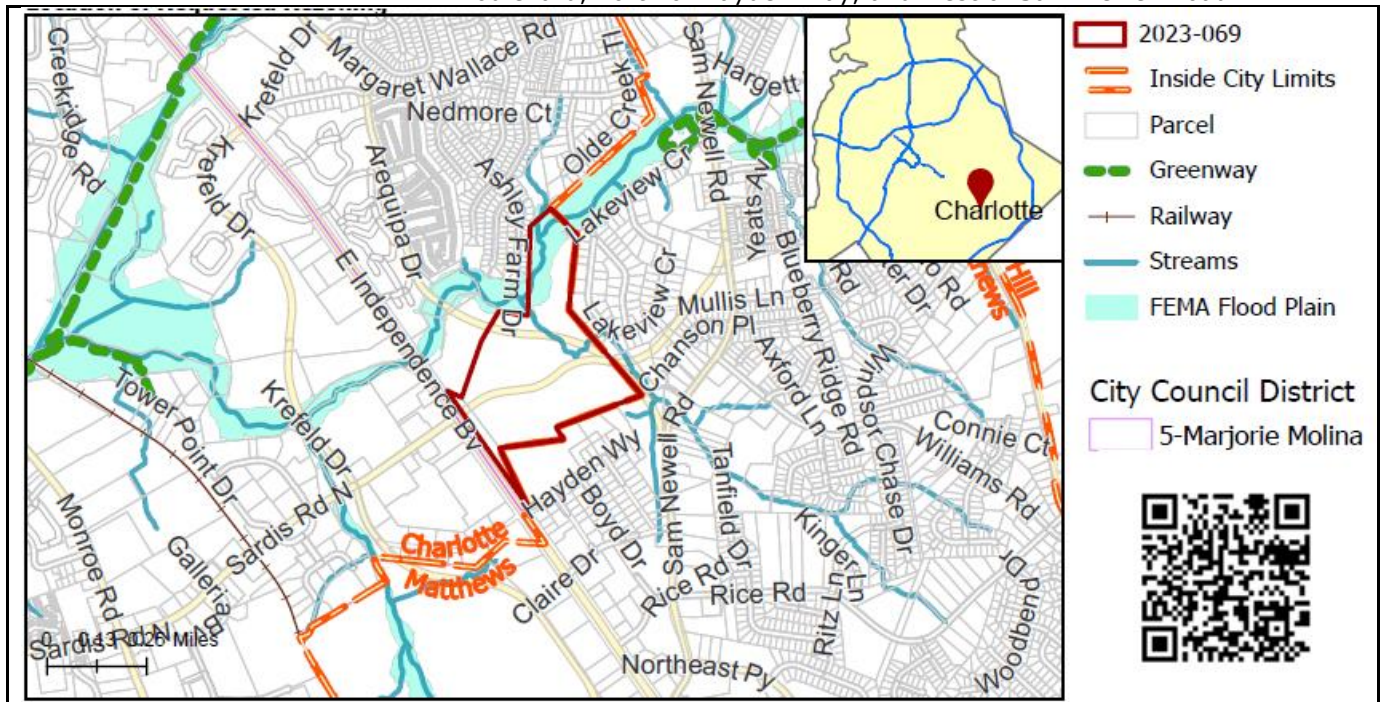


REQUEST

Current Zoning: N1-B (neighborhood 1-B), N2-B (neighborhood 2-B)
Proposed Zoning: N1-B(CD) (neighborhood 1-B, conditional), N2-B(CD) (neighborhood 2-B, conditional), and CG(CD) (general commercial, conditional)

LOCATION

Approximately 80 acres located on the east side of East Independence Boulevard, north of Hayden Way, and west of Sam Newell Road.



SUMMARY OF PETITION

The petition proposes to allow all uses permitted by right and under prescribed conditions in the N1-B, N2-B, and CG zoning districts, and to provide for commitments related to Irvins Creek Greenway and the East/West Connector on acreage largely vacant save for a single-family home built in 1928.

**PROPERTY OWNER
PETITIONER**

RP Independence Property Owner LLC
Ravin Partners

AGENT/REPRESENTATIVE

Collin Brown, Brittany Lins, and Lisa Arnold – Alexander Ricks PLLC

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 upon resolution of outstanding issues related to environment and transportation.

Plan Consistency

The proposed N1-B is **consistent** with the *2040 Policy Map* recommendation for Neighborhood 1, but the proposed N2-B and CG are **inconsistent** with the recommendation for Neighborhood 1.

Rationale for Recommendation

- A request for Neighborhood 2 and Commercial uses is consistent with the existing character to the north and west of the site.

- The portion of the site fronting East Independence Boulevard is currently zoned N2-B.
- The northeastern portion of the site is expected to remain Neighborhood 1 and offers an appropriate transition to adjacent single family uses.
- The proposal commits to connections to the Mecklenburg County Irvins Creek Greenway.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities
 - 7: Integrated Natural & Built Environments

The approval of this petition will revise the recommended place types as specified by the *2040 Policy Map*, from Neighborhood 1 to Neighborhood 2 and Commercial for the site.

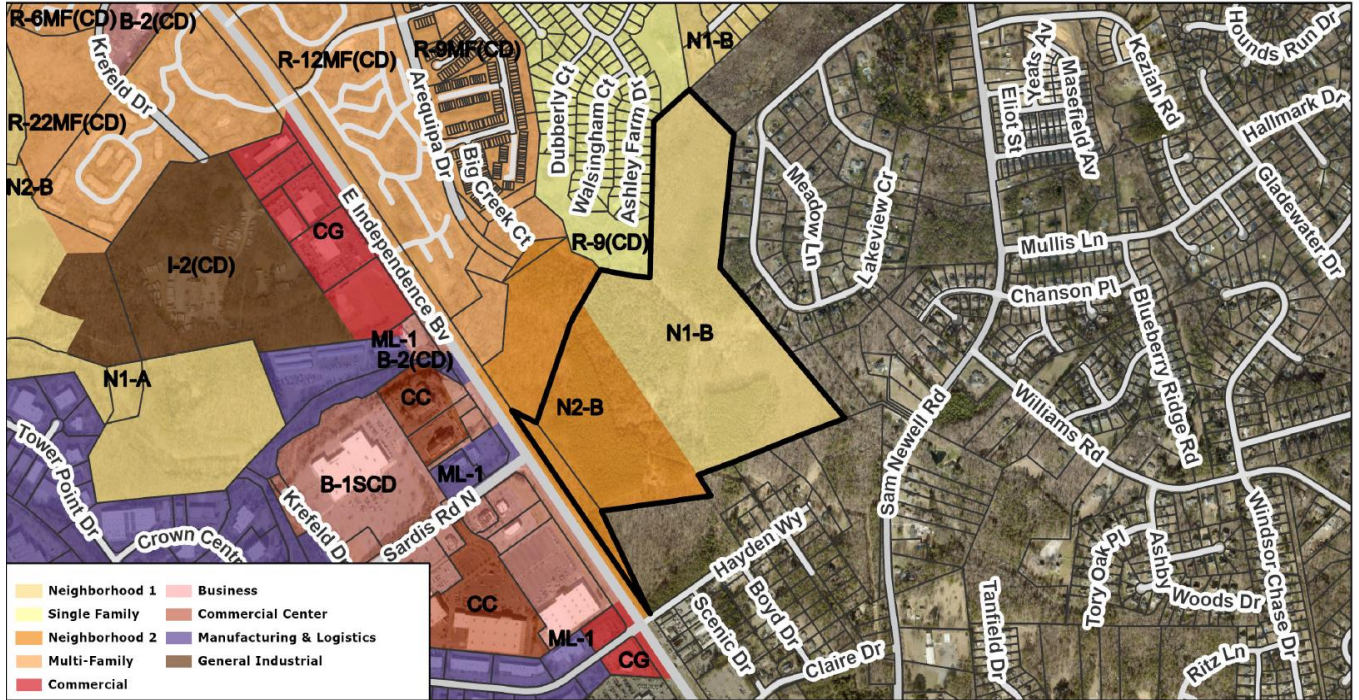
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allow all uses permitted by right and under prescribed conditions in the N1-B, N2-B, and CG zoning districts.
- Illustrates future Sardis Road and future Arequipa Drive rights-of-way.
- Notes petitioner will work with NCDOT and CDOT on the location of the East/West Connection through the site.
- Notes greenway easements will be conveyed prior to the issuance of the site's first building certificate of occupancy.
- Notes FEMA and community floodway area (**approx. 7.5 acres**) to be dedicated and conveyed to Mecklenburg County ~~Park and Recreation~~ for Irvins Creek Greenway Extension. Project development shall provide public access pedestrian connections within project limits to the proposed Mecklenburg County Irvins Creek Greenway multi-purpose pathway. Dedicated area shall remain part of the open space and tree save calculations for zoning compliance.
- Notes petitioner will provide public access pedestrian connections to the Mecklenburg County Irvins Creek Greenway from internal public streets east of Arequipa Road Extension where access is appropriate based on topography, tree save areas, open space areas, etc.
- Proposes a 20-foot ~~vegetative setback~~ Class C landscape yard along the northeastern property line. Notes proposed 20-foot vegetative setback may include existing vegetation, supplemental plantings, or combination to provide sufficient separation from the existing adjacent residential development.
- **Notes existing fencing located on the subject property will be evaluated in the permitting process and may be removed or replaced at property owner's discretion with the expectation that removing fencing will create minimal impacts to the proposed 20-foot Class C landscape yard area.**
- **Notes proposed 20-foot Class C landscape yard located along Lakeview Circle properties will not apply within utility easements, existing or proposed.**
- Illustrates 50-foot SWIM buffer, 30-foot and 50-foot PCSO buffers.

• Existing Zoning



- The majority of the site is vacant with the exception of a residential home and surrounded by a mix of residential and non-residential uses with a residential neighborhood immediately east in the Town of Matthews.



The rezoning site (denoted by purple star) is surrounded by a mix of residential and non-residential uses. Residential neighborhoods in the Town of Matthews lie to the east.



The parcel is primarily vacant save for a single-family home.



North are commercial and residential uses in Charlotte.



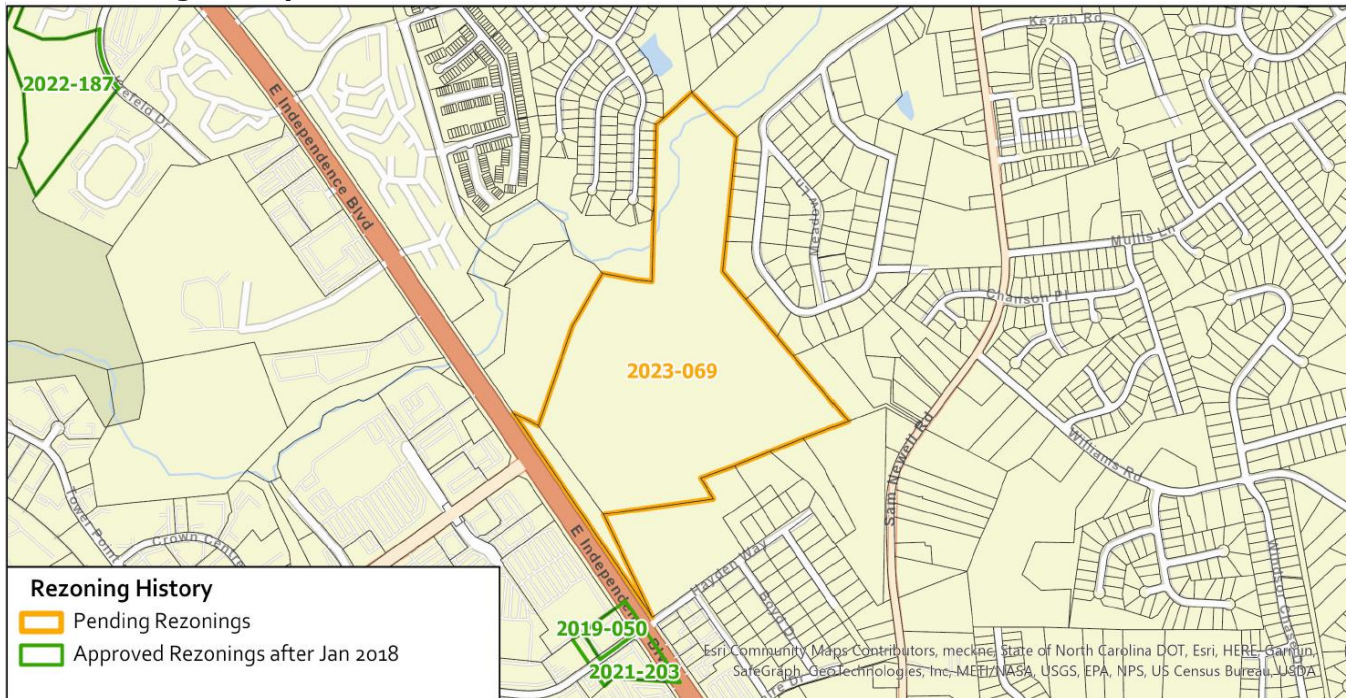
South are commercial and residential uses in the Town of Matthews



A single-family residential neighborhood is located directly east in the Town of Matthews.

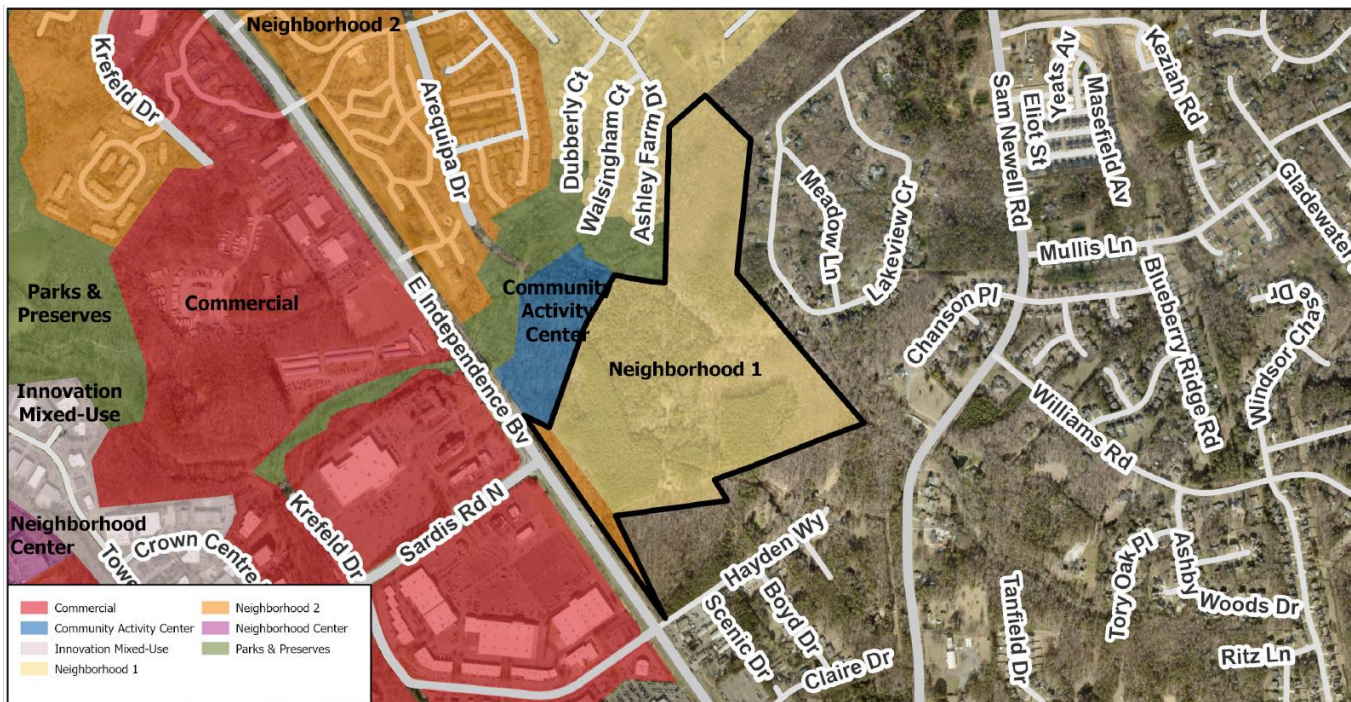


• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2022-187	Rezoned 14.8 acres to R-22MF(CD) to allow 320 apartments.	Approved
2021-203	Rezoned 2.80 acres to B-2 and I-1.	Approved
2019-050	Rezoned 1.45 acres to B-2.	Approved

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood 1 and 2 Place Types for this site.

- **TRANSPORTATION SUMMARY**

The site is located adjacent to Independence Boulevard, a State-maintained expressway, across from Sardis Road North, a City-maintained major arterial. Comprehensive Transportation Review (CTR) is not necessary for the complete review of this petition due to the minor conditional rezoning related to greenway space dedication. A CTR will be required during permitting if the site generates site trips over ordinance thresholds. The site will be subject to transportation improvements in accordance with the UDO and the adopted CDOT Streets Map. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated with this place type and zoning district. Site plan and conditional note revisions are needed to commit to reserving space and right-of-way for the four legs of the future Sardis Road North / Arequipa Drive extension. Further details are listed below.

- **Active Projects:**

- Capital Improvement Project – Independence Blvd (US-74) Widening
 - Project ID: SP_3
 - Location Description: Independence Boulevard between Sharon Amity Road and I-485
 - Project Type: Extension of Sardis Road
 - Project Phase: Design
 - Anticipated Start Date Year: late 2024
 - Project Manager: NCDOT Division 10, 704-982-0101
- TIP – Independence Boulevard (US 74)
 - Project Limits: Sardis Rd North to West of Idlewild Rd. (Sharon Amity Rd.)
 - TIP Number: U-2509B
 - Project Type: Widening
 - Project Description: Upgrade to 6-lane expressway and construct 2 managed lanes in each direction.
- TIP – Arequipa Drive Extension
 - Project Limits: Northeast Pkwy and Sam Newell Rd; Project Type: New; TOW Year: 2023; Construction Year: 2023
- TIP – Eastern Circumferential – New Street
 - Project Limits: Arequipa Rd. / Independence Blvd. to Sam Newell Rd; TIP Number: U-6166
 - Project Type: New; Project Description: New 4 lane roadway with median and multi-use path
 - ROW Year 2029, Construction Year - Undetermined

- **Transportation Considerations**

- See Outstanding Issues, Note 10.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on one single family dwelling).

Entitlement: 3,515 trips per day (based on 212 single family homes; 324 apartments).

Proposed Zoning: N/A (too many uses to determine).

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:** The petition requests to allow an unspecified number of residential units. This development may add unknown number of students to the schools in this area.
 - Crown Point Elementary currently 103%
 - Mint Hill Middle currently 102%
 - Butler High currently 101%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 24-inch water transmission main located along E Independence Blvd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 12-inch gravity sewer main located inside parcel 19312101. See advisory comments at www.rezoning.org
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** A Floodplain Development Permit from the City of Charlotte is required for all proposed construction within the regulated floodplain. There are specific building requirements for any proposed structure located within the regulated floodplain. See City of Charlotte Unified Development Ordinance Article 27 for details.
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, Notes 1-3.

- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUES

Environment

1. MCPR requests minimum of 3.5 acres to be dedicated and conveyed to Mecklenburg County for a future local park. This requested park land shall be adjacent to a public right-of-way for access and is conducive for the development of the typical amenities found in a local park and cannot include tree save parcels or stormwater BMP's. Ideally, the proposed park land shall be adjacent to the requested greenway access easement.
2. The dedication note should read: "...to be dedicated and conveyed to Mecklenburg County for Irvins Creek Greenway..." Easements are conveyed to Mecklenburg County, not to the Park and Recreation Department. The creek is Irvins Creek, not Irwin Creek.
3. The notes should be revised to reference "Irvins" Creek.

Site and Building Design

4. ~~Label zoning of abutting properties. Addressed~~
5. ~~A portion of the proposed vegetative setback crosses an existing sanitary sewer easement. Addressed~~
6. ~~Please define what is meant by a vegetative setback and provide a planting schedule based on the landscape yards in the UDO. Addressed~~
7. ~~The notes reference a 20-foot vegetative setback and a 20-foot Class C buffer. Please clarify which standard is being used and ensure labeling and notes reflect correct. Please note the Charlotte UDO references landscape yards as a standard. Addressed~~
8. Please remove references to buffers and use the UDO terminology of Landscape Yards. Addressed
9. ~~There appears to be a fence along portions of the property line. Please confirm if this is existing to remain, be removed, or proposed. Addressed~~

Transportation

10. **New Comment 12/27/23** – Add a development condition to reserve right-of-way for all four legs of the Future Sardis Road North/Arequipa Drive extension. Currently, the plans reserve ROW for three of four legs. Right-of-way reservation areas for all future streets should be located according to the CDOT Streets Map and NCDOT TIP project plans.



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