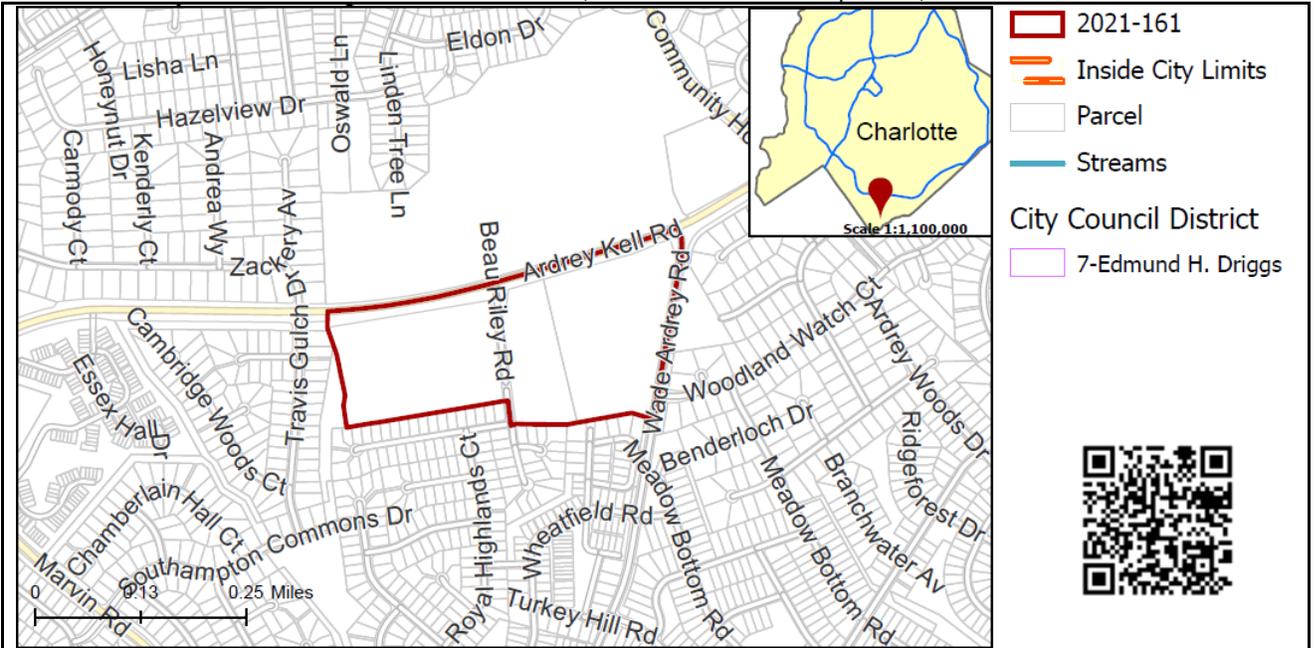


**REQUEST**

Current Zoning: MX-2(INNOV) (mixed use, innovative)  
Proposed Zoning: MUDD-O with 5-year vested rights (mixed used development, optional, 5 year vested rights)

**LOCATION**

Approximately 35.87 acres located along the south side of Ardrey Kell Road, west of Wade Ardrey Road, and east of Marvin Road.



**SUMMARY OF PETITION**

The petition proposes to develop an elementary school on the western portion of the site and 349 430 unit residential community with a mixture of apartments and townhomes for a density of 16.08 20.3 units per acre on the eastern portion of the site located in south Charlotte.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Charlotte-Mecklenburg Board of Education  
Charlotte-Mecklenburg Schools & Woodfield Development LLC  
Collin Brown & Brittany Lins / Alexander Ricks

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 65.

**STAFF**  
**RECOMMENDATION**

Staff does not recommend approval of the petition in the current form due to the density inconsistency with the residential portion of the development.

Plan Consistency

The petition is **inconsistent** with the *South District Plan* recommendation for residential up to 6 units per acre as amended by the previous rezoning 2017-171.

Rationale for Recommendation

- The proposed density of 16.08 20.3 units per acre, exceeds the recommended density of 6 DUA.
- The scale of the proposed multi-family is out of context with the surrounding development.

- Institutional uses, such as schools, are generally compatible with residential land uses.
- The petition provides school relief in the area.
- The proposal could provide a mixture of housing types to the area creating new housing choices.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from residential up to 6 units per acre to institutional use for the western portion of the site and residential less than or equal to 22 units per acre for the eastern portion of the site.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Splits the site into two development areas (A – western portion, B – eastern portion)

#### Area A (School)

- Allows a 103,000 square foot elementary school on the western portion of the site (west of Beau Riley Rd.)
- Limits the height of school building to 40 feet.

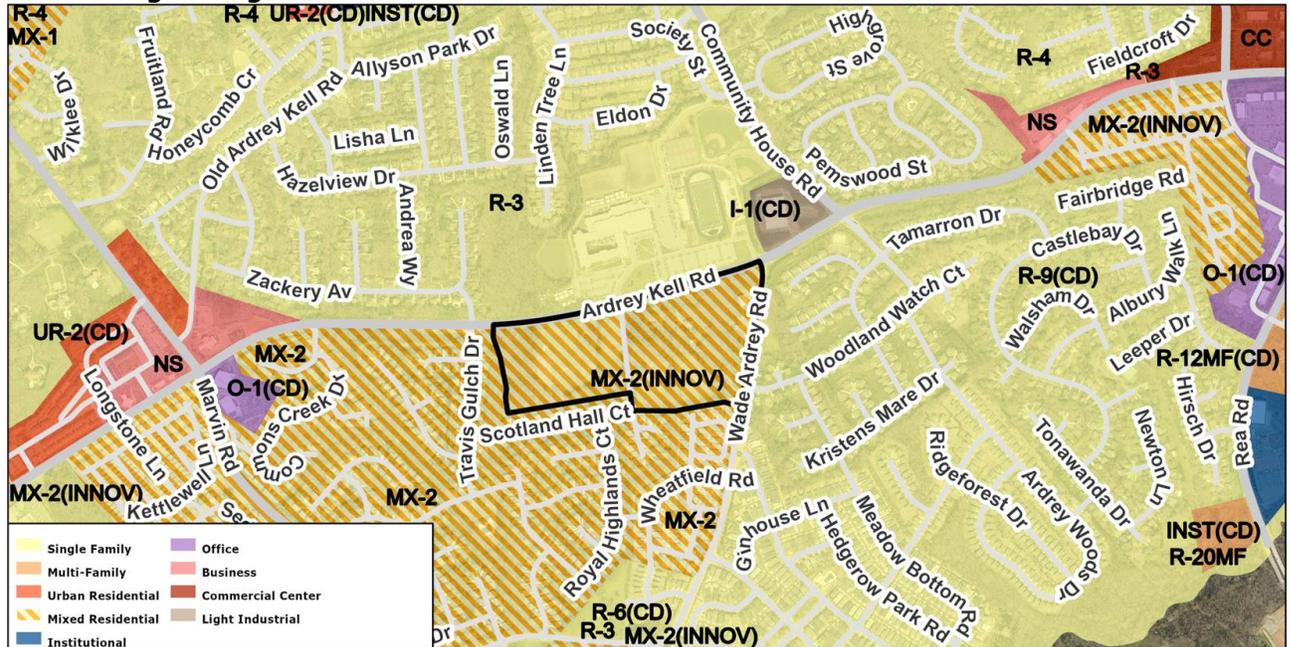
#### Area B (Residential, multi-family & townhomes)

- Up to ~~299~~ 380 multi-family dwellings and 50 single family attached dwellings for a total of ~~430~~ 349 units and a density of ~~16.08~~ 20.3 units per acre.
- Limits the height of the multi-family residential to 48 feet along the Ardrey Kell, Wade Ardrey and Beau Riley frontages, up to 55 feet in the center of the site.
- Limits height of single family attached units to 40 feet.
- Locates townhomes along the southern property line in Area B adjacent to single family homes.
- 27 ft setback along Beau Riley Rd and 26 ft setback along internal public and private streets. 40 ft setback along Wade Ardrey Rd. and variable setback Ardrey Kell Rd. ranging from 76 ft to 84 ft from the proposed back of curb.
- Architectural standards for multi-family buildings related to building massing and height, building placement and frontage, blank walls, roof form and articulation.
- Architectural standards for single family attached units related to raised entrances, pitched roofs, and garage doors.
- Minimum of 9,000 square feet of urban open space.
- Minimum of 10% of total number of multi-family units actually constructed on the site shall maintain monthly rents are income restricted for households earning less than or equal to 80% AMI for a period of not less than 15 years.

#### General Details

- Requests optional provision to allow parking between buildings and streets.
- Commits to parking lot screening exceeding minimum height requirements at planting or construction of berm or combination of landscape planting and screen wall. Landscaping within the setback will be provided to a Class C standards.
- Vehicular access from Ardrey Kell Rd., Wade Ardrey Rd. via a network of internal public and private streets with Subdivision Ordinance required connections to Sulky Plough Rd. and Beau Riley Rd.
- Shows a full street connection at Sulky Plough Rd on the site plan and provides an inset showing alternative design for a choker street connection or pedestrian only connection.
- Commits to a number of transportation mitigations identified as a result of the TIS including new turn lanes, turn lane modifications, signal modifications and a new pedestrian crossing on Wade Ardrey.
- Provides streetscape improvements along street frontages including a 12 ft multi-use path along the majority of Ardrey Kell Road (multi-use path may need to be reduced near western edge of site due to topographical constraints).
- Architectural standards related to exterior building materials.
- Provides a 37.5 ft wide Class C buffer with a fence along the southern property line if a fence is not provided then buffer will be 50 ft wide. Provides a 50 ft wide buffer along the western property line.
- Dedicates and conveys or provides a greenway/stormwater easement a minimum of 100 ft wide adjacent to the Six Mile Creek tributary along the western property line.
- Limits height of free standing lighting to 21 feet.

• Existing Zoning and Land Use



The site was zoned MX-2(INNOV) by 2017-171 to allow 220 single family attached and detached residential dwelling units, no more than 205 townhomes at a density up to 6 DUA. The site is located in an area with single family residential development and attached residential, further east and west of the site are areas with commercial uses.



The site (red star above) is in an area developed with predominately single family attached and detached residential and institutional uses.



The site is developed with one single family home, the majority of the site is vacant.



North of the site, across Ardrey Kell Road is Ardrey Kell High School.



South of the site along Scotland Hall Ct, Dickie Ross Rd, Winston Hall Ct, Sulky Plow Rd and Red Cow Rd are single family homes.

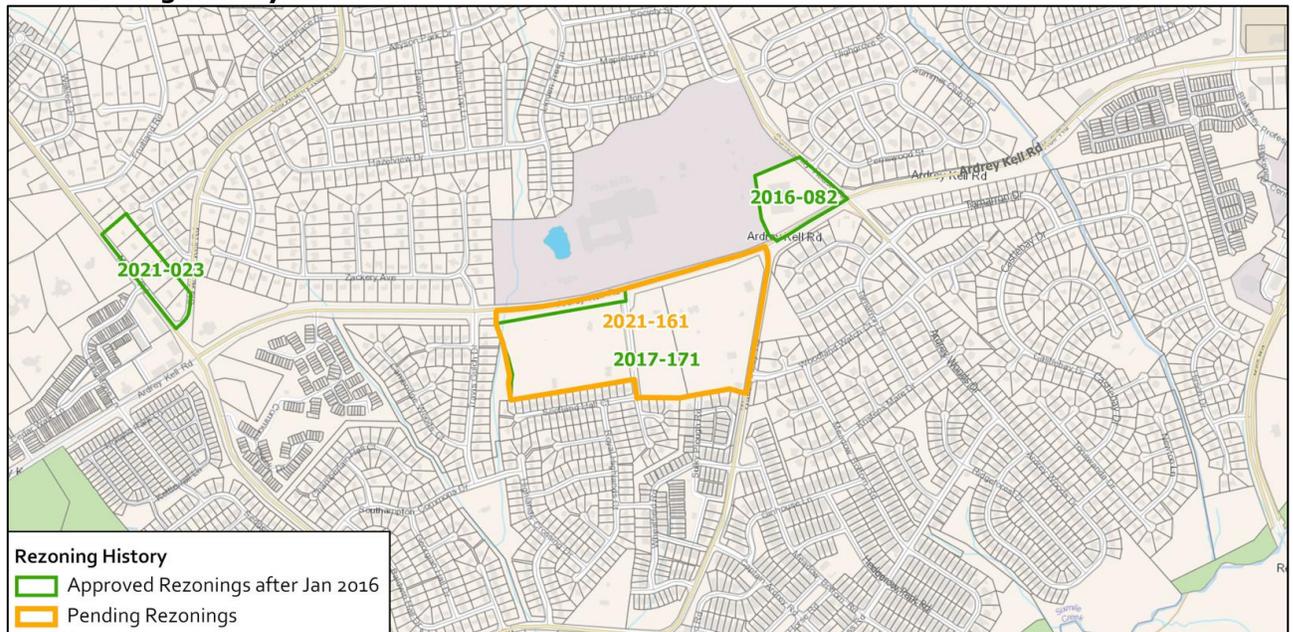


East of the site across Wade Ardrey Rd is a single family neighborhood.



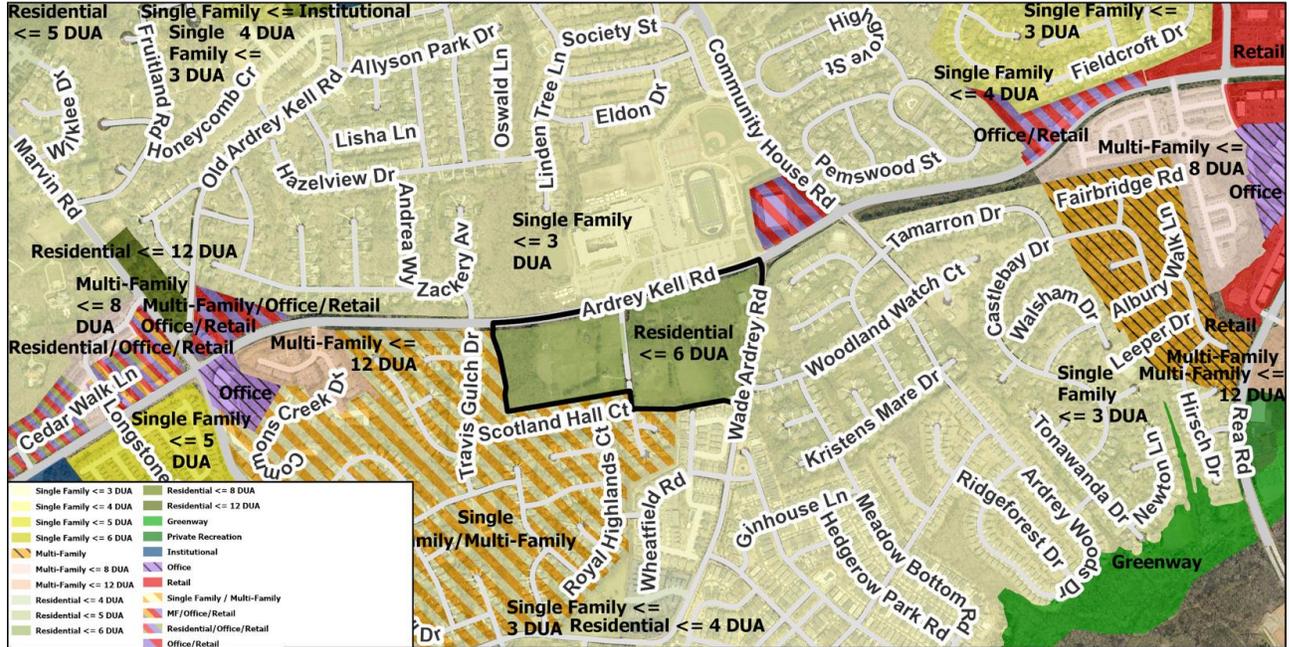
West of the site are single family detached homes along Travis Gulch Dr.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-082	5.67 acres east of the site at the corner of Ardrey Kell Rd and Community House Rd to I-1(CD) (light industrial, conditional) allowing climate controlled self-storage.	Approved
2017-171	36.7 acres (the subject site) to MX-2(INNOV) allowing 220 single family attached and detached residential dwelling units, no more than 205 townhomes.	Approved
2021-023	4.81 acres west of the site on Marvin Rd to UR-2(CD) (urban residential, conditional) allowing up to 42 single family attached dwelling unit.	Approved

• **Public Plans and Policies**



- The *South District Plan* (1993) recommends residential up to 6 units per acre as amended by the previous rezoning petition 2017-171.

• **TRANSPORTATION SUMMARY**

- The project is located on Ardrey Kell Road, a State-maintained major thoroughfare, Beau Riley Road, a City-maintained minor collector, and Wade Ardrey Road, a State-maintained minor collector. The site is on approximately 35.87 acres and proposes two development areas with land uses shown in the trip generation table below. Per the City’s Traffic Impact Study (TIS) Guideline’s thresholds, a TIS is needed for this site. A TIS was submitted on November 22, 2021 and was approved by NCDOT and CDOT on January 18, 2022. The petitioner(s) have committed to constructing all TIS-Recommended transportation improvements, detailed on page RZ-2 of the Rezoning site plan, to include a new traffic signal, additional turn lanes at study intersections along Ardrey Kell Road, Beau Riley Road and Wade Ardrey Road. The petitioner(s) have also committed to constructing a 12-foot multi-use path and 8-foot planting strip along Ardrey Kell Road and an 8-foot sidewalk with an 8-foot planting strip along Beau Riley Road and Wade Ardrey Road in accordance with the Subdivision Ordinance, Charlotte BIKES, and Charlotte WALKS Policies. Finally, the petitioner(s) have committed to constructing a Pedestrian Hybrid Beacon (PHB) signalized crossing on Wade Ardrey Road near Woodland Watch Court to improve pedestrian safety and connectivity. Site plan and conditional notes revisions are needed to remove 5’ sidewalk connection along Ardrey Kell Road and, remove Sulky Plough Road pedestrian connection alternative to satisfy the Subdivision Ordinance.

• **Active Projects:**

- Ardrey Kell Rd Widening (Johnston Rd to Rea Rd)
  - NCDOT STIP #U-6167
  - ROW 2029/ Unfunded for construction

• **Transportation Considerations**

- See Outstanding Issues, Note 3-5

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on 1 single family home).

Entitlement: 1,625 trips per day (based on 220 townhomes).

Proposed Zoning: **3210** ~~3,370~~ trips per day (based on 50 townhomes, **299** ~~380~~ apartments, 900 student elementary school).

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

- **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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 78 students, while the development allowed under the proposed zoning may produce 118 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 40 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Elon Park Elementary from 137% to 145%
    - Community House Middle from 142% to 144%
    - Ardrey Kell High from 164% to 165%.

Rezoning petition 2021-161 includes the site of the CMS 2017 Bond Projects elementary school to relieve over-crowding at Elon Park, Hawk Ridge and Polo Ridge.

The information presented herein does not capture the relief that may be provided to Elon Park Elementary School as a result of this project, but only reflects additional student yield without relief as attendance boundaries have not been developed. As the site of a relief school, this project will provide more relief than the residential portion will generate students.

- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Beau Riley Rd. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** 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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

## OUTSTANDING ISSUES

### Land Use

1. Reduce the residential unit count to better align with the recommended DUA for the subject property. **Not addressed, the plan recommends 6 DUA the petitioner did reduce the number of units and density proposed is now 16.08.**

### Site and Building Design

2. ~~Ensure solid waste facilities meeting solid waste requirements are shown for multi-family and townhomes. Current site plan does not show solid waste area located in townhome area.~~

Addressed

### Transportation

3. Add conditional note committing to constructing the multi-use path along entire frontage on Ardrey Kell Road as depicted on the site plan. **Not fully addressed, the petitioner is providing a multi-use path along the majority of the street but reduces it to 5 ft approaching the western end of the site.** Revise site and conditional note(s) removing 5' sidewalk along Ardrey Kell Rd and show 8' planting strip and 12' multi-use path as shown in previous site plan. Any alternative typical sections will be coordinated during permitted as stated in the conditional notes Section V.4
4. Revise site plan and conditional notes to remove choker street connection to Sulky Plough Road and continue the full width local residential street. **Not fully addressed, the petition shows a full connection on the site plan, but provides inset showing alternatives for a choker design or a pedestrian only connection.** Remove the pedestrian only connection to satisfy Subdivision Ordinance requirements.
5. Revise conditional note under Section V.8 by revising the sentence below to read: "...as it relates to the responsible party listed on Sheet No. RZ-1 of the site plan."
6. ~~Revise site plan and conditional note(s) committing to pedestrian safety crossing on Wade Ardrey Road at Woodland Watch Court. Crossing type and location to be coordinated with NCDOT and CDOT.~~ Addressed
7. ~~Add agreed upon commitments identified from the TIS to the site plan.~~ Addressed

## REQUESTED TECHNICAL REVISIONS

### Site and Building Design

8. Remove Architectural note 3.b.iii as it does not apply. Addressed

9. ~~Remove Architectural note 4.e as it does not apply, all units are alley loaded.~~ Addressed
  10. ~~Clarify acreage and density for area B. Area measured is about 21.174 acres and would result in 20.3 DUA rather than 18.25.~~ Addressed
  11. Remove Transportation note 6.(i) i
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** John Kinley (704) 336-8311

## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2021-161

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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	X
	<b>Goal 3: Housing Access for All</b> 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.	✓
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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.	X

	<p><b>Goal 5: Safe &amp; Equitable Mobility</b> 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><b>Goal 6: Healthy, Safe &amp; Active Communities</b> 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>N/A</p>
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b> 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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b> 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>N/A</p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b> 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><b>Goal 10: Fiscally Responsible</b> 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>