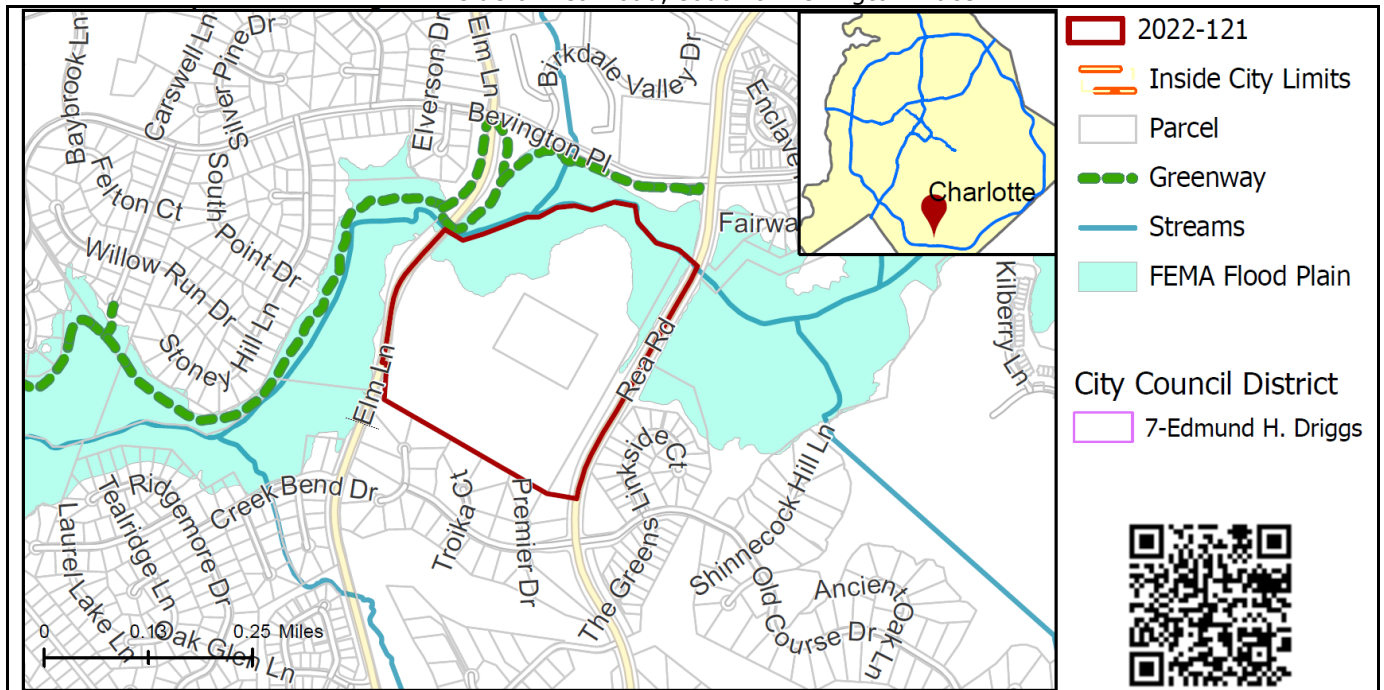


**REQUEST**

Current Zoning: N1-A (neighborhood 1-A)  
Proposed Zoning: UR-2(CD), 5-year vested rights (urban residential, conditional)

**LOCATION**

Approximately 53.07 acres located on the east side of Elm Lane and west side of Rea Road, south of Bevington Place.



**SUMMARY OF PETITION**

The petition proposes to develop a residential community containing multi-family, single family attached and detached dwellings on the site currently developed with one single family dwelling in south Charlotte.

**PROPERTY OWNER**

Elm Lane Holdings LLC

**PETITIONER**

RK Investments Charlotte LLC

**AGENT/REPRESENTATIVE**

John Carmichael/ Robinson Bradshaw

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 227 1<sup>st</sup> CM, 131 2<sup>nd</sup> CM

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *2040 Policy Map* recommendation for Neighborhood 1 place type.

Rationale for Recommendation

- The site is a large parcel located between a Commercial place type and Neighborhood 1 place type.
- The project provides a transition of land use and building type between the single family neighborhoods to the south and commercial area to the north.
- The site is within a ¼ mile walk of a commercial area to the north and the 62x bus route is located along Rea Rd. The petition installs a CATs bus waiting pad on the site's Rea Rd. frontage.

- The site is adjacent to the Four Mile Creek Greenway a significant multi-use path system in South Charlotte.
- The rezoning sites large size accommodates a mix of residential land uses and open space.
- The petition avoids development within the floodplain and sets aside the northern part of the site as open space and tree save area.
- The petition provides additional housing choices to the area.
- Given the sites proximity to the commercial node to the north, adjacency to Four Mile Creek Greenway and the public benefits the petitioner is providing by way of added pedestrian and bicycle connectivity along Rea Rd and Elm Ln and connection across Four Mile Creek to the greenway system some mix of dwelling types including multi-family development is appropriate.
- The petition has reduced the number of proposed dwelling units and capped the maximum number of single family attached dwellings per building to provide transition in building type and scale within the site.
- The petition is providing a number of transportation improvements along Rea Rd., Elm Ln. and nearby intersections.
- The petition provides a number of landscape commitments within and along the perimeter of the site and screens parking areas from view of public streets and multi-use paths.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion
  - 4: Trail & Transit Oriented Development
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

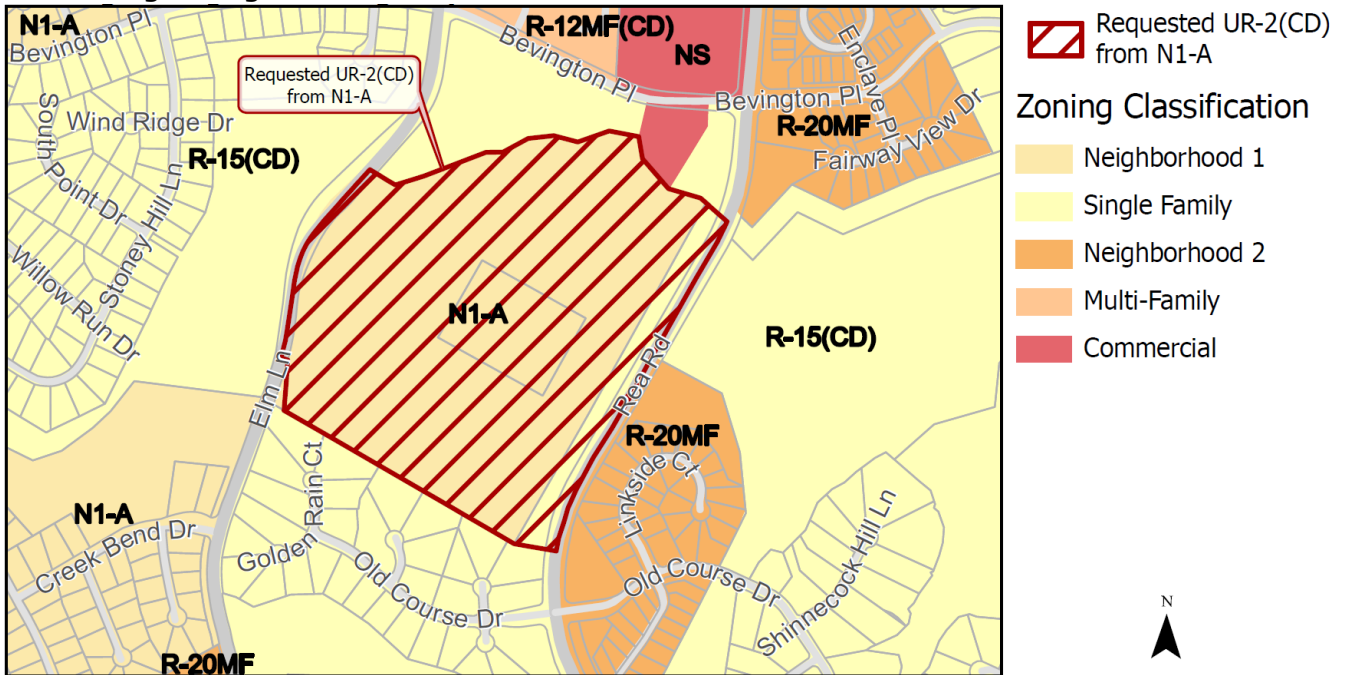
- Splits the site into 3 Development Areas (A, B, C). Proposes a total of 566 ~~640~~ dwelling units, of which up to 450 ~~500~~ multi-family dwellings (whether non-age restricted or age restricted multi-family dwelling units), ~~continuing care retirement (independent or dependent) or combination thereof.~~
- Development Area A (northeast portion of site along Rea Rd)
  - Multi-family dwelling units, ~~age restricted multi-family dwelling units, continuing care retirement community comprised of independent and dependent living units.~~
  - Total maximum of 300 units
- Development Area B (north and northwest portion of the site along Four Mile Creek Greenway and Elm Ln)
  - Multi-family dwelling units, age restricted multi-family dwelling units, single family attached dwelling units.
  - A minimum of 49 single family attached dwelling units.
  - Conversions/Transfers of entitlements: if less than 300 dwelling units are developed in Area A the undeveloped units may be transferred to Area B as multi-family or age restricted multi-family and/or single family attached dwelling units. If less than 51 ~~91~~ dwelling units are developed in Area C the undeveloped units may be transferred to Area B as single family attached dwelling units.
- Development Area C (southern portion of the site)
  - Single family attached ~~and detached~~ dwelling units.
  - Total maximum of 51 ~~91~~ dwelling units
  - ~~A minimum of 15 of the units constructed shall be single family detached.~~
- Architectural commitments include the following:
  - Specifies multi-family buildings developed on the site shall be setback a minimum of 150 ft from the back of the curb along Rea Rd.
  - Specifies that any building on the site shall be setback a minimum of 126 ft from the future back of curb along Elm Lane.

- Specifies single family attached dwelling units developed on the site shall be setback a minimum of 100 ft from the back of curb along Rea Rd.
- Maximum building height of ~~single family detached and~~ buildings containing single family attached dwellings is 48 feet.
- Maximum building height for all other buildings is 65 feet.
- Limits the maximum number of single family attached dwelling units per building to 5.
- Specifies all buildings will comply with the Zoning Ordinance required height plane and be measured from the minimum required setbacks rather than the setbacks voluntarily increased by the petitioner.
- Stipulates exterior building materials.
- Conditions related to roof pitch, blank walls, raised entrances, garage doors, covered stoops and orientation of dwelling units that are located along the internal public street.
- Conditions related to building massing, roof form, and screening of mechanical equipment and service areas for the multi-family/continuing care buildings.
- Provides amenities for site residents to include at a minimum a swimming pool, fitness center, trails, benches and pond.
- Provides a network required east/west public street connection between Elm Ln. and Rea Rd.
- Constructs an 8 ft wide planting strip and 12 ft multi-use path along the site frontage on Rea Rd. located south of the internal east/west public street. The multi-use path may meander to preserve existing trees. (6.1)
- Notes that Petitioner shall install the pedestrian improvements set out below in lieu of the 8 foot wide planting strip and the 12 foot wide multi-use path referenced above in paragraph 6.1 to preserve existing trees located on the west side of Rea Road.
  - A sidewalk of variable width to be located between the existing back of sidewalk and the existing back of curb on the east side of Rea Road. This sidewalk shall be installed from the signalized pedestrian crosswalk on Rea Road located at the entrance into the Site (Access "A") south to Old Course Drive.
  - An unsignalized pedestrian crossing with a pedestrian refuge across Rea Road at the intersection of Rea Road and Old Course Drive.
  - Improvements to the pedestrian ramps at the intersection of Rea Road and Old Course Drive on both ends of the pedestrian crossing referenced above.
  - In the event that Petitioner cannot obtain all applicable governmental approvals to install the pedestrian improvements referenced in this section or there are not existing easements necessary for the installation of the relevant pedestrian improvements, Petitioner shall install the 8 foot wide planting strip and the 12 foot wide multi-use path referenced above in paragraph 6.1
- Constructs an 8 ft wide planting strip and 12 ft multi-use path along the site frontage on Elm Ln. north to approximately the 100 year flood plain. The multi-use path may meander to preserve existing trees.
- Constructs a 12 ft multi-use path within in the site (in lieu of planting strip and multi-use paths along the northern site frontages on Rea Rd. and Elm Ln. The internal multi-use path will connect the multi-use path along Rea Rd and Elm Lane to one another and proposed bridge connecting to the Four Mile Creek Greenway.
- Commits to construct an 8 ft wide elevated pedestrian connection in conjunction with Mecklenburg County and donate the connection and easements to the County for future maintenance. In the event the petitioner cannot obtain approvals, permits or donation of any easements from Mecklenburg County required to construct the elevated connection the petitioner shall have no obligation to install the connection.
- Constructs an 8 ft planting strip and 8 ft sidewalk along both sides for the east/west public street.
- Provides a minimum 50 ft wide landscape area along the southern boundary of the site. The landscaping shall at minimum meet the tree requirements of a Class C buffer. The landscape area shall remain undisturbed aside from planting of supplemental trees.
- Added the following notes related to landscaping and trees:
  - The street trees to be installed along the internal public street shall be willow oak trees.
  - A mix of Green Giant Arborvitae planted 10 ft on center and Little Gem Magnolia planted 8 ft on center with a 4-6 ft height at installation shall be installed along that portion of the Site's frontage on Elm Lane that is generally depicted on Sheet RZ-2 of the Rezoning Plan. The mix shall be determined by the Petitioner.
  - Osmanthus evergreen shrubs shall be installed along that portion of the Site's frontage on Rea Road located south of the internal public street that is generally depicted on Sheet RZ-2 of the Rezoning Plan. The shrubs shall each be 4-6 ft in height at the time of installation and they shall be planted approximately 8 feet on center.
  - Osmanthus evergreen shrubs shall be installed along that portion of the Site's frontage on Rea Road located north of the internal public street that is generally depicted on Sheet RZ-2 of the

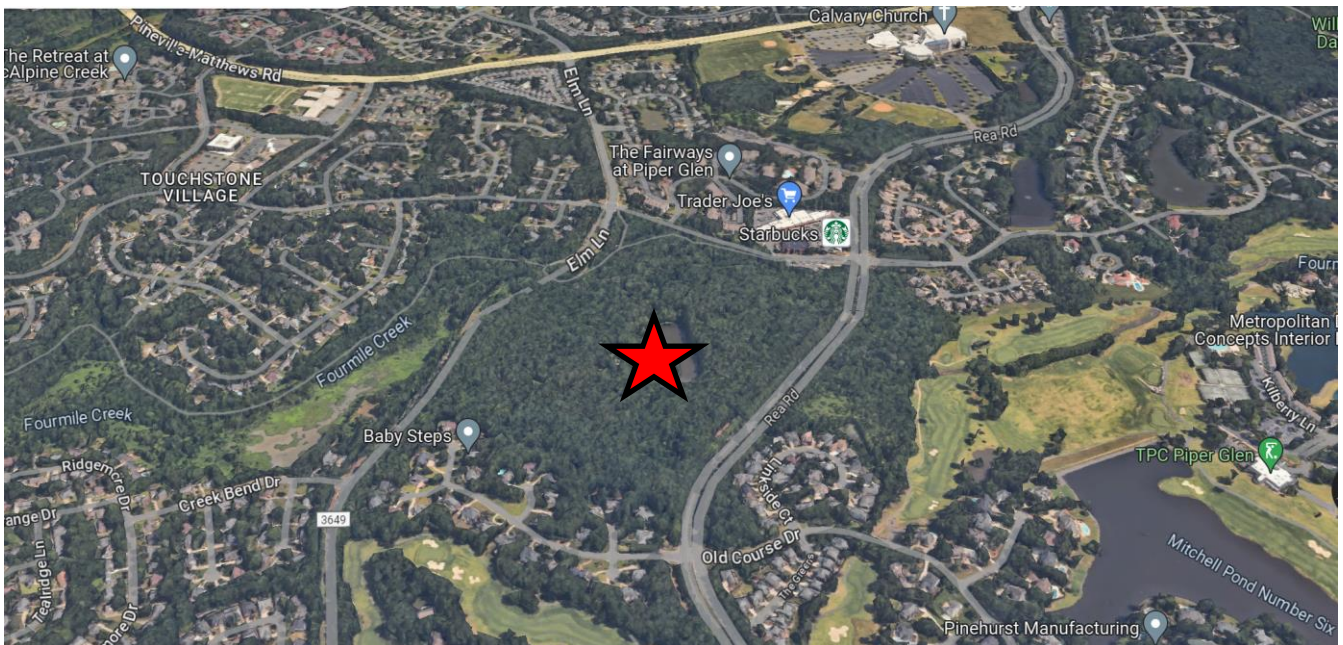
- Rezoning Plan. The shrubs shall each be 4-6 feet in height at the time of installation and they shall be planted approximately 8 feet on center.
- Evergreen trees shall be installed along that portion of the internal public street that is generally depicted on Sheet RZ-2 of the Rezoning Plan. The evergreen trees shall each be 4-6 feet in height at the time of installation and they shall be planted approximately 15 feet on center.
  - A crepe Myrtle tree shall be installed on the site on each side of each vehicular entrance to the site.
  - In the event that existing willow oak trees located along the Site's frontage on Rea Road are removed or killed as a result of the development of the Site, Petitioner shall plant a replacement willow oak tree along the site's frontage on Rea Road for each existing willow oak tree that is removed or killed.
  - Any parking located between buildings and public streets and/or a multi-use path shall be screened in accordance with the requirements of the Ordinance.
  - Petitioner commits to preserving a minimum of 32 percent of the Site as tree save areas in accordance with the terms of the City of Charlotte Tree Ordinance.
  - A minimum 75-foot-wide tree save area shall be established along the Site's frontage on Elm Lane as generally depicted on the Rezoning Plan.
- Notes that the existing pond will be preserved and maintained and at the option of the petitioner may be enlarged.
  - Specifies that petitioner shall work in good faith with Mecklenburg County and the City of Charlotte Storm Water Services to address an existing storm water issue on Elm Lane adjacent to a parcel of land owned by Mecklenburg County that is designated as Tax Parcel No. 225-021-03 (the "County Parcel"). More specifically, Petitioner shall either (i) divert the storm water flowing to the County Parcel from the Site to the existing pond on the Site or (ii) improve the existing 15 inch storm water pipe located on the County Parcel at the time that Access "B" is installed on Elm Lane. Which option is utilized shall be determined in coordination with Mecklenburg County, the City of Charlotte Storm Water Services, CDOT and/or NCDOT and any other applicable governmental authorities. The implementation of either of these options is subject to the approval of all applicable governmental authorities and agencies, including, without limitation, Mecklenburg County, the City of Charlotte Storm Water Services and CDOT and/or NCDOT.
  - Notes that for land disturbing activities occurring on the Site that exceed 10% built-upon area, peak control shall be installed for the 10 year and 25-year, 6 hour storm and additional peak control provided for the appropriate storm frequency (i.e., 50 or 100 year, 6 hour) as determined by the Storm Water Administrator based on a downstream flood analysis provided by Petitioner.
  - Added notes related to utilization of decorative lighting attached to buildings and subject to Duke Energy and City approval for the street lighting along the new public street.
  - Specifies that on-site power lines serving uses will be buried and on-site transformers located at grade will be screened from view of adjacent streets and parcels.
  - Commits that exterior construction activity may only be conducted daily between 7am and 7pm.
  - Provides a number of transportation improvements as a result of the recommendations from the traffic study including but not limited to:
    - Commits to evaluate the site distance of Trader Joes driveway on the north side of Bevington Place during permitting. Gore striping or similar treatment shall be utilized to prevent on-street parking on the north side of Bevington Place where in conflict with the sight distance for the driveway.
    - ~~Restriping Bevington Pl. between Birkdale Valley Dr and Shops at Piper Glen driveway to shift on-street parking to the south side of Bevington.~~
    - Install pedestrian crossing beacons on the west side of the Shops at Piper Glen driveway.
    - Construction of turn lanes on Rea Rd at the intersection with the east/west public street.
    - Install traffic signal with pedestrian accommodations at the intersection of the east/west public street and Rea Rd. **The pole for the traffic signal shall be a mast arm pole similar to the mast arm pole located at the intersection of Rea Rd. and Piper Glen Dr.**
    - Construction of full access intersection with turn lanes at the intersection of Elm Ln and the east/west public street.
    - Commits to install a guardrail on the west side of Elm Ln across from the intersection of the internal public street and install flashing caution signs on Elm Ln north and south of the intersection.
    - Subject to CATS/CDOT/NCDOT approval constructs a bus stop waiting pad along site's frontage of Rea Rd.
    - Prior to the issuance of the certificate of occupancy for the 401st dwelling unit, modifications to the signal at Rea Rd and Highway 51 including extending the storage of the existing left turn lane on northbound Rea Rd by an additional 200 ft.

- Prior to the issuance of the certificate of occupancy for the 401<sup>st</sup> dwelling unit, one of two sets of modification options to the intersection of Elm Lane and Highway 51 to be determined by CDOT/NCDOT during permitting.
- Notes that the Petitioner will work in good faith with CDOT and the Charlotte-Mecklenburg School System to establish a location or locations for a school bus stop(s) on the internal public street. The ultimate decision as to whether or not a school bus stop(s) will be located on the internal public street shall be made by CDOT and the Charlotte-Mecklenburg School System.

• Existing Zoning



- The site is surrounded by a mixture of zoning districts. There is commercial and multi-family zoning to the north across Bevington Place. West, South and East of the site are legacy conditional residential zoning districts and UDO, N1-A zoning. Provide zoning overview for this site and immediate area.



The site is surrounded by a mixture of uses. North of the site is the Four Mile Creek Greenway, multi-family and single family attached dwellings and a commercial shopping center (Shops at Piper Glen). East and south of the site are single family detached dwellings and Piper Glen golf course. West of the site is Four Mile Creek greenway and single family detached homes.



The site is mostly wooded, there is a pond and 1 single family home near the center of the site.



North of the site is the Four Mile Creek greenway and trail head parking area on the south side of Bevington Pl. across from the Shops at Piper Glen.



East of the site, across Rea Rd. is primarily wooded and the Piper Glen golf course. There are single family homes along Linkside Ct.



South of the site are single family detached homes along Old Course Dr. and adjoining cul-de-sacs.



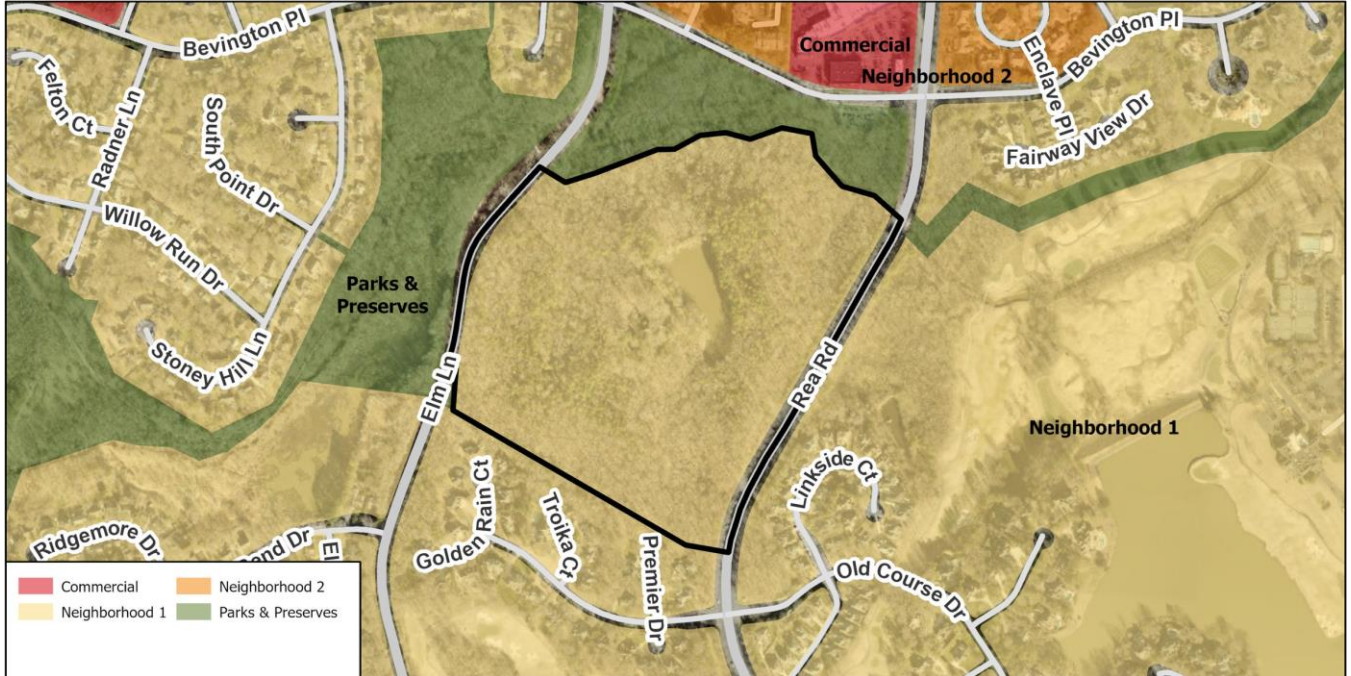
West of the site, across Elm Ln is the Four Mile Creek Greenway.

• **Rezoning History in Area**



There have not been any recent rezonings in the area.

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends Neighborhood 1 place type for the site.

• **TRANSPORTATION SUMMARY**

- The petition is located on the east side of Rea Road, a State-maintained major throughfare south of Bevington Place, a City-maintained minor collector. A Traffic Impact Study is required for the complete review of this petition due to the site trip generation within a high congestion location. The Traffic Impact Study was approved by CDOT on 7/17/2023. Petitioner will construct a 12' multiuse path on the frontages of Rea Road and Elm Lane that will go through the site connecting to the 4 Mile Creek Greenway via the 8' elevated pedestrian connection.

• **Active Projects:**

- N/A

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 1,550 trips per day (based on 159 dwelling units).

Proposed Zoning: 2,482 ~~4,005~~ trips per day (based on 116 attached dwelling units and 450 multi-family dwelling units).

**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 Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Development allowed with the proposed zoning may produce 247 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - McAlpine Elementary from 94% to 111%
    - South Charlotte Middle from 103% to 108%
    - South Mecklenburg High from 136% to 138%.
      - Construction of a new high school; relieves crowding at South Mecklenburg, Ardrey Kell and Myers Park High schools. Relief high school opening the 2024-25 school year.
      - Petition site will be assigned to the Relief High School starting the 2024-25 school year.



- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Rea Road and an existing 12-inch water distribution main along Elm Ln West. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 10-inch gravity sewer main located along Rea Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **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.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** See Requested Technical Revisions, Note 7. **Addressed.**

## OUTSTANDING ISSUES

### Land Use

1. Reduce the number of multi-family dwelling units and increase the number of single family detached, duplex, and triplex dwellings to better align with the Policy Map recommendation for Neighborhood 1. ~~Not addressed, provide a minimum number of duplex and triplex buildings to be constructed in Area C and B. Rescinded~~ **Cap the number single family attached units per building to 5. Addressed**

### Site and Building Design

2. ~~Commit to screening of parking areas adjacent to the streets and the internal MUP, see multiple areas identified on site plan comments.~~ **Addressed**
3. Reorient the building between the Pvt Alley and Rea Rd. south of the proposed street so that fronts Rea Rd. **Addressed the petitioner is providing landscape screening along the Pvt Alley.**
4. Relocate proposed parking area at the southeast corner of the intersection of Elm Ln and the proposed public street so that it is internal to the development. **Addressed.**
5. Relocate proposed parking area at the northwest corner of the intersection of the proposed public street and Pvt Alley so that it is internal to the development. **Addressed**
6. Clarify how pedestrian connection will be made from Rea Rd. to the proposed internal 12' multi-use path. **Addressed.**
7. Remove/modify notes 3.2.3 and 3.2.4 to clarify that additional multi-family units would not replace single family attached units shown on the plans. **Addressed**
8. ~~Update notes for development areas to align with what is shown on the plans. Development area C shows less than 91 units and overall unit count appears to add up to 646 not 640 as proposed.~~ **Addressed**  
Update notes to provide a max unit number for all development areas. **Rescinded**

## REQUESTED TECHNICAL REVISIONS

### Environment

9. ~~Clearly depict and label areas that will be tree save and show in legend.~~ **Addressed**

### Transportation

10. ~~Revise conditional note(s) 4.12.1.5 and 4.12.1.6 to say: "The petitioner to install a guardrail on the west side of Elm Lane across from Access B, and flashing caution signs on Elm Lane north and south of Access B if approved by CDOT and/or NCDOT." Move this note below 4.10 under Transportation.~~ **Addressed**

**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**

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