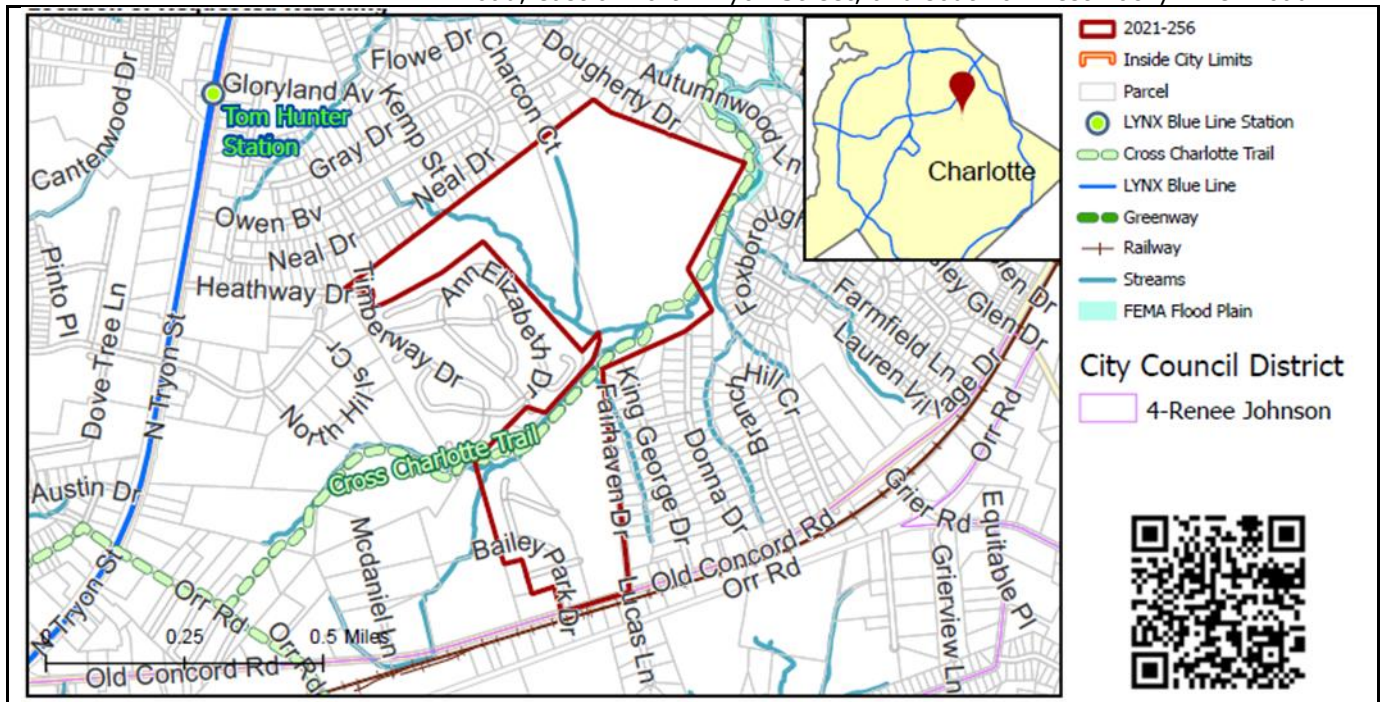


**REQUEST**

Current Zoning: N1-A (neighborhood 1), N1-B (neighborhood 1), and R-6(CD) (single family residential, conditional)  
Proposed Zoning: MX-2 INNOV (mixed use district, innovative) with five-year vested rights

**LOCATION**

Approximately 150.78 acres located on the north side of Old Concord Road, east of North Tryon Street, and south of West Rocky River Road.



**SUMMARY OF PETITION**

The petition proposes to develop a new residential community containing a mix of housing types on vacant acreage located between North Tryon Street and Old Concord Road.

**PROPERTY OWNER  
PETITIONER**

Malcolm B. Blankenship, Jr.  
NVR, Inc.

**AGENT/REPRESENTATIVE**

John Carmichael – Robinson Bradshaw & Hinson

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 174 (meeting 1); 48 (meeting 2)

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of the outstanding issue pertaining to environment.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for the Neighborhood 1 Place Type for Development Area A, and **consistent** with the Neighborhood 2 Place Type for Development Area B and a portion of Development Area C. The petition is **inconsistent** with the Neighborhood 1 Place type along Concord Road for a portion of Development Area C.

Rationale for Recommendation

- The petition proposes a variety of housing types.

- Lower density housing is proposed for the northern portion of the site in the area recommended for Neighborhood 1, while higher intensity housing is proposed closer to Old Concord Road with a transition to single family housing where it abuts single family housing.
- The petition commits a minimum six-acre portion of Development Area A to Mecklenburg County for a future neighborhood park.
- The petition commits to constructing a pedestrian connection from the site to the future greenway trail.
- The proposal commits to a range of transportation improvements, including upgrades to traffic signals and a 12-foot-wide multi-use path along the site's frontage on Old Concord Road.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
  - 2: Neighborhood Diversity & Inclusion
  - 6: Healthy, Safe & Active Communities
  - 7: Integrated Natural & Built Environments
  - 9: Retain Our Identity & Charm

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map* from the Neighborhood 1 to Neighborhood 2 Place Type for a portion of Development Area C.

## PLANNING STAFF REVIEW

### • Proposed Request Details

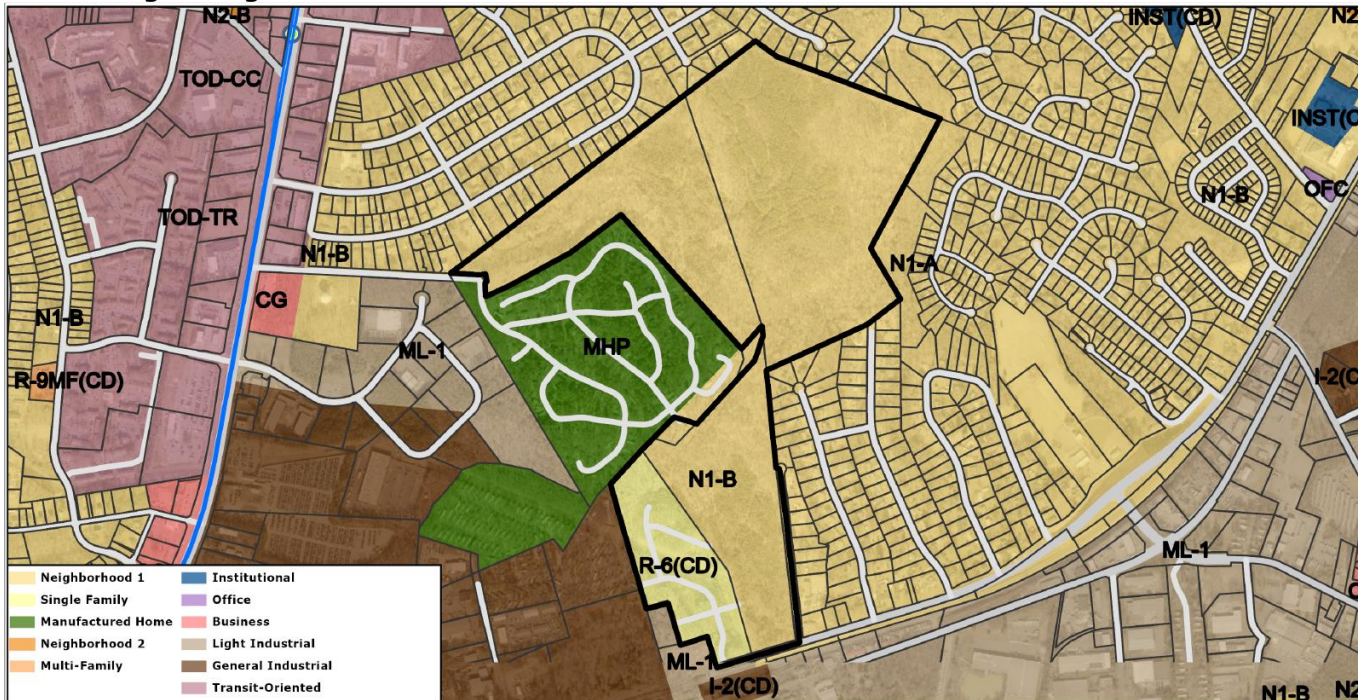
The site plan accompanying this petition contains the following provisions:

- Allow 649 residential units of varying types in Development Areas A, B, and C.
- Development Area A:
  - Up to 310 single family detached dwellings having minimum lot sizes of 51 feet wide by 120 feet deep and 41 feet wide by 120 feet deep.
  - A public park may be located in Development Area A.
- Development Area B:
  - Maximum of nine single family detached dwellings having minimum lot sizes of 100 feet wide by 127 feet deep.
- Development Area C:
  - A maximum of 330 dwelling units that may be comprised of multi-family dwelling units, single family attached dwelling units, or a combination thereof.
  - A maximum of ~~154~~ 164 of the maximum 330 dwelling units permitted may be multi-family dwelling units.
  - A maximum of eight multi-family dwelling units may be located in a single building.
- Proposes the following innovative development standard:
  - Pursuant to Sec. 11.208(6) of the ordinance, the use of the innovative development set out below is approved concurrently with the approval of this rezoning petition.
    - The minimum setback in Development Area C shall be 20 feet from the back of sidewalk.
- Proposes the following transportation improvements:
  - North Tryon Street and Old Concord Road: Implement upgrades to support Automated Traffic Signal Performance Measures.
  - North Tryon Street and Owen Boulevard: Implement detection upgrades to support Automated Traffic Signal Performance Measures.
  - Old Concord Road and West Rocky River Road:
    - Install a traffic signal.
    - Construct an eastbound right turn lane on West Rocky River Road with 200 feet of storage and appropriate taper length.
    - Extend the northbound left turn lane on Old Concord Road to provide 200 feet of storage and taper length.
  - Old Concord Road and Fairhaven Drive:
    - Construct an eastbound left turn lane on Old Concord Road with 100 feet of storage and appropriate taper length.
    - Construct a southbound left turn lane on Fairhaven Drive with 100 feet of storage and appropriate taper length.
    - In the event it is determined that Access A should be restricted to right-in/right-out movements, construct an eastbound left turn lane on Old Concord Road at Fairhaven Drive with 150 feet of storage and appropriate length of referenced left turn lane.
    - In the event it is determined that Access A should be eliminated, construct an eastbound left turn lane on Old Concord Road at Fairhaven Drive with 150 feet of storage and appropriate

- taper and length and a westbound right turn lane on Old Concord Road at Fairhaven Drive with 100 feet of storage and appropriate taper length in lieu of referenced left turn lane.
- North Tryon Street and Heathway Drive: Construct a northbound right turn lane on North Tryon Street with 150 feet of storage and appropriate taper length.
  - Old Concord Road and Orr Road:
    - Extend the southbound left turn lane on Orr Road to provide 275 feet of storage and an appropriate taper length.
    - Construct a westbound right turn lane on Old Concord Road with 100 feet of storage and appropriate taper length.
    - In coordination with CDOT, install flashing yellow arrow signal heads for all left turn movements.
  - Old Concord Road and Access A:
    - Construct Access A with one ingress lane and two egress lanes. The egress shall have one right turn lane and one left turn lane with 100 feet of storage and appropriate taper length.
    - Provide 100 feet of internal protected stem on Access A.
    - Construct an eastbound left turn lane on Old Concord Road with 150 feet of storage and appropriate taper length.
    - Construct a westbound right turn lane on Old Concord Road with 100 feet of storage and appropriate taper length.
    - *In the event that Access A is restricted to right-in/right-out movements, construct the improvements below in lieu of other specified improvements:*
      - Construct Access A with one ingress lane and one egress lane.
      - Provide 100 feet of internal protected stem on Access A.
      - Construct a concrete median on Old Concord Road to restrict Access A to right-in/right-out movements.
      - Construct a westbound right turn lane on Old Concord Road at Access A with 100 feet of storage and appropriate taper length.
      - Construct an eastbound left turn lane on Old Concord Road at Fairhaven Drive with 150 feet of storage and appropriate taper length.
    - *In the event that Access A is eliminated, construct the improvements set out below in lieu of all other specified improvements:*
      - Construct an eastbound left turn on Old Concord Road at Fairhaven Drive with 150 feet of storage and appropriate taper length.
      - Construct a westbound right turn lane on Old Concord Road at Fairhaven Drive with 100 feet of storage and appropriate taper length.
  - Subject to approval and availability of existing right-of-way to accommodate guardrail, petitioner shall install a corten steel guardrail with a maximum length of 557 feet on the eastern side of Rockland Drive.
  - Notes the petitioner shall improve Wilson Street from the northern boundary of the site to Neal Drive to the standards of a Local Residential Medium Street (CLDS U-02).
  - Proposes the following architectural standards:
    - Maximum height of single family detached dwelling units limited to 35 feet.
    - Maximum height of single family attached dwelling units to be governed by the ordinance.
    - Maximum height of multi-family dwelling units to be governed by the ordinance.
    - Maximum of 8 multi-family dwelling units allowed in a single building.
    - Setbacks for lots on Development B will match setbacks of existing single-family homes directly across Fairhaven.
    - Garages located on Development Area B will be either side loaded or rear loaded garages.
    - Single family attached units shall have a covered front stoop. Corner or end units facing a public or private street will have a porch or stoop that wraps a portion of the front and side of unit or provide blank wall provisions limiting maximum blank wall expanse to 15 feet on all building levels.
    - Limits number of single family attached dwelling units in a single building to no more than five.
  - Install minimum 12-foot-wide multi-use path along site's frontage on Old Concord Road.
  - Install five-foot wide sidewalks and eight-foot-wide planting strips along both sides of site's internal public streets.
  - Installs minimum 40-foot-wide landscape area along identified portions of Development Area A's boundary, meeting the tree and shrub requirements of a Class C buffer.
  - Proposes following park site requirements:
    - Prior to issuance of a certificate of occupancy for the 400<sup>th</sup> dwelling unit and subject to approval of Mecklenburg County, petitioner shall convey a minimum six-acre portion of Development Area A to Mecklenburg County for a future park.
    - Westernmost four acres of park site will be a passive park and will count towards site's minimum tree save requirements and minimum open space requirements.

- Easternmost two acres of park site will be an active neighborhood park and will not count towards minimum tree save requirements but will count towards the site’s minimum open space requirements.
- Mecklenburg County will be responsible for the design, installation and maintenance of any improvements to the active neighborhood park.
- In the event that Mecklenburg County does not approve and accept the conveyance of the park site, then the park site shall be a part of the site’s tree save and open space areas, and the park site will be owned and maintained by the developer or a property owners association.
- Notes petitioner shall construct a pedestrian connection from the site to the future greenway trail to be constructed by Mecklenburg County generally from the western terminus of Road F to the future greenway trail as generally depicted on the rezoning plan. Notwithstanding the foregoing, the location of the pedestrian trail may be adjusted during the permitting process.
- Proposes the following open space/amenities:
  - A minimum of 10 percent of the site will be devoted to common open space.
  - A minimum of 3 acres in Development Area A will be devoted to a community amenity area or amenity areas. The amenity area or amenity areas will count towards the site’s open space requirement. A minimum of 4 of the following amenities will be located in Development Area A: pool and cabana; playground structure; community gathering spaces; seating areas/benches; outdoor gym; enhanced landscaping; greenway connectivity; pickleball court(s).
  - A minimum of 3 acres in Development Area C will be devoted to a community amenity area or amenity areas, to include a minimum 4 of the following: dog park; playground structure; community gathering spaces; seating areas/benches; grills; enhanced landscaping; greenway connectivity; pickleball courts.

• **Existing Zoning**



The rezoning site is currently vacant and surrounded by single family residential communities and industrial/warehouse/distribution uses in various zoning districts.



The site (above and below pics) is vacant. A power transmission easement traverses a portion of the site.



North and east of the site (above and below pics) are site are single family neighborhoods



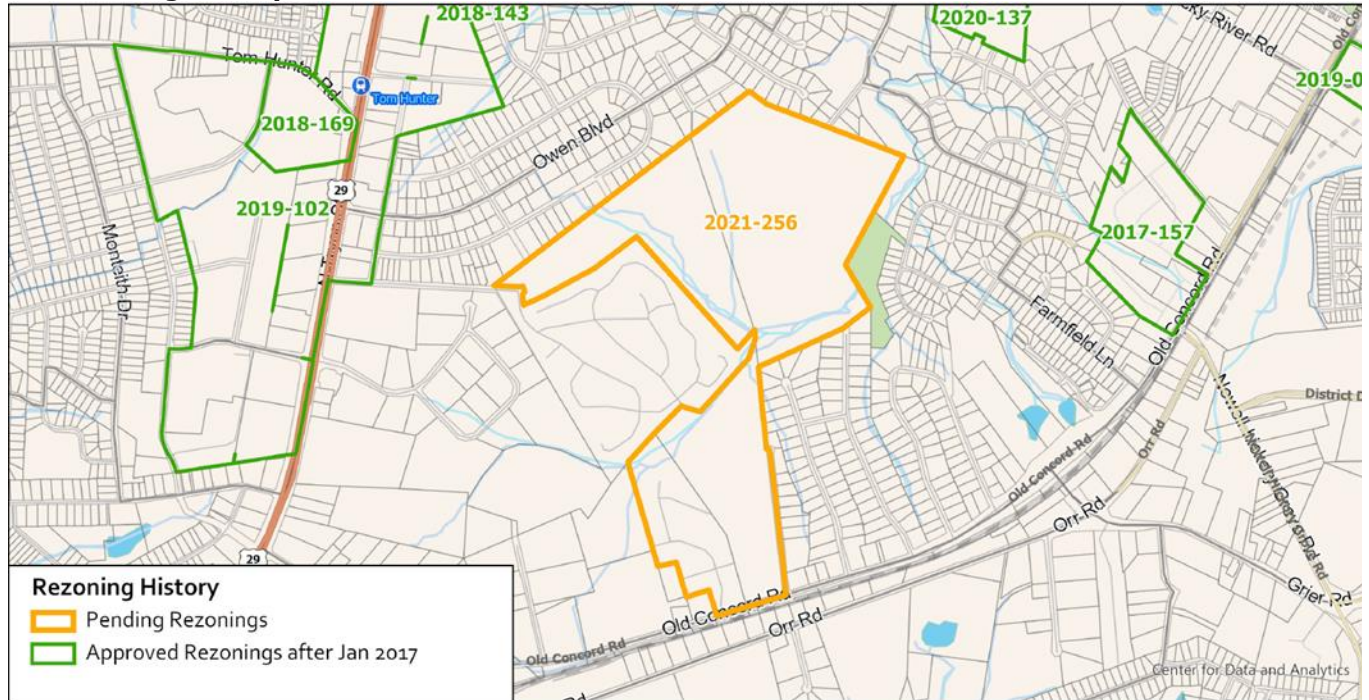
South of the site are industrial/distribution/warehouse uses.



West of the site are residential homes and warehouse/distribution uses (above and below pics).



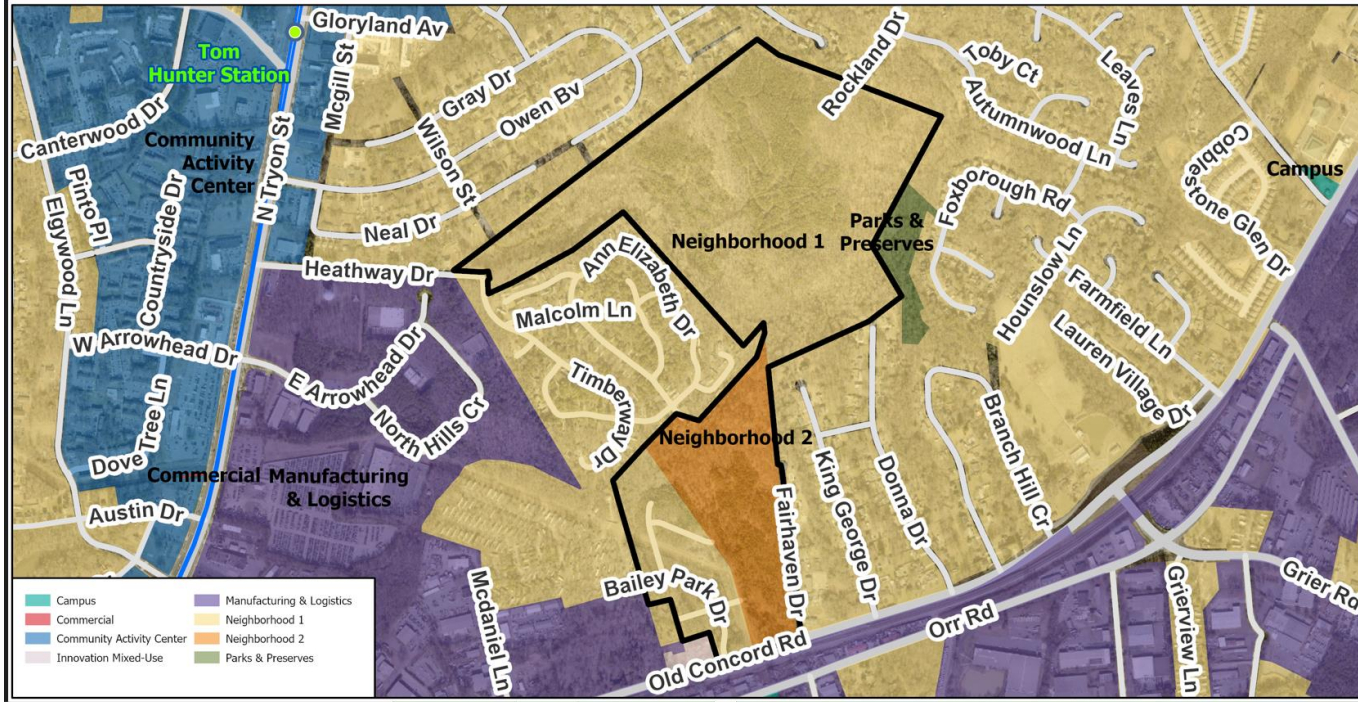
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-137	Rezoned 28.8 acres from R-3 to R-8MF(CD) to allow up to 167 residential units.	Approved
2019-102	Rezoned 1,771.18 acres to various transit-oriented zoning districts.	Approved
2019-062	Rezoned 13.01 acres from B-1(CD) and O-1(CD) to UR-2(CD) to allow 126 duplex units.	Approved
2018-169	Amendment to the Zoning Ordinance to replace three existing transit oriented development districts with four new transit oriented development districts and regulations. These four new districts are the first phase of the City's Unified Development Ordinance (UDO).	Approved
2018-143	Rezoned 8.5 acres from B-2 and B-2(CD) to TOD-M(O) to allow up to 275 multi-family dwelling units.	Approved



• **Public Plans and Policies**



- The 2040 Policy Map recommends the Neighborhood 1 Place Type for Development Area A, the Neighborhood 1 Place type along Concord Road for a portion of Development Area C, and the Neighborhood 2 Place Type for Development Area B and a portion of Development Area C.

• **TRANSPORTATION SUMMARY**

The site is located on Old Concord Road, a State-maintained minor thoroughfare, Fairhaven Drive, a City-maintained local street, Heathway Drive, a City-maintained local street, and Rockland Drive, a City-maintained local street. A Traffic Impact Study (TIS) is needed for this site due to the site generating more than 2,500 new vehicular trips. The TIS was approved by CDOT on 3/17/2023. The petitioner has committed to dedicating 35 feet of right-of-way along Old Concord Rd, constructing an 8-foot planting strip and 5-foot sidewalk along all proposed public streets, and an 8-foot planting strip and 12-foot multi-use path along Old Concord Road to meet the City Charlotte WALKS/ BIKES Policies. All outstanding CDOT issues have been resolved.

• **Active Projects:**

- XCLT-Orr to Rocky River
  - Cross Charlotte Trail from Orr Rd to Rocky River Rd with connectors
  - Design Phase
  - Project Manager: Sharon Buchanan

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 4,955 trips per day (based on 539 single family attached and detached units).

Proposed Zoning: 5,130 trips per day (based on 649 single family attached and detached units).

**DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate 273 students, while development allowed with the proposed zoning may produce 245 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Newell Elementary from 103% to 115%
    - Martin Luther King, Jr. Middle from 95% to 101%

- Julius L. Chambers High from 134% to 140%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Old Concord Rd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along the south of the parcels. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. 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:** See Outstanding Issue, Note 3.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

### OUTSTANDING ISSUES

#### Land Use

1. ~~If easement crosses the buffer at an angle between 0-75 degrees, the buffer must be increased by the width of the easement in the area of overlap.~~ **Addressed**
  2. ~~Please clarify if a greenway connector(s) to the park and development are proposed.~~ **Addressed**
  3. **New outstanding issue resulting from recent plan:** The petitioner and Mecklenburg County Park and Recreation are working to resolve an issue pertaining to park space dedication and location. **Not addressed.**
- 

**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**  
**Planner:** Claire Lyte-Graham (704) 336-3782