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| <b>REQUEST</b>              | Current Zoning: MX-1 INNOV (mixed use, innovative)<br>Proposed Zoning: NS (neighborhood services)                                                                                                                                      |
| <b>LOCATION</b>             | Approximately 8.3 acres located on the east side of Cresswind Boulevard, east of I-485 and west of Rocky River Church Road.<br>(Council District 5 - Ajmera)                                                                           |
| <b>SUMMARY OF PETITION</b>  | The petition proposes to develop a vacant parcel located north of the intersection of Albemarle and I-485 to allow 23,000 square feet of indoor recreation uses including an indoor pool and accessory uses permitted in the district. |
| <b>PROPERTY OWNER</b>       | KH Mint Hill LLP                                                                                                                                                                                                                       |
| <b>PETITIONER</b>           | Kolter Homes, LLC                                                                                                                                                                                                                      |
| <b>AGENT/REPRESENTATIVE</b> | Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC                                                                                                                                                                                  |
| <b>COMMUNITY MEETING</b>    | Meeting is required and has been held. Report available online.<br>Number of people attending the Community Meeting: None.                                                                                                             |

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| <b>STAFF RECOMMENDATION</b> | <p>Staff recommends approval of the petition.</p> <p><u>Plan Consistency</u><br/>The petition is consistent with the adopted plan, as amended by previous rezoning petition 2015-101.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The current zoning, as approved by rezoning petition 2015-101, allows an amenity site for a community clubhouse, passive/active open spaces, picnic shelters, gazebos, ball fields, maintenance buildings and outdoor recreation uses. However, the petition did not include indoor recreation as a permitted use.</li> <li>• Indoor recreation is not allowed in the MX-1 (mixed use) district. Therefore, NS (neighborhood services) district is proposed.</li> <li>• No other changes are proposed to the approved plan other than to allow an indoor swimming pool.</li> <li>• An indoor swimming pool will serve the up to 850 detached age restricted dwelling units allowed in Development Area A.</li> </ul> |
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#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Up to 23,000 square feet of indoor recreation uses, in addition to the accessory uses allowed in the NS zoning district, including the outdoor amenities as previously approved. Prohibited uses include office, retail, eating/drinking/entertainment establishments, and automotive service stations with or without convenience stores.
- **Existing Zoning and Land Use**
  - The subject property was rezoned via Petition 2015-101, and identified as part of Development Area A which 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.
  - The subject property is zoned MX-1 (mixed use) and is vacant.
  - Surrounding properties along this section of Albemarle Road are developed with single family structures, a medical office building, and an eating/drinking/entertainment establishment (EDEE) in R-3 (single family residential), B-1(CD) (neighborhood business, conditional), NS (neighborhood business), O-2(CD) (office, conditional) and MX-1 (mixed use) zoning districts.
  - 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.

- **Public Plans and Policies**

- The *Albemarle Road/I-485 Interchange Study* land use recommendation was updated by rezoning 2015-101 to single family uses at a density of up to four dwelling units per acre. The approved rezoning acknowledged an amenity site community clubhouse within the residential neighborhood.

- **TRANSPORTATION CONSIDERATIONS**

- The site is a residential amenity facility located internally to a planned development. Trip generation for this facility alone is negligible and is not anticipated to increase with the revised site plan and conditions.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 0 trips per day (based on vacant property).  
Entitlement: 0 trips per day (based on amenity for residential use).  
Proposed Zoning: 0 trips per day (based on amenity for residential use).

**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-feet of clear width.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water currently does not have water or sewer system availability for the parcel under review. The closest existing water main is located approximately 1,800 feet south of the rezoning boundary, along Albemarle Road. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to water and sewer connections. See Outstanding Issues, Note 3.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed or planted in the right-of-way of any state maintained street without permission of NC Department of Transportation and the City Arborist's office. The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do not confirm or imply authorization by the City to remove any City trees located in street right-of-way. No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee. 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 to discuss tree species to be planted in the right-of-way on a City of Charlotte maintained street. A tree survey must be submitted for all trees two inches or larger located in the right-of-way. In addition, the survey shall include all trees eight inches or larger in the setback.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** Site must comply with Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

Environment

1. ~~Add the following note under Section 5 Environmental Features: "If the petitioner utilizes the existing BMP adjacent to the site for storm water management requirements of the proposed development, the Petitioner shall include documentation in the formal plan submittal for permitting confirming the proper easements have been established per City standards and that the BMP was properly designed and constructed to manage storm water runoff from all parcels served by it."~~ Addressed
2. ~~Show and label the 100-foot Undisturbed Post Construction Stormwater Ordinance buffer on the site plan and adjust construction limits to comply with buffer requirements as necessary.~~ Addressed

Site and Building Design

3. ~~Add a note that the proposed outdoor/indoor recreation and amenity area may be used to meet the active open space commitment set forth in Petition 2015-101.~~ Addressed

Land Use

4. ~~Amend Permitted Uses to include outdoor recreation.~~ Addressed
  5. ~~Clarify the proposed location of the indoor pool.~~ Addressed
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327