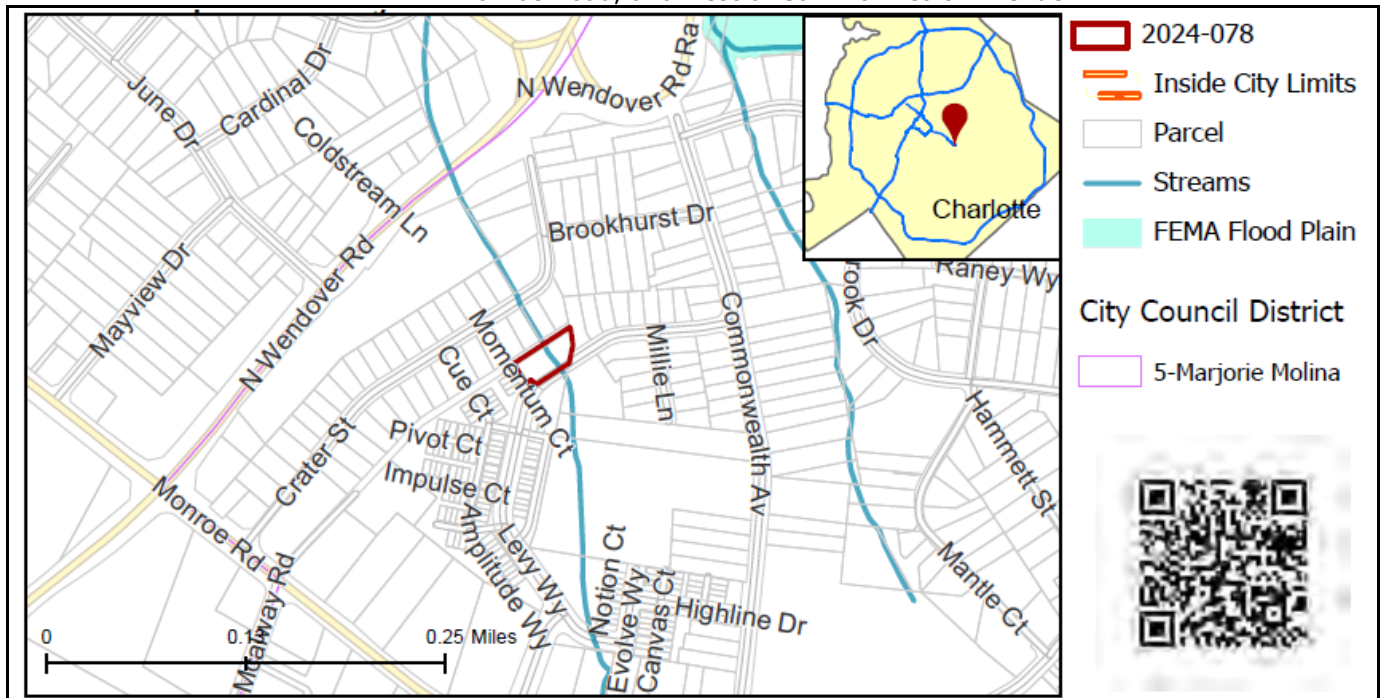


**REQUEST**

Current Zoning: UR-2(CD) (urban residential, conditional)  
Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)

**LOCATION**

Approximately 0.46 acres along the northwest side of Levy Way, north of Monroe Road, and west of Commonwealth Avenue.



**SUMMARY OF PETITION**

The site plan amendment proposes to modify a note on the previously approved rezoning plan as it relates to the dedication of the Levy Way right-of-way and construction of Development Area C.

**PROPERTY OWNER**

Context at Oakhurst – Charlotte LP

**PETITIONER**

Tripointe Homes Holdings, Inc.

**AGENT/REPRESENTATIVE**

Collin Brown and Brittany Lins – Alexander Ricks PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 11

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the 2040 Policy Map recommendation for Neighborhood Center place type.

Rationale for Recommendation

- The rezoning site is part of larger site rezoned via petition 2019-080 to allow up to 134 single-family attached residential units and is currently under construction.
- The proposed change will clarify when right-of-way improvements are required in relation to when construction occurs in Development Area C consistent with the original intent of the rezoning.
- The proposed site plan amendment retains all other commitments on the previously approved rezoning plan.

- Pedestrian and vehicle connectivity will continue to be provided throughout the project.
- Neighborhood Centers are easily and directly accessible from nearby neighborhoods to encourage walking and cycling, and to support the concept of a complete neighborhood. The Local Street network is well-connected, designed for slow traffic, and includes good pedestrian facilities. Arterial streets provide for safe and comfortable pedestrian, bicycle, and transit travel along and across them for easy access to and from the Neighborhood Center and surrounding areas.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion

## PLANNING STAFF REVIEW

- **Background**

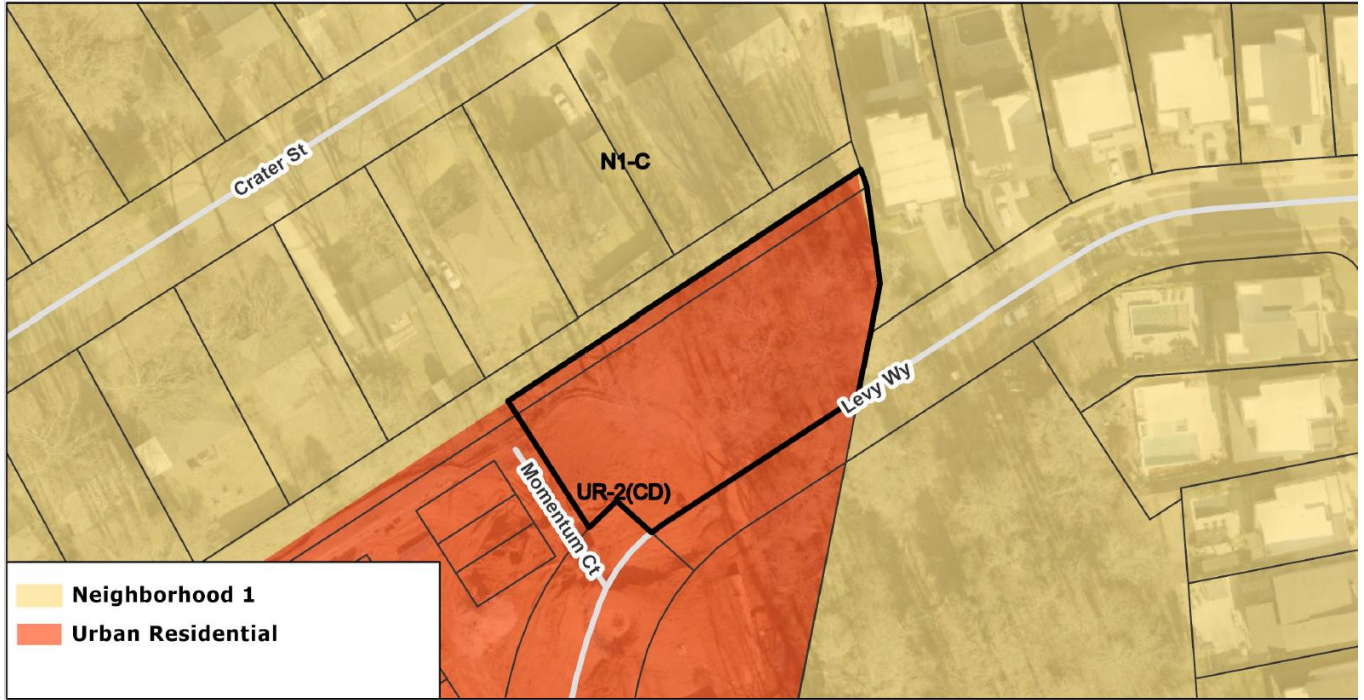
- At its meeting of February 17, 2020, City Council approved petition 2019-080, rezoning approximately 11.15 acres from R-5 (single family residential) and R-8MF (multi-family residential) to UR-2(CD) (urban residential, conditional) to allow up to 134 single family attached dwelling units. Subsequently, an administrative approval was approved on February 25, 2024, modifying a development note on the approved rezoning plan to read: "Petitioner shall dedicate all rights-of-way in fee simple conveyance to the City of Charlotte before the Site's ~~first~~ fifth building certificate of occupancy."

- **Proposed Request Details**

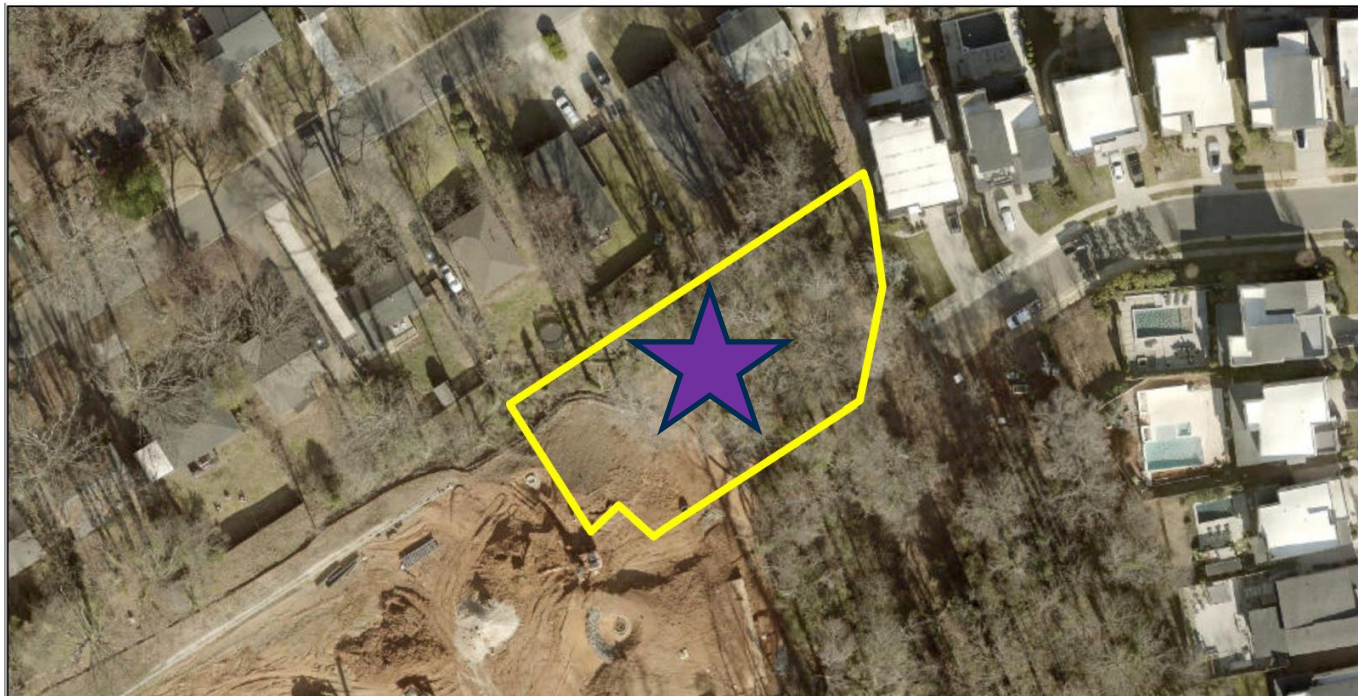
The site plan amendment contains the following changes:

- Modifies Transportation Note III.3 to not require dedication of Levy Way right-of-way until such time as Development Area C is constructed and a connection through Levy Way is made, if ever. This shall override the right-of-way dedication timing tied to the issuance of the first certificate of occupancy for the site.
- Retains all other zoning commitments from rezoning petition 2019-080.
  - Up to 134 single family attached dwelling units. Townhome units may be converted to single-family homes at a rate of 1.75 townhomes to one single family home, allowing a maximum total of 76 single family homes if all townhome units are converted.
  - Limits building height to 45 feet.
  - Proposes public street with alleyways.
  - Limits maximum number of units per building to six.
  - Architectural standards addressing exterior building materials; visual impact of garage doors; ground floor entrance treatment; blank wall provisions; and treatment of corner/end units.
  - Provides a 15' Class C buffer with fence along property line abutting existing single family detached residences.
  - Identifies possible tree save, improved open space, wetland areas.

• **Existing Zoning**



- The subject site is currently vacant and surrounded by existing single family detached homes and single family attached homes under constructions on parcels zoned N1-C and UR-2(CD).
- The rezoning site is part of larger acreage rezoned to UR-2(CD) via petition 2019-080, approving up to 134 single family attached dwelling units.
- An administrative approval was approved on February 25, 2024, modifying the timing of when right-of-way dedication would happen on the fifth Certificate of Occupancy (C.O.).



The rezoning site (denoted by purple star) is currently vacant and surrounded by single family homes and single family attached homes (townhomes) currently under construction.



North are single family homes.

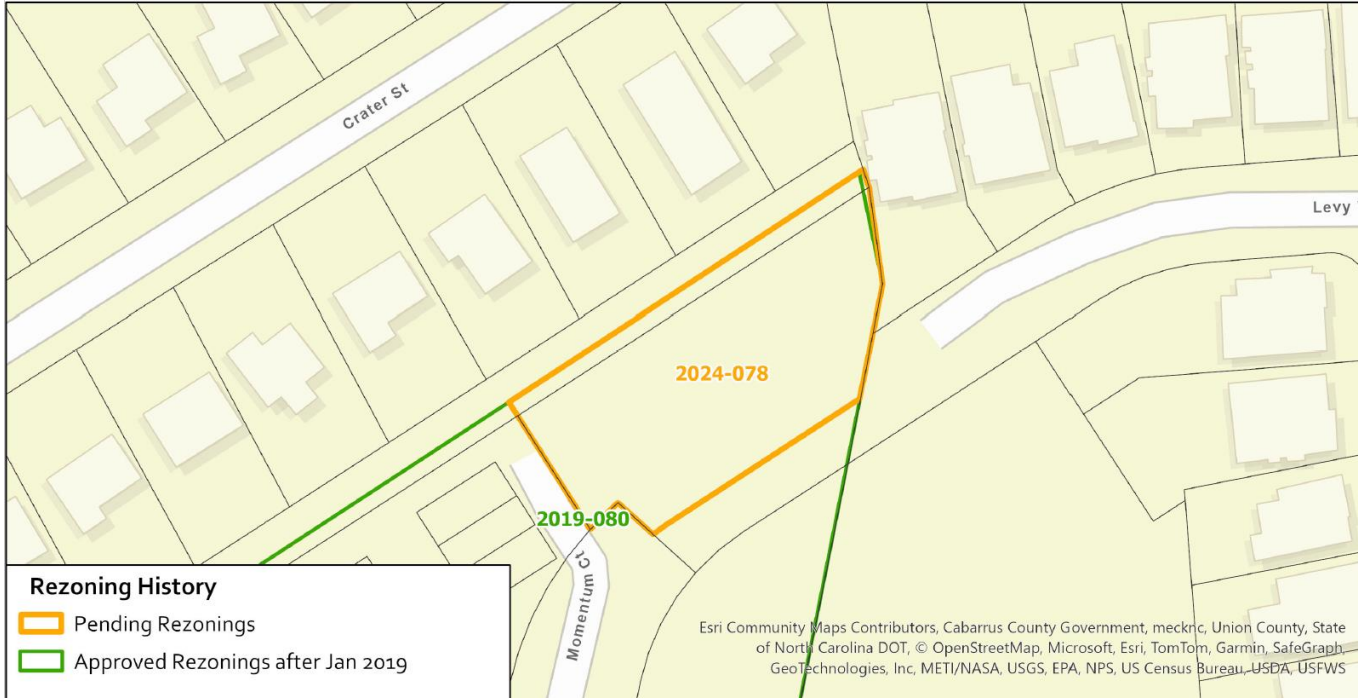


East are single family homes.



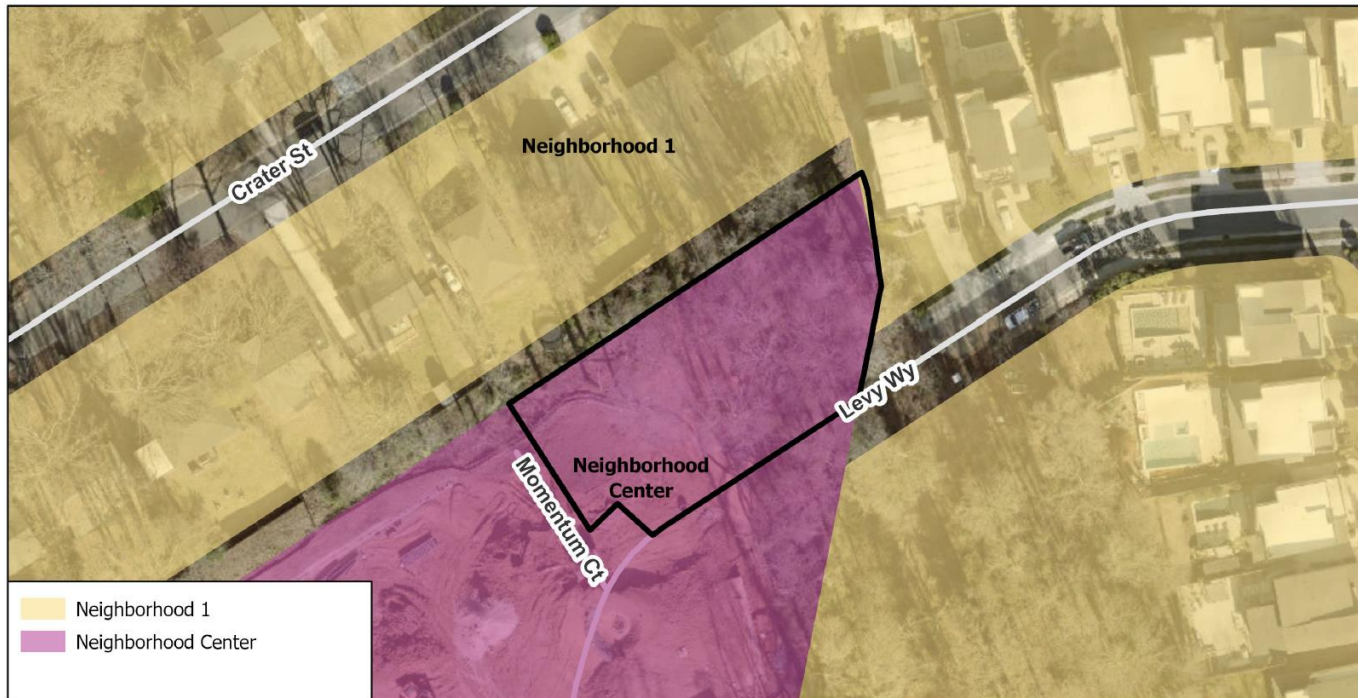
West are single family homes (above).

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2024-078	UR-2(CD) site plan amendment modifying language related to right-of-way dedication for Levy Way.	Pending
2019-080	Rezoned approximately 11.15 acres to UR-2(CD) (urban residential, conditional) to allow up to 134 single family attached dwelling units.	Approved

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood Center place type for the rezoning site.

- **TRANSPORTATION SUMMARY**

The site is located adjacent to Levy Way, a privately maintained local street, north of Momentum Court, a privately maintained local street. A Traffic Impact Study (TIS) is not required for the site due to the development generating site trips under ordinance thresholds and not meeting additional TIS triggers. The changes requested within this SPA relate to transportation notes and does not impact roadway or streetscape design. CDOT does not have any outstanding issues.

- **Active Projects:**

- N/A

- **Transportation Considerations**

- No outstanding issues. See advisory memo at [www.rezoning.org](http://www.rezoning.org)

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 52 trips per day (based on four dwelling units).

Entitlement: 970 trips per day (based on 134 single family attached units).

Proposed Zoning: 970 trips per day (based on 134 single family attached units).

**DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** No outstanding issues.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main at the southwestern corner of the rezoning border. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located inside the zoning boundary. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **Long Range Planning:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

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**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**  
**Planner:** Claire Lyte-Graham (704) 336-3782