



Zoning Committee Recommendation

Rezoning Petition 2022-121

June 4, 2024

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.
(Council District 7 - Driggs)

PETITIONER

RK Investments Charlotte LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* recommends Neighborhood 1 place type.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- 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 transportation improvements along Rea Rd., Elm Ln. and nearby intersections.
- The petition provides landscape commitments within and along the perimeter of the site and screens parking areas from view of public streets and multi-use paths.

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map* (2022) from Neighborhood 1 to Neighborhood 2 place type for the site.

Motion/Second: Sealey / Neeley
 Yeas: Neeley, Russell, Sealey, Welton, Whilden
 Nays: Lansdell
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

The Chair noted that their reasons for supporting the petition are the adjacent uses. The 1989 rezoning for Piper Glen included a number of multi-family zoned areas in the nearby area. There are significant pedestrian infrastructure improvements with the petition and provides a walkable connection from the neighborhoods to the commercial area and the buildings are setback providing screening from view of pedestrian walkways. The petition also provides a number of transportation improvements based on twice as many units than proposed. The site is abutting 4 Mile Creek which is 9-10 miles long before coming to the subject site and the creek drains approximately 11,000 acres and the proposed project will not add significant runoff mainly because of post construction run off controls. The project will have 32% tree save. The Council District representative has worked closely with the neighbors and petitioner and provided a letter to the Zoning Committee. The Chair then read the letter out loud.

Commissioner Lansdell while he agrees with many of the comments, his concerns related congestion mitigation especially with Elm Lane design. The setback and buffer along Elm could be impacted by likely future widening which would eliminate the tree and landscaped area along the Elm Lane frontage. Appreciate the pedestrian improvements but loss of green space and natural

space and type of use does not correlate with the transportation solutions that have been presented.

The Chair asked if CDOT staff was aware of any timeline of any improvements/widening to Elm Lane. CDOT staff responded that they were not aware of any timelines for widening the section of Elm Lane.

Commissioner Sealey stated he did an analysis of the signatures from the opposition petition. Only 8,300 originated from Charlotte and 2,600 from the zip code. The Chair noted that we live in a time that it is easy to create online petitions and signatures and it would be more impactful to have a petition that is validated and verified.

There was no further discussion of this petition.

MINORITY OPINION

Commissioner notes the petition does not adequately address or compensate for its land use request to lessen congestions on roadways state and local and specifically Elm Lane. It impacts the general welfare of the community as it does not adequately improve transportation options along that corridor.

PLANNER

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