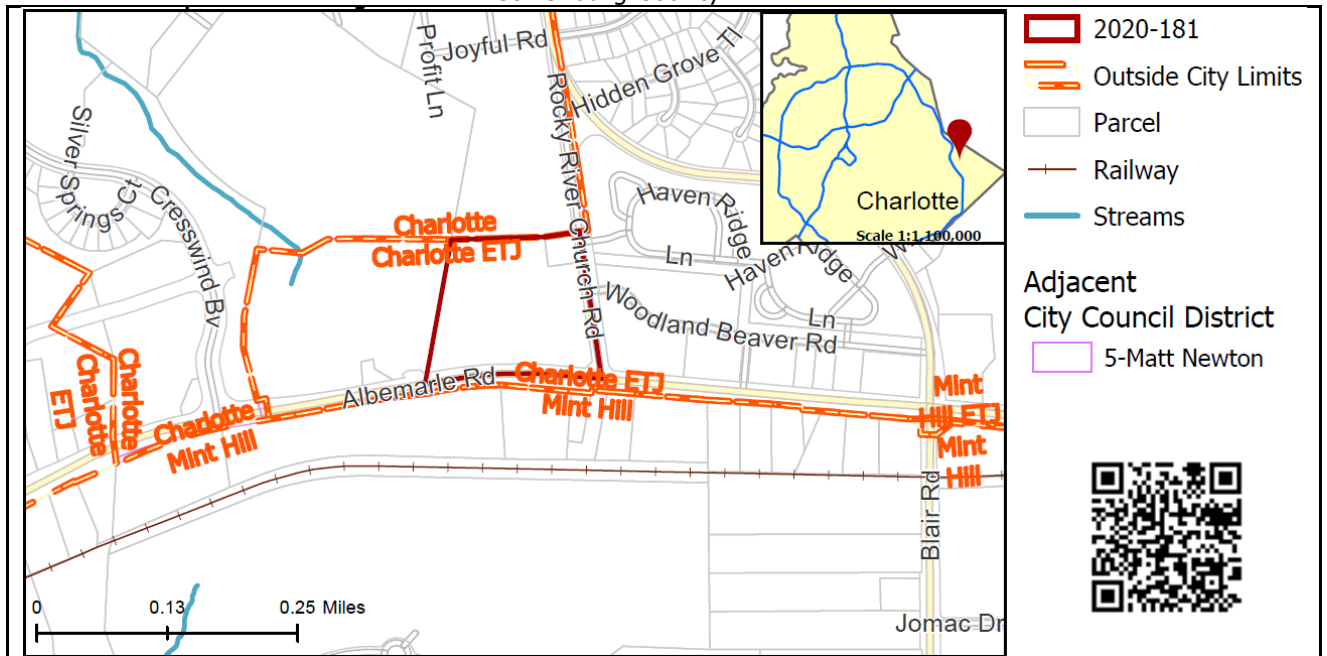


REQUEST

Current Zoning: NS, R-3 (neighborhood services, residential)
Proposed Zoning: NS (SPA), NS (neighborhood services, site plan amendment, neighborhood services) with 5-year vested rights

LOCATION

Approximately 11.24 acres located at the NW intersection of Rocky River Church Road and Albemarle road in unincorporated Mecklenburg County.



SUMMARY OF PETITION

This site plan amendment/rezoning proposes to permit up to 75,000 SF of retail, EDEEs, and personal services uses as allowed within the NS zoning district. It also seeks to entitle 3 additional drive-through service windows, one being associated with an attached pharmacy associated with the proposed grocery anchor, and two others associated with the outparcels illustrated on the submitted site plan.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

Mary L. Rhodes c/o John Rhodes; Square A Land Holdings, LLC
Albemarle Property Investors, LLC
Eric Hampton, BGE

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 50

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** the *Albemarle Road/I-485 Interchange Study's* recommendation for residential/office/retail and multi-family/office/retail uses for the site.

Rationale for Recommendation

- This request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to "create a viable pedestrian environment". However, the

neighborhood services district addresses restaurant size for those with accessory drive-thru windows by providing a minimum seat count which assists in offsetting the intensity of the auto-oriented nature of the proposed use.

- While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan's land use goal to "provide for a mixture of integrated, appropriately scaled uses ...at the intersection of Albemarle and Rocky River Roads" when viewed with the mixture of land uses entitled through the Cresswind development (2015-101).
- The petition will enhance the pedestrian environment through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection.
- The provision of a grocery anchor proximal to a large amount of residential units provides necessary neighborhood services to a growing area of far east Charlotte.

The approval of this petition will revise the adopted future land use as specified by the *Albemarle Road/I-485 Interchange Study*, from residential/office/retail and multifamily/office/retail to retail for the entire site.

PLANNING STAFF REVIEW

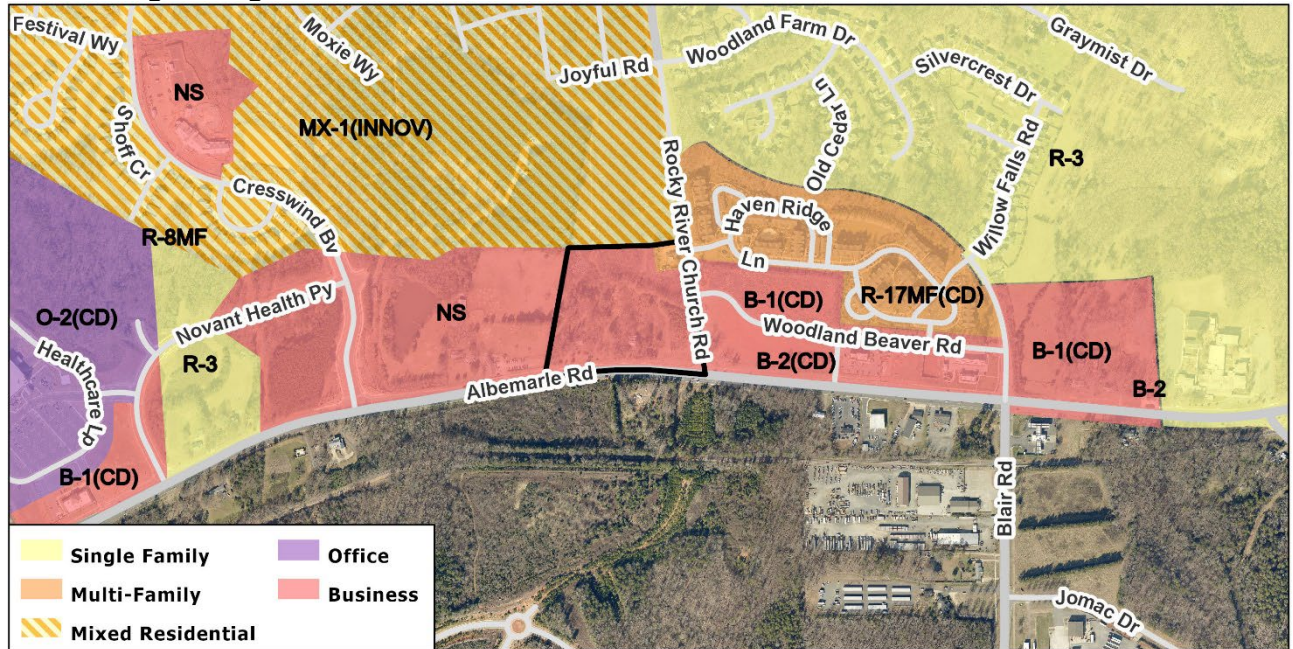
• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes a maximum of 75,000 square feet of gross floor area dedicated to retail, EDEE, and personal service uses as allowed in the NS district. Additionally, permits up to 3 drive-thru windows, including one dedicated solely for pharmacy use.
- Prohibited uses at the site include retail with accessory fueling stations (e.g., gas stations), automotive service stations, and car washes.
- Notes that Development Area B may be developed remaining net square footage entitled through 2015-101 and that area also keeps the original two (2) accessory drive-thru windows originally entitled for the entire Development Area B.
 - The petitioner further commits to restricting menu board signage and any other permitted signage to be utilized in the fashion of a menu board for one of the permitted drive-thru windows outside of the pharmacy pick-up window.
- Commits to transportation improvements in locations proximal to the site that include:
 - Rocky River Church Road at Albemarle Road
 - Southbound will receive left turn and left through lanes with 250 feet of full storage; right turn lane with storage extended to proposed right-in/right-out driveway at site access B.
 - Site Access A (northern portion of site, along Rocky River Church Road)
 - Commits to an exclusive left turn lane on the northbound approach of Rocky River Church Road. Storage shall be provided to the maximum extent possible in coordination with the southbound left over turn lane to Woodland Beaver Road.
 - Shall provide a 100-foot internal protected stem from the proposed Rocky River Church Road ROW to the internal site access drive.
 - Site Access B (below site access A, also along Rocky River Church Road)
 - In lieu of a 100 foot internal protected stem, petitioner shall provide an exclusive right turn lane with a minimum 100 feet of full storage and appropriate bay taper on the southbound approach of Rocky River Church Road. Internal stem to be maximized based on current rezoning site plan.
 - Provides a southbound left over turn lane onto Woodland Beaver Road.
 - Site Access C (located along Albemarle Road near its intersection with Rocky River Church Road)
 - Shall provide an exclusive right turn lane on the eastbound approach of Albemarle Road. A minimum of 100 feet of full storage shall be provided.
 - Site Access D (located along Albemarle Road west of Site Access C)
 - Shall provide an exclusive left turn lane on the eastbound approach of Albemarle road with a minimum of 200 feet of full storage.

- A two-lane cross section consisting of an ingress lane and egress lane provided for development access.
- Internal sidewalks and pedestrian connections.
- Commits to providing intersection improvements to accommodate bike/ped crossings at the Rocky River Church/Albemarle Road intersection.
- Commits to architectural conditions as part of the approved 2015-101 rezoning.
- Permits freestanding lighting fixtures no greater than 21 feet in height.

• **Existing Zoning and Land Use**



The site was most recently rezoned in 2016 (2015-101) as a part of the larger Cresswind mixed use development. The site is bordered to the south by Mint Hill’s zoning jurisdiction (which is now being developed with EDEE uses such as Arby’s), to the east by multi-family housing and retail uses along Woodland Beaver Road, and single family uses to the north and west.



General location of subject property denoted by red star. Early phases of Cresswind seen to left; Adjacent Woodland Beaver commercial center located directly to the right of the star.

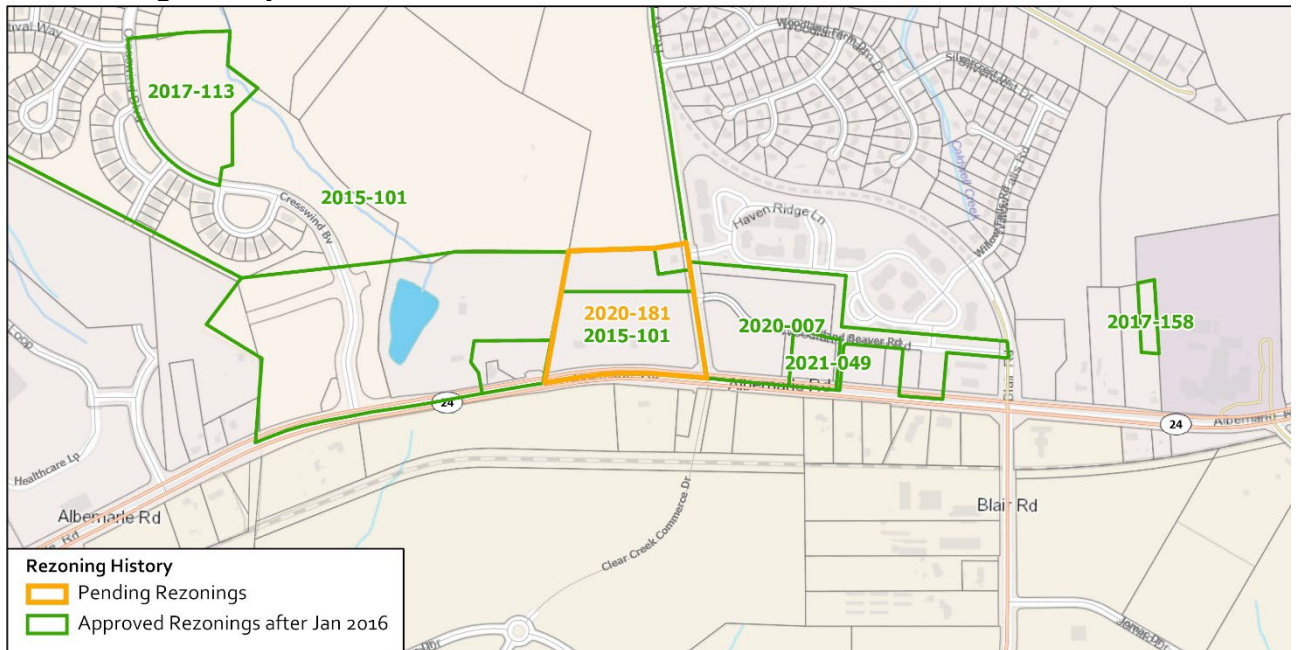


Streetview along Albemarle Road looking NW toward the site. Left of the street is Mint Hill's zoning jurisdiction and is also seeing new development in the vicinity of the site.



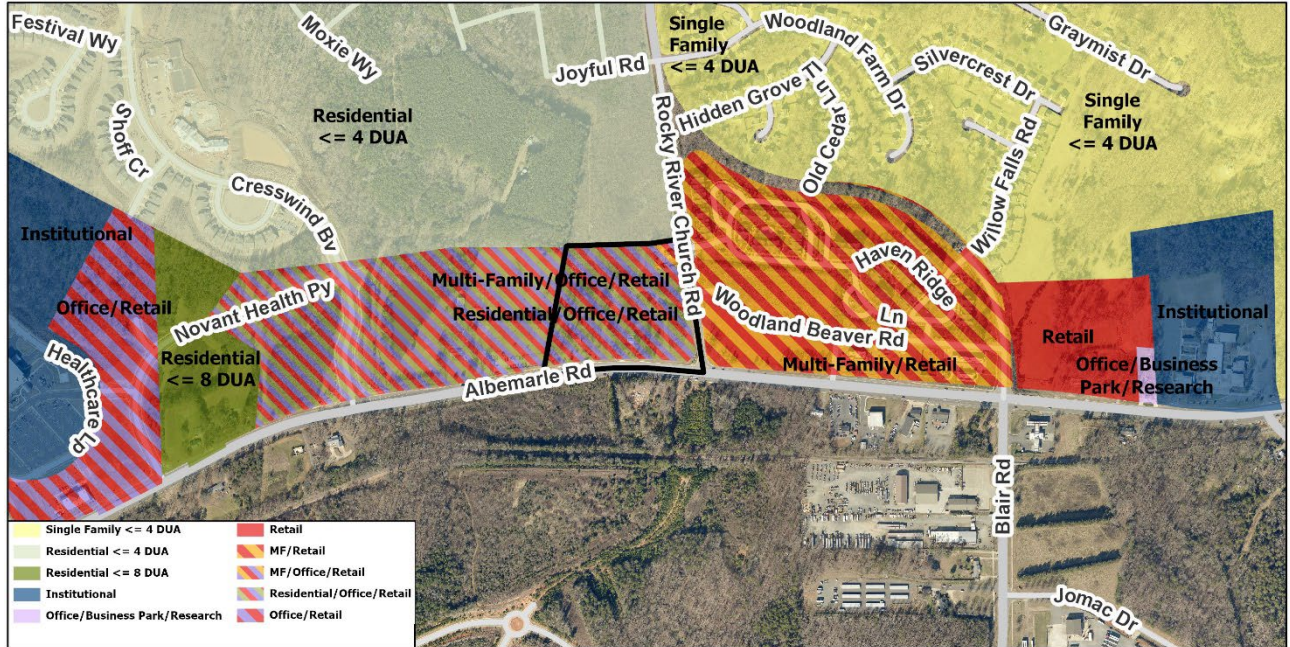
A construction office is currently located at the northernmost portion (along Rocky River Church Road) of the subject property and part of this rezoning request.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-049	Petition to allow car wash and other uses permitted within the B-2 zoning district.	Approved
2020-007	Petition to amend previously approved plan to permit additional auto-oriented uses.	Approved
2017-150	Petition to rezone from a multi-family zoning district to a commercial zoning district.	Approved
2017-113	Petition to rezone parcel that was part of original Cresswind rezoning to NS.	Approved
2015-101	Petition for Cresswind multiple-use development.	Approved

• **Public Plans and Policies**



- The *Albemarle Road/I-485 Interchange Study* (2003) recommends residential/office/retail uses for Parcel 111-221-03 and multi-family/office/retail uses for Parcel 111-211-05.

• **TRANSPORTATION SUMMARY**

- The site is located on a State-maintained major thoroughfare (Albemarle Road) and a State-maintained local road (Rocky River Church Road). A Traffic Impact Study (TIS) was needed for this site due to the estimated trip generation of 6,529 trips; a TIS Addendum was submitted on June 30, 2021 and has been approved by NCDOT and CDOT. NCDOT has requested an additional 12' right-of-way along the frontage of Rocky River Church Road to accommodate a future roadway widening. The Petitioner commits to constructing a 12' multi-use path with an 8' planting strip along the site's frontage in accordance with City ordinances and the Charlotte BIKES and Charlotte WALKS Policies. The site plan also shows a concrete median with a left-over on Rocky Rover Road to maintain left turns into Woodland Beaver Rd and prevent left turns into the site's southmost access into the site. The Petitioner commits to providing intersection improvements to include the recommended lane configuration on Albemarle Road at Rocky River Church Road per Rezoning Petition 2020-101. Improvements shall include the continuation of the curb and gutter around the curb return. Petitioner also commits to providing pedestrian and bicycle crossings at the Albemarle Road and Rocky River Church Road Intersection with channelization islands and all associated infrastructure modifications needed to provide a safe route for both bicyclists and pedestrians. The petitioner should coordinate with the developer of Approved Rezoning Petition 2020-007, ensure that intersection improvements provide continuity between the multi-use path and planting strip on both sides of Rocky River Church Road. Petitioner to coordinate detail right-of-way design with NCDOT during permitting. All CDOT and NCDOT comments have been addressed.

• **Active Projects**

- N/A

• **Transportation Considerations**

- N/A

• **Vehicle Trip Generation:**

Current Zoning:
 Existing Use: 50 trips per day (based on 1,200 SF warehouse use).
 Entitlement: 9,405
 5 trips per day (based on 130,000 SF retail; 60,000 SF office uses).
 Proposed Zoning: 10,870 trips per day (based on 48,848 SF supermarket; 18,152 SF retail; 8,000 SF drive-thru restaurant).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Albemarle Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 1,400 feet south of the rezoning boundary on Clear Creek Commerce Road. A developer donated project will be required in cases there is not direct service. See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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 comments submitted.
- **Stormwater Services Land Development Engineering:** See advisory comments at www.rezoning.org
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No outstanding issues.

OUTSTANDING ISSUESSite and Building Design

1. ~~To more closely follow the intent of the Council approved land use plan's recommendations for Zone B and to more closely align with the entitlements of 2015-101, staff requests the total amount of accessory drive thru windows for this rezoning boundary to be limited to two (2), with one being utilized only for a pharmacy related use. RESCINDED. Petitioner keeps rights to up to three accessory drive-thru windows but has agreed to restrict menu board signage for one of the two accessory drive-thru windows not being utilized by the planned pharmacy pick-up window.~~
2. ~~Remove request for 5-year vested rights. RESCINDED~~
3. **NEW COMMENT** - Please remove all language in the proposed uses section that attempts to describe the end user of the third accessory drive through location. As noted previously, listing the type of restaurants that are meant to locate there may cause issues in permitting — staff does not differentiate between retailers, only the number of seats for EDEE uses with accessory drive-through service windows. The third bullet should be removed completely with the second bullet reading as follows "Up to two (2) uses with an accessory drive through window associated with any use allowed within NS not withstanding the list of restricted uses for the site noted in this section." **ADDRESSED**
4. **NEW COMMENT** - One bullet should be added to Section II of the conditional notes to more clearly illustrate the uses that the petitioner has agreed to remove from the site following the November 2021 Zoning Committee Meeting. The note should read as follows: Prohibited uses at the site include retail with accessory fueling stations (e.g., gas stations), automotive service stations, and car washes. **ADDRESSED**

Transportation

5. ~~R/W line should be straight along the Albemarle Road frontage. Remove the taper. ADDRESSED~~
6. ~~Please revise site plan and conditional notes to reserve an additional 12-foot ROW along the frontage of Rocky River Church Road to accommodate a future roadway widening. ADDRESSED~~

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

Planner: William Linville (704) 336-4090










Goals Relevant to Rezoning Determinations

Rezoning Petition # 2020-181

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<p>Goal 1: 10- Minute Neighborhoods</p> <p>All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.</p>	
	<p>Goal 2: Neighborhood Diversity & Inclusion</p> <p>Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.</p>	<p>N/A</p>
	<p>Goal 3: Housing Access for All</p> <p>Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.</p>	<p>N/A</p>
	<p>Goal 4: Trail & Transit Oriented Development (2-TOD)</p> <p>Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.</p>	<p>N/A</p>

	<p>Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	
	<p>Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	
	<p>Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>