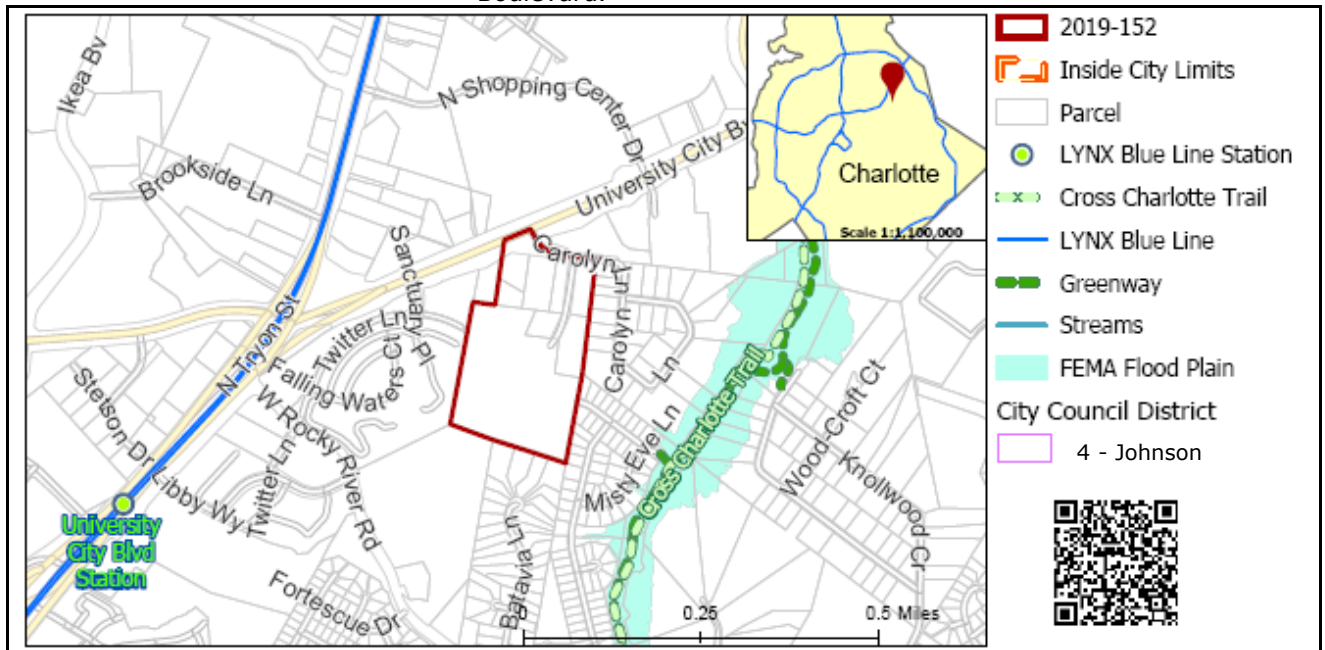


**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

**LOCATION**

Approximately 27.410 acres located off Carolyn Lane and Joe Whitener Road with frontage and access to University City Boulevard.



**SUMMARY OF PETITION**

The petition proposes to allow for the development of a majority vacant parcel assemblage into a mixed-residential community comprised of up to 405 multi-family and attached single family residential units at a density of 14.77 dwelling units per acre.

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

Multiple - see application at [www.rezoning.org](http://www.rezoning.org) for complete list.  
Spectrum Companies  
Keith MacVean, Dujuana Keys & Jeff Brown, Moore & Van Allen

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 17

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *University City Area Plan* (2015) and the *Newell Small Area Plan* (2002) recommendations for office/retail, mixed use, and residential uses of multiple densities for the site.

Rationale for Recommendation

- The request compliments the adopted vision for the *University City Area Plan* in that it improves accessibility by maximizing the use of existing local street connections to provide a high level of mobility and multi-modal access. The project accomplishes that by committing to constructing, through a reimbursement agreement with the City, the Dave McKinney Avenue extension connecting the

site and surrounding neighborhood directly to the University City Boulevard Blue Line Station.

- The proposed mixture of residential uses (attached single family/multi-family) is an appropriate transition between student housing to the east of the site and detached single family homes to the west.
- The proposal achieves the *Newell Small Area Plan's* land use objective by providing a broad range of housing.
- The proposed intensity is reasonable considering the site's proximity (over .5 mile but under .7 miles) to the University City Boulevard Blue Line Station.

The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan* and *Newell Small Area Plan*, from office/retail, mixed use, and residential uses of multiple densities to residential uses up to 17 dwelling units per acre.

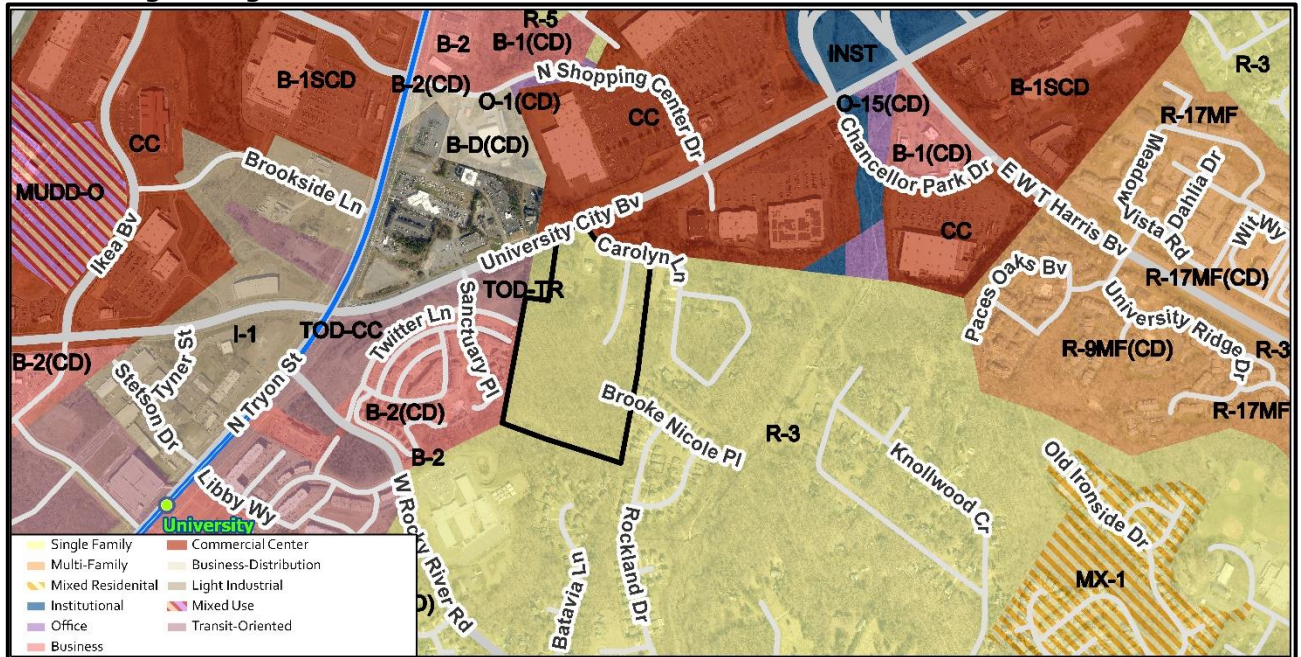
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes to allow for up to 405 residential dwelling units at a density of 14.77 DUA.
- Commits the maximum height of development area A and A1 to 4 stories/68 feet.
- Commits the maximum height of development area B to 4 stories/48 feet.
- Limits the number of multifamily units to 340, with the balance of the 405 total residential units to be constructed as townhomes in development areas A1 or B.
- If less than 340 multifamily units are constructed, the amount less than that number may be translated into additional townhome units constructed in development areas A1 or B.
- Commits to multiple transportation improvements (outside of ordinance requirements) including:
  - The construction of (through reimbursement agreement with CDOT) extension of Dave McKinney Avenue from Rocky River Road to the southern property line of the subject property which includes a commitment to provide \$100,000 toward the installation of a traffic signal at the intersection of Dave McKinney Avenue and W. Rocky River Road should the cost of the signal not be covered through the reimbursement agreement or the City of Charlotte and petitioner do not enter into a reimbursement agreement and the city executes an agreement to begin construction on the extension to the site by July 1, 2021.
  - Realignment of Carolyn Lane/Public Street A's intersection with University City Boulevard.
  - The installation of, if warranted/allowed, a traffic signal at Public Street A's intersection with University City Boulevard, as well as a dedicated left turn lane from westbound University City Boulevard onto Public Street A.
  - Extension of Twitter Lane from its current terminus to proposed Public Street B contingent on the availability of ROW and ability to secure necessary easements.
- Commits to providing an 80-foot buffer along the site's eastern boundary against an existing single-family neighborhood.
- Allows for potential resident amenities (pool, clubhouse, etc.) to be constructed within the open space envelope shown on the plan.
- Commits to working with Mecklenburg County Parks and Recreation in locating an area on site that would function as a small public park.
- Commits to architectural guidelines including:
  - Specified building materials. Vinyl/aluminum to only be used on windows, soffits, and handrails/railings.
  - Limits blank expanses of walls to a distance no greater than 20 feet.
  - Commits to variations in façade for any structure over 150 feet in length.
  - Provides grade variations for residential entrances facing a public street and shall be treated as prominent pedestrian entrances through a combination of design features.
  - Separation of first floor residential units from the sidewalk shall be provided through landscaping or raising or lowering the first floor from the sidewalk.
  - Commits to orientating the building's front or side to all public streets.
  - Provides internal sidewalk network from buildings to other amenities (parking, gateway, open space, etc.)
  - Commits to screening service equipment with material/design complimentary to primary structures.
- Provides that all attached and detached lighting shall be full-cutoff and downwardly facing.

• **Existing Zoning and Land Use**

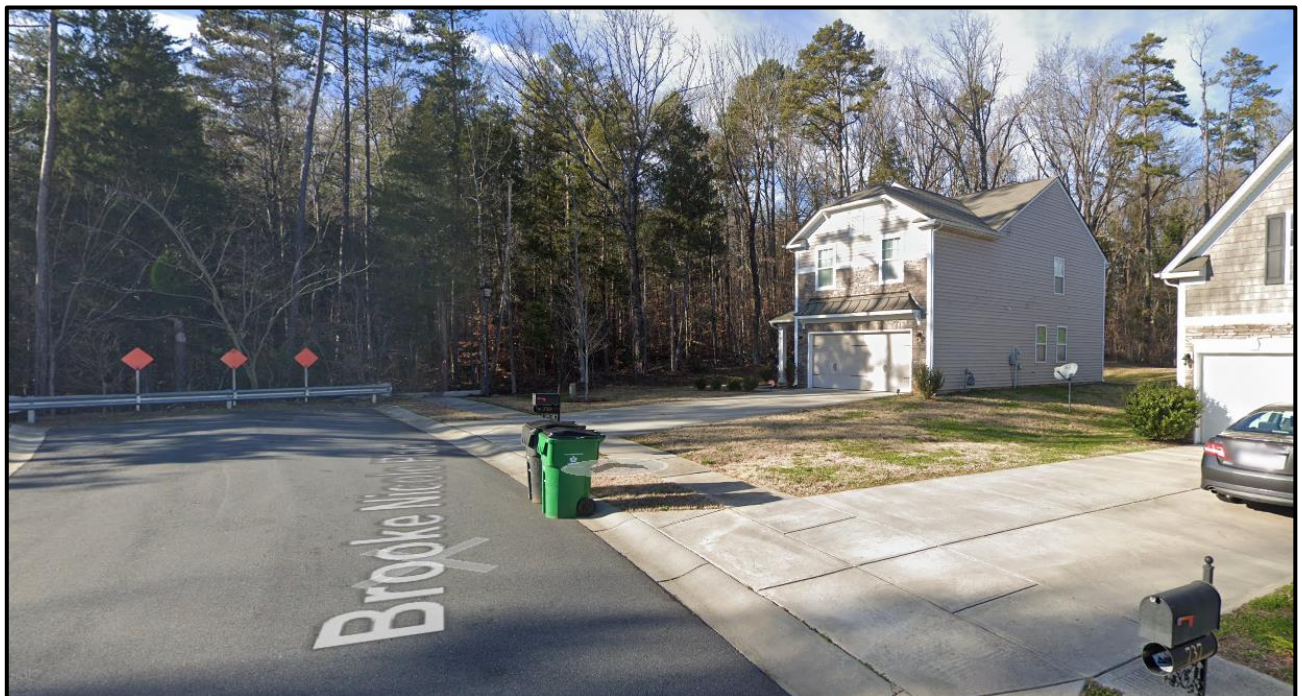


This rezoning petition is located in a largely residential area off of Carolyn Lane and Joe Whitener Road and contains a small number of single family homes. Most of the subject property was petitioned for rezoning in 2018 (2018-176) but the request was subsequently withdrawn. There are multiple types of land uses surrounding the subject property, with detached single family homes to the east and south, student housing to the west, and commercial uses to the north across from University City Boulevard.





General location of rezoning boundary denoted by red star.



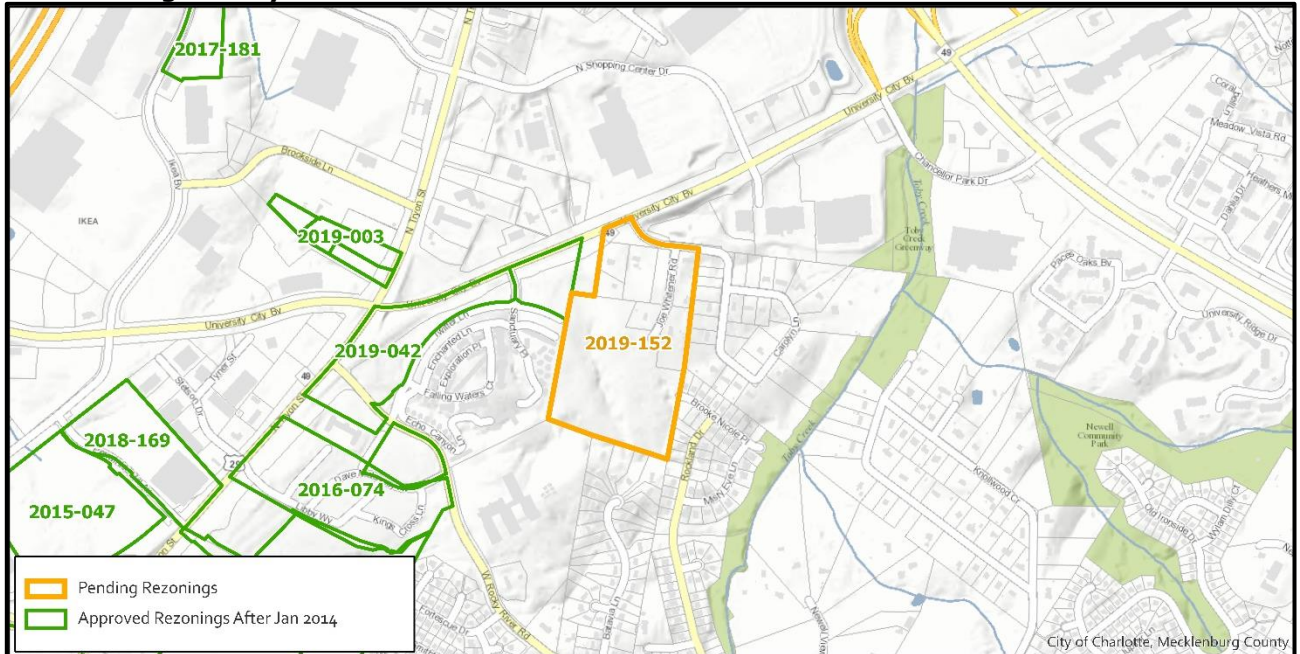
Street view of Brooke Nicole Place and single family homes within that neighborhood. This petition proposes to tie into Brooke Nicole Place at its terminus on the left portion of the image.





Access to the subject property proposed to be in the vicinity of Carolyn Lane (looking SE from University City Boulevard).

• **Rezoning History in Area**

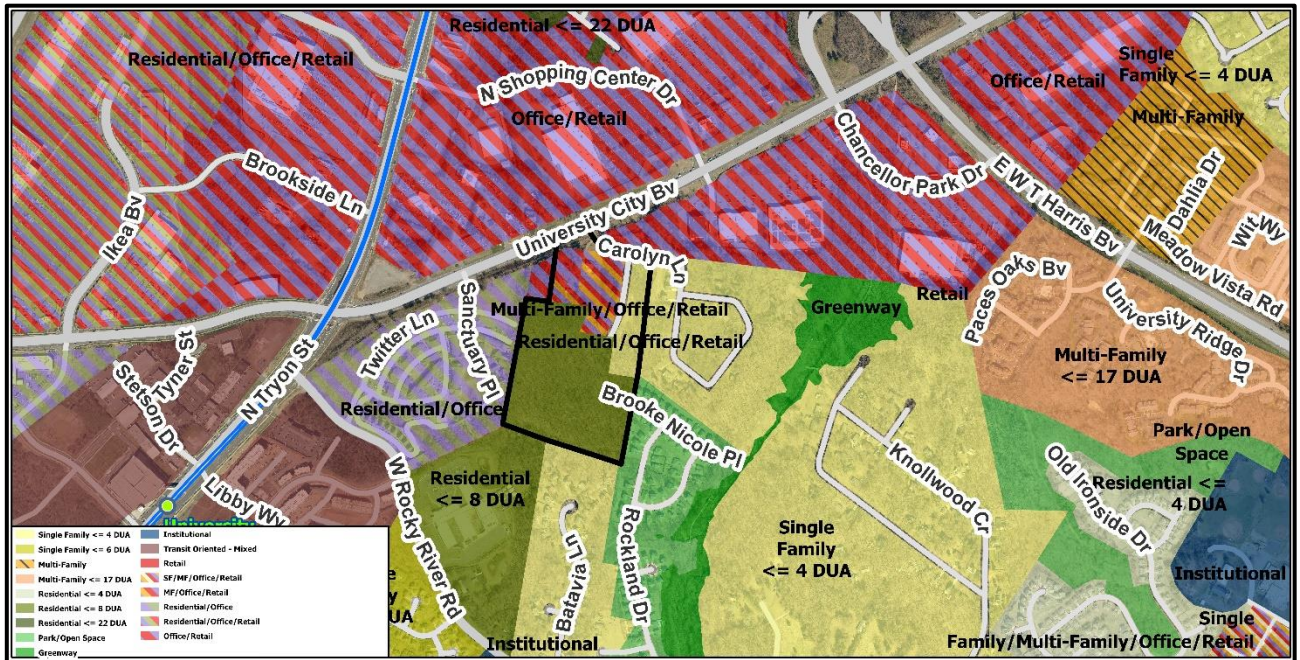


Petition Number	Summary of Petition	Status
2019-042	Petition to allow all uses within TOD districts to develop a vacant parcel in the University City Area.	Approved
2019-003	Petition to allow all uses within the TOD-CC district.	Approved
2018-169	City-sponsored map amendment to translate existing TOD districts into TOD-CC designation.	Approved
2017-181	Site plan amendment to allow the construction of hotel and increase the number of hotels at this development to three.	Approved
2016-074	Petition to rezone vacant property to allow all uses permitted within the TOD-M district.	Approved



2015-047	Petition to rezone vacant property to allow all uses permitted within the TOD-M district.	Approved
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### • Public Plans and Policies



- The adopted plans for this subject property include the *University City Area Plan* (2015) and the *Newell Small Area Plan* (2002). The parcel (located in the NW corner of the assemblage) that is guided by the *University City Area Plan* is recommended for office/retail uses with a recommended residential density of 22 dwelling units per acre. That plan expands on the office/retail and is further explained below:
  - Office/retail should "allow office, civic/institutional, retail, and hotel/motel uses. Commercial uses with drive-through facilities or gasoline pumps are appropriate, especially along N. Tryon Street and University City Boulevard. Moderate density residential uses (up to 22 DUA) may also be appropriate as part of a multi or mixed-use development. Residential development in this area is encouraged to include a variety of housing options (e.g. single family, duplex, triplex, quadraplex, multi-family, etc.).
- The remaining parcels are guided by the adopted land use plan and policies from the *Newell Small Area Plan*. The four parcels located closest to University City Boulevard are recommended for mixed use development. Moving south from University City Boulevard the land use recommendations are for residential uses of 8 and 4 DUA, respectively. That plan expands on the recommended uses and is further explained below:
  - "Mixed use is intended to include at least two of the following uses: office, multi-family residential, and retail. These uses must be integrated within the same building. For mixed uses, residential density must not exceed twelve DUA."

### • TRANSPORTATION SUMMARY

- The site is located on a major thoroughfare road. The petitioner is committing to a robust street network to meet the intent of the *University City Area Plan* and Council-adopted Policies by providing additional street connectivity. The developer is extending Twitter Lane, and Dave Mc

### • ACTIVE PROJECTS NEAR THE SITE:

- Rocky River Road West Improvements
  - This project is intended to upgrade Rocky River Road West between North Tryon street and Toby Creek, with the goal of providing a modern, complete street that includes upgraded pedestrian and bicycle facilities.
- Dave McKinney Ave Extension
  - As a part of the Northeast Corridor Infrastructure Program this project is intended to support improved pedestrian, bicyclist, and motorist access to the CATS Blue Line Extension.

### • TRANSPORTATION CONSIDERATIONS

- No outstanding issues.

### • Vehicle Trip Generation:

## Current Zoning:

Existing Use: 50 trips per day (based on 5 dwellings).

Entitlement: 840 trips per day (based on 79 dwellings).

Proposed Zoning: 2,377 trips per day (based on 340 apartments and 65 townhome dwellings).

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

- **Charlotte Area Transit System:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste 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 could generate 48 students, while the development allowed under the proposed zoning may produce 110 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 62 students.
  - Choose an item.
    - Newell Elementary from 115% to 123%
    - Martin Luther King, Jr. Middle from 96% to 97%
    - Zebulon Vance High from 119% to 121%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Brooke Nicole Place. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Due to the limited project details that were provided, it is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **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. ~~The petitioner should revise the site plan to add a note specifying the speed humps will be installed by the petitioner, and not CDOT, once it meets the speed hump warrants.~~ **RESOLVED**
2. ~~The petitioner should revise the site plan and conditional note(s) to commit to the installation of a signal at Rocky River and Dave McKinney Avenue or provide a contribution of \$100,000 for the future signal.~~ **RESOLVED**
3. ~~The petitioner should revise the conditional note 3.i.i to remove "expire after the last certificate of occupancy" and instead state it will expire after 5 years of receiving the last certificate of occupancy.~~ **RESOLVED**
4. ~~The petitioner should revise the conditional note(s) 3.I.d under Transportation Improvements and Access to commit to fund the traffic signal at Rocky River Road and Dave McKinney Road without the use of any City funds. In the previous site plan, the developer committed to paying for the signal and now wants to use City funds to pay for it. The Dave McKinney connection will provide a much-needed benefit to the development by providing direct access to the J.W. Clay Light Rail station.~~ **RESOLVED**
5. ~~The petitioner should revise conditional note(s) 3.I.e to state the developer commits to construct Twitter Lane, rather than stating it "may" because it may not happen. The connection to Twitter needs to happen as it will provide relief, and it was part of the Traffic Impact Study.~~ **RESOLVED**
6. ~~The petitioner should revise conditional note(s) 3.I.g to state the developer will pay for this improvement to the City as part of the Dave McKinney Road Extension and Rocky River Road North-East Corridor Infrastructure Program.~~ **RESOLVED**

Infrastructure

- ~~7. In Proposed Improvements note i, remove second sentence that reads "The Petitioner reserves the right to post a bond for any roadway improvements not finalized at the time of the issuance of the certificate of occupancy. Bonding options shall be in accordance with City Code and as specified in Note II.b and note II.c on the rezoning plans."~~ **RESOLVED**

**REQUESTED TECHNICAL REVISIONS**Environment

- ~~8. Add note in Proposed Improvements section that states the following "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."~~ **RESOLVED**

Site and Building Design

- ~~9. Mecklenburg County Parks and Recreation requests the petitioner consider dedicating and conveying a minimum of 2 acres to Mecklenburg County for a public neighborhood park.~~ **RESOLVED**

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

**Planner:** William Linville (704) 336-4090