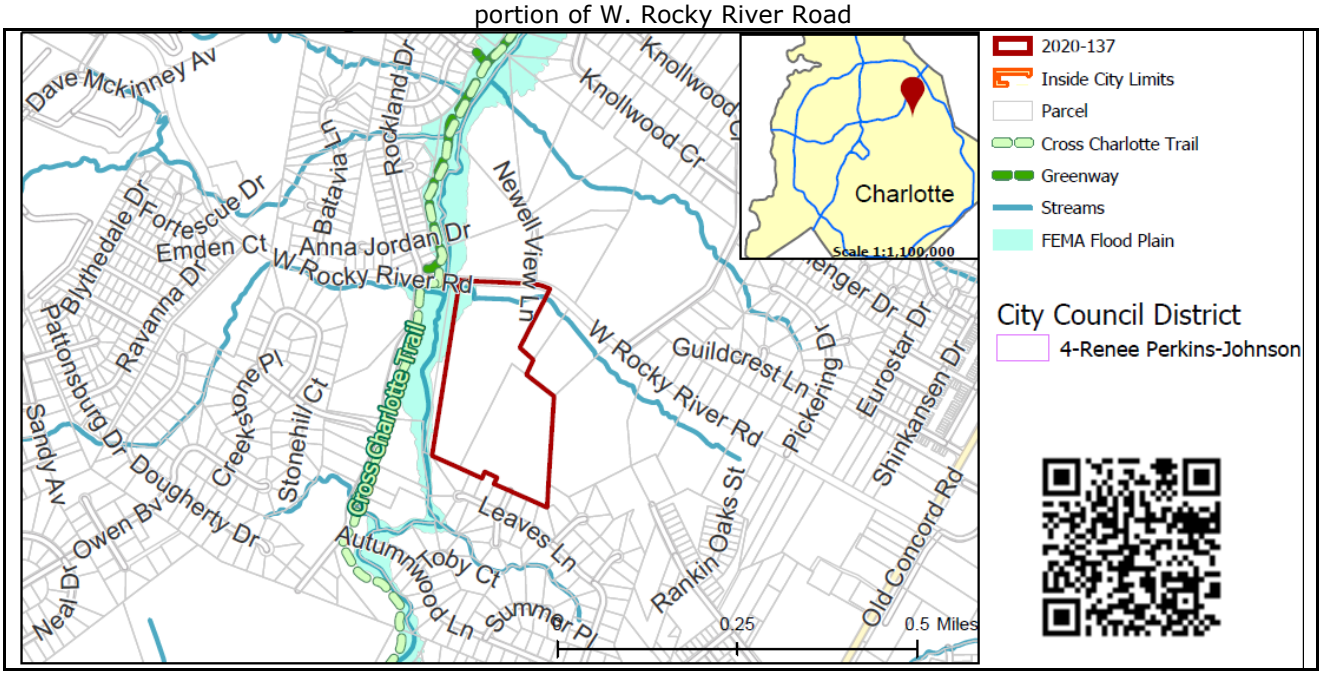
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-137
Post Hearing Staff Analysis
February 2, 2021

REQUEST	Current Zoning: R-3 (residential) Proposed Zoning: R-8 MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 28.8 acres ~~24.35 acres~~ located along the southern portion of W. Rocky River Road



SUMMARY OF PETITION	The petition proposes to develop two (2) parcels of vacant land into a duplex and/or attached single-family residential community of up to 167 units (6.86 DUA).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	John Clark, Jr. John Clark, Jr. Dennis Terry, Bloc Design
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 19

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, site and building design, and one requested technical revision related to site and building design.

Plan Consistency

The petition is **inconsistent** with the *Newell Area Plan's* (2002) recommendation for single family uses up to four dwelling units per acre (DUA) and greenway uses for the site.

Rationale for Recommendation

- The subject property's location is in a gap area for public open space. To offset that gap, the request provides at minimum 12,000 square feet of amenitized open space.
- The requested increase in density is appropriate in this location as the Blue Line's University City Blvd. Park and Ride station is approximately 6,000 feet from the property's proposed entrance.

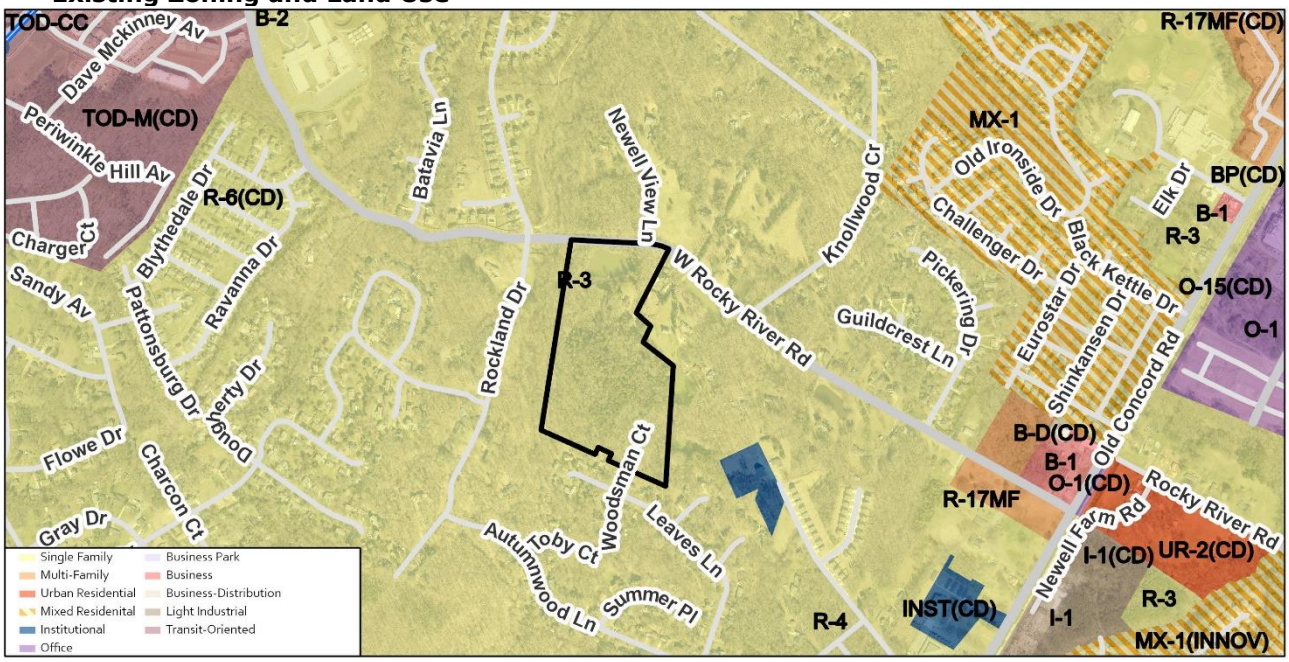
- The request satisfies the Plan's land use objective of "providing a broad range of housing" that will meet the needs of different types of households. The request provides a moderate increase in density in an area that is immediately adjacent to the future Toby Creek Greenway corridor
- Although inconsistent with recommended density, the requested housing type (single family attached) is consistent with the proposed land use recommendation.

The approval of this petition will revise the adopted future land use as specified by the *Newell Small Area Plan* for a portion of the site, from single family uses up to 4 DUA to residential uses up to 8 DUA for the site. The area recommended for greenway uses shall remain.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 167 single family attached townhomes and/or duplex units. Minimum of 20 percent of these units to be affordable to buyers at or below 80 percent AMI and deed restricted to income-eligible buyers for 15 years.
  - Enhanced architectural standards including:
    - A list of potential building materials that include the allowance of vinyl siding.
    - Commitment to providing covered stoop or front porch.
    - Limitation of 7 total units in buildings fronting network required streets.
    - Corner units that either provide a wrapped stoop OR a limitation on expanses of blank walls.
    - Recessed garage doors
    - The potential for walkways to be provided to connect all residential entrances to sidewalks along all network requires streets.
  - Fully capped detached lighting with a max. height of 21 feet.

- **Existing Zoning and Land Use**



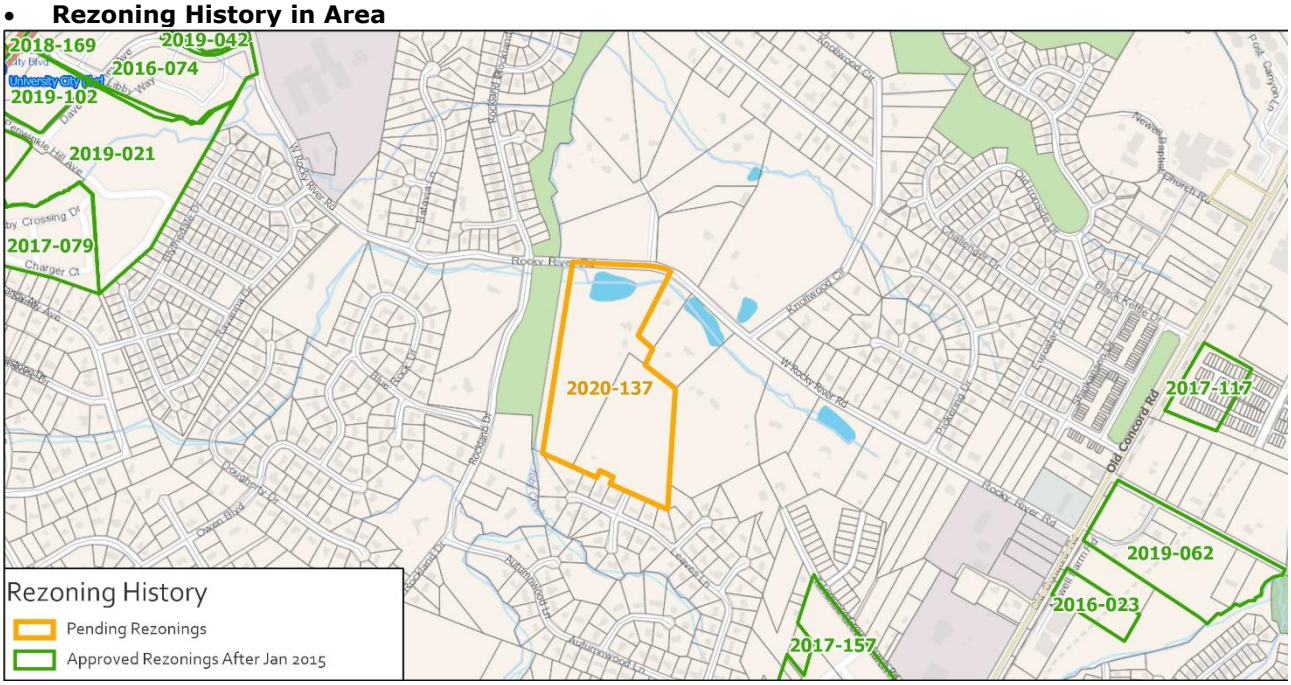
There have been no historic rezonings of this site. It is largely surrounded by detached single-family homes. As you proceed further east and west from the subject property (toward N. Tryon and Old Concord Roads), residential uses of varying densities and non-residential uses are found.

General location of rezoning outlined in black dashed line with pink fill.

Streetview looking east toward the rezoning's frontage with Rocky River Road.

View from Leaves Lane – a street immediately south of the rezoning boundary that serves detached single family homes.

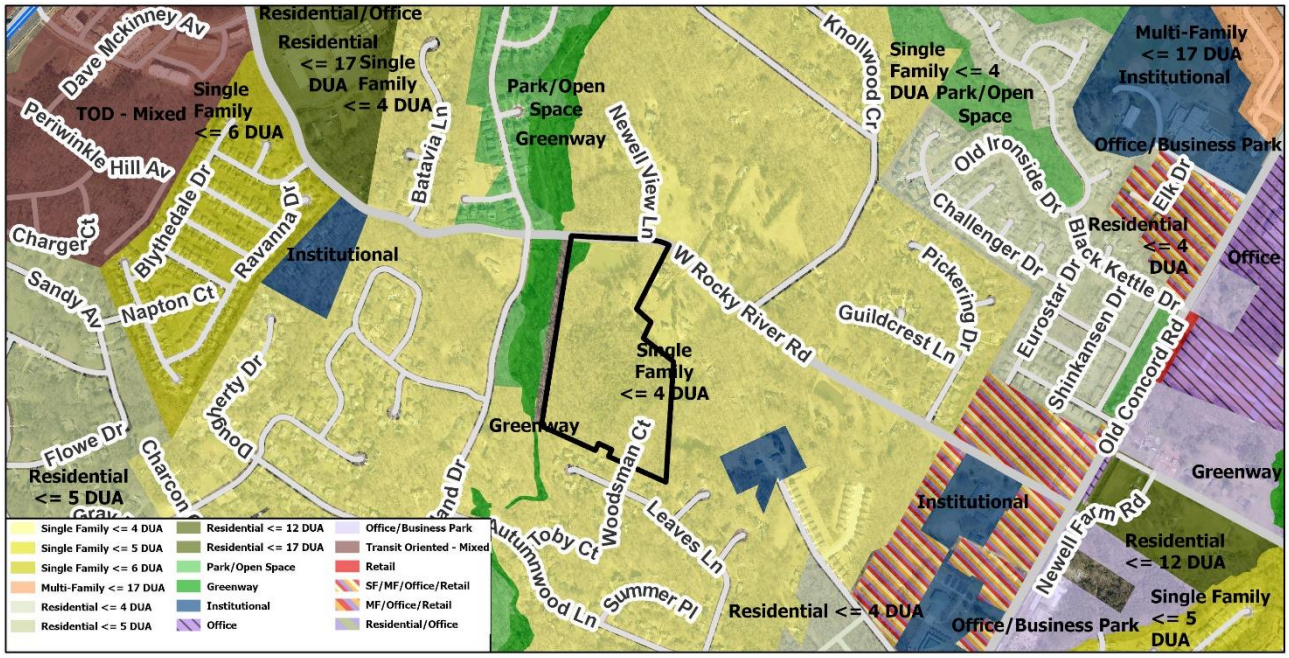
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	City-sponsored TOD rezoning along entirety of Blue Line.	Approved
2019-062	Petition to accommodate the development of up to 126 duplex units at a density of 9.7 DUA.	Approved
2019-042	Conventional TOD-CC request.	Approved
2019-021	Request for TOD-M on 23.2 acres with access to N. Tryon St.	Approved
2018-169	City-sponsored text amendment to translate existing TOD districts with four new districts.	Approved

2017-157	Request for R-4 conventional on approximately 28 acres along Old Concord Road.	Approved
2017-117	Conventional request for 0-1(office).	Approved
2017-079	Request for TOD-M on approximately 14 acres.	Approved
2016-074	Request for TOD-M on approximately 14 acres.	Approved
2016-023	SPA to existing conditional light industrial plan.	Approved

- **Public Plans and Policies**



  - The *Newell Small Area Plan* (2002) recommends single family uses up to 4 DUA for a majority of the site and greenway uses for a small portion of the site to in the NW corner of the subject property.

- **TRANSPORTATION SUMMARY**
  - The site is located on Rocky River Road West (City-maintained minor thoroughfare) and Newell View Lane (City-maintained local road). The subject property is located approximately 150 feet west of the intersection of Rocky River Road and Rockland Drive. Site plan revisions are needed to label a 12' multi-use path along the property frontage to provide bicycle and pedestrian connectivity and accessibility in accordance with the City of Charlotte BIKES and Charlotte WALKS Policies. Further details are listed below.
- **Active Projects:**
  - Cross Charlotte Trail – Orr Road to Rocky River Road West
    - In design; estimated completion late 2024
  - Rocky River Road West Streetscape
    - Under Construction
    - Constructing curb and gutter, sidewalk, standard bike lanes and one multi-use path from Rockland Drive to N. Tryon Street.
- **Transportation Considerations**
  - See Outstanding Issue, Note 3.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 905 trips per day (based on 86 dwelling units).

  Proposed Zoning: 1,225 trips per day (based on 167 dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org

- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 47 students, while the development allowed under the proposed zoning may produce 28 students. Therefore, the net decrease in the number of students generated from existing zoning to proposed is 19 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Newell Elementary from 115% to 118%
    - MLK, Jr. Middle remains at 98%
    - Vance High from 129% to 130%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along W. Rocky River Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 15-inch gravity sewer main located along W. Rocky River Road. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

~~1. Revise the site plan and conditional note(s) to commit to installing a 12-foot multi-use path (MUP) along property frontage to provide connectivity and accessibility in accordance with City of Charlotte BIKES and WALKS policies. Rocky River Road West is a designated Overland Connector on the Greenway Master Plan.~~ PARTIALLY ADDRESSED; REVISED TO NOTE 3 BELOW

~~2. Revised the conditional note in Section C, Transportation, to commit to dedicating 35' ROW from the West Rocky River Road centerline.~~ ADDRESSED

3. Site plan and conditional notes need to be revised to explicitly commit to installing a 12-foot MUP along property frontage. Petitioner shall label and dimension the 12-foot MUP. All references to variable planting strip should state that the min. allowable planting strip shall be 4 feet. See CDOT memo for further details. OUTSTANDING

Site and Building Design

~~4. Correct the acreage and parcel information in the Zoning Summary section of the rezoning site plan and in Section B., Permitted Uses.~~ ADDRESSED

~~5. Dead end exceeds 150' – turnaround is required.~~ ADDRESSED

6. Commit to a max. height for the structures. Staff recommends capping at 40 feet. OUTSTANDING

REQUESTED TECHNICAL REVISIONS

Site and Building Design

7. Describe how the open space/amenity area may be programmed in the conditional notes. OUTSTANDING

~~8. Correct the acreage and parcel information in the Zoning Summary section of the rezoning site plan and in Section B., Permitted Uses.~~ ADDRESSED

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Will Linville (704) 336-4090