

**REQUEST**

Current Zoning: R-22MF (multi-family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 3.42 acres located on the west side of Briar Creek Road, north of Green Oaks Lane, and east of Wembley Drive.



**SUMMARY OF PETITION**

The petition proposes to allow a townhome community on a parcel currently developed with a religious facility on the west side of Briar Creek Road.

**PROPERTY OWNER**

Commonwealth Baptist Church Inc.

**PETITIONER**

PulteGroup Inc.

**AGENT/REPRESENTATIVE**

Collin Brown and Brittany Lins/Alexander Ricks

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 11

**STAFF  
RECOMMENDATION**

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

Plan Consistency

The petition is **consistent** with the *Central District Plan* recommendation for multifamily residential, and with the *General Development Policies* recommended residential density of over 17 units per acre.

Rationale for Recommendation

- The proposed density of 18.4 units per acre is less than the maximum 22 units per acre permitted under the current R-22MF zoning is R-22MF zoning district.
- The site is compatible with the abutting multifamily residential developments to the north, west, and south.
- The proposal commits to a 12-foot multi-use path along Briar Creek Road.

- The project provides usable common open space throughout the site.
- The request proposes a CATS bus waiting pad on Briar Creek Road.

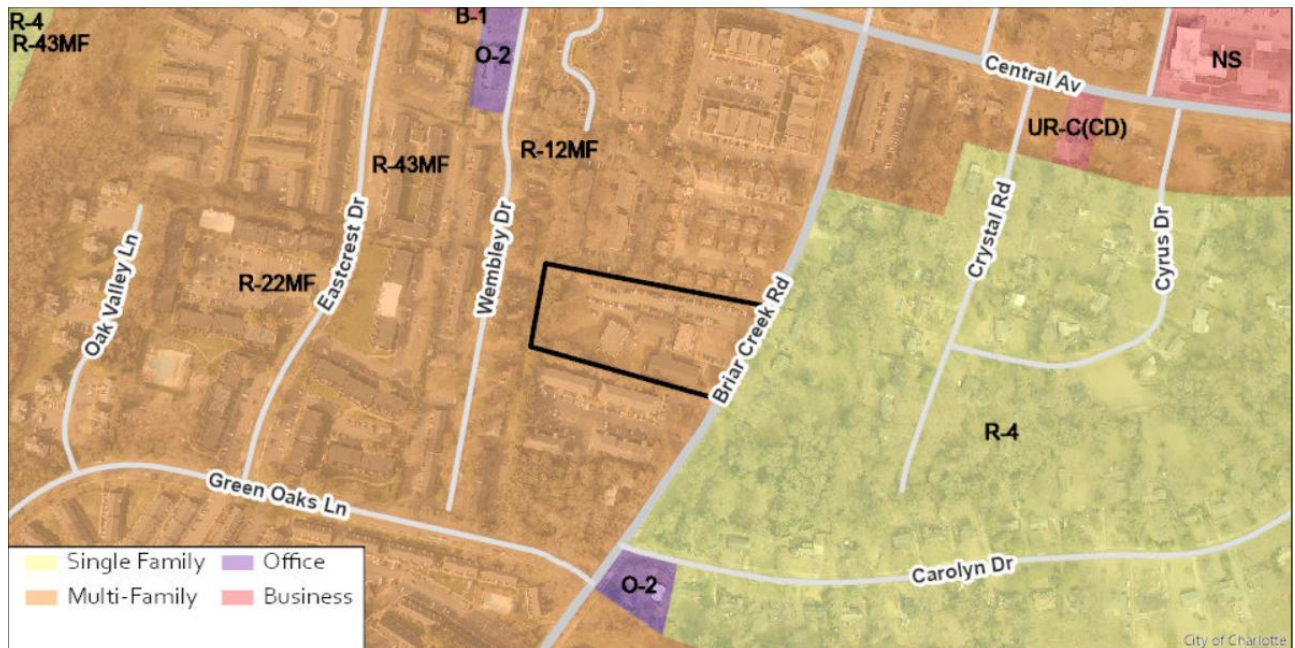
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 66 single family attached (townhomes) dwelling units for sale having a maximum building height of 48 feet.
- Private street connecting to Briar Creek Road along with internal system of private alleys and sidewalks/walkways throughout development.
- Proposed 12-foot multi-use path and 8-foot planting strip along Briar Creek Road frontage.
- Proposed CATS bus waiting pad on Briar Creek Road.
- Use of the following building materials: combinations of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("hardiplank") and/or other approved materials.
- Prohibits vinyl siding (excluding vinyl handrails, windows, soffits, doors or door trim) and concrete masonry units not architectural finished.
- Notes all corner/end units facing Briar Creek Road will either have a porch/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 a maximum of 10 feet on all building levels.
- Limits attached dwelling units to a maximum of 5 units per building or fewer when fronting Briar Creek Road.
- Illustrates possible tree save and usable common open space. Notes open space areas may be amenitized with elements such as but not limited to landscaping, benches or seating areas, gardens, pet areas, tables, passive or active recreation uses, and other similar amenities.

### • Existing Zoning and Land Use

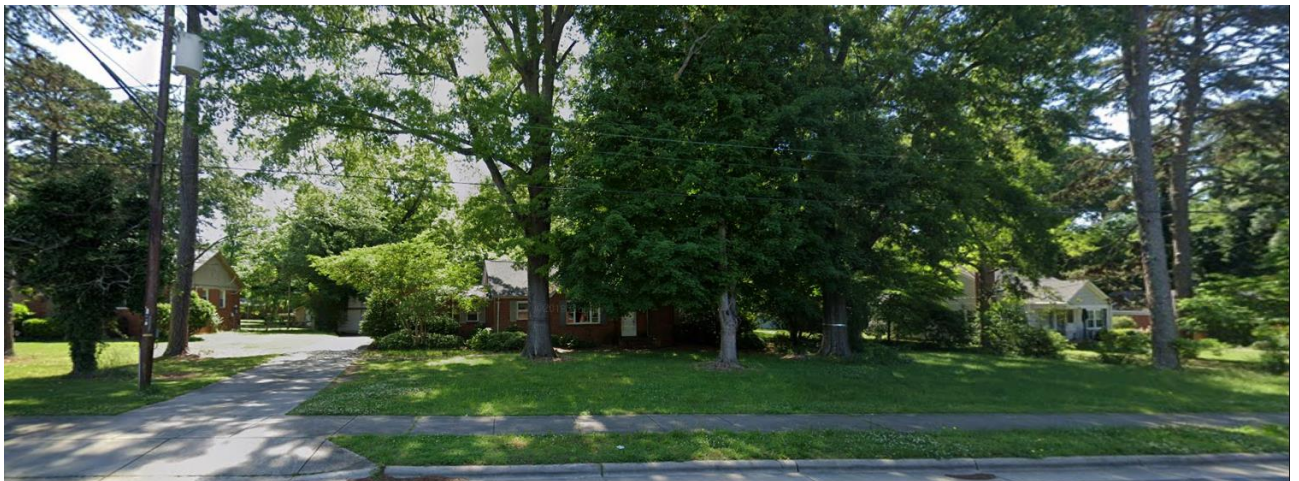


The rezoning site is developed with a religious facility (Commonwealth Baptist Church) and surrounded by single family residential neighborhoods, duplexes and triplexes, apartment communities, and townhomes in various residential zoning districts.





The site is developed with a religious facility.



West, across Briar Creek Road, are single family homes.



North of the site are townhomes.



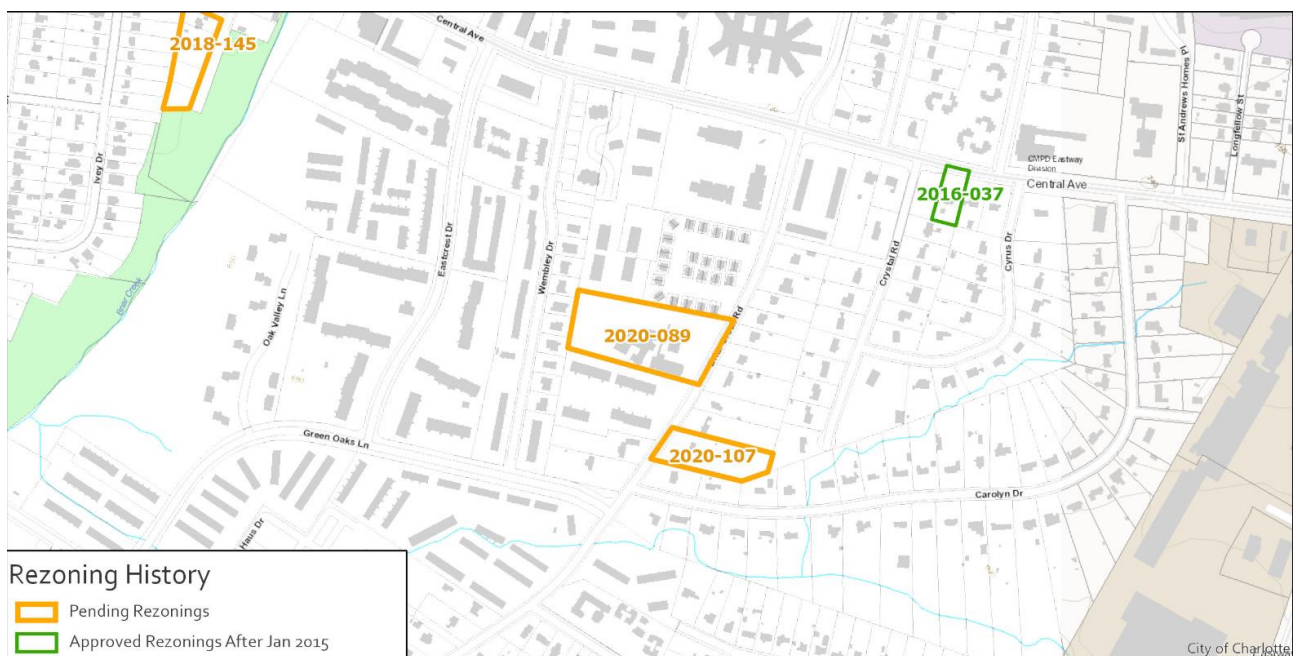


South is an apartment community.



West are duplex/triplex residences and apartments.

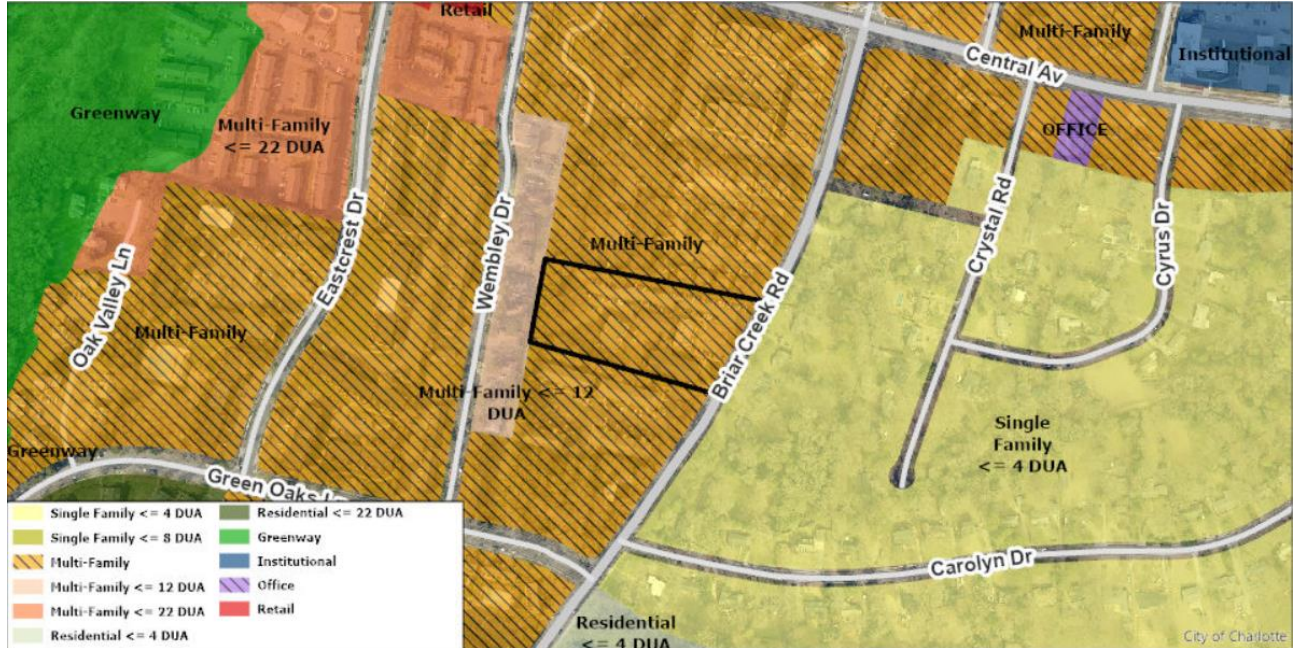
- **Rezoning History in Area**





Petition Number	Summary of Petition	Status
2020-107	Rezone 1.30 acres to R-8(CD).	Pending
2018-145	Rezone 1.25 acres to R-8(CD).	Withdrawn
2016-037	Rezoned 0.44 acres to NS.	Approved

• **Public Plans and Policies**



- The *Central District Plan* recommends multifamily residential with no specified density for the subject parcel.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of over 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – over 17 dua
Meeting with Staff	1
Sewer and Water Availability	3
Land Use Accessibility	3
Connectivity Analysis	2
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 14</b>	<b>Total Points: 14</b>

• **TRANSPORTATION SUMMARY**

- The site is located on a minor thoroughfare. The petitioner commits to constructing a 12' multiuse path with an 8' planting strip to meet the Charlotte BIKES Plan. The petitioner needs to revise the site plan to correctly label and dimension the curb and gutter as well as dedicated right-of-way.
- **Active Projects:**
  - None identified near the site.
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-2.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 255 trips per day (based on 36,600 square foot church).

Entitlement: 410 trips per day (based on 75 apartment units).

Proposed Zoning: 435 trips per day (based on 63 townhouse units; site plan dated 09/14/2020).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **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 15 students, while the development allowed under the proposed zoning may produce 4 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Merry Oaks Elementary remains at 76%
    - Eastway Middle remains at 118%
    - Garinger High remains at 122%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Briar Creek Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Briar Creek Road.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **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.

#### **OUTSTANDING ISSUES**

##### Transportation

1. Label and dimension curb and gutter from the centerline for each road.
2. Revise the site plan to label and dimension the dedicated right-of-way along Briar Creek Road at 40' from the road centerline.

##### Site and Building Design

3. Under Development Data confirm if the proposed number of units is 63 or 66. Amend density based upon number proposed.
4. Specify type of existing easement along south property line.

#### **TECHNICAL REVISIONS**

5. Site plan shows a private street while Transportation Note III.1. references an internal public and/or private drive. Please clarify.

---

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

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