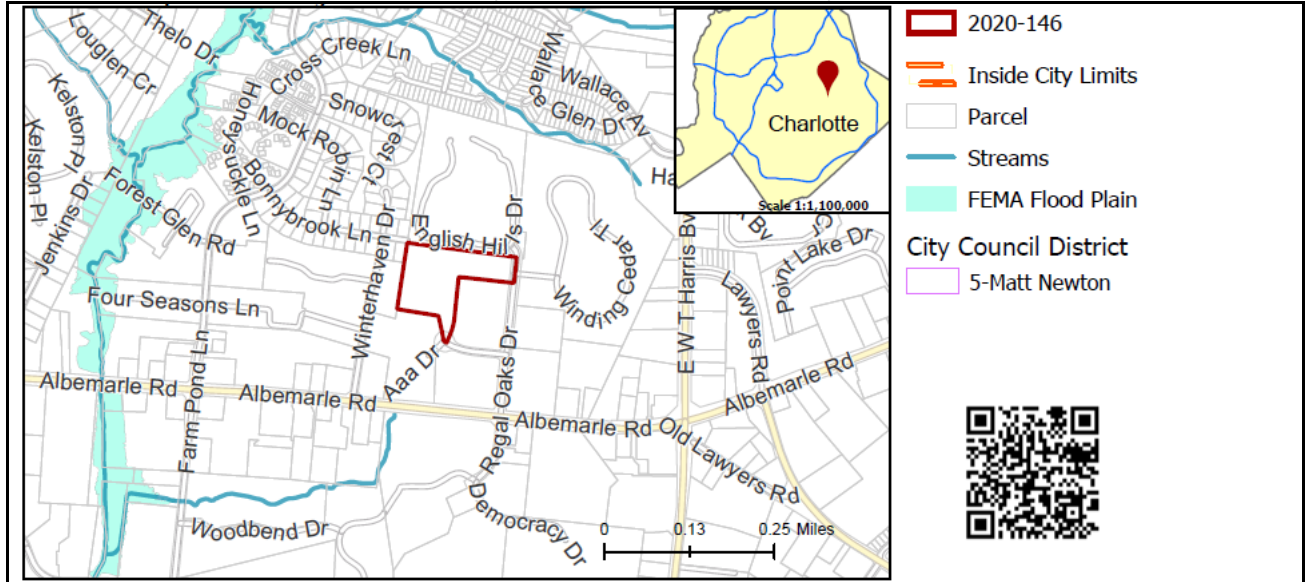


**REQUEST**

Current Zoning: O-15(CD) (office, conditional)  
Proposed Zoning: R-22 MF (multi-family residential)

**LOCATION**

Approximately 7.23 acres located on the west side of Regal Oaks Drive, east of Winterhaven Drive, and north of Albemarle Road.



**SUMMARY OF PETITION**

The petition proposes to rezone a vacant site in east Charlotte to allow all uses permitted in the R-22MF (multi-family) zoning district either by right or under prescribed conditions.

**PROPERTY OWNER**

CMC Acquisition Company D LLC

**PETITIONER**

Elmington Capital Group

**AGENT/REPRESENTATIVE**

Collin Brown, Alexander Ricks PLLC

**COMMUNITY MEETING**

Meeting is not required.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Eastland Area Plan's* (2003) recommendation for single-family/multi-family/office/retail uses at the site with a residential density of up to 12 dwelling units per acre (DUA).

Rationale for Recommendation

- The requested residential density at this location is an appropriate buffer between non-residential uses against Albemarle Road to the south and lower density multi-family and single family uses to the north.
- The residential uses to the north include R-17MF and R-22MF, while only a small portion of the site abuts single family zoning.
- The proposed rezoning district helps achieve a portion of the vision for the Eastland area in that it provides a "variety of housing types".

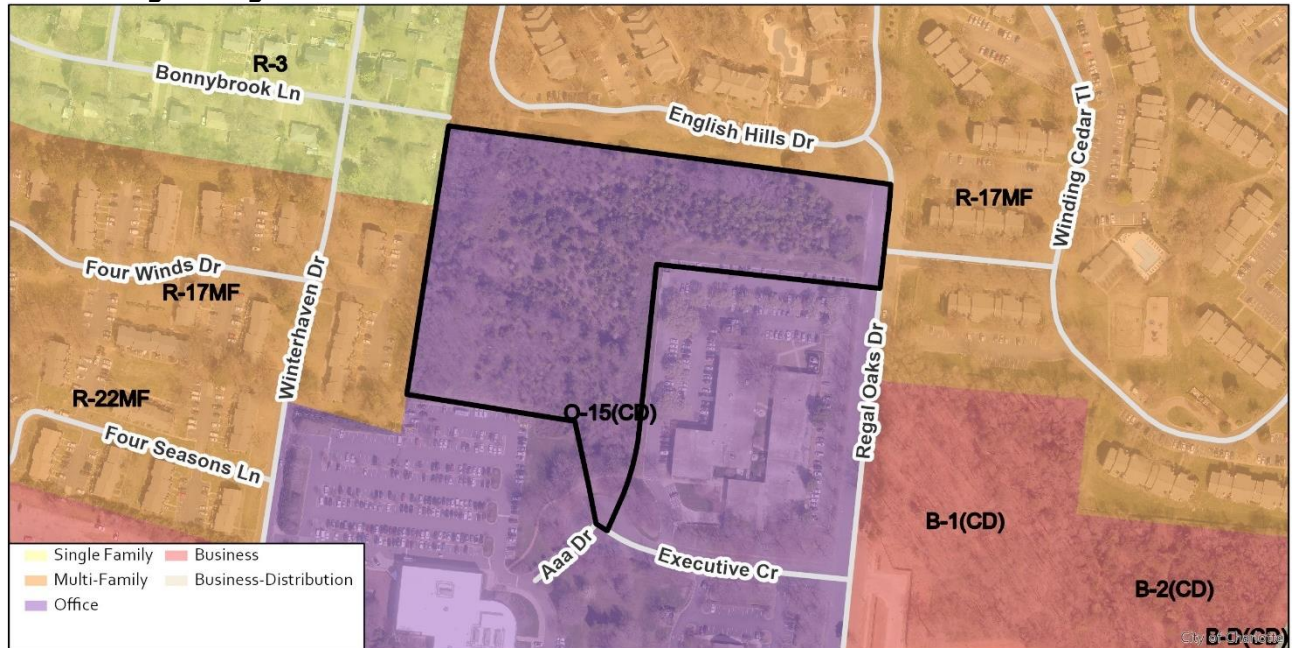
The approval of this petition will revise the adopted future land use as specified by the *Eastland Area Plan*, from single-family/multi-family/office/retail uses to residential uses up to 22 DUA for the site.

### PLANNING STAFF REVIEW

- **Proposed Request Details**

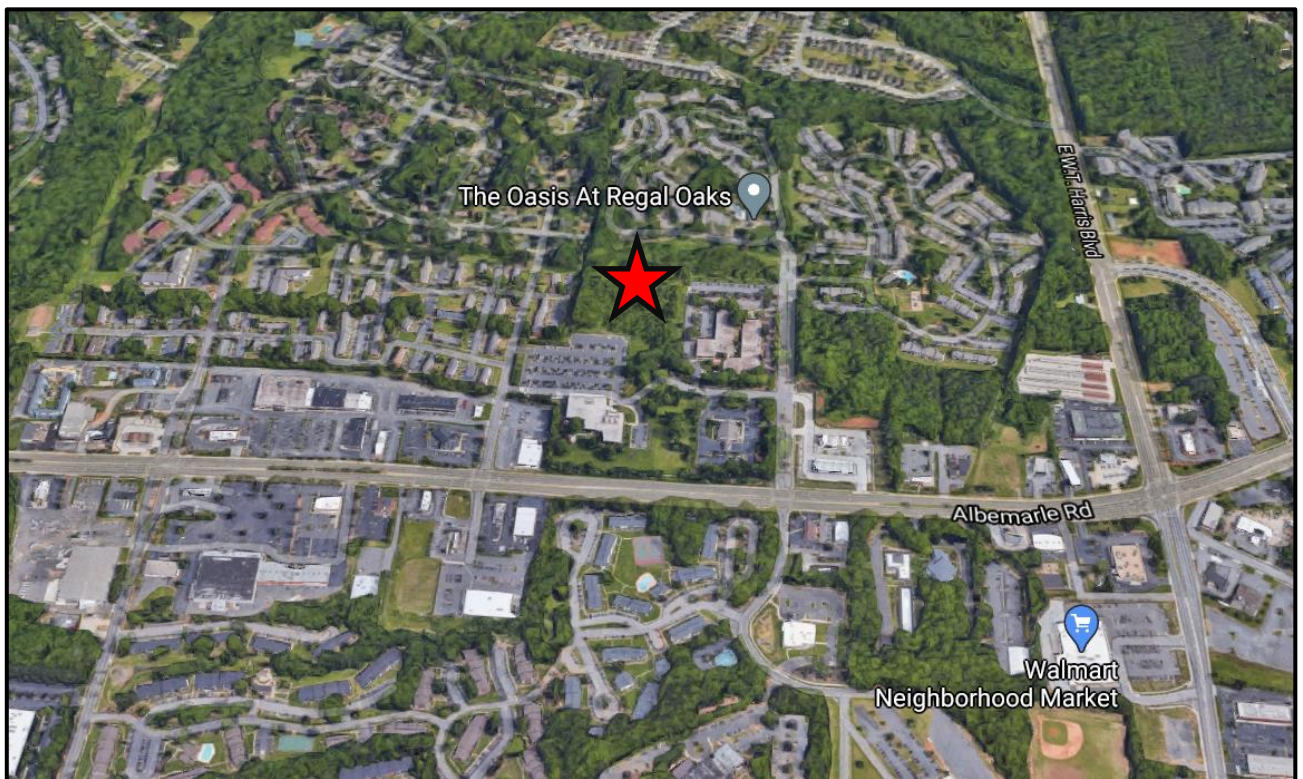
This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



There have been no recent rezonings of the subject property; the most recent rezoning of the site was in 1979 (1979-026) which entitled the site and surrounding parcels to an office park. This portion of the original site plan was never constructed. Surrounding land uses include office and other non-residential uses along Albemarle Road and multi-family and single family residential uses to the north.





General location of subject property denoted by red star.



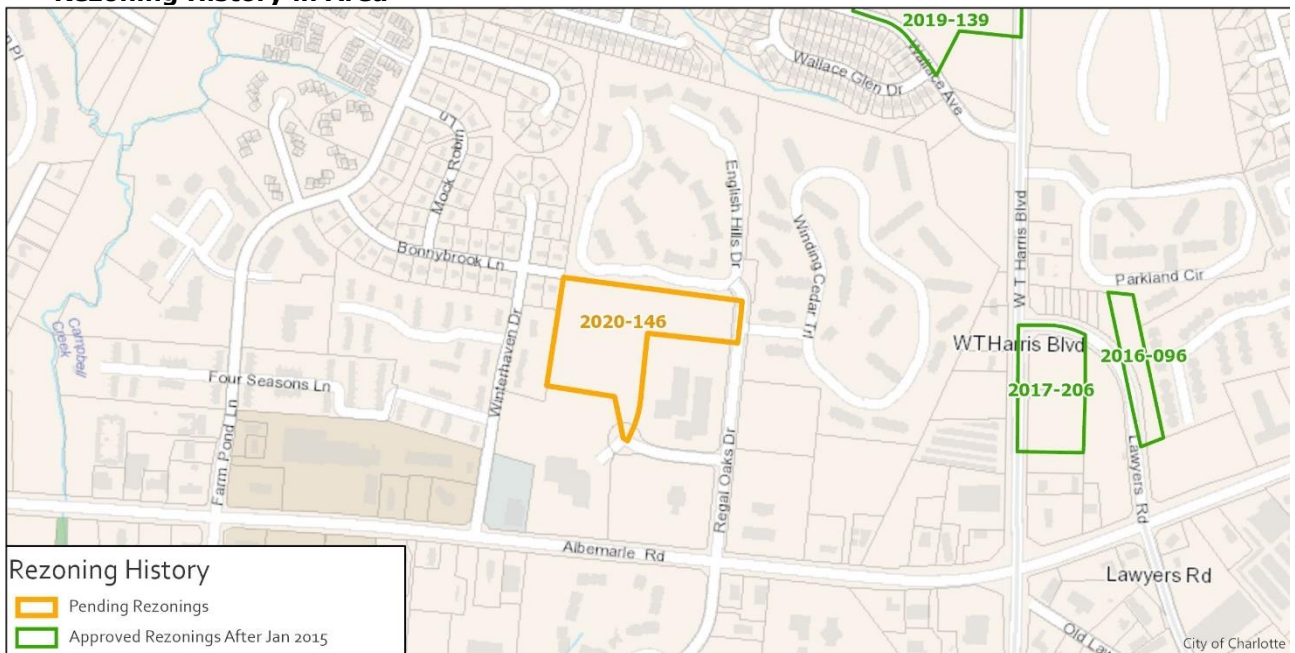
Streetview from Executive Circle looking NW toward the subject property. NCDMV offices are to the right of this view, while AAA offices are to the left.





View looking NE along Regal Oaks Drive across from the site. Multiple multi-family communities are located along this street.

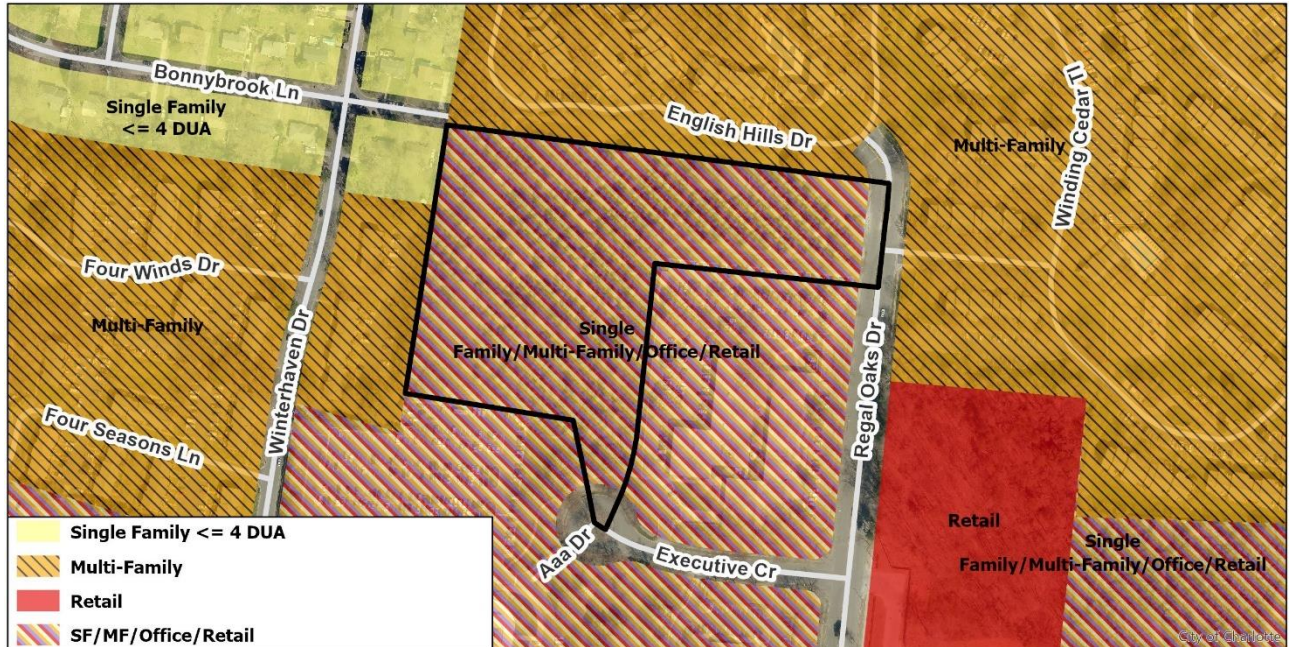
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-139	Conventional petition to rezone 5.3 acres to R-8.	Approved
2017-206	Petition to allow development of car wash and fueling station alongside an EDEE with accessory drive in service windows.	Approved
2016-096	City-sponsored conventional rezoning to O-2 (office).	Approved



- **Public Plans and Policies**



- The *Eastland Area Plan* (2003) recommends single-family/multi-family/office/retail uses for the site with a residential density of up to 12 DUA.
- **TRANSPORTATION SUMMARY**
  - The site is located on a Regal Oaks Drive (minor collector) and Executive Circle (local street). A Traffic Impact Study (TIS) is not required with conventional rezoning petition review. Chapter 19 of the City Code may apply, requiring the developer to provide street improvements along their frontage and will be determined during the permitting process. Further advisory details are listed in the staff memo located on the rezoning webpage.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land use).  
Entitlement: 650 trips per day (based on 60,000 SF office).  
Proposed Zoning: 865 trips per day (based on 159 multi-family dwelling units).

**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 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 zero students, while the development allowed under the proposed zoning may produce 43 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 43 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Charlotte East Language Academy K-8 from 85% to 89%
    - Independence High remains at 121%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Executive Circle. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Executive Circle. 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:** 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.
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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