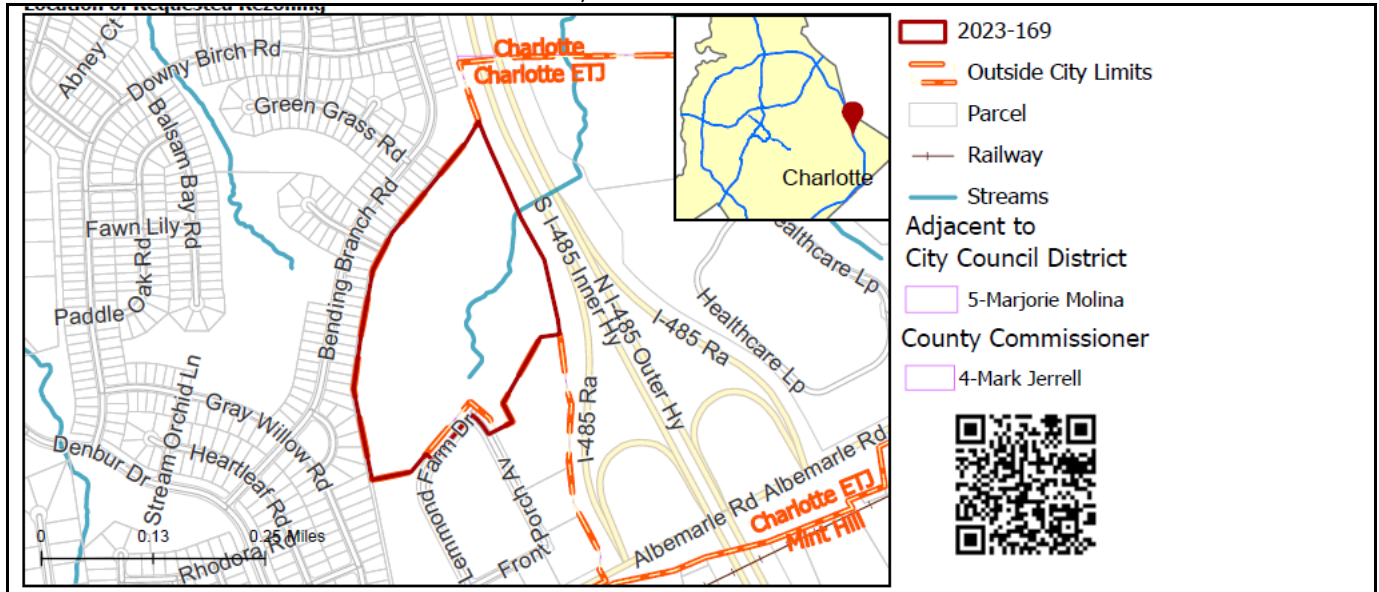


**REQUEST**

Current Zoning: MX-1 (mixed use district)  
Proposed Zoning: N2-A(CD) (neighborhood 2-A, conditional)

**LOCATION**

Approximately 33.95 acres located east of Bending Branch Road and west of Interstate 485, north of Albemarle Road.



**SUMMARY OF PETITION**

The petition proposes to allow a 124-unit single family attached (townhome) residential community on vacant acreage previously approved to allow 75 single family detached homes.

**PROPERTY OWNER**

Lemmond Farm Holdings III LLC

**PETITIONER**

Tim Derylak - D.R. Horton

**AGENT/REPRESENTATIVE**

Bridget Grant – Moore and Van Allen

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 8

**STAFF RECOMMENDATION**

Staff recommends approval of the rezoning petition.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for Neighborhood 2 place type.

Rationale for Recommendation

- The request proposes 124 single family attached units, which will expand housing options in this area.
- The petition commits to eight-foot planting strips and eight-foot sidewalks.
- Provides a 25-foot Class B landscape yard along property lines abutting parcels with existing N1 place type and N1-A zoning.
- The petition commits to pedestrian and multi-modal improvements help to achieve this goal.
- Dedicates acreage to Mecklenburg County for park purposes.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
  - 2: Neighborhood Diversity & Inclusion
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities

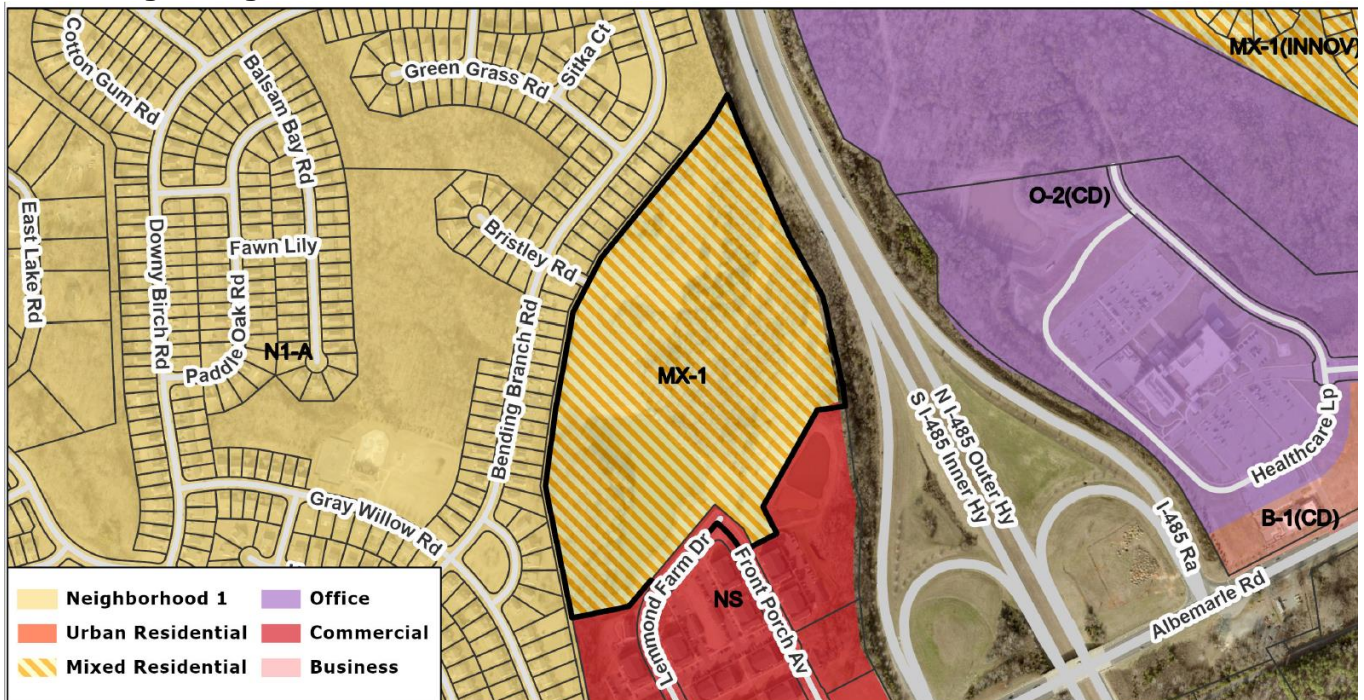
**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

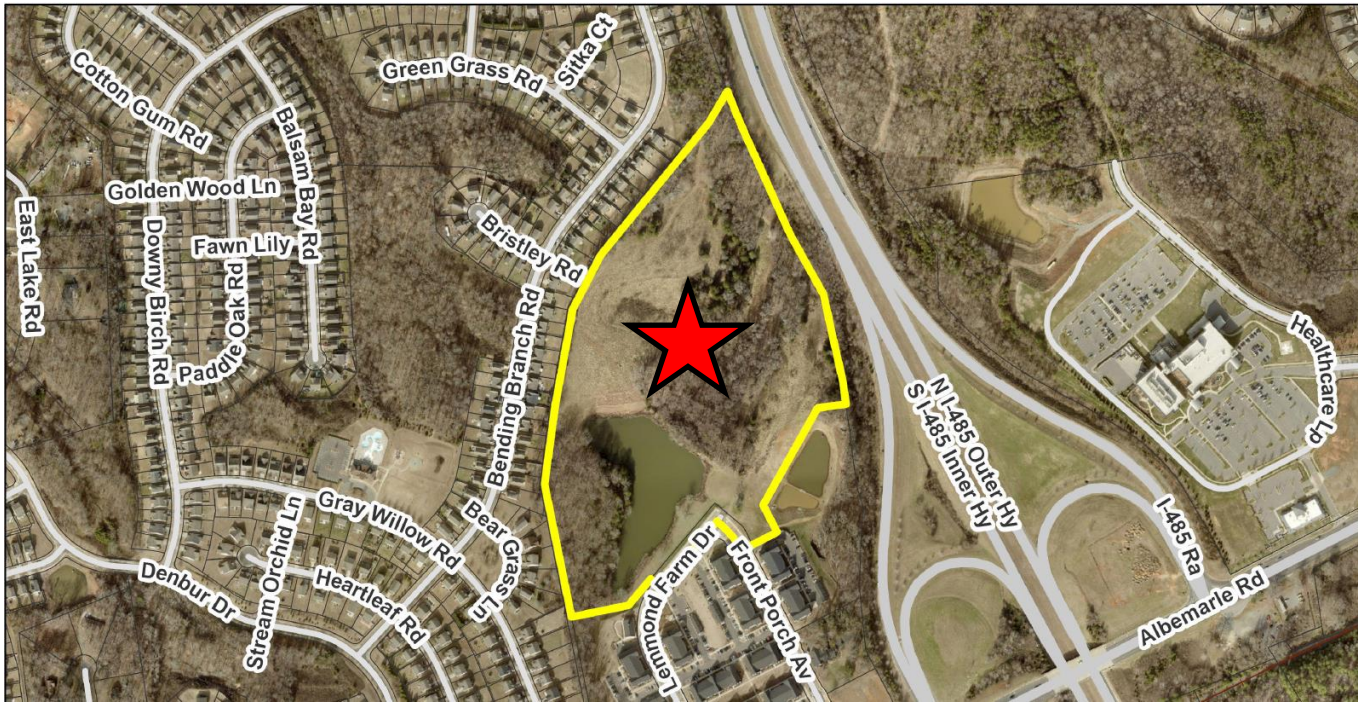
- Allows up to 124 single family attached (townhomes) residential units, limiting height to up to 48 feet.
- Limits total number of principal buildings to be developed on site to 28.
- Proposes access from Lemmond Farm Drive.
- Constructs internal Public Streets A and B and associated eight-foot planting strips and eight-foot sidewalks.
- Notes the petitioner shall implement the following improvements to achieve the required multi-modal mitigation points:
  - Bring the curb ramps into ADA compliance at the intersection of Denbur and Albemarle and provide accessible pedestrian signals on both sides of Denbur.
  - Remove the channelization from the southbound turn lane and provide restriping if necessary.
  - Relocate the pedestrian pole in the channelization island and relocate to the corner.
- Proposes a 25-foot-wide Class B landscape yard along property line abutting parcels zoned N1-A.
- Notes preferred exterior building materials will be comprised of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement (“HardiPlank”) and/or other materials approved by the Planning Director.
- Prohibits the following building materials: (i) vinyl siding, excluding vinyl handrails, windows, soffits, doors or door trim, and (ii) concrete masonry units not architecturally finished.
- Notes buildings shall have either a porch or stoop oriented toward the street.
- Notes that the site will comply with the tree ordinance, and that it is understood that 2.07 acres of the site shall provide the required tree save of Phase I for approved set SDRMF-2018-00122.
- Dedicates a 0.63-acre park to Mecklenburg County Park and Recreation prior to the first certificate of occupancy.

• **Existing Zoning**



- The rezoning site is vacant and is immediately surrounded by single family neighborhoods and apartments. Interstate 485 abuts the site to the east.
- The rezoning site is part of 66.90 acres rezoned from R-3 (N1-A) to MX-1 and NS via petition 2017-180 to allow up to 350 apartments and 50,000 square feet of nonresidential uses on the NS portion, and up to 75 detached homes within the portion zoned MX-1.





The site is currently vacant and surrounded by single family homes and apartments. The site is bordered by Interstate 485 to the east.



The rezoning site (above and below pics) is vacant.







North are single family homes.



Interstate 485 borders the site to the east.



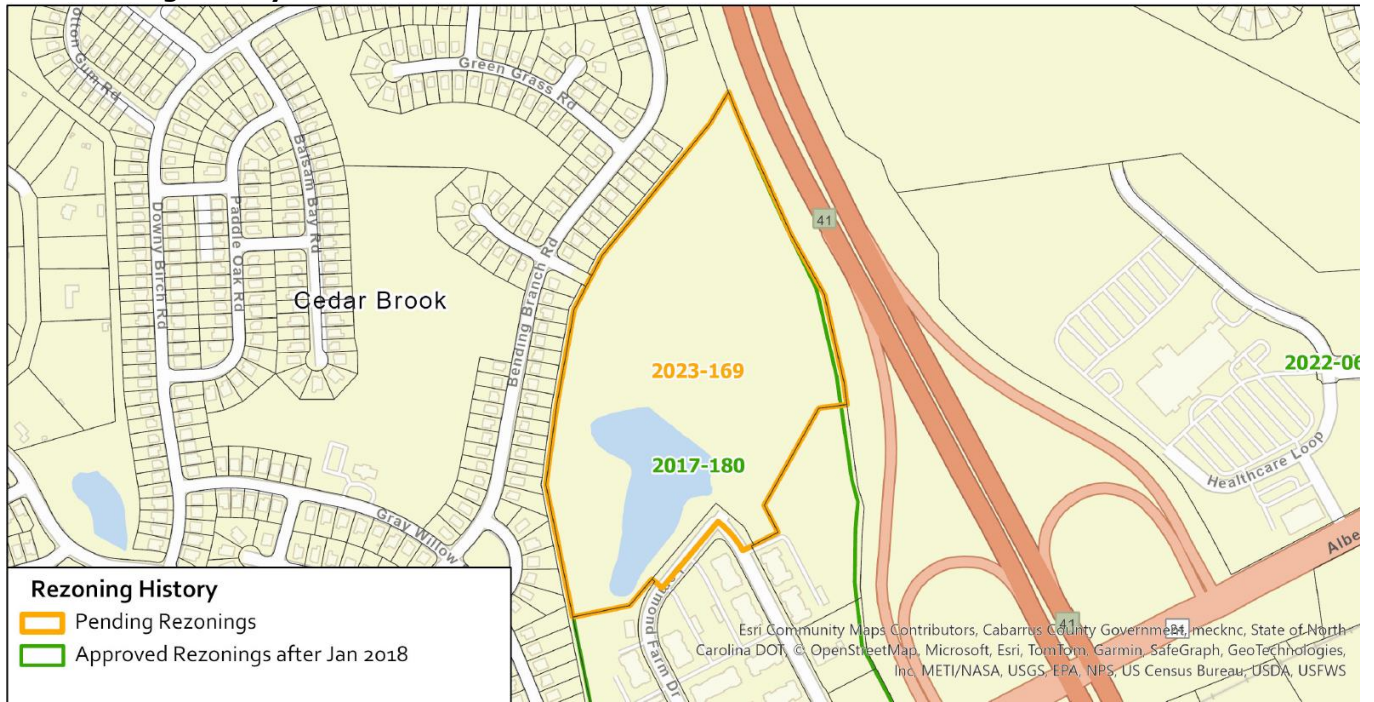
Directly south is an apartment community.





West is a residential neighborhood.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2022-066	Rezoned 13.50 acres from NS, B-1(CD), and N1-A to UR-2(CD).	Approved
2017-180	Rezoned 66.90 acres from R-3 (N1-A) to MX-1 and NS.	Approved

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood 2 place type for this parcel.

• **TRANSPORTATION SUMMARY**

The site is located northwest of the intersection of Albemarle Road and I-485 at the end of Lemmond Farm Drive a city-maintained, local road and Front Porch Avenue a city-maintained local road. Based on the 826 daily trips, the petitioner will be required to satisfy Tier 1 Multimodal assessment (3 points). All outstanding CDOT comments have been addressed.

• **Active Projects:**

- N/A

• **Transportation Considerations** **ADDRESSED**

- See Outstanding Issues, ~~Note 1, ADDRESSED & 2.~~

• **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: MX-1, 33.95 acres-trip generation not provided for this zoning district.

Proposed Zoning: 894 trips per day (based on 124 single family attached units).

**DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:**
  - This development may add 20 students to the schools in this area.
    - JH Gunn Elementary remains at 104%
    - Albemarle Road Middle remains at 112%
    - Rocky River High remains at 92%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main along Bristley Road. Due to the limited treatment capacity with WSACC, Charlotte Water will accept design plans through Accela followed by applications for the Capacity Assurance Program (CAP) review. Charlotte Water is not accepting Pre-Capacity Assurance (previously Willingness to Serve) requests at this time. Customers may visit charlottewater.org. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.



- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** See Outstanding Issues, Note 9. **Addressed**
- **Storm Water Services:** See Outstanding Issues, Note 9. **Addressed**
- **Urban Forestry / City Arborist:** See Outstanding Issues, Notes 7-8. **Addressed**

## OUTSTANDING ISSUES

### Transportation **ADDRESSED**

- ~~1. The petition's zoning falls within the low intensity development which based on the 826 daily trips will trigger Tier 1 (3 mitigation points) for multimodal assessment. The petitioner shall review and assess the publicly accessible pedestrian network within ¼ mile walking distance of the site to identify multimodal infrastructure to meet the Tier 1 (3 mitigation points) for multimodal assessment. Proposed mitigation will satisfy CTR but complete CTR summary table and include on the revised plan. CTR table link (use Site Data Table — CTR Summary tab):  
<https://www.charlottenc.gov/files/sharedassets/city/v/2/growth-and-development/documents/dev-center-fees/resources/udo-site-data-tables-curb-ramps-and-ctr.xlsx>~~
- ~~2. Update mitigation circled in the site table below to say: "Remove the channelization from the southbound turn lane and provide restriping if necessary. Relocate the pedestrian pole in the channelization island and relocate to the corner."~~

### Site and Building Design **Addressed**

- ~~3. Please confirm with Zoning Administration if an administrative amendment is required as part of the process. **Rescinded**~~
- ~~4. Label setback along Public Streets A and B.~~
- ~~5. Label zoning of abutting parcels, including next door NS zoning.~~
- ~~6. Note 1.d. limits the total number of buildings to 28, but 26 buildings are shown. Please revise so the graphic depiction of the plan matches the notes.~~
- ~~7. Please modify Note 4.b. to refer to "landscape yard".~~

### Environment **Addressed**

- ~~8. Tree save does not appear to meet the referenced site plan.~~
- ~~9. Tree save has already been established. Green space location has already been determined per the previous plans.~~

### Infrastructure **Addressed**

- ~~10. Please revise 6.c. to read per the standard note: Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte Mecklenburg Storm Water Services and mitigated if required by City ordinance. Stream Delineation Reports are subject to review and approval by Charlotte Storm Water Services. Need to remove RZ.02 from the note.~~

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

**Planner:** Claire Lyte-Graham (704) 336-3782