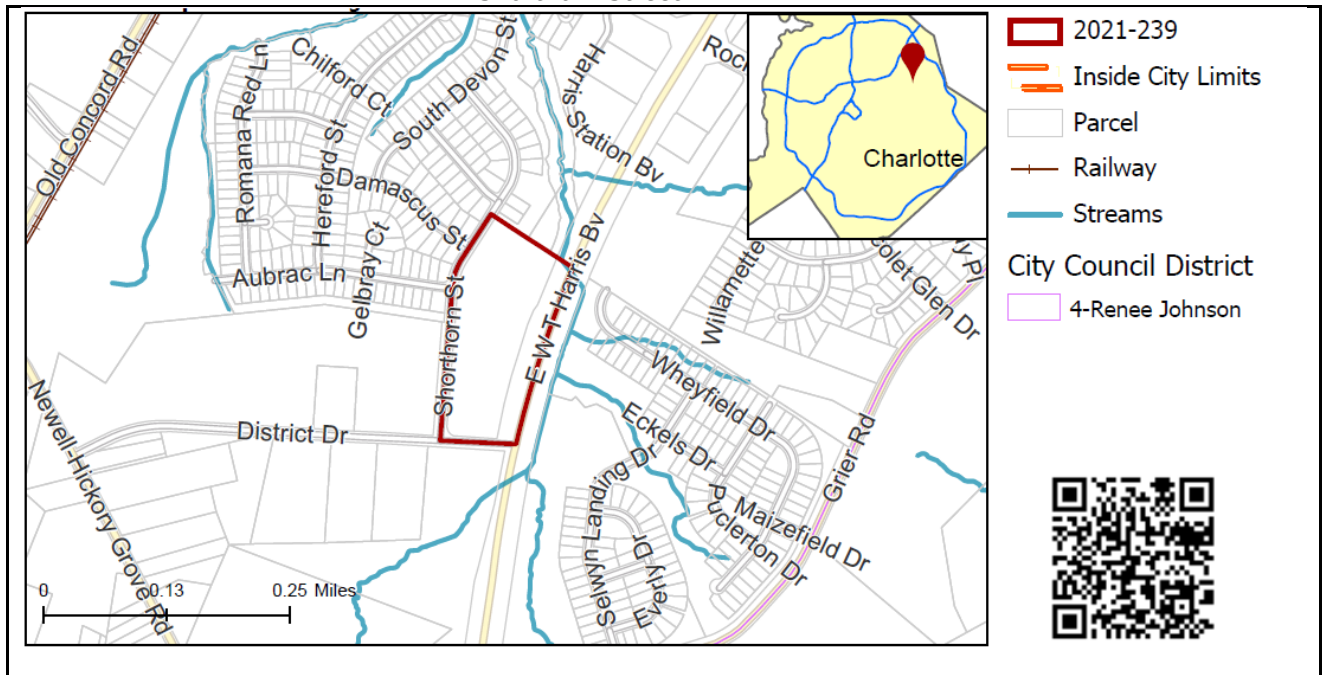


## REQUEST

Current Zoning: O-1(CD) (office, conditional)  
Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)

## LOCATION

Approximately 9.34 acres located on the west side of East W.T. Harris Boulevard, north side of District Drive, and east side of Shorthorn Street.



## SUMMARY OF PETITION

The petition proposes to allow ~~98~~ 95 single family attached homes at a density of ~~10.5~~ 10.17 dwelling units per acre on a vacant parcel of land located south of the intersection of E. W.T. Harris Boulevard and Rocky River Road.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Grier Newell Properties LLC  
Drakeford Communities, LLC  
Anthony Fox/Parker Poe Adams and Bernstein, LLP

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 25

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **inconsistent** with the *Newell Small Area Plan's* (2002) recommendation for office uses (as amended by rezoning petition 2005-024) on the site.

### Rationale for Recommendation

- The petition achieves the Plan's land use objective of "encouraging a range of housing types and densities that will meet the need of different types of households".
- Single family attached housing can provide an appropriate transitional land use between the established single family neighborhood to the northwest and W.T. Harris Boulevard.

- The petition commits to enhancing the pedestrian environment via an 8-foot sidewalk and 8-foot planting strip along District Drive and Shorthorn Street.
- Both points above achieve the Plan's land use goal stating, "new development should be pedestrian friendly and comparable in scale to existing neighborhoods".

The approval of this petition will revise the adopted future land use as specified by the *Newell Small Area Plan*, from office uses to residential uses up to 12 DUA for the site.

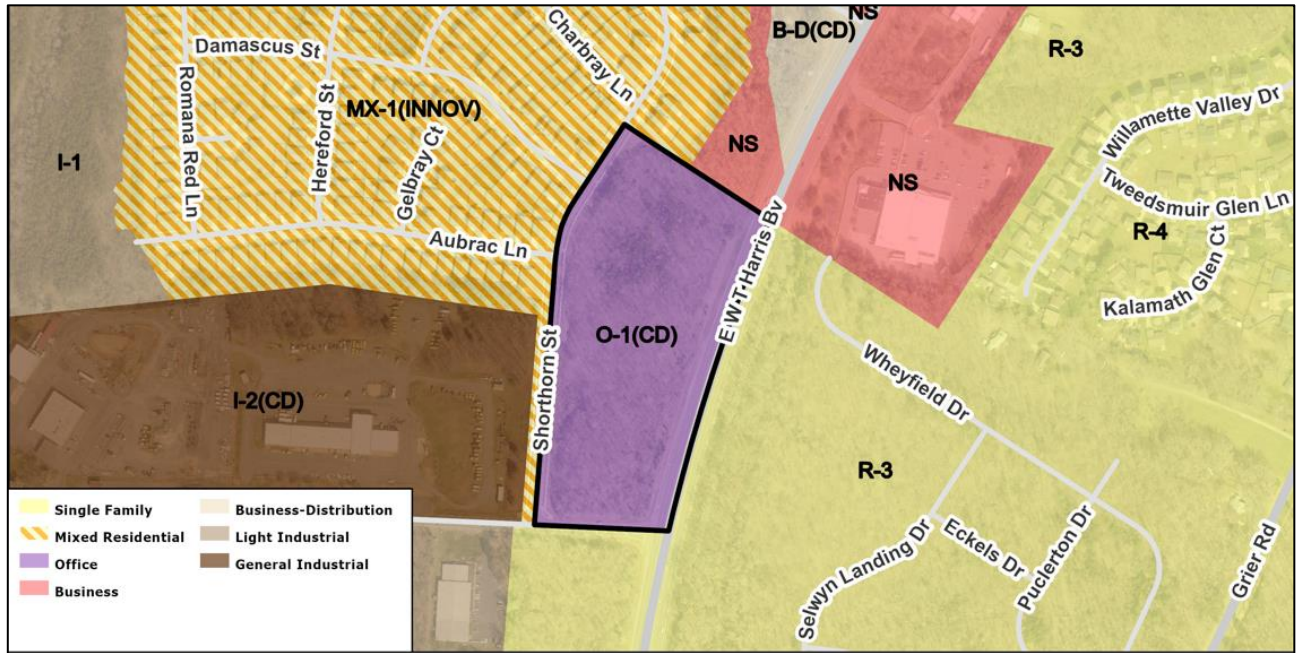
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 98 95 (alley-loaded) single-family attached dwelling units at a density of 10.17 units per acre.
- Limits building height to 40 feet for Buildings A, B, C, D, N, and O, and 48 feet for all other buildings.
- Proposes 2 access points onto Shorthorn Street.
- Proposes an 8-foot sidewalk and 8-foot planting strip along District Drive and Shorthorn Street.
- Proposes combination of the following exterior building materials: brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement (HardiPlank), vinyl and/or other materials approved by the Planning Director.
- Usable porches, when provided, shall be covered and be at least 3 feet deep.
- Limits attached dwelling units to a maximum of 6 units per building or fewer when fronting a public street.
- Notes all private alleys will meet the minimum horizontal and vertical design requirements.
- Replaces existing northeast ADA ramps at the intersection of District Drive and Shorthorn Street if deemed non-compliant with PROWAG standards.
- Proposes a 50-foot Class C buffer (reduced 25% with a fence) along the north property line.
- Proposes a 50-foot Class A buffer (reduced 25% with a fence) along the property line parallel portion of Shorthorn Street and across the street from acreage zoned I-2(CD) (general industrial, conditional).
- Identifies 100-foot PCCO buffer and an isolated wetland on the site.
- Identifies possible tree save area and possible water quality area.
- ~~Notes that if provided, amenities for "Possible Open Space A" will include, but are not limited to, seating, walks, and enhanced landscape. If provided, "Possible Open Space A" will have a minimum area of 1,500 square feet. Provides useable common open space of not less than 1,000 square feet that will contain 2 benches and walks.~~

### • Existing Zoning and Land Use



- The rezoning site is currently vacant and surrounded primarily by single family residential neighborhoods, multi-family, limited retail, government/institutional, and office/distribution/warehouse uses zoned R-3, R-4, NS, MX-2 INNOV, NS, I-1, and I-2(CD).
- The rezoning site was part of 78.4 acres rezoned from R-3 to MX-1 INNOV and O-1(CD) via petition 2005-024 to allow 248 residential units and 99,000 square feet of office uses.
- Petition 2020-118 proposed to rezone the rezoning site from O-1(CD) to R-12MF; however, that request was withdrawn.



The site is currently vacant.





North are single family homes



Northeast (across E. W.T. Harris Boulevard) and east are single family homes (above) and retail uses (below).







South, across District Drive, are office/industrial/warehouse uses and undeveloped/vacant land.

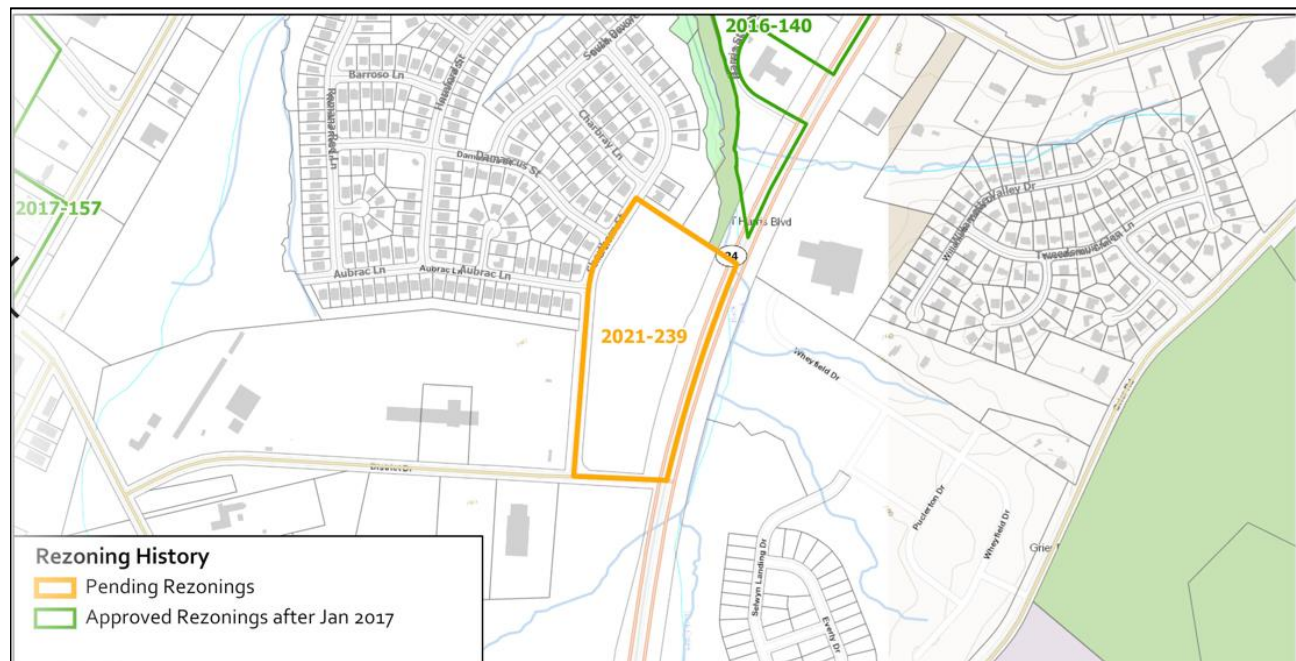


West, across Shorthorn Drive, are single family homes (above) and a governmental/institutional use (below).



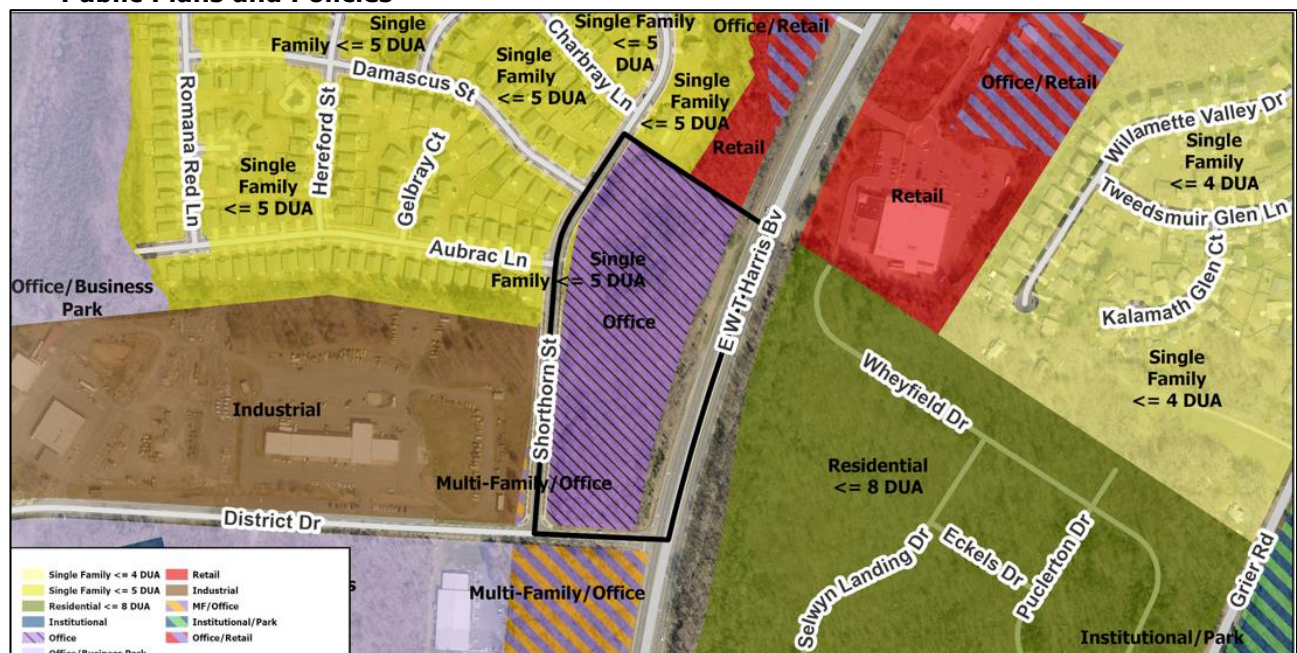
- **Rezoning History in Area**





Petition Number	Summary of Petition	Status
2017-157	Rezoned 28.4 acres from R-3 to R-4.	Approved
2016-140	NS SPA to amend development rights to allow a mix of retail, restaurant, office and climate controlled self-storage uses.	Approved

- **Public Plans and Policies**



- The Newell Small Area Plan recommends office uses for the site.

- **TRANSPORTATION SUMMARY**

- The site is located adjacent to E WT Harris Blvd, a State-maintained major thoroughfare, District Drive, a State-maintained local street, and Shorthorn Street, a City-maintained local street. A Traffic Impact Study (TIS) is not necessary for the complete review of this petition due to the site generating less than 2,500 daily trips. The petitioner has committed to constructing an 8-foot planting strip and 8-foot sidewalk along Shorthorn Street and District Drive to meet Charlotte WALKS Council-Adopted policy, constructing ADA curb ramps at public street intersections, and dedicating 40' of right-of-way from the road centerline of District Drive. Site plan revisions are needed to meet ordinance requirements and/or the outstanding items including, but not limited to committing to all residential driveways being built CLDSM standards. Further details are listed below:

- **Active Projects:**

- No projects near the site.

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-4.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 995 trips per day (based on 93,400 sq ft office).

Proposed Zoning: ~~705~~ 685 trips per day (based on ~~98~~ 95 townhomes).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 16 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 16 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Newell Elementary remains at 114%
    - Martin Luther King, Jr. Middle remains at 94%
    - Julius L. Chambers High remains at 126%
  - 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 8-inch water distribution main located along Shorthorn Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Shorthorn Street. 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.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 5.

**OUTSTANDING ISSUES**

Transportation

1. ~~Add conditional note committing to constructing an 8-foot planting strip, and 8-foot sidewalk on District Dr and Shorthorn St as depicted on site plan.~~ **Addressed**
2. ~~Revise site plan and conditional note(s) to commit to replacing existing ADA curb ramps at the intersection of District Dr and Shorthorn St to ensure PROWAG compliance. Ramp type and location to be determined during the permitting process. If ramps are deemed to be PROWAG compliant replacement will not be necessary.~~ **Addressed**

3. ~~Add conditional note(s) that all private alleys/ streets to meet all minimum horizontal and vertical design requirements.~~ **Addressed**
4. Revise site plan and add conditional note(s) that all residential driveways will be built CLDSM standards for residential alleys and will be a minimum of 10' wide per the detail(s).

Environment

5. Protected tree save should be a minimum of 30 feet wide. **Adds note proposing 45,000 square feet of required 61,052 square feet of required tree save have option to pay-in-lieu (corridor).**

Site and Building Design

6. ~~Please show the buffer line dimensioned at 37.5' and show the buffer fence on the site side of the buffer.~~ **Addressed**
7. ~~Either show a 15' or a 27' setback — do not show both.~~ **Addressed**
8. ~~Multiple locations highlighted where the setback of 15' is shown, the sidewalk connections must be shown on site plan. If the buildings are not meant to be shown in the 27' setback, please make sure they are shown behind that line.~~ **Addressed**
9. ~~Sidewalk and planting strips are labeled on the site plan but no note committing to these improvements have been provided on the site plan.~~ **Addressed**
10. ~~Add a note committing to the Class A and Class C buffers shown on the site plan.~~ **Addressed**
11. ~~Petitioner should add a note committing to enhancing the possible water quality via approved plantings/features.~~ **Rescinded**
12. ~~Please provide details on open space areas and amenities. Project should contain useable open space for future residents. Not addressed. Petitioner has added a note stating "If provided, amenities for "Possible Open Space A" will include, but are not limited to, seating, walks, and enhanced landscape."~~ **Notes petitioner shall provide useable common open space of not less than 1,000 square feet that will contain 2 benches and walks.**
13. ~~Update language for solid waste on site to reflect petitioner will provide the area per ordinance standards.~~ **Addressed**

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**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 # 2021-239

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.	✓
	<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>X</b></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><b>N/A</b></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>X</b></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><b>N/A</b></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>✓</b></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><b>N/A</b></p>