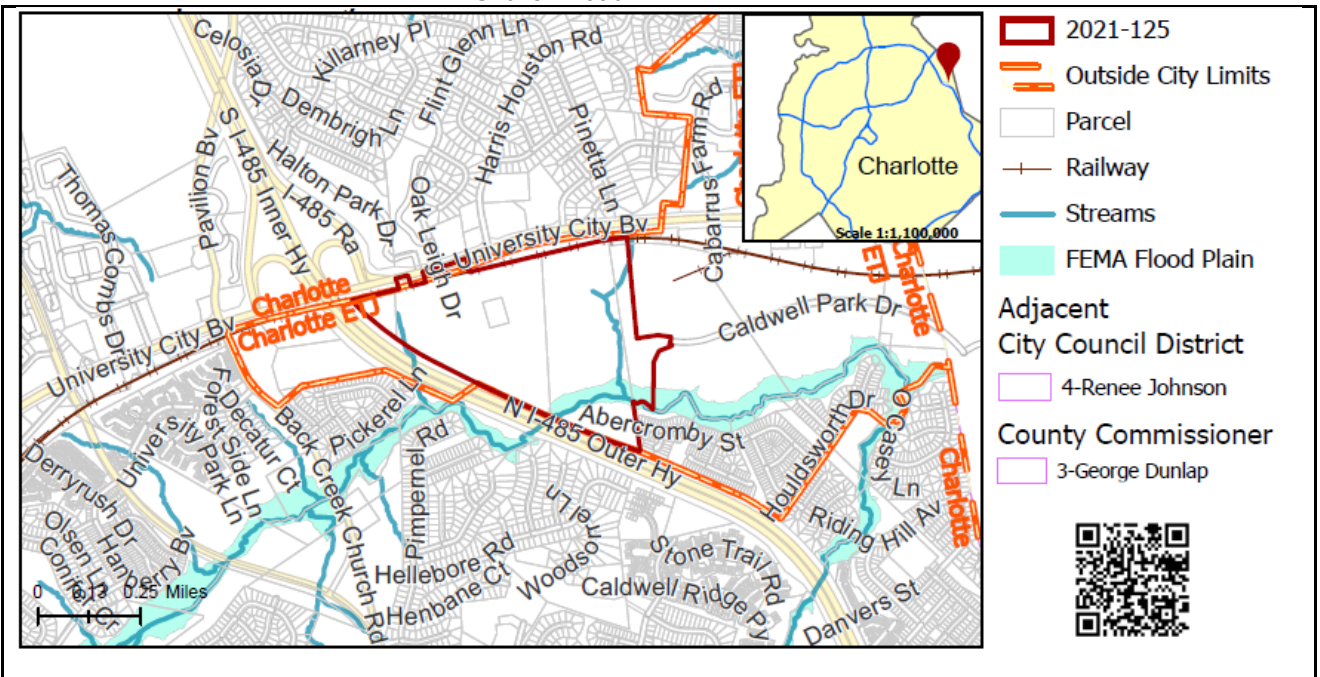


## REQUEST

Current Zoning: R-3 (single family residential), R-4 (single family residential), and B-D (distributive business)  
Proposed Zoning: MX-2 INNOV (mixed use district, innovative) with 5-year vested rights

## LOCATION

Approximately 133.093 acres located on the south side of University City Boulevard, northeast of Interstate 485, and east of Back Creek Church Road.



## SUMMARY OF PETITION

The petition proposes to allow a residential development comprised of up to 581 single family attached and detached dwellings at a density of 4.37 units per acre on acreage generally located at the southeast quadrant of University City Boulevard and I-485.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Hazeline H. Stroup  
Red Sea Properties  
Collin Brown and Brittany Lins/Alexander Ricks PLLC

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 5

## STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, and site and building design.

### Plan Consistency

The petition is **inconsistent** with the *Rock River Road Area Plan's* (2006) recommendation for utility, greenway, and warehouse/distribution uses on the site.

### Rationale for Recommendation

- While inconsistent, the request furthers the Rocky River Road Area Plan's vision to "offer a balanced mix of land uses and housing

opportunities that utilize high-quality design principles for new development”.

- At a proposed density of 4.37 dwelling units per acre, the request is compatible with the existing neighborhood character.
- Land use goals for this area encourage a mixture of housing types and recommend that new development fits contextually.

The approval of this petition will revise the adopted future land use as specified by the *Rocky River Road Area Plan*, from utility, greenway, and warehouse/distribution uses to residential uses up to five DUA for the site.

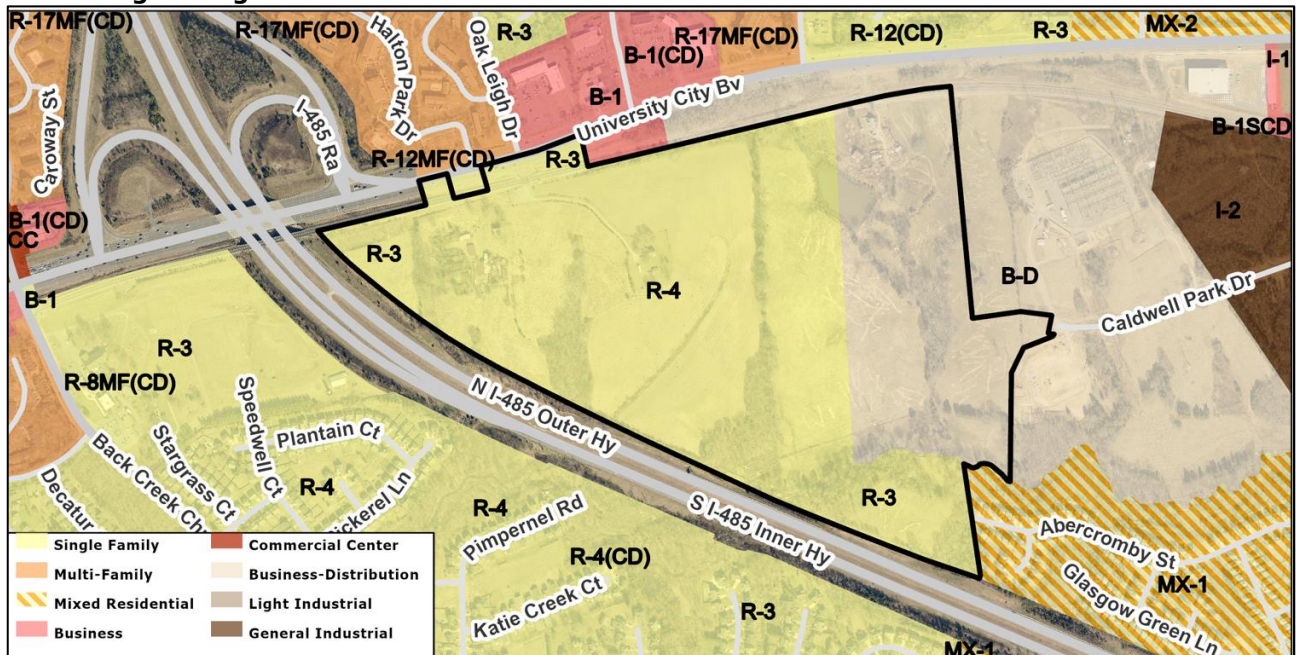
## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 184 single family attached (townhouse) alley-loaded units.
- Up to 397 single family detached lots.
- Illustration depicting a phased approach:
  - Phase 1A – 217 single family lots and 88 townhome units (*improvements will be substantially constructed prior to the issuance of the 100<sup>th</sup> certificate of occupancy for the site*).
  - Phase 1B – 26 single family lots (*improvements will be substantially constructed prior to the issuance of the 126<sup>th</sup> certificate of occupancy for the site*).
  - Phase 2 – 154 single family lots and 96 townhome units (*improvements will be substantially constructed prior to the issuance of the 450<sup>th</sup> certificate of occupancy for the site*).
  - Bridge between Phase 1A and 1B to be part of Phase 2.
- Proposes the following transportation improvements:
  - Access via Caldwell Park Drive Extension and Abercromby Street Extension.
  - Proposed internal network of public streets and alleyways.
  - Extend Abercromby Street to proposed Public Road 2. Construction of this extension, including the creek crossing and bridge to connect Phase 1A and Phase 1B to occur prior to the issuance of the 331<sup>st</sup> building certificate of occupancy for the site.
  - Proposed multi-use path to be extended along the southern side of Caldwell Park to the northwest corner of Parcel ID 05114117 owned by Mecklenburg County.
  - Provide a no-build area for a potential sound barrier along the site’s frontage of I-485.
  - *University City Boulevard and Caldwell Road:*
    - Construct channelized eastbound right-turn lane with maximized storage on University City Boulevard
  - *Caldwell Road and Caldwell Park Drive:*
    - Phase 1B Improvements
      - Install traffic signal
      - Construct a channelized southbound right-turn lane with 200 feet of storage on Caldwell Road
      - Remove median on Caldwell Park Drive and construct an eastbound left lane on Caldwell Park Drive
      - Restripe ACE Academy driveway to provide one ingress lane, one left turn lane with 150 feet of storage and one thru-right lane
      - Construct missing sidewalk along south side of Caldwell Park Drive; and
      - Construct crosswalks with pedestrian signals on all approaches.
    - Phase 1B Improvements
      - Extend eastbound thru-right lane from 200 to 350 feet storage.
    - Phase 2 Improvements
      - Construct a channelized northbound right turn lane with 200 feet of storage on Caldwell Road.
  - *Caldwell Road and Tom Query Road:*
    - Install traffic signal; and
    - Construct eastbound and west bound left turn lanes with 150 feet of storage on Caldwell Road/Tom Query Road.
  - *Caldwell Road and Back Creek Church Road:*
    - Phase 1A Improvements
      - Extend westbound right-turn lane from 150 to 225 feet storage on Caldwell Road.
  - *Tom Query Road and Robinson Church Road:*

- Phase 2 Improvements
      - Construct a northbound left-turn lane with 200 feet of storage on Tom Query Road OR payment in lieu of construction, as requested by the Town of Harrisburg.
    - Caldwell Road and Staffordshire Lane:*
      - Phase 2 Improvements
        - Remark existing pavement to provide a southbound left turn with 100 feet of storage on Staffordshire Lane.
  - Proposes the following architectural standards
    - Usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches, when provided, shall be covered and be at least 4 feet deep. Stoops and entry-level porches may be covered but shall not be enclosed.
    - All corner/end units that face a public or private street shall have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels.
    - Limits townhouse and attached single family buildings fronting public or private network required streets to 5 individual units or fewer.
  - Installs 50-foot Class C buffers along portions of the site's property lines.
  - Constructs bicycle facilities by installing a 12-foot multi-use path with an 8-foot minimum planting strip along Caldwell Park Road to the proposed Mecklenburg County Caldwell Park.
  - Provides a planted berm or opaque fence to separate the railroad right-of-way and rail line from the residences and along the site's boundary with I-485.
  - Installs tall fencing with no gates on the common open space area between the proposed berm and railroad right-of-way, to be maintained by the HOA.
  - Dedicates greenway area on the south side of Back Creek extending the existing greenway to the right-of-way of I-485 and provide a multi-use path connection from the site to Mecklenburg County Park and Recreation (known as Caldwell Park).
  - Provides a greenway access easement to connect Abercromby Street to the greenway.
  - Provides a minimum 2.5-acre amenity area to include a minimum of 2 of the following primary amenities: pool, clubhouse, outdoor community gathering spaces, as well as a minimum of 2 of the following secondary amenities: grills, community garden, seating area, gym, cabana, dog park, picnic tables, benches, pavilion, gazebo, elevated hardscape areas, and/or enhanced landscaping.
  - Illustrates proposed trail network, potential 50-foot and 100-foot post control buffers, potential storm water quality areas, tree save areas, FEMA floodway encroachment lines, community encroachment lines, and wetland area.
- **Existing Zoning and Land Use**



- The site is developed with a residence, accessory structures, and pond with the remainder acreage agricultural/vacant. The site is surrounded primarily by residential neighborhood with some retail uses on lots in various zoning districts. A portion of the site abuts University City Boulevard to the north and I-485 to the south.



The site is developed with a residence and accessory structures (above).



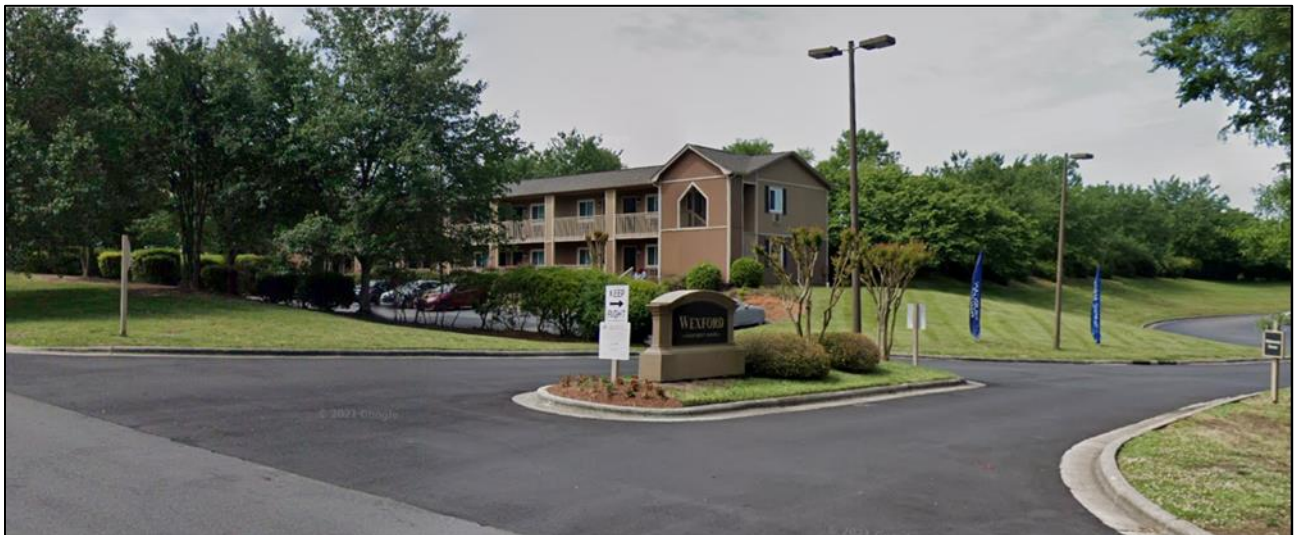
The remainder of the site is agricultural/vacant (above).



North, are retail uses.



North are single family neighborhoods.



North is an apartment community.



East are retail and industrial uses, and a Duke Power transmission station.



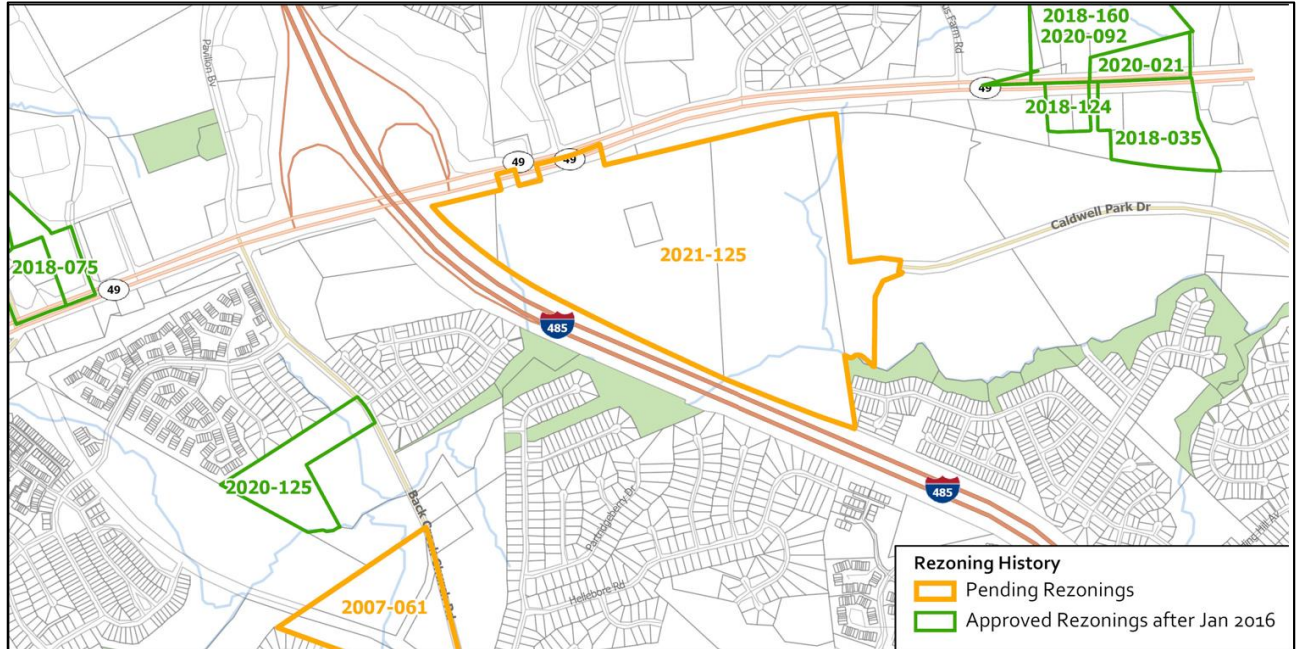
The site abuts the NC-49/I-485 Interchange.



Southeast (above) and south, across I-485, are single family residential neighborhoods (below).

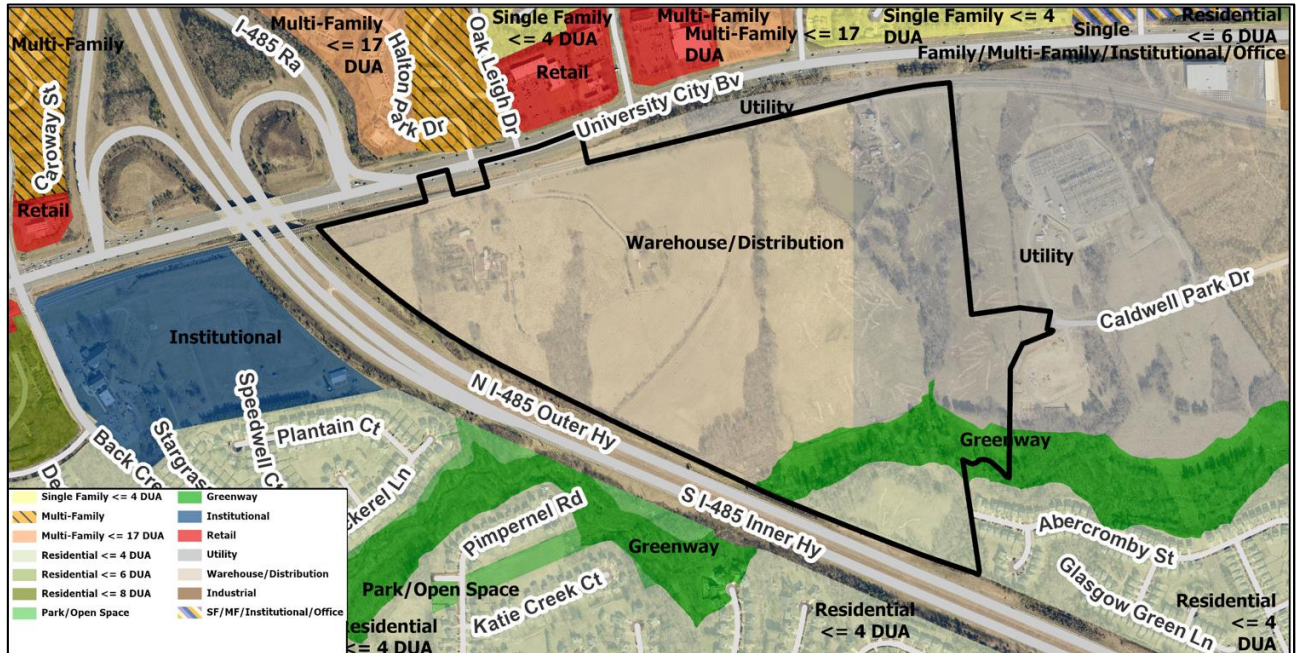


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-125	Rezoned 12.13 acres from R-3 to MX-2 to allow up to 97 for sale single family attached units.	Approved
2020-092	Rezoned 90.31 acres from MX-1 to MX-2 to allow 250 single family detached lots and 288 multi-family dwelling units.	Approved
2020-021	Rezoned 4.31 acres from B-1(CD) to B-2.	Approved
2018-160	Rezoned 93.86 acres from R-3 to MX-1	Approved
2018-124	Rezoned 2.75 acres from B-1SCD to I-1.	Approved
2018-075	Rezoned 10.77 acres from INST and R-12MF(CD) to MUDD(CD) to allow up to 568 multi-family dwelling units.	Approved
2018-035	Rezoned 13.02 acres from B-1SCD to I-2(CD) to allow 120,000 sq ft of uses allowed by right and under prescribed conditions.	Approved

- **Public Plans and Policies**



- The *Rocky River Road Area Plan* recommends utility, greenway, and warehouse/distribution uses on the site.
- **TRANSPORTATION SUMMARY**
  - The site is located on University City Boulevard, a State-maintained major thoroughfare and N I-485 Outer Highway, a State-maintained freeway. The site also connects to the Future Caldwell Park Drive at the site's east limits. A Traffic Impact Study (TIS) is needed for this site. The TIS was resubmitted for review to NCDOT and CDOT on March 22, 2022 and is currently being reviewed for any outstanding comments/ approval.

The petitioner has committed to extending Abercromby Street to Proposed Public Road 2 and extending Caldwell Park Drive to Public Road 1, constructing an 8-foot planting strip and 5-foot sidewalk along all proposed public streets in accordance the City's Subdivision ordinance. The petitioner has also committed to constructing a 12' multi-use path with an 8-foot planting strip along Caldwell Park Road to the proposed Mecklenburg County Caldwell Park and, tall fencing (with no gates) between the railroad right-of-way and the home lots that back to the railroad.

The Petitioner shall also construct off-site transportation improvements resulting from the Traffic Impact Analysis (TIS) to include, but not limited to, additional turn lanes at intersections along University City Blvd and Caldwell Road, as well as two new traffic signals.

Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to, committing to the construction of noise walls between I-485 rights-of-way. Further details are listed below.

- **Active Projects:**

- Signal under construction at University City Blvd/Harris Houston (will accommodate a Z-crossing of pedestrians)
- NC-49 Widening just west of I-485 (NCDOT TIP project U-5768)
  - ROW 2022/Construction 2025

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-2.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 30 trips per day (based on 3 single family dwellings).

Entitlement: 3,690 trips per day (based on 326 single family dwellings, 327,000 sq ft warehouse).

Proposed Zoning: 5,050 trips per day (based on 397 single family dwellings, 184 townhomes).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 206 students, while the developed allowed under the proposed zoning may produce 253 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Stoney Creek Elementary from 110% to 123%
    - James Martin Middle from 65% to 70%
    - Julius L. Chambers High from 126% to 131%.
  - See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along University City Blvd.

The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Due to the limited project details that were provided, it is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. 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:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 3.

**OUTSTANDING ISSUES**Transportation

1. Site plan and conditional note(s) revisions are needed to commit to the construction of noise walls between the I-485 right-of-way and the home lots that back to I-485. The wall should be placed within open space to allow for the HOA to maintain it. Site plan and note say a no build area for a potential sound barrier instead noise wall along I-485.

Environment

2. Include the following note: "The site will comply with the Charlotte Tree Ordinance."
3. Tree save must be free of utilities and easements. Site plan shows sanitary sewer in tree save which will not be approved during plan review.
4. Provide tree save per the ordinance. Single family provides tree save at 10% and multi-family provides tree save at 15%. Both must be accounted for but each has different options.

Site and Building Design

5. Clearly specify in the development notes what the innovative requests are for the proposed development.
6. Add a note clearly indicating that the 10% open space requirement is being met, including calculations. It is encouraged the petitioner provide additional programmed areas dispersed throughout the site for pocket parks or play areas.
7. Please enhance the notes to make sure the other smaller amenity areas outside of the 2.5 acres mentioned have a commitment to programming.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





**Planner:** Claire Lyte-Graham (704) 336-3782











## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2021-125

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	X
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	<b>Goal 3: Housing Access for All</b> Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	N/A

	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>