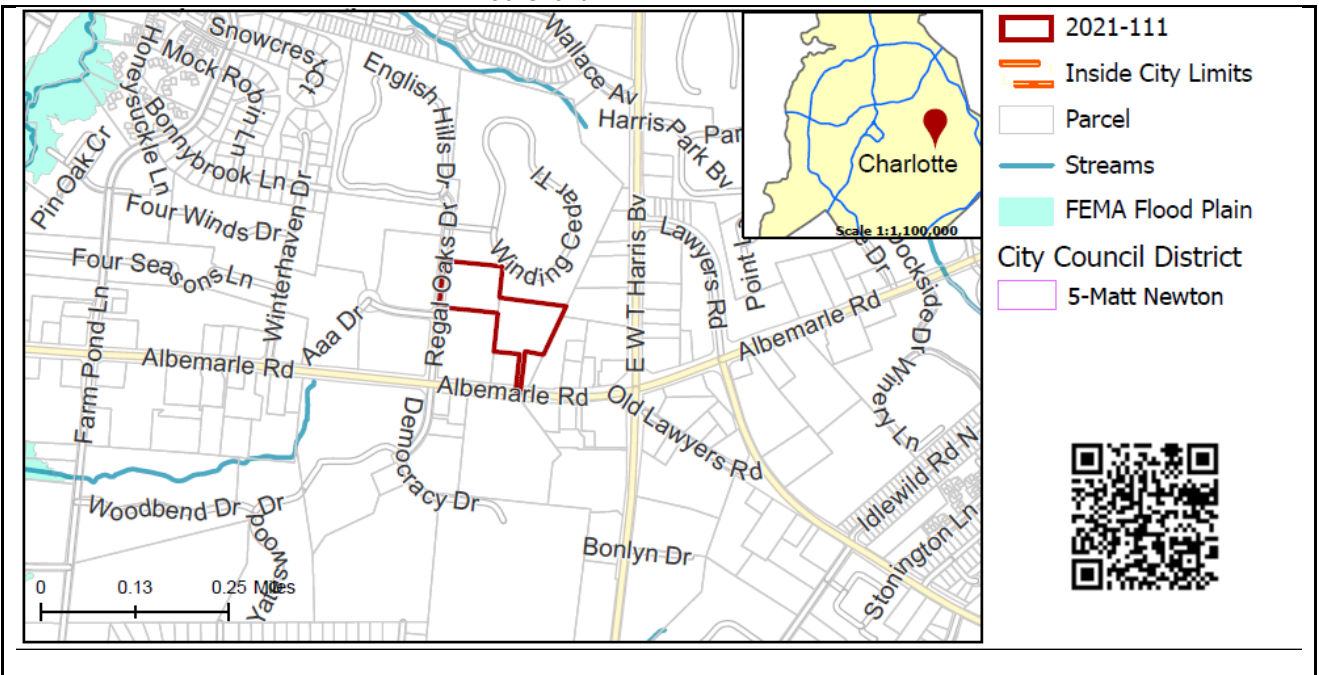


## REQUEST

Current Zoning: B-1(CD) (neighborhood business, conditional) and B-2(CD) (general business, conditional)  
Proposed Zoning: R-22MF(CD) (multifamily residential, conditional)

## LOCATION

Approximately 6.16 acres located on the north side of Albemarle Road and east side of Regal Oaks Drive, west of East W.T. Harris Boulevard.



## SUMMARY OF PETITION

The petition proposes to allow a ~~136~~ 135-unit multi-family residential development at a density of 22.078 units per acre, on a vacant infill lot abutting an existing apartment community and located near the northeast intersection of Albemarle Road and Regal Oaks Drive.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Regal Oaks Investments LLC  
Regal Oaks Investments, LLC  
Bridget Grant, Moore & Van Allen PLLC

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 **consistent** with the *Eastland Area Plan's (2003)* recommendation for single-family/multi-family/office/retail uses for a portion of the site but **inconsistent** for retail uses on parcel 10326102 fronting Regal Oaks Dr.

### Rationale for Recommendation

- The general land use pattern to the north of the area includes residential developments of complementary density.
- The adopted policy plan recommends a mixture of uses for the rezoning site, including multi-family.

- This furthers the Eastland Area Plan's goal to "create a well-balanced mixture of land uses consisting of a full range of housing types".

The approval of this petition will revise the adopted future land use as specified by the *Eastland Area Plan*, from retail uses to residential uses up to 22 DUA for the site.

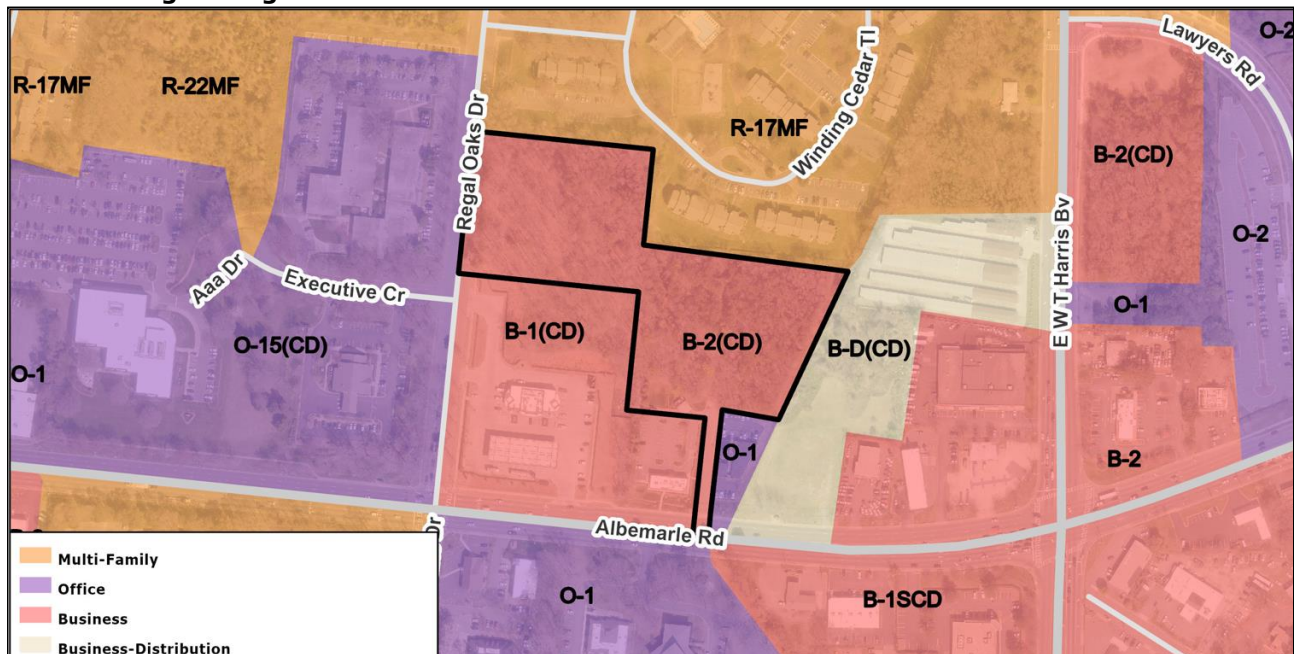
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to ~~136~~ 135 multifamily residential dwelling units together with accessory uses, as allowed in the R-22MF zoning district.
- Limits total number of principal residential buildings to be developed on the site to 6.
- Allows building height as defined per ordinance.
- Proposes access off Albemarle Road and Regal Oaks Drive.
- Proposed 8-foot sidewalk and 8-foot planting strip along Regal Oaks Drive.
- Proposed 18-foot Class B buffer and 6-foot Class C buffer along portions of property lines abutting non-residential uses/zoning.
- Proposes the following combination of building materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood.
- Prohibits use of vinyl or aluminum except on windows, soffits and on handrails/railings. Concrete masonry units not architecturally finished are prohibited.
- Proposes architectural standards to address facades facing streets, building placement and site design, massing, articulation, and roof form.
- Prohibits surface parking areas between Regal Oaks Drive and proposed buildings. Prohibits parking between buildings.
- Proposes open space amenity areas to be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate.
- Identifies possible tree save areas.

### • Existing Zoning and Land Use



- The site is currently vacant and is surrounded by a mix of multifamily residential and non-residential uses on parcels zoned R-17MF, R-22MF, O-1, O-2, O-15(CD), B-1SCD, B-1(CD), B-2, and B-2(CD).
- A portion of the site was zoned from B-2(CD) to B-1(CD) via petition 2011-050 to allow 16,000 square feet convenience store/gas station and a maximum 32,560 square foot nonresidential building for limited B-1 uses.





The site is currently vacant.



North and east are apartments, vacant land and nonresidential uses (above and below).





West of the rezoning site are offices.



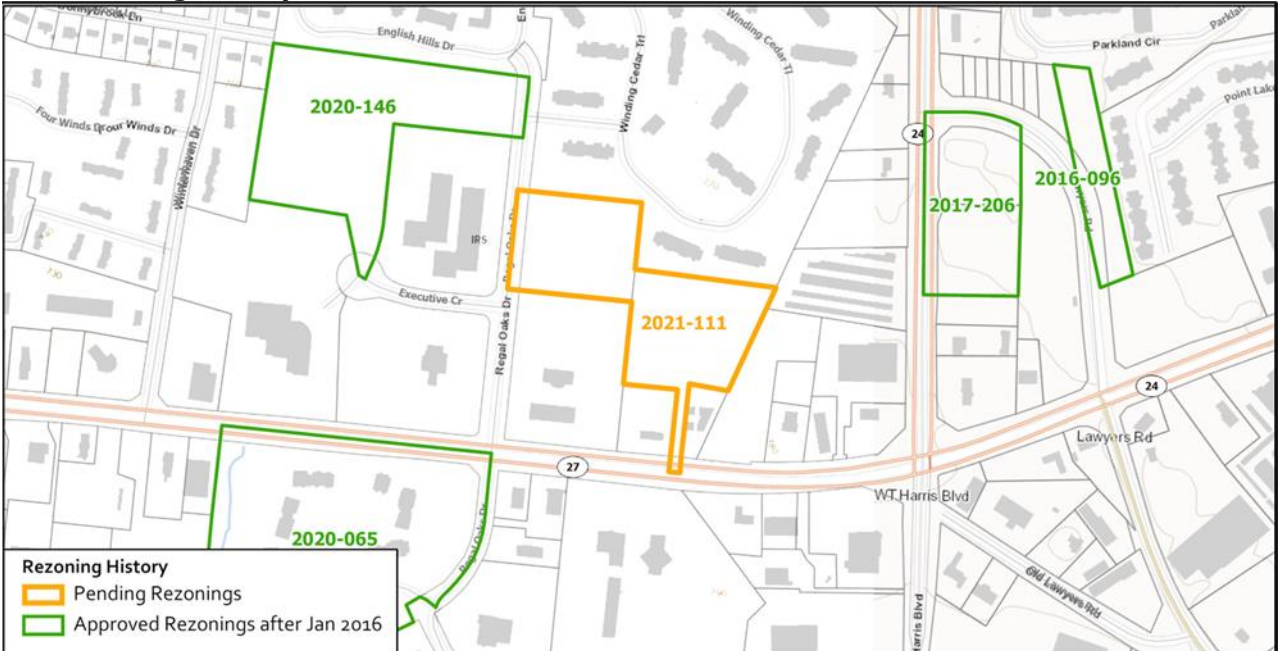
South are office and retail uses, and existing access easement onto Albemarle Road.



At the intersection of Regal Oaks Drive and Albemarle Road are retail and office uses.

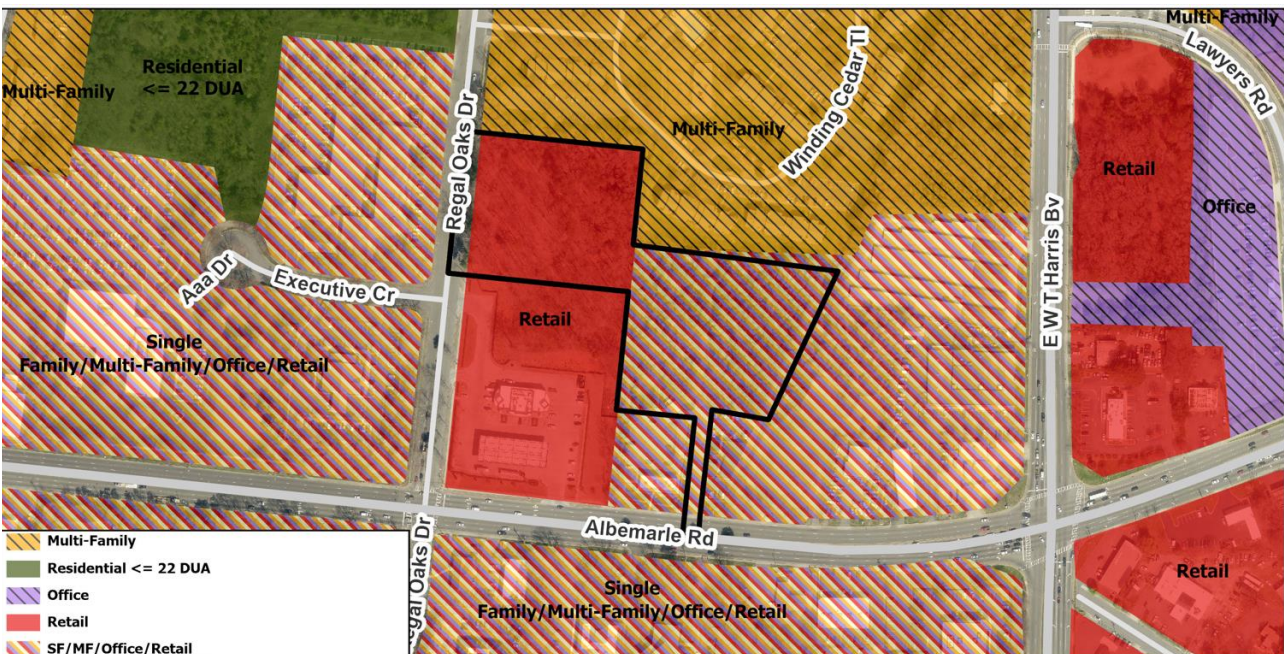


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-146	Rezoned 7.23 acres from O-15(CD) to R-22MF.	Approved
2020-065	Rezoned 15.84 acres from O-1 to R-17MF.	Approved
2017-206	Rezoned 3.35 acres from R-17MF to B-2(CD) to allow a car wash and fuel station, office, retail, EDEE uses with accessory drive in service windows.	Approved
2016-096	Rezoned 1.52 acres from R-17MF to O-2.	Approved

- Public Plans and Policies**



- The Eastland Area Plan (2003) recommends single family/multi-family/office and retail uses for this site.

- **TRANSPORTATION SUMMARY**

- The site is located on Regal Oaks Drive, a City-maintained minor collector and Albemarle Road, a State-maintained major thoroughfare classified as a commercial arterial. A Traffic Impact Study (TIS) is not needed for this site. The petitioner has committed to dedicating 75-foot right-of-way from the Albemarle Road centerline, constructing an 8-foot planting strip with 8-foot sidewalks along the existing Regal Oaks Drive, the wider sidewalk meets the Charlotte WALKS Policy. CDOT has no outstanding issues.

- **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: 5,765 trips per day (based on 32,560 sq ft retail; 35,300 sq ft retail-petitions 2011-050 and 1994-040).

Proposed Zoning: 740 trips per day (based on 136 apartment units; 01/14/2022 site plan).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **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 17 students, while the development allowed under the proposed zoning could generate 36 students. Therefore, the net increase is 19 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Albemarle Road Elementary from 114% to 117%
    - Albemarle Road Middle remains at 117%
    - Independence High remains at 119%.
  - See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Albemarle Rd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Albemarle Rd. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **City Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

**OUTSTANDING ISSUES**

Site and Building Design

- ~~1. Units cannot be rounded up, only 135 are allowed with this math and new acreage.~~ Addressed
- ~~2. Improved open space does not appear to be depicted on the plan. Please show locations or provide a total acreage/SF that will be provided throughout the site.~~ Addressed

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





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

## Goals Relevant to Rezoning Determinations










### Rezoning Petition # 2021-111

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.	X
	<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.	N/A



	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>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></p> <p>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></p> <p>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></p> <p>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></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>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>