

Rezoning Transportation Analysis

Petition Number: 2022-121

General Location Identifier: 22502106, 22502105, 22502101

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Revision Log:

Date	Description
01-25-23	First Review (PDM)
02-22-23	Second Review (JP)
07-18-23	Third Review (DR)
08-23-2023	Fourth Review (PDM)
09-20-2023	Fifth Review (DR)
10-03-2023	Trip Generation Update
10-26-2023	Sixth Review (DR)
11-27-2023	Seventh Review (JP)
02-26-2024	Eighth Review (DR)
04-23-2024	Ninth Review (JP)

General Review Information

The petition is located on the east side of Rea Road, a State-maintained major throughfare south of Bevington Place, a City-maintained minor collector. The petition is located in a south wedge outside of Route 4, and within the I-485 Interchange Analysis Study.

Active Projects Near the Site:

- N/A

CDOT's review of this rezoning petition is intended to provide consistency with council adopted policies, plans, standards and guidelines including, but not limited to, the [Transportation Action Plan \(TAP\)](#), [Vision Zero](#), [Urban Street Design Guidelines \(USDG\)](#), [Center, Corridor and Wedges](#), [Charlotte BIKES](#), [Traffic Impact Study Guidelines](#) and [Charlotte WALKS](#). With a commitment to design complete streets, this review is to ensure that the City's transportation network supports current and future land uses and includes streets that provide safe and comfortable mobility for motorists, pedestrians, bicyclists, and transit users.

This document is primarily for communication to Planning Department staff as part of the overall City staff analysis of the rezoning petition and includes an overall summary of the case from a transportation perspective, information on trip generation, and resolved or outstanding site plan concerns. Additional advisory information about the driveway permit process is provided for information only.

Based on our review of the petition, we offer the following information for your consideration.

Transportation Summary

The petition is located on the east side of Rea Road, a State-maintained major throughfare south of Bevington Place, a City-maintained minor collector. A Traffic Impact Study is required for the complete review of this petition due to the site trip generation within a high congestion location. The Traffic Impact Study was approved by CDOT on 7/17/2023. Petitioner will construct a 12' multiuse path on the frontages

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of Rea Road and Elm Lane that will go through the site connecting to the 4 Mile Creek Greenway via the 8' elevated pedestrian connection. Conditional note revisions needed regarding Elm Lane and Access B. Further details are listed below.

Trip Generation

Scenario	Land Use	Intensity	Trip Generation (vehicle trips/day)	Source
Existing Use	Vacant	-	-	Tax Record
Entitlement with Current Zoning	Single Family (R-3, 53.07 acres)	159 Dwelling Units	1,550	General Guidance from Planning
Proposed Zoning	Multifamily (Mid-Rise) Senior Adult Multifamily Housing (UR-2, 53.07 acres)	864 Dwelling Units 300 Dwelling Units	4,970	Site Plan: 06-24-22 & Per TIS
Proposed Zoning	Multifamily (Mid-Rise) Senior Adult Multifamily Housing (UR-2, 53.07 acres)	340 Dwelling Units 300 Dwelling Units	2,468	Site Plan: 06-28-22 & Per TIS
Proposed Zoning	Single Family Detached Senior Adult Multifamily Housing (UR-2, 53.07 acres)	340 Dwelling Units 300 Dwelling Units	4,005	Site Plan: 09-11-23
Proposed Zoning	Single Family Detached Senior Adult Multifamily Housing (UR-2, 53.07 acres)	116 Dwelling Units 450 Dwelling Units	2,482	Site Plan: 04-18-24

Petitioner to provide responses to the staff comments below as well as specify other changes to the site plan.

Outstanding Issues

Strikethrough = Resolved

1. ~~Traffic Study:~~

~~A Traffic Impact Study is required for the complete review of this petition due to the site generating more than 2,500 daily trips and/or triggering other City TIS requirements. A TIS was submitted by the petitioner on June 20, 2022, and CDOT provided comments on July 19, 2022. CDOT is awaiting the submittal of the revised TIS.~~

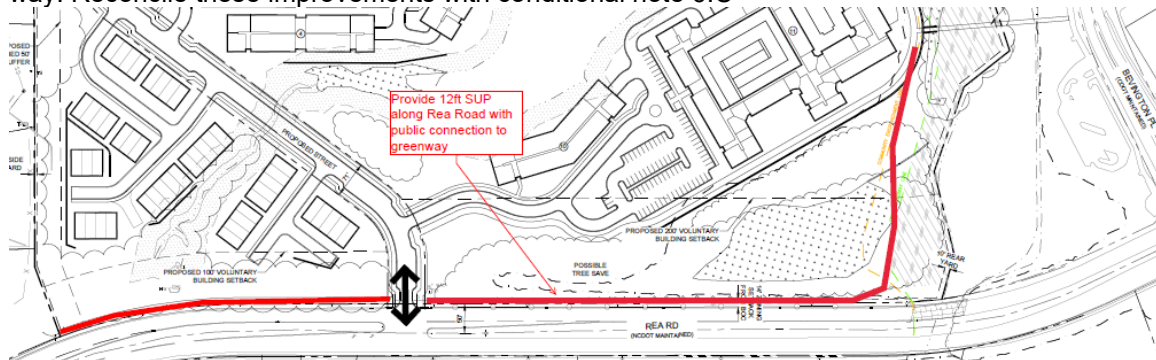
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Staff will receive the petition and begin review, but the public hearing will not be scheduled until the TIS is approved to allow for the minimum time necessary for CDOT to review the study and reach agreement with the petitioner on the required transportation commitments. ~~Any agreed upon commitments shall be included on the last site plan submitted no fewer than 4 weeks prior to the public hearing.~~ Therefore, additional traffic mitigation comments may be forthcoming once the TIS is approved by CDOT (and NCDOT).

2. ~~Revise site plan and conditional note(s) to commit to dedicate 35 feet of right-of-way from the road centerline of Elm Lane. The site plan shall label and dimension the right-of-way from the road centerline.~~
3. ~~Revise site plan and conditional note(s) to commit to construct bicycle facilities by installing a 12' multi-use path along Rea Road to meet the Council-adopted Charlotte BIKES Policy. Multi-use paths maintained by the City shall meet ADA/PROWAG requirements. The multi-use path should provide a public onsite connection to the greenway. In addition, commit to providing public access easements for the onsite MUP connections along Rea Road and Elm Lane. For multi-use paths along the public streets, provide sidewalk utility easement located 2ft at back of path if located outside of the right-of-way. Reconcile these improvements with conditional note 6.C~~



C. In lieu of the installation of an 8 foot wide planting strip and a 12 foot wide multi-use path along portions of the Site's frontages on Rea Road and Elm Lane, Petitioner shall install a 12 foot wide multi-use path within the Site that will traverse the Site from the new internal public street to Elm Lane as generally depicted on Sheet RZ-2 of the Rezoning Plan. This 12 foot wide multi-use path shall be located in a sidewalk utility easement. This 12 foot wide multi-use path shall be installed prior to the issuance of a certificate of occupancy for the 300th multi-family dwelling unit constructed on the Site.

D. An 8 foot wide planting strip and an 8 foot wide sidewalk shall be installed along both sides of the internal public street to be constructed on the Site.

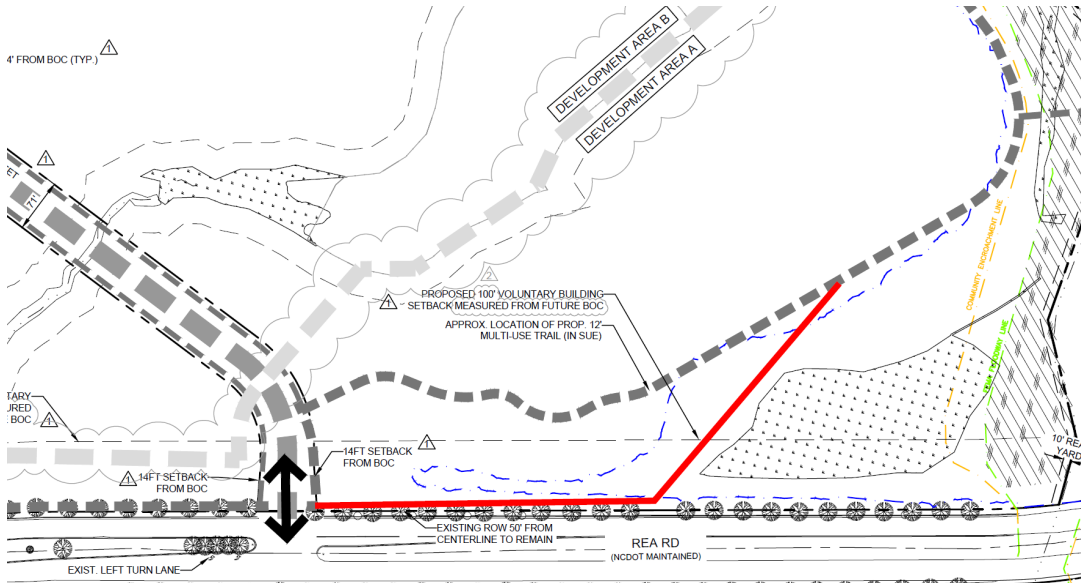
Clarifying Comment from 2/22/2023: Show MUP along Rea Road as shown above. We can work through the technical aspects in permitting as well as any necessary adjustments or exceptions to the required path.

Update Comment from 8/23/2023: MUP needs to follow Rea Road for a greater distance. Engineering documentation needs to be provided to allow the required streetscape (MUP) to be constructed onsite.

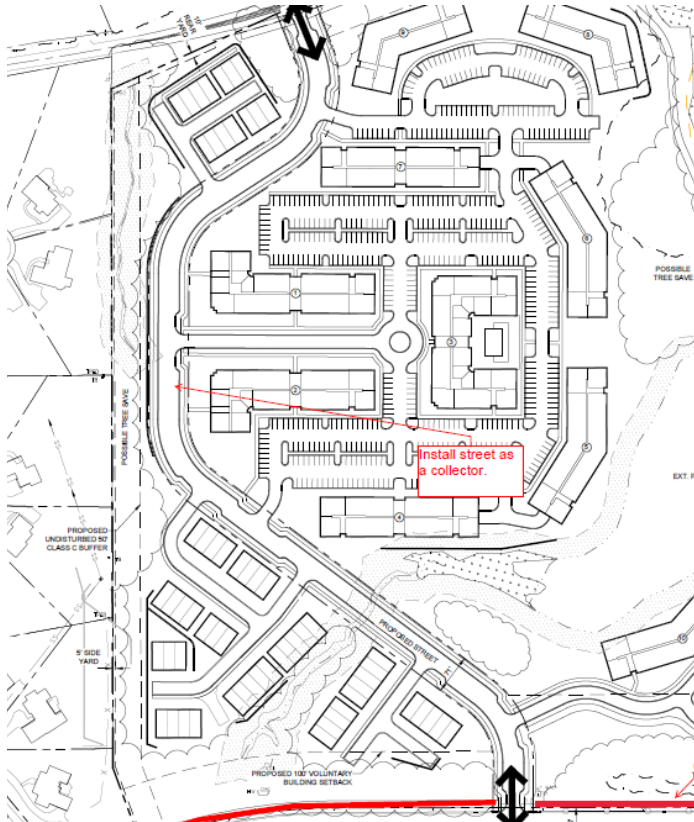
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- ~~4. Revise site plan and conditional note(s) to install the new public street as a local collector per CLDSM U-06.~~



~~Comment rescinded 2-22-23: After coordination, the proposed street will be a local residential wide (U-03).~~

- ~~5. Add a conditional note specifying "A Right of Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick~~

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pavers, etc.) within a proposed/existing City maintained street right of way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements."

6. ~~Add a conditional note specifying "the Petitioner shall dedicate and convey in fee simple all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible."~~
7. ~~Add a conditional note specifying "All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes."~~

~~Clarifying Comment from 2-22-2023: Add conditional note.~~

8. ~~Add conditional note specifying "All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad south Mecklenburg area, by way of a private/public partnership effort or other public sector project support."~~
9. ~~New Comment 2-22-23: Revise site plan and conditional note(s) to install curb and gutter along the site's frontage on Elm Lane. Back of curb to be installed at 27' from the centerline along Elm Lane as described in the Charlotte Streets Map.~~

10. ~~New Comment 8-23-23: Revise conditional notes for MUP to be completed prior to the first building CO.~~

utility easement.

(1) That portion of this 12 foot wide multi-use path located within Development Area A shall be completed prior to the issuance of the first certificate of occupancy for the last building constructed in Development Area A that is adjacent to this 12 foot wide multi-use path.

(2) That portion of this 12 foot wide multi-use path located within Development Area B shall be completed prior to the issuance of the first certificate of occupancy for the last building constructed in Development Area B that is adjacent to this 12 foot wide multi-use path.

11. ~~New Comment 8-23-23: Remove conditional note.~~

O. In the event that Petitioner cannot obtain all approvals and permits required to construct the improvements set out above in this Section 4 of the Development Standards, then Petitioner shall have no obligation to construct such improvements.

12. ~~New Comment 8-23-23: Revise notes to match phasing outlined in traffic study. Improvements to be completed prior to first CO for the site.~~

K. Prior to the issuance of the first certificate of occupancy for a new building constructed on Development Area A and subject to the approval of CDOT and/or NCDOT and any other applicable governmental agencies, the improvements described below shall be substantially completed by Petitioner at Rea Road and the internal public street (Access A).

L. Prior to the issuance of the first certificate of occupancy for a new building constructed on Development Area B and subject to the approval of CDOT and/or NCDOT and any other applicable governmental agencies, the improvements described below shall be substantially completed by Petitioner at Elm Lane and the internal public street (Access B).

13. ~~New Comment 9-20-23: Replace "will" with "may" in conditional note 4.14.1~~

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4.14. Right-of-way Availability

4.14.1. It is understood that some of the public roadway improvements referenced in subsection 1. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body may agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein or for other similar reasons and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT (with the concurrence of NCDOT, as applicable), upon a review of the current status and scheduled progress of the transportation improvements, will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

14. **New Comment 2.26.2024:** ~~Modify conditional note 4.12.1 to say: "The developer to evaluate sight distance of the Trader Joe's driveway on the north side of Bevington Place during permitting. Gore striping, or a similar treatment, to be utilized to prevent on-street parking on the north side of Bevington Place where in conflict with sight distance."~~

4.12. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site and subject to the approval of CDOT and/or NCDOT and any other applicable governmental agencies, the improvements described below shall be substantially completed by Petitioner.

4.12.1. Restripe Bevington Place between Birkdale Valley Drive and The Shops at Piper Glen Driveway to shift the on-street parking to the south side of Bevington Place.

15. **New Comment 4.24.24:** Revise conditional note(s) 4.12.1.5 and 4.12.1.6 to say: "The petitioner to install a guardrail on the west side of Elm Lane across from Access B, and flashing caution signs on Elm Lane north and south of Access B if approved by CDOT and/or NCDOT." Move this note below 4.10 under Transportation.

4.12.1.5. Install a guardrail on the west side of Elm Lane at a location that is generally located across Elm Lane from Access "B".

4.12.1.6. Install a flashing caution sign on Elm Lane north of Access "B" and a flashing caution sign on Elm Lane south of Access "B".

Advisory Information

The following are requirements of the developer that must be satisfied prior to driveway permit approval. These requirements shall be reflected on the rezoning plan, as appropriate.

1. CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte, per the City of Charlotte's Driveway Regulations.
2. Adequate sight triangles must be reserved at the existing/proposed street entrance(s). Two 50' x 50' sight triangles (and two 10' x 70' sight triangles on NCDOT-maintained streets) are required for the entrance(s) to meet requirements. All proposed trees, berms, walls, fences, and/or identification signs shall not interfere with sight distance at the entrance(s) and shall be identified on the site plan.
3. The proposed driveway connection(s) to public streets will require a driveway permit(s) to be submitted to CDOT (and NCDOT on NCDOT-maintained streets) for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process. The locations of the driveway(s) shown on the site plan are subject to change in order to align with driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.
4. All proposed commercial driveway connections to a future public street will require a driveway permit submitted to CDOT for review and approval.
5. Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.
6. To obtain a street and pedestrian lighting recommendation, the petitioner should visit the following link: <https://charlottenc.gov/Transportation/Programs/Pages/StreetLighting.aspx>