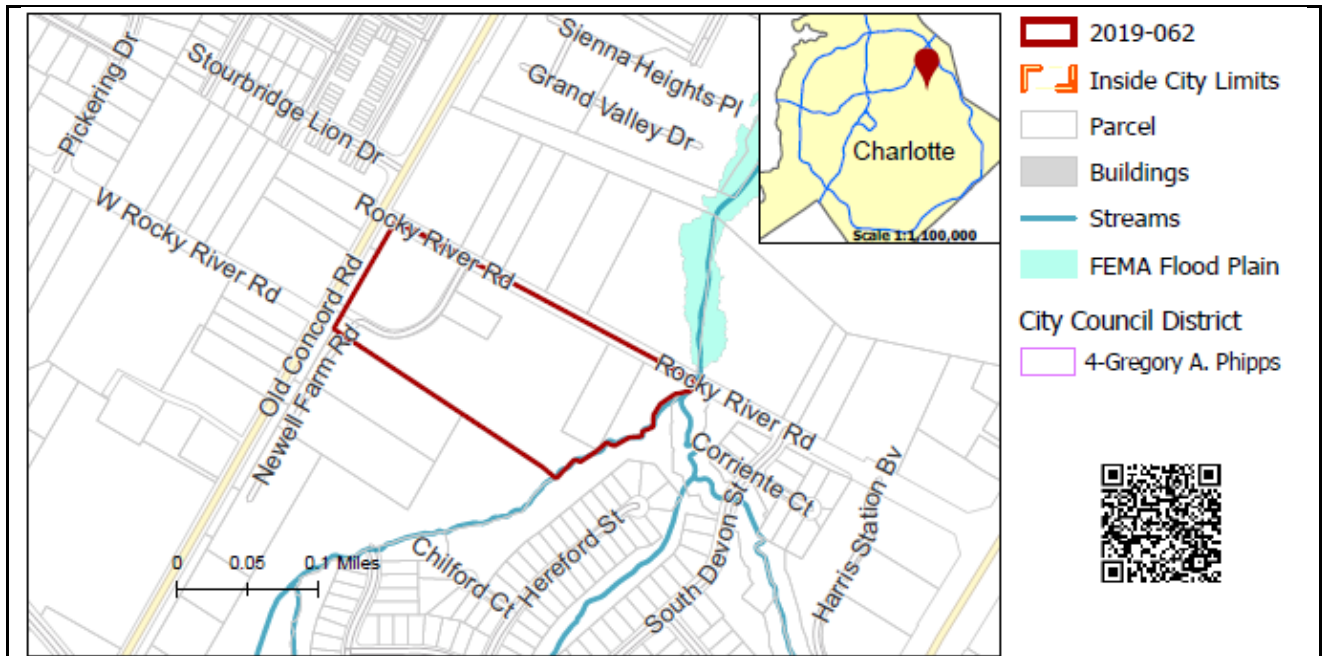


**REQUEST**

Current Zoning: B-1(CD) (neighborhood business, conditional)  
and O-1(CD) (office, conditional)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 13.01 acres located at the southeast intersection of Rocky River Road and Old Concord Road.



**SUMMARY OF PETITION**

The petition proposes development of the site to accommodate a planned multi-family development of 126 duplex units, at a density of 9.7 dwellings per acre (DUA).

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Frank C. Newton, Jr. and Nancy E. Newton  
Suncrest Real Estate and Land, Sean Cooney  
John Carmichael, Robinson Bradshaw

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 20

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with adopted policy. The *Newell Small Area Plan* recommends office use for most of the site. Rezoning petition 2012-084 revised the adopted future land use to a mixture of office and retail for parcels 10501213 and 10501108 near the Old Concord Road/Rocky River Road intersection.

Rationale for Recommendation

- The site is adjacent to a high-speed railroad corridor and access to Old Concord via Rocky River Road has been severed making it less likely for commercial development to occur on the subject property

- The commitment to build the University East collector will provide additional connectivity between Newell Hickory Grove Road to University East Drive to better accommodate single family attached development.
- The petition commits to public recreation and mobility options through the dedication of the 100 foot SWIM Buffer of Back Creek located on the site to Mecklenburg County for future greenway development.
- This site was originally rezoned from a residential zoning district to an office district with petition 1995-040(C). The original intent was for this area to develop with residential uses. In fact, much of the site abuts established residential uses or zoning.
- The area directly across Rocky River Road has not developed according to the office land use recommendation, the existing use is residential.
- Due to the transportation constraints and abutting single family development, it is unlikely that this site would ever develop with the intended office or retail uses.

The approval of this petition will revise the adopted future land use in the *Newell Small Area Plan (2002)*, from office use to residential use up to 12 dwelling units per acre for most of the site, and will revise the adopted future land use from office and retail uses to residential use up to 12 dwelling units per acre for parcels 10501213, 10501108.

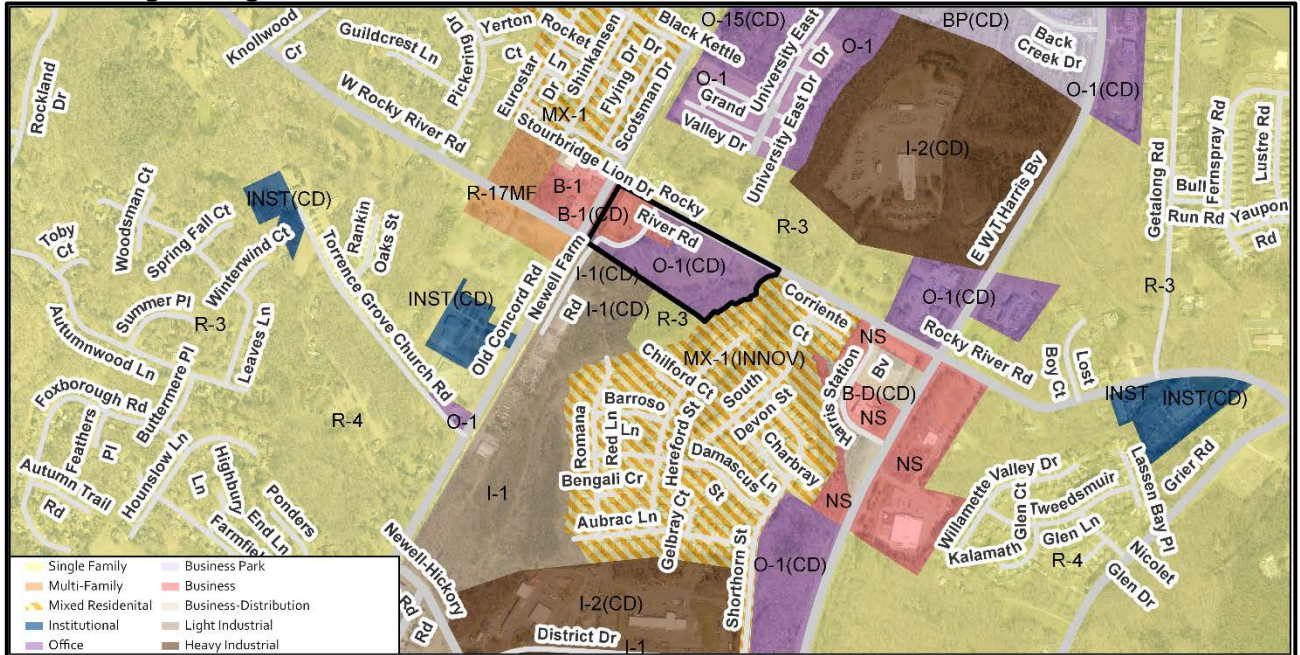
#### PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Develops site with a planned multi-family development containing a maximum of 126 duplex units.
- Provides driveway connections to Rocky River Road and constructs a new public street (designated as the University East Collector Road on the rezoning plan).
- Limits the maximum height to 1.5 stories and requires architectural design standards.
- Constructs an 8-foot wide planting strip and 6-foot sidewalk along the site's frontages on Rocky River Road and the University East Collector Road.
- Establishes a minimum 37.5-foot Class A buffer along the Site's southern boundary. The required width of this buffer has been reduced by 25% from 50 feet to 37.5 feet by installation of a berm.
- Dedicates and conveys the 100-foot SWIM buffer of Back Creek located on site to Mecklenburg County for future greenway purposes.

• **Existing Zoning and Land Use**



The site was rezoned in 1995 from R-3 (single family residential) to allow all uses permitted in the O-1 zoning district. In 2012, the parcels near the intersection were rezoned to B-1(CD) (general business, conditional). Surrounding land uses consist of single family residential, vacant land, institutional, and business uses.



The subject property is currently developed with single family residential.





The properties to the north are developed with single family residential.



The properties to the east are developed with single family residential. The subject property is marked with a red star.





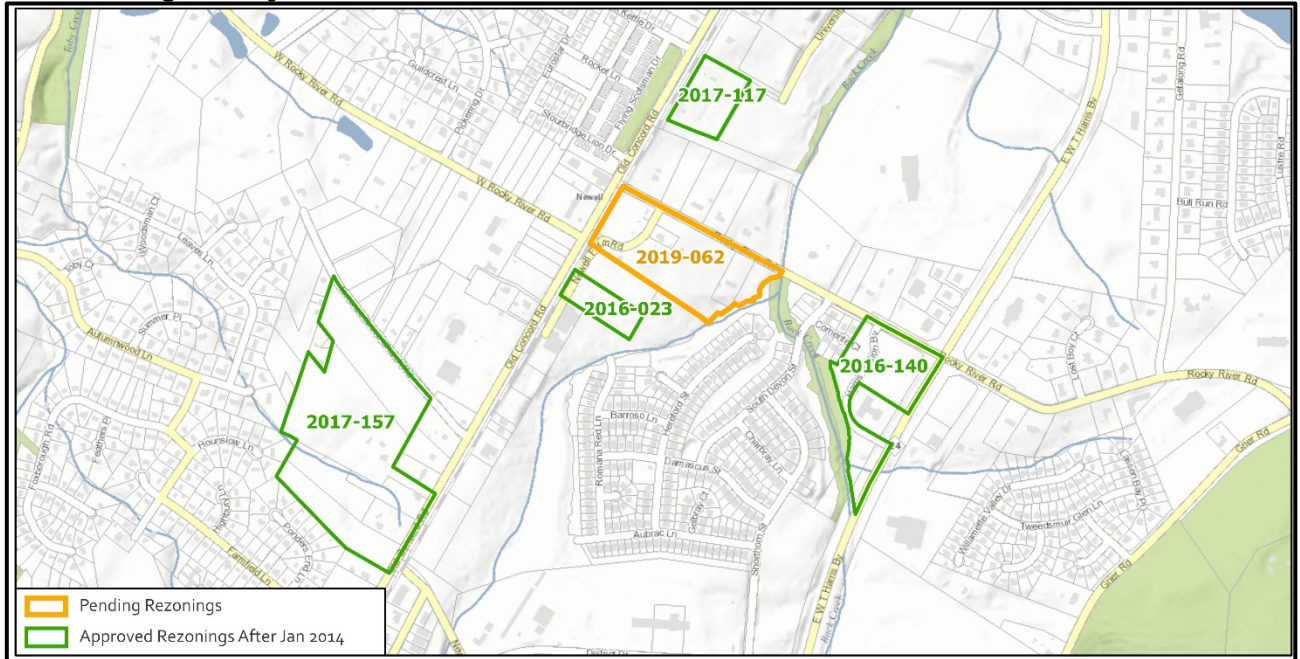
The property to the south of the subject property is undeveloped single family zoned land. The subject property is marked with a red star.



The properties to the west of the subject property across the railway are developed with institutional and business uses. The subject property is marked with a red star.

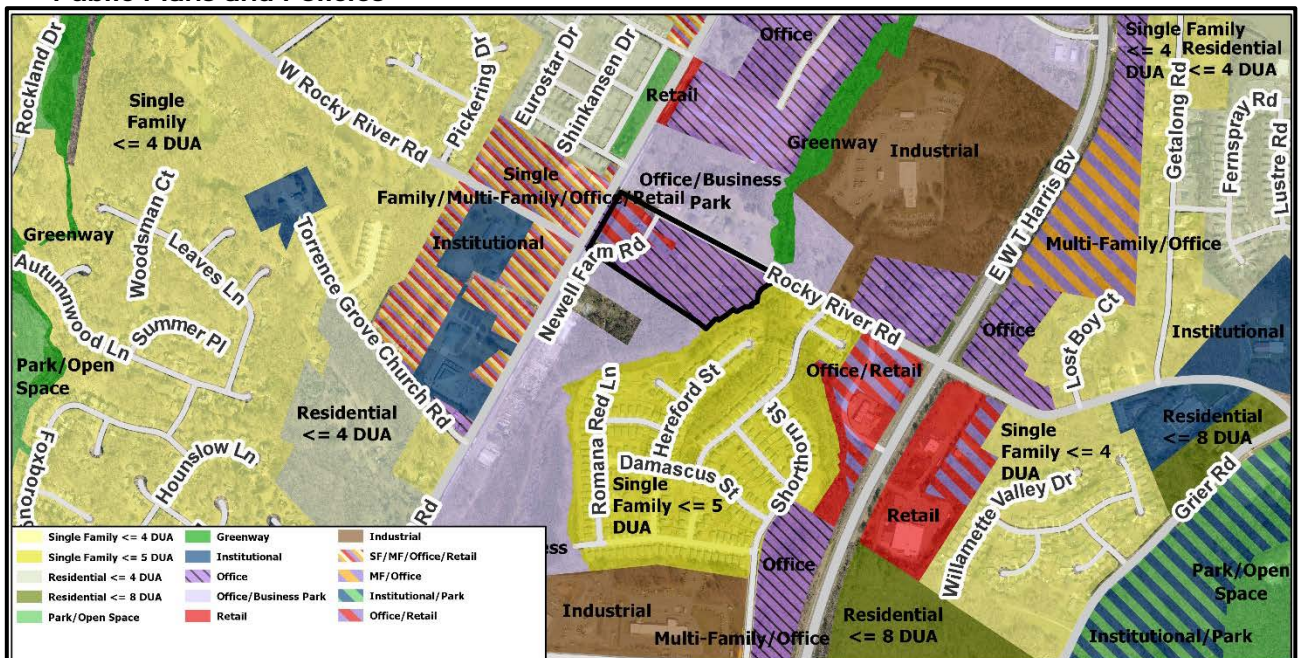


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-023	Rezoned to I-2(CD) SPA (general industrial, conditional, site plan amendment) to allow the addition of a telecommunications facility on a vacant site.	Approved
2016-140	Rezoned to NS SPA & BD(CD) (neighborhood services, site plan amendment and distributive business conditional) both with five-year vested rights to allow a mix of retail, restaurant, office and climate controlled self-storage uses.	Approved
2017-117	Rezoned to allow all uses permitted within the O-1 (office) district.	Approved
2017-157	Rezoned to allow all uses permitted within the R-4 (single family residential) district.	Approved

- Public Plans and Policies**



- The *Newell Small Area Plan* (2002) recommends areas currently zoned O-1(CD) for office uses.

- Sites zoned B-1(CD) are recommended for a mix of office and retail uses as updated by rezoning petition 2012-084.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located along a Minor Thoroughfare. The site commits to constructing a public road to meet the intent of the Minor Thoroughfare road right-of-way through the site as prescribed by the Comprehensive Transportation Plan. The site also commits to upgrading the streetscape along Rocky River Road with planting strip and sidewalk. CDOT is requesting the petitioner add conditional notes committing to the installation of the curb and gutter. CDOT is also requesting the petitioner update conditional notes C.5 and C.6 for better understanding of the construction of those roads.
  - ~~See Outstanding Issues, Note 1-4:~~ Addressed.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 10 trips per day (based on 1 dwelling).
      - Entitlement: 1,790 trips per day (based on 5000 SF retail and 95,000 SF office).
    - Proposed Zoning: 910 trips per day (based on 126 multi-family dwellings).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 0 students, while the development allowed under the proposed zoning will produce 34 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 34 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Newell Elementary from 115% to 118%
    - Martin Luther King Jr. Middle remains at 96%
    - Vance High from 119% to 120%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Rocky River Road, and via an existing 6-inch water distribution main located along Newell Farm Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Rocky River Road. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See Requested Technical Revisions, Note 11.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** 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.

#### OUTSTANDING ISSUES

##### Transportation

1. ~~Curbline: The proposed zoning district has a setback measured from back of the existing or proposed future curbline. The location of the future back of curb is 26 feet from centerline along Rocky River Road to account for minor thoroughfare with buffered bike lane to point shown below (Approximate location, CDOT can work with petitioner with where the intersection will occur). After that point the future back of curb is 13 feet from center line in accordance to CLDS U-02. Per chapter 19 the developer should install curb and gutter as part of this development.~~
  - ~~a. Revise the site plan to include a typical for Rocky River Road.~~
  - ~~b. Revise the site plan to clearly dimension the curb and gutter from the centerline of the road.~~
  - ~~c. Revise the site plan to clearly show curb and gutter along Rocky River Road.~~ Addressed

2. ~~Revise the site plan and conditional note(s) to commit to constructing a public road to meet the intent of the Minor Thoroughfare road right-of-way through the site as prescribed by the Comprehensive Transportation Plan approved by the Charlotte Regional Transportation Planning Organization. The cross-section should match what was previously approved development north of site as shown below:~~
  - a. ~~The 36 feet of pavement will be used for future travel lanes. Revise the site plan due to proposed on-street parking on University East Extension based on the following options:~~
    - i. ~~Place on-street parking outside of the 36 feet.~~
    - ii. ~~Remove bulb-outs at intersections to allow future travel lanes. This would allow on-street parking on the road, but it can't count as required site parking. In addition, note C3 should remove, "on-street parking shall be allowed on the University East Collector Road."~~
  - b. ~~Revise the site plan to include a typical for University East Extension.~~
  - c. ~~Revise the site plan to clearly dimension the curb and gutter from the centerline of the road.~~
  - d. ~~Revise the site plan to graphically show curb and gutter along University East Extension.~~ Addressed
3. ~~Revise conditional note C.5. to remove "substantially complete" from the note. The University East Collector Road should be fully completed prior to the issuance of a Certificate of Occupancy.~~ Addressed
4. ~~Revise conditional note C.6. to state "'Road A" shall be completed prior to the issuance of the building abutting the proposed "Road A"'. This road should be fully completed prior to the issuance of a Certificate of Occupancy.~~ Addressed

#### REQUESTED TECHNICAL REVISIONS

##### Land Use

5. ~~Add proposed zoning: UR-2(CD) to rezoning summary.~~ Addressed

##### Site and Building Design

6. ~~Provide dimension for buffer area and provide better location detail on sheet RZ 2. Label as Class A.~~ Addressed
7. ~~Label setback and required yards.~~ Addressed
8. ~~Label and dimension sidewalks and planting strips.~~ Addressed
9. ~~Add height in feet to note D1.~~ Addressed
10. ~~Replace notes 6 & 7 with:~~
  6. ~~To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 24 inches.~~
  7. ~~Usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building facing public/private streets and open space. Usable front porches should be covered and be at least 6 feet deep. Stoops and entry level porches may be covered but should not be enclosed.~~
  8. ~~All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels.~~
  9. ~~Walkways should be provided to connect all residential entrances to sidewalks along public and private streets.~~ Addressed

##### Environment

11. ~~Revise stream buffer labels and boundaries to properly represent the "100-foot Undisturbed PCSO Stream Buffer". Adjust development limits to avoid stream buffer disturbance.~~ Addressed
12. ~~Sheets RZ-1 and RZ-2 also appear to incorrectly show the buffer limits (35-ft SWIM Buffer cannot extend beyond the larger 100-ft Undisturbed PCSO Buffer). Revise the stream buffer boundaries to properly represent the 100-ft Undisturbed PCSO Buffer and 35-ft SWIM Buffer and adjust development limits to comply with buffer requirements as necessary.~~ Addressed
13. ~~Include the following note on the site plan: "Development within the SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."~~ Addressed
14. ~~Add the following to note F.2 under Amenities and Greenways: "Prior to the dedication and conveyance of the Greenway Area to Mecklenburg County and subject to any restrictions imposed by stream buffer regulations, Petitioner shall have the right..."~~ Addressed