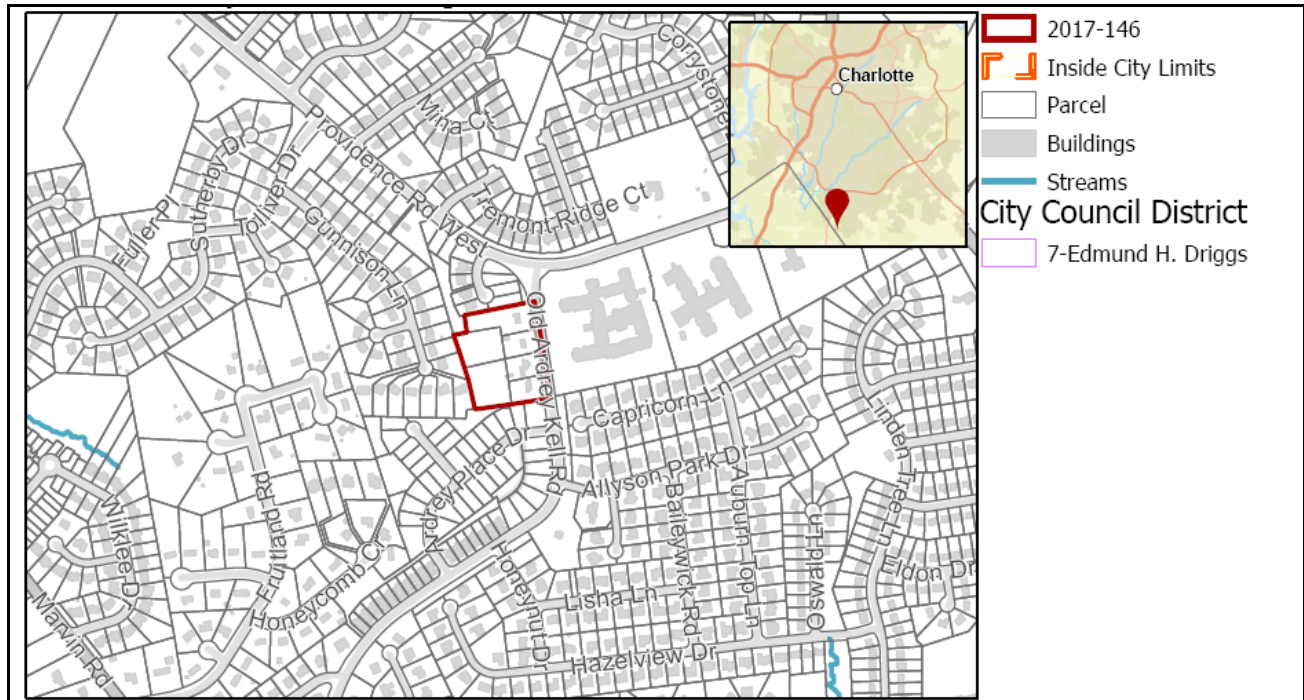


**REQUEST**

Current Zoning: R-3 (single family residential)  
 Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 4.35 acres located on the west side of Old Ardrey Kell Road, south of Providence Road West.  
 (Council District 7 - Driggs)



**SUMMARY OF PETITION**

The petition proposes to redevelop four detached, single family homes on six parcels for a townhome community with up to 35 single family attached units in south Charlotte, south of Ballantyne.

**PROPERTY OWNER**

Yas Ansari and Armita Marashi, et al

**PETITIONER**

North State Development, LLC

**AGENT/REPRESENTATIVE**

Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 6.

**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 8.05 units per acre meets criteria in the *General Development Policies* for development at up to eight dwellings per acre

Rationale for Recommendation

- The subject property is situated between a large institutional continuing care facility on the east and single family residential on the remaining sides.
- The petition limits the number of townhome units to 35 and the density to 8.05 units per acre, which is consistent with the *General Development Policies*.
- The rezoning will allow the property to be a transition between the more intense institutional and single family uses and provides the following:

- Establishment of a 30-foot setback from the future back-of-curb along Old Ardrey Kell Road.
- Commitment for a 20-foot buffer from single family residential homes within 25-foot rear and side yard from single family residential homes.
- Architectural standards for the proposed units that address porches, stoops, building materials, and blank walls on corner/end units.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

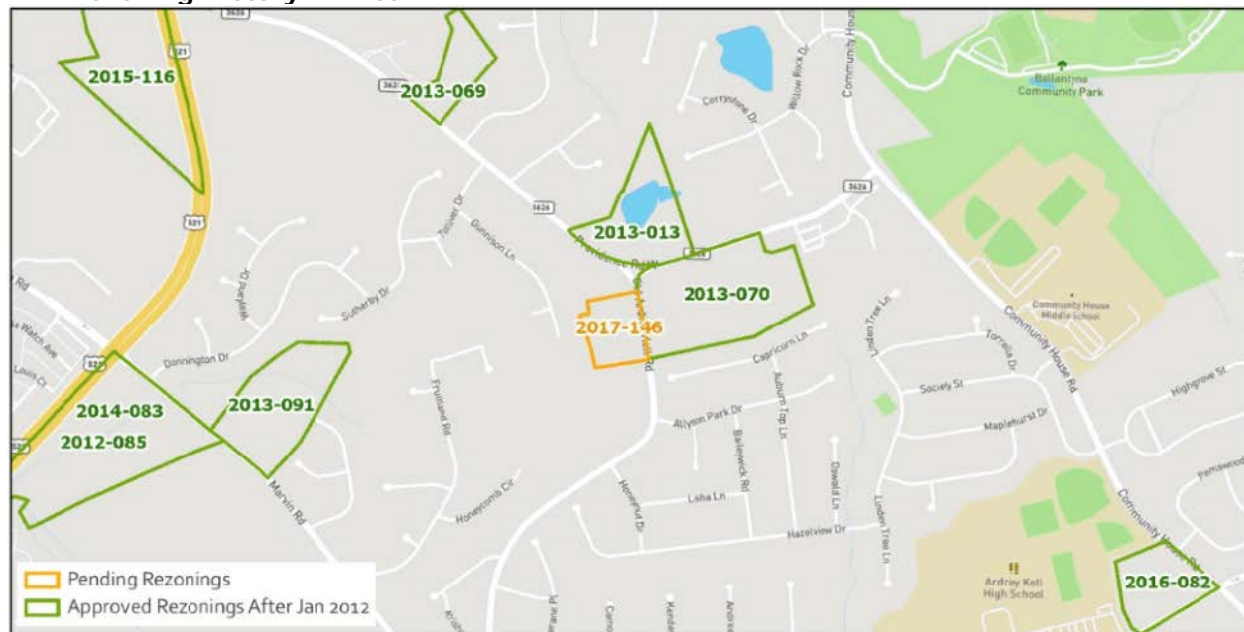
- Allows the development of up to 35 single family, attached dwelling units.
- Limits the total number of buildings to ten. Specifies that no more than five units will be located in each building, **except that the petitioner reserves the right to relocate the southern-most unit along Old Ardrey Kell Road to the northern building, creating a building with six units. The purpose of the possible relocation would be to allow additional tree preservation area along the southern boundary of the site.**
- Limits the maximum building height to three stories and not to exceed 46 feet.
- Specifies that each unit will have a one or two car garage. Provides no less than eight visitor parking spaces shown recessed along the private alleys.
- Commits to a number of architectural standards related to allowed building materials, blank walls on end units facing private alleys, garage doors with windows, and usable porches or stoops. Notes that meter banks, HVAC and mechanical equipment will be screened from adjoining properties and public view.
- Specifies that units along Old Ardrey Kell Road will have a front door orientation to the street rather than a back patio design. Each unit will have a door oriented to the street with individual five-foot sidewalks connecting to the sidewalk along Old Ardrey Kell Road.
- Provides vehicular access via a network of private alleys connected to Old Ardrey Kell Road.
- Constructs an eight-foot planting strip and six-foot sidewalk along Old Ardrey Kell Road with a back-of-curb set 19.5 feet from the existing centerline of Old Ardrey Kell Road.
- Provides minimum five-foot wide sidewalk on at least one side and in some cases both sides of the private alleys and street trees along the alleys as generally depicted on the site plan.
- Provides a minimum setback of 30 feet from the future back-of-curb along Old Ardrey Kell Road. Proposes a decorative four to five-foot tall fence/wall along Old Ardrey Kell Road that may include columns designed to match the building materials used on the buildings. Landscape materials will be planted between the fence/wall and the sidewalk along Old Ardrey Kell Road.
- Commits to a 25-foot side/yard around the perimeter of the site, abutting single family homes and provides a 20-foot Class C buffer within the rear/side yard. Specifies that individual unit private open space may be located within the yard requirements but will not encroach into the buffer.
- Commits to a central open space area of at least 9,000 square feet containing landscaping, lawn area, lighting, seating areas and other amenities.
- Specifies that all lighting shall be full cut-off fixtures except for decorative lighting along driveways, sidewalk, parking areas and courtyard. Limits the height of detached lighting to 16 feet.

### • Existing Zoning and Land Use



- The subject property is zoned R-3 (single family residential) and is developed with four single family homes.
- Abutting to the north, west, and south are single family homes in R-3 and R-4 (single family residential) zoning. To the east across Old Ardrey Kell Road is a continuing care residential facility in INST(CD) (institutional, conditional) zoning.

### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2016-082	Rezoned 5.67 acres from R-3 (single family) to I-1(CD) (light industrial) to allow a climate controlled self-storage facility.	Approved
2015-116	Rezoned 13.22 acres from O-1(CD) (office, conditional) to CC (commercial center) to allow a commercial mixed use development.	Approved
2014-083	Site plan amendment for 18.8 acres to UR-2(CD) SPA (urban residential, conditional, site plan amendment) to allow up to	Approved



	281 multi-family dwelling units.	
2013-091	Rezoned 11.379 acres from R-3 (single family residential) to MX-1 (mixed use) to allow the development of a single family neighborhood with up to 53 homes.	Approved
2013-070	Site plan amendment for 16.67 acres to INST(CD) SPA (institutional, conditional, site plan amendment) for 120 skilled nursing beds and 178 independent living units	Approved
2013-069	Rezoned 5.0 acres from R-3 (single family residential) to UR-1(CD) (urban residential, conditional) to allow 19 single family detached dwelling units.	Approved
2013-013	Rezoned 5.22 acres from R-3 (single family residential) to R-4 (single family residential).	Approved
2012-085	Rezoned 18.8 acres from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow 281 multi-family dwelling units.	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 meets the General Development Policies locational criteria for consideration of up to eight dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 dua
Meeting with Staff	1 – yes
Sewer and Water Availability	2 – yes
Land Use Accessibility	2 – Medium
Connectivity Analysis	2 – Medium low
Road Network Evaluation	0 – no
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 11</b>	<b>Total Points: 11</b>

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on a major collector south of an unsignalized intersection with Providence Road West. The site plan commits to streetscape improvements along the site frontage that are consistent with adjacent developments and meets the cross-section envisioned for Old Ardrey Kell Road.
- No issues.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 90 trips per day (based on seven single family dwellings).  
Entitlement: 160 trips per day (based on 13 single family dwellings).  
Proposed Zoning: 260 trips per day (based on 35 townhome dwellings).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26-foot clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate eight students, while the development allowed under the proposed zoning will produce six students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is a reduction of two students.
  - The proposed development is not projected to increase the school utilization (without mobile classroom units), which will remain as follows:
    - Elon Park Elementary at 146%
    - Community House Middle at 143%
    - Ardrey Kell High at 147%.
- **Charlotte Water:** Charlotte Water has water system infrastructure accessible for the rezoning boundary via an existing 12-inch water distribution main located along Old Ardrey Kell Road. Charlotte Water currently does not have sewer system accessibility for the parcels under review. The closest available sewer main is approximately 160 feet northeast of parcel 223-14-109 on Old Ardrey Kell Road. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.
- **Engineering and Property Management:**
  - **Arborist:** Trees cannot be removed from or planted in the right-of-way of any state maintained streets (Old Ardrey Kell Road) 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 before planting trees in the NCDOT right-of-way once plans have been approved by the City and before planting trees in the NCDOT right-of-way. 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 issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** Site is in a wedge and will be required to provide 15% tree save area based on gross acreage. 15% of 4.35 acres = 0.65 acres tree save. Show calculations on site plan. Tree save must contain existing healthy tree canopy. Tree save must be 30' width minimum. Show tree save area on site map.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

Site and Building Design

1. ~~Amend note 3d under Access and Transportation to specify the minimum width of the internal sidewalks will be six feet to match what the site plan depicts.~~ Addressed.
2. ~~Amend note 5b under Streetscape, Buffers, Yards, and Landscaping to provide more clarity on the commitments. Either provide an annotated detail or explain what "decorative" means, commit to columns or some other element to break up the fence/wall, and describe "landscape materials."~~ Addressed.

**REQUESTED TECHNICAL REVISIONS**Site and Building Design

3. ~~Amend all references to "Ardey Kell Road" to "Old Ardey Kell Road."~~ Addressed.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing staff analysis
- Post Hearing Analysis
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Department of Solid Waste Services Review
  - Charlotte-Douglas International Airport Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Historic Landmarks Review
  - Charlotte-Mecklenburg Police 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