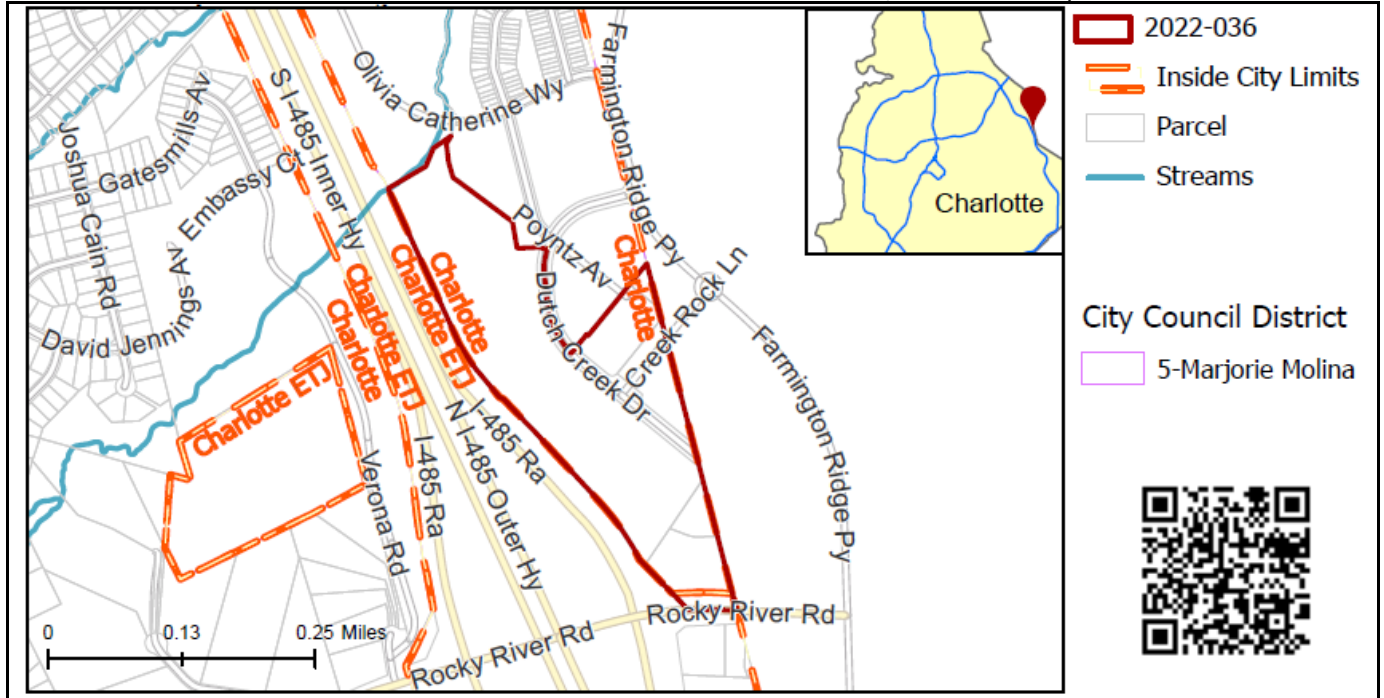


REQUEST

Current Zoning: CC (commercial center)
Proposed Zoning: CC SPA (commercial center, site plan amendment)

LOCATION

Approximately 31.94 acres located along the east side of Interstate 485 and west side of Dutch Creek Drive, north of Rocky River Road.



SUMMARY OF PETITION

The petition proposes to amend a previously approved plan in order to accommodate additional residential units and a reduction in the amount of commercial square footage on vacant acreage abutting Cabarrus County.

PROPERTY OWNER

Rocky River Road Associates, LLC

PETITIONER

MPV Properties

AGENT/REPRESENTATIVE

Keith MacVean – Moore & Van Allen

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map recommendation for the Commercial Place Type.

Rationale for Recommendation

- The petition proposes to amend a previously approved plan (petition 2017-042).
- The petition proposes an increase in the total number of allowed residential units from 515 to 739 units.
- The petition proposes a reduction in the total number of allowed commercial square footage from 191,000 square feet to 150,000 square feet.
- A proposal for a mixture of uses, including residential, is consistent with existing residential and nonresidential uses surrounding the site.

- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 7: Integrated Natural & Built Environments
 - 9: Retain Our Identity & Charm

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from the Commercial Place Type to Neighborhood Center Place Type for the site.

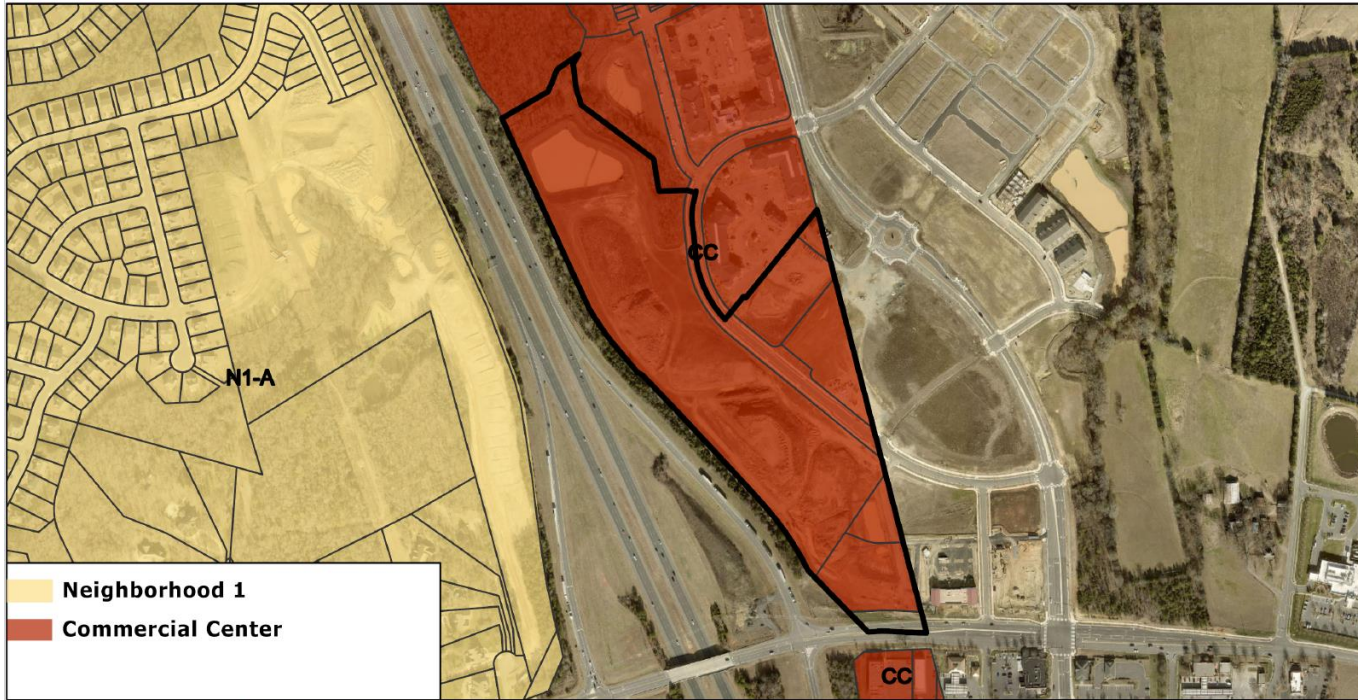
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan amendment contains the following changes:

- Reduce the non-residential square footage from 191,000 square feet to 150,000 square feet.
- Allow up to 325 multi-family residential dwelling units. Request increases the total number of allowed residential units from 515 to 739 units. The portion of the original petition (petition 2017-042) not included in this petition has been allocated 414 of the previously approved 515 units (139 townhomes and 275 apartments). The remaining 101 units are included in this petition and are part of the proposed 325 multi-family units.
- Remove references to Development Areas C-G.
- Remove language referencing townhomes and replace with multi-family units.
- Eliminate a movie theater as an allowed use.
- Remove note stating no building permits may be issued for the development of the site allowed until the site has been annexed into the City of Charlotte.
- Modify *Access and Proposed Roadways* language to reference Dutch Creek Drive and Creek Rock Lane as proposed access, including construction and cross-sections.
- Modify *Street Cross Sections Sheet* to illustrate Dutch Creek Drive and Creek Rock Lane cross-sections. [Add additional detail information for the proposed street cross-sections for Creek Rock Ln. and Dutch Creek Drive \(i.e. lane widths, planting strip and sidewalk widths\).](#)
- Modify *Architectural Standards* language as follows:
 - Eliminate language referencing movie theater.
 - Eliminate language referencing "Main Street".
 - Modify language to note at least one of listed architectural elements will be used on the building façade at street level.
 - Note minimum building height for non-residential will be 20 feet.
 - Note retaining walls greater than four feet and along the interior public streets will be treated with landscaping consisting of at a minimum of evergreen and/or deciduous plants three to five feet on center.
- Amend language to apply a 35-foot building and parking setback along Rocky River Road.
- Provide following language under new heading *Open Space and Amenity Area Improvements*: Open space and an amenity area(s) will be provided on the portion of the Site developed with a multi-family community. A minimum of 8,000 square feet of improved open space areas will be provided at a location that is central to the multi-family development and convenient to the future residents of the community. The proposed open space areas will be improved with at least three of the following elements: walking paths, landscaping, seating areas, and structures appropriate to the proposed open space area.
- Add note under *Environmental Features* as follows: A stream/wetland survey will be required prior to approval of civil site plan to ensure accurate delineation of top-of-bank/stream buffers/creek path and identification of any protected wetlands that may be on the site.

• **Existing Zoning**

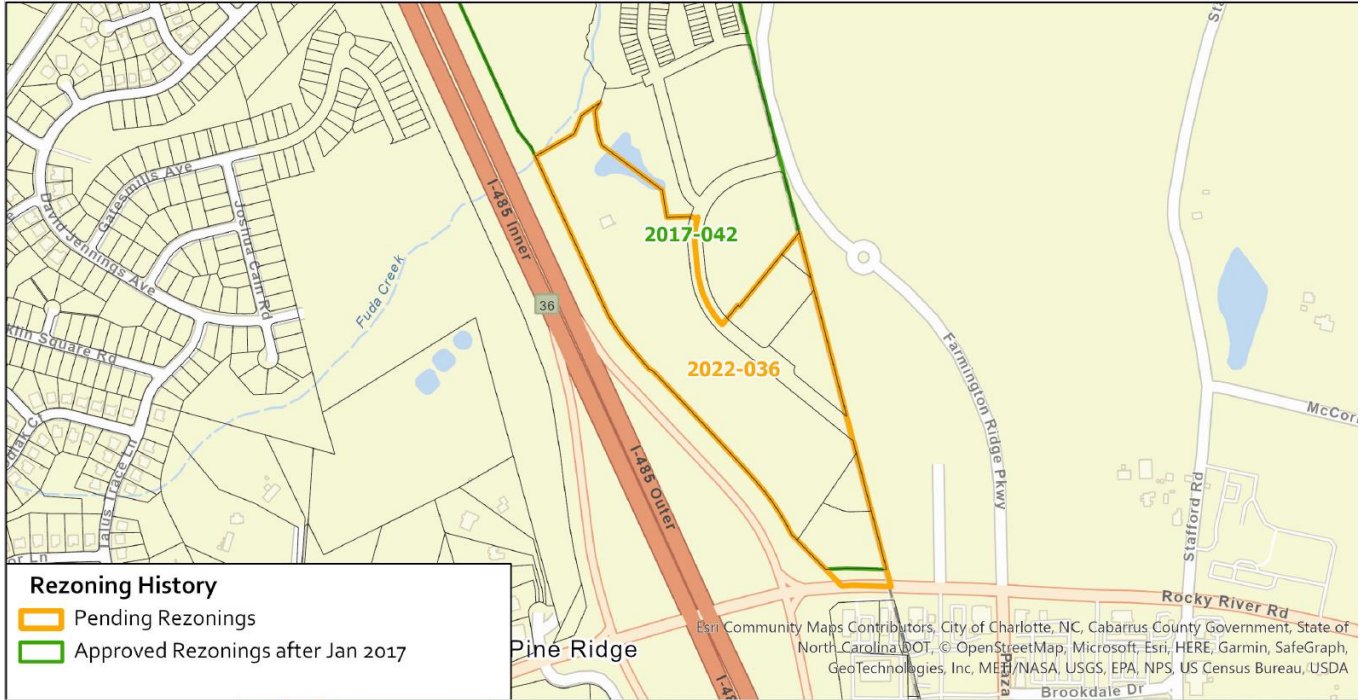


- The site is currently vacant and surrounded by a mix of residential and nonresidential uses. The site abuts Cabarrus County to the east.
- The site is part of a larger 77.31-acre site rezoned via petition 2017-042 to allow the development of vacant acreage located outside the city limits and abutting the Mecklenburg/Cabarrus County line, to allow up to 191,000 square feet of nonresidential uses including office, retail, eating/drinking/entertainment establishments, a motion picture theater, and a hotel, along with up to 515 residential dwelling units within Development Areas A-G.
- An administrative amendment was approved on April 15, 2020, modifying the plan to allow transfer of residential units from Area B to Area C; modifying approved cross sections on the plan; and modifying architectural standards note.



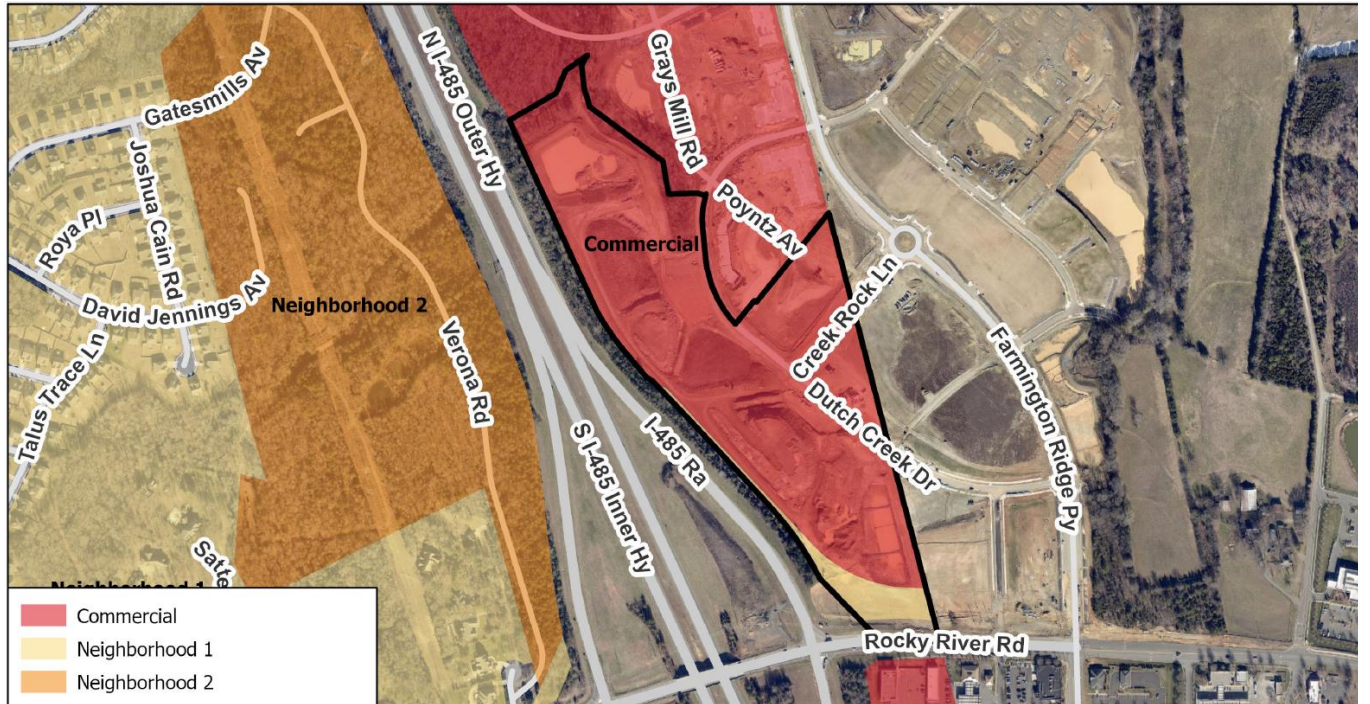
The rezoning site (denoted by purple star) is vacant and abuts I-485 to the west, acreage under construction in Cabarrus County to the east, residential uses to the north, and non-residential uses to the south.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
	There have been no recent rezonings in the immediate area.	

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Commercial Place Type for this site.

• **TRANSPORTATION SUMMARY**

- The site is located on a Rocky River Road, a State-maintained major thoroughfare near I-485, a State-maintained freeway and Plaza Road Extension, a State-maintained local street. This petition is a Site Plan Amendment for Rezoning 2017-042. Revisions to the Traffic Impact Study are not needed due to the proposed land use changes generating less trips than the TIS that was already approved in 2018. The petitioner has committed to an 8-foot planting strip and 8-foot sidewalk along the site's internal public streets. The Petitioner shall also construct off-site transportation improvements

resulting from the TIS to include, but not limited to, additional turn lanes at intersections along Rocky River Road, Caldwell Road, and Farmington Ridge as signal modifications at the I-485 at Rocky River Road intersection. All outstanding CDOT issues have been addressed.

- **Active Projects:**

- N/A

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 20,895 trips per day (based on 275 apartments, 300 condo/townhomes, 50 single family homes, 179,858 sq ft shopping center, movie theater with matinee, daycare facility, 120 room hotel, 137,080 sq ft office).

Proposed Zoning: 18,300 trips per day (based on 600 apartments, 386 condo/townhomes, 36 single family homes, 179,858 sq ft shopping center, daycare facility, 120 room hotel, 42,080 sq ft office).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate 27 students, while development allowed with the proposed zoning may produce 88 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Reedy Creek Elementary from 133% to 138%
 - Northridge Middle from 113% to 115%
 - Rocky River High from 85% to 86%.
- **Charlotte Water:** Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The closest water distribution main is approximately 1,100 feet north of the rezoning boundary at through the northern parcel. A developer donated project will be required in cases there is not direct service. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 15-inch gravity sewer main located through the north of the parcel.
- See advisory comments at www.rezoning.org
- **Erosion Control:** Stream/wetland survey required prior to approval of civil site plan to ensure accurate delineation of top-of-bank/stream buffers/creek path and identification of any protected wetlands that may be on the site. See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at 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.

OUTSTANDING ISSUES

Land Use

1. ~~Petitioner will need to submit for Administrative Amendment to adjust the approved numbers approved on petition. Will need to submit through ACCELA as a No Fee request. Will need to include all sheets and update the numbers allowed under petition 2017-042. Administrative Amendment must be approved prior to scheduling petition for City Council decision.~~ **ADDRESSED**
2. ~~Please ensure all appropriate cross-sections are reflected on the site plan.~~ **Petitioner response: all proposed cross-sections are shown on the site plan.**

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