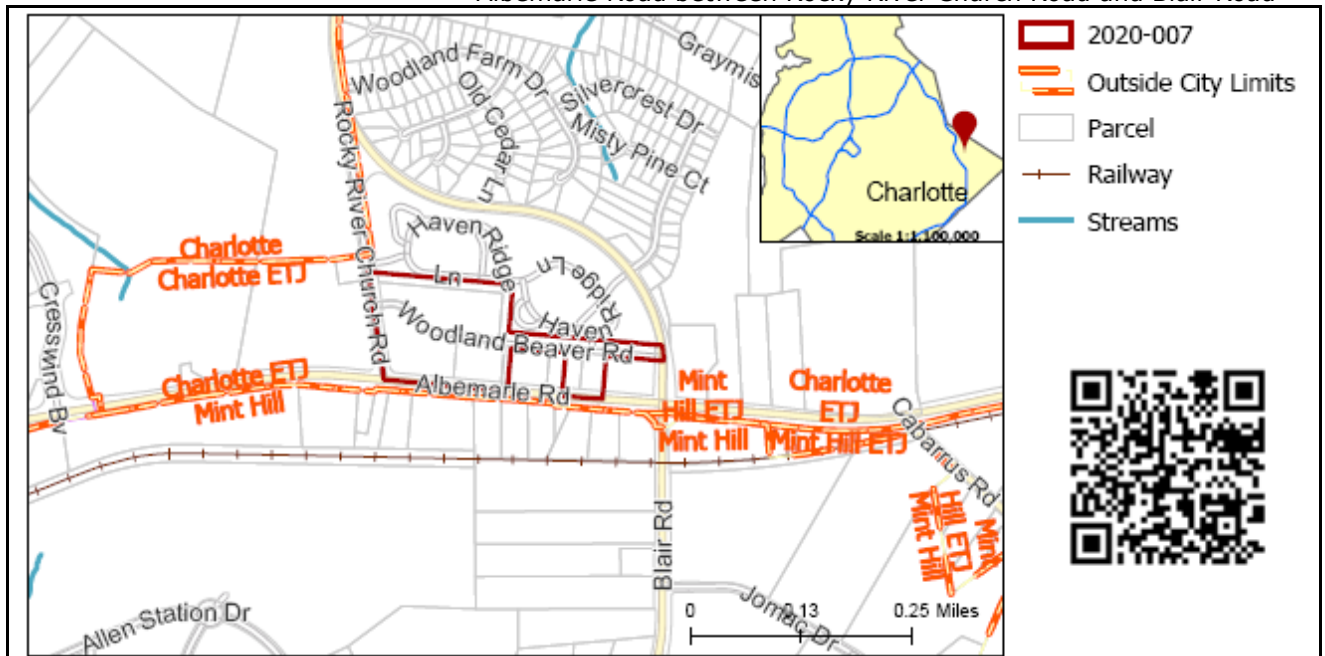


**REQUEST**

Current Zoning: B-1 (CD) (neighborhood business, conditional)  
 Proposed Zoning: B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)

**LOCATION**

Approximately 13.211 acres located along the northern side  
 Albemarle Road between Rocky River Church Road and Blair Road



**SUMMARY OF PETITION**

The petition proposes to amend an existing approved site plan (1998-042C) to permit additional uses including an additional EDEE with accessory drive through and other uses permitted by right and under prescribed conditions in the neighborhood business district.

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

Woodland Beaver Farms, LLC  
 Woodland Beaver Farms, LLC  
 Mark Kime, LandDesign

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Virtual Community Meeting: 1

**STAFF  
 RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Albemarle Road/I-485 Interchange Study's* (2003) recommendation for multi-family/retail uses for the site

Rationale for Recommendation

- This site plan amendment is consistent with the land use recommendations of multi-family/retail uses for the property.
- The request is consistent with the context of surrounding land uses found along this area of Albemarle Road.
- The request will help achieve the Plan's land use recommendations for Zone A by allowing retail uses to be oriented along Rocky River Road and Albemarle Road.

- The petition is committing to enhanced architectural design guidelines which help realize the Plan's design recommendations for zone A.

## PLANNING STAFF REVIEW

- **Background**

The previously approved site plan for this location (1998-042C) rezoned a total of 40 acres into two development areas. One area to the north of the overall site was rezoned to R-17MF which entitled the site to up to 300 multi-family dwelling units. That development area has been completely built-out. The remaining southern portion (approximately 24 acres) was devoted to retail and office uses up to 80,000 SF. The retail component only allowed one EDEE with accessory drive through window and one gas station. The area that is part of this SPA is the area that remains undeveloped under the current conditional plan and would allow, if approved, residential uses, one additional accessory drive-through, and commits to other architectural standards not written into the existing approved site plan.

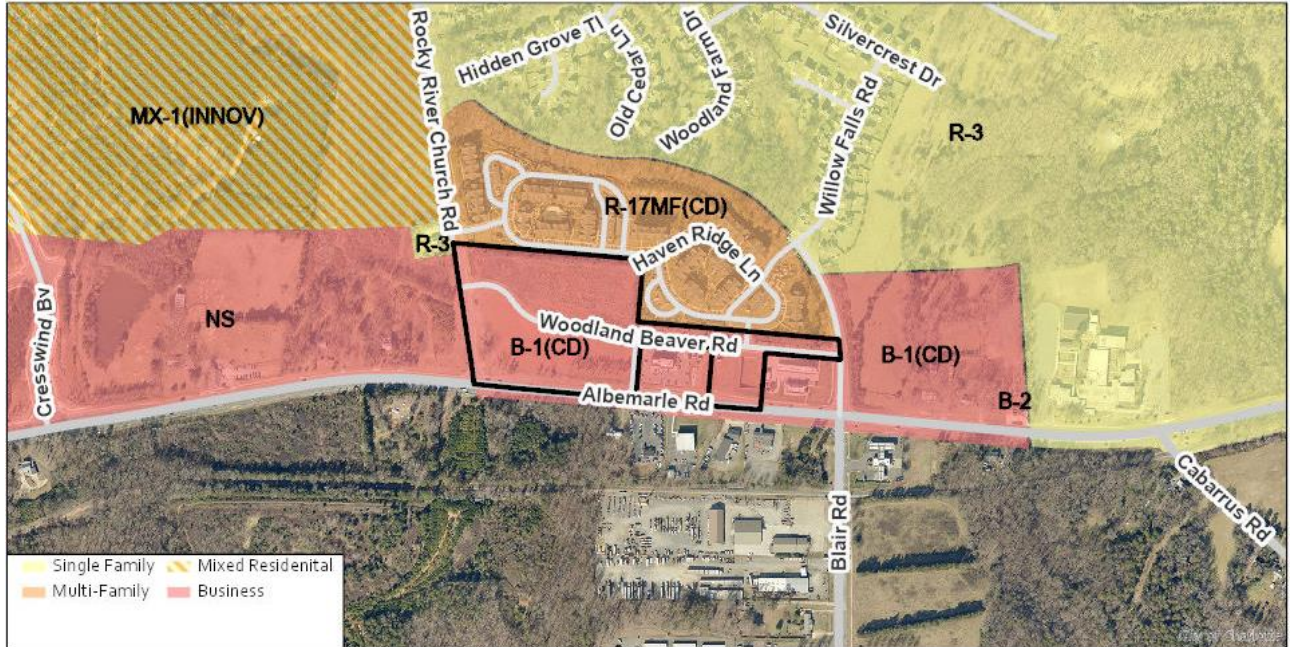
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Permits all B-1 uses (including residential) on the site with the addition of ~~only one~~ **two** EDEE's with accessory drive through windows allowed on site while prohibiting convenience stores with fuel pumps/gas stations on site. **Before the issuance of a building permit for the development of the second EDEE with accessory drive through window, the petitioner shall be required to submit a TIS for the site to CDOT and/or NCDOT.**
- Commits to architectural standards for all non-residential uses ~~(excluding hotels)~~, single-family attached dwelling units, and multi-family buildings which include:
  - Preferred building materials for residential units (attached and multi-family) and non-residential uses
  - A commitment to varying levels of transparency on all levels of non-residential structures
  - Limitations on the use of vinyl and EIFS as a primary building material for attached residential units.
  - Providing pedestrian connections from sidewalks to entryways for residential and non-residential units
  - Committing to façade articulation and the limitation of large blank expanses of walls through offsets, changes in materials and/or colors, and etc. for non-residential buildings and multi-family buildings.
  - Committing to providing usable porches and/or stoops with a minimum depth of 5 feet.
- Transportation improvements including an 8-foot planting strip and 12-foot multi-use path along the project's frontage with Albemarle Road and Rocky River Church Road.
- Construction of ADA-compliant but waiting pad.



- Existing Zoning and Land Use



The site is part of a larger approved rezoning from 1998 (1998-042C) that permitted up to 300 multi-family residences and up to 80,000 square feet or retail uses. Mint Hill's zoning limits are located along the southern portion of Albemarle Road at this location, while there are surrounding residential units at varying density to the north, east, and west of the subject property.



General location of subject property denoted by red star.





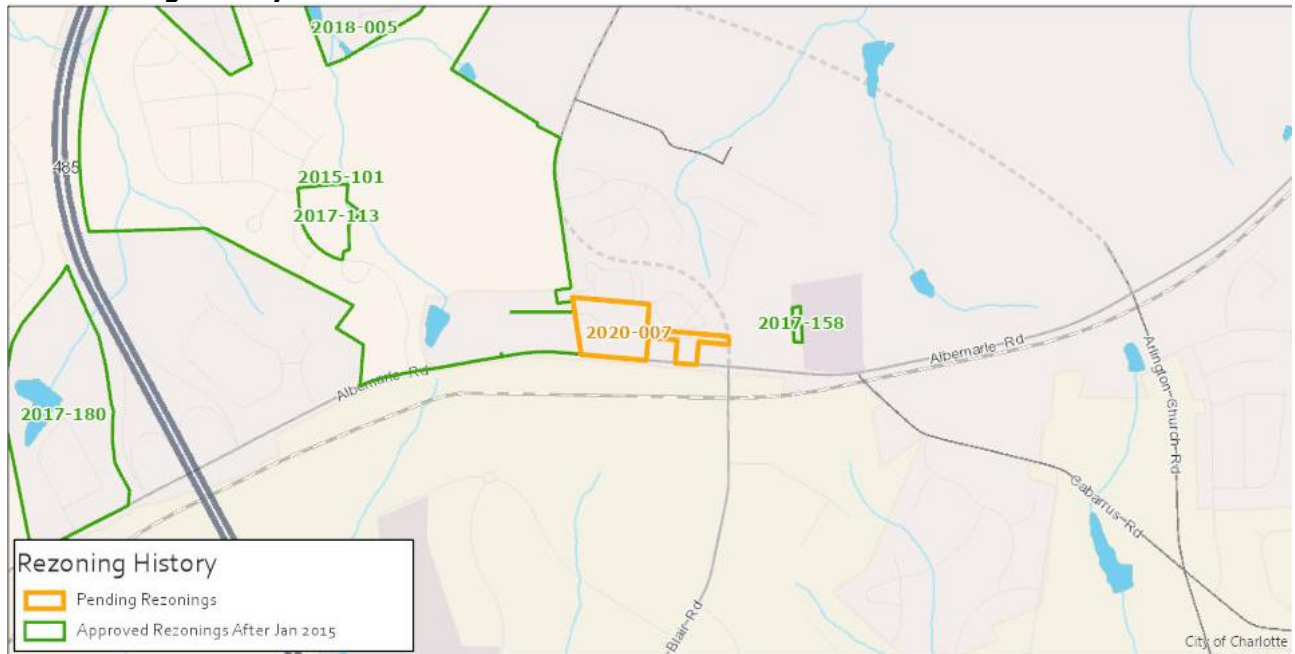
Streetview along Albemarle Road looking NE towards subject property.



Streetview from Rocky River Church Road looking SE into the site. The vacant land seen in this image is included in the rezoning petition.



- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-005	Rezoning of approximately 141 acres to accommodate up to 350 residential units.	Approved
2017-180	Rezoning to accommodate the development of a up to 45,000 square feet of retail and medical office.	Approved
2017-158	Rezoning from residential to general business.	Approved
2017-113	Petition to rezone in order to provide indoor and outdoor recreational uses in the Cresswind neighborhood.	Approved
2015-101	Original rezoning petition for Cresswind, a master-planned residential community east of I-485.	Approved

- Public Plans and Policies**



- The Albemarle Road/I-485 Interchange Study (2003) recommends multi-family/retail uses for the site.

- **TRANSPORTATION SUMMARY**

- The site is located on a major thoroughfare. Petitioner will install an 8-foot-wide planting strip and a 12-foot-wide multi-use path along the Site's frontages on Albemarle Road and Rocky River Church Road in accordance with the City Council Adopted Charlotte BIKES Policy. This Petition seeks to increase the number of uses to include two accessory drive through windows. Prior to the issuance of a building permit for the development of a second eating, drinking and entertainment establishment (Type 1 or Type 2) with accessory drive-in and/or drive-through service lanes/windows on the Site, Petitioner shall be required to submit a Traffic Impact Study for the Site to CDOT and/or NCDOT as applicable.
- **Active Projects:**
  - There are no active projects within the immediate area; However, the Blair Road Extension Project is an unfunded NCDOT project adjacent to the site. It proposes to construct Blair Road between Albemarle Road and Rocky River Church Road as a two-lane divided (Median or Center Turn Lane) with Bike Facilities and Sidewalks. This project is currently on hold.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

  - Existing Use: 0 trips per day (based on vacant land use).
  - Entitlement: 4,625 trips per day (based on 68,000 SF retail).
  - Proposed Zoning: 6,322 trips per day (based on 68,000 SF retail including one EDEE with accessory drive-through window).

**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:** No comments submitted.
- **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 0 students, while the development allowed under the proposed zoning may produce 74 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 74 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Clear Creek Elementary from 100% to 107%
    - Northeast Middle from 75% to 77%
    - Rocky River High from 81% to 82%.
- **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 Church Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 990 feet south of the rezoning boundary on Rocky River Church Road. A developer donated project will be required in cases there is not direct service. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding accessibility to sewer system connections. 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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **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 and add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests ROW set at 2' behind back of sidewalk where feasible.~~ **ADDRESSED**

Site and Building Design

2. ~~Revise conditional notes in section F to include hotels as a use subject to the architectural controls listed for non-residential uses.~~ **ADDRESSED**
  3. ~~Revisit language in conditional note F.1.(c) to more precisely describe where/when a building with an accessory drive-through window or service lanes/windows may present a circulation drive between the building and adjacent streets.~~ **ADDRESSED**
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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