Albemarle Road/I-485 Interchange Study</i>, which recommends single family land uses between four and eight dwelling units per acre.</p> <p>A portion of the area proposed for NS (neighborhood services) is consistent with the adopted policy's recommendation for retail and a mix of residential, office, and retail uses. However, the remaining area proposed for NS is inconsistent with the plan's recommendation for residential uses up to eight units per acre.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Rezoning petition 2008-051 established O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) zoning for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485. • In light of the proposed hospital and retail uses to the west of the subject site, and the commercial zoning to the east of the site, well designed office and retail uses are appropriate for the portion of the site fronting Albemarle Road. • The proposed non-residential development along Albemarle Road is intended to have a pedestrian oriented character and provides a direct connection to the large residential neighborhood that is planned for the rear portion of the site, and could also complement the hospital with potential medical offices and services. • This commercial center will provide goods and services within walking distance of the neighborhood, which the Albemarle/I-485
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plan envisioned for residents of this area.

- The single family residential neighborhood is designed to promote walkability, provide a series of water quality facilities designed to serve as amenities, and retain significant open space.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Site consists for Development Areas A, B and C.
- The site plan allows for up to 290,000 square feet of office, retail, eating/drinking/entertainment establishments and personal services, 850 age restricted residential units, and a continuing care retirement community (CCRC) with up to 230 dependent or independent units.
- The overall MX-1 residential portion allows for a density of 2.5 acres per unit.
- Development Area A (MX-1 Innovative District)
 - Allows up to 850 detached age restricted dwelling units, of which up to 150 dwelling units could be duplex units together with accessory uses allowed in the district such as community areas including pool and club house, customary home occupations, fences and walls, and outdoor lighting.
 - Innovative Provisions to allow preservation of natural features and open space:
 - (i) Decrease the minimum lot size from 10,000 square feet to 3,800 square feet for single family detached lots.
 - (ii) Decrease the minimum lot width from 70 feet to 35 feet for interior single family detached lots and a minimum lot width of 40 feet for single family detached exterior lots.
 - (iii) Decrease the minimum front setback from 30 feet to 10 feet as measured from the proposed right-of-way of public streets. If a driveway is to be used to provide additional parking, the minimum setback from the back of the sidewalk will be enough not to block the sidewalk.
 - (iv) Decrease the minimum interior rear yard from 45 feet to 20 feet.
 - (v) Ability to allow single family lots to front on private streets. Any private streets used will not be gated.
 - (vi) Reserve the right to modify the aforementioned innovative provisions or seek other innovative development standards in the future pursuant to the applicable process set forth in the ordinance.
- Development Area B (NS District)
 - Allows up to 130,000 square feet of gross floor area of retail, eating/drinking/entertainment establishments, and personal services; up to 60,000 square feet of gross floor area of general and medical office uses; and, accessory uses such as accessory buildings, fences, walls, and lighting allowed in the district.
 - Allow up to two uses with accessory drive-through windows. However, only one eating/drinking/entertainment establishment with an accessory drive-through is allowed.
- Development Area C (NS District)
 - Allows up to 100,000 square feet of general and medical office uses or a nursing home consisting of dependent and independent units up to 230 units.
 - The allowed number of nursing home units in Development Area C may be increased by 100 units by transferring and converting residential dwelling units from the MX-1 in Area A.
- Building Design and Architecture
 - Maximum building height limited to four stories and 60 feet in the NS (neighborhood services) district (Areas B and C), and minimum height of 22 feet.
 - Designation of materials for principal buildings.
 - Buildings in Development Areas B and C, which are proposed to be NS (neighborhood service), will be designed so that building facades orient to the new or existing streets, will not have lengths of uninterrupted blank walls over 20 feet, will have extensive transparent glass, and will have prominent principal entrances.
- Transportation, Streetscape, and Parking
 - Site access provided via Albemarle Road, Rocky River Church Road and Old Iron Lane, in addition to other public street extensions and connections made from the site to adjoining properties.
 - Parking and maneuvering prohibited between the building and Street #1, #2, #3 and #5 in Development Areas B and C, except the building located at the corner of Rocky River Church

- Road and Albemarle Road may have parking and maneuvering between the building and Street #3.
- Eight intersection improvements associated with the development and development will be phased and linked to substantial completion of roadway improvements.
 - A sidewalk and crosswalk network along internal streets that links all principal buildings with one another.
 - Open Space/Environment
 - A series of passive and active open space areas throughout the residential community in Areas A, B and C.
 - A portion of the 100-foot Surface Water Improvement Management Buffer (SWIM buffer) will be dedicated to Mecklenburg County Parks and Recreation.
 - Storm water detention and water quality areas located along an interior public street will be landscaped to create an attractive street edge.
 - **Existing Zoning and Land Use**
 - The majority of the property is vacant. The remaining portions are developed with three single-family structures, and an eating/drinking/entertainment establishment (EDEE) approved under petition 2007-133.
 - There are multiple zoning classifications and land uses along this section of Albemarle Road. They include:
 - R-3 (single family residential) developed with rural residences or vacant land for the properties to the north of the site and east of I-485;
 - O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) which is undeveloped but zoned for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485; and
 - R-3 (single family residential), R-17MF(CD) (multi-family residential, conditional) and B-1(CD) (neighborhood business, conditional) zoning with single family dwellings, multi-family residential, an eating/drinking/entertainment establishment and vacant property to the west and across Rocky River Church Road.
 - Mint Hill's jurisdiction is located to the south across Albemarle Road.
 - See "Rezoning Map" for existing zoning in the area.
 - **Rezoning History in Area**
 - Petition 2014-69 rezoned approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485 to O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment) to allow modifications to an approved planned development resulting in a 50-bed hospital, and up to 117,000 square feet of medical and general office, retail/commercial and personal services uses.
 - Petition 2007-133 rezoned 1.98 acres located on the north side Albemarle Road between I-485 and Rocky River Church Road to B-1(CD) to allow reuse of an existing one story 1,800 square building as a restaurant/office/retail use.
 - **Public Plans and Policies**
 - *Albemarle Road/I-485 Interchange Study* (2003) recommends single family land uses at between four and eight dwelling units per acre for portions of the subject property, and a mix of residential, office, and retail for a portion.
 - *General Development Policies-Environment*
 - **TRANSPORTATION CONSIDERATIONS**
 - This rezoning petition will generate a significant amount of traffic under the proposed uses. The petitioner has completed a traffic impact study, which has been reviewed by both CDOT and NCDOT. The rezoning petition includes the recommended off-site traffic mitigations from the traffic study, which includes various improvements along Albemarle Road, Rocky River Church Road, Camp Stewart Road, and at the intersection of Camp Stewart Road and Harrisburg Road. From a design perspective, the plan implements the recommended street network that has been planned for the east side of the I-485/Albemarle Road interchange.
 - **Vehicle Trip Generation:**
 - Current Zoning: 12,075 trips per day (based on a mix of residential, institutional and retail uses)
 - Proposed Zoning: 17,560 trips per day

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 issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 806 students, while the development allowed under the proposed zoning will produce 615 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students. Although there is no net increase in the number of students over the current zoning, the proposed development will increase the school utilization over current conditions. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Clear Creek Elementary from 127% to 177%
 - Northeast Middle from 84% to 99%
 - Rock River High from 98% to 109%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No comments received.
- **Engineering and Property Management:** See Outstanding Issues, note 3.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, note 4.

OUTSTANDING ISSUES

Site and Building Design

1. Add a note committing to a minimum of 40,000 square feet of open space in the neighborhood services (NS) portion of the site.
2. Add a note that commits to features that will be placed in the open space in the neighborhood services (NS) portion of the site.

Environment

3. Show tree save areas on the rezoning plan. Add note that site will comply with the requirements of the City of Charlotte Tree Ordinance.
4. Amend Note 12 to specify that dedication and conveyance of the 100-foot SWIM buffer shall occur prior to the issuance of the first certificate of occupancy, and that storm water detention/water quality facilities shall not be located within the dedication area.
5. Commit to maintain the creek that runs through the site.

REQUESTED TECHNICAL REVISIONS

1. Delete Note 10c related to signage if the area is to be treated as a planned unit development as noted in "General Provisions," Note c.
2. Delete the definition of gross floor area under Note 3.
3. Amend Notes 5f and 5g to add the following: "Angled on-street parking will be provided if allowed by the jurisdiction and/or NCDOT."
4. Amend Note 6b to state "primary" entrance.
5. Add cell towers to the list of permitted uses.
6. Clarify the transfer notes for the continuing care retirement center units in note 3f under Permitted Uses.
7. Change all references to "multi-family" to "continuing care retirement center (CCRC)."

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review

- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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