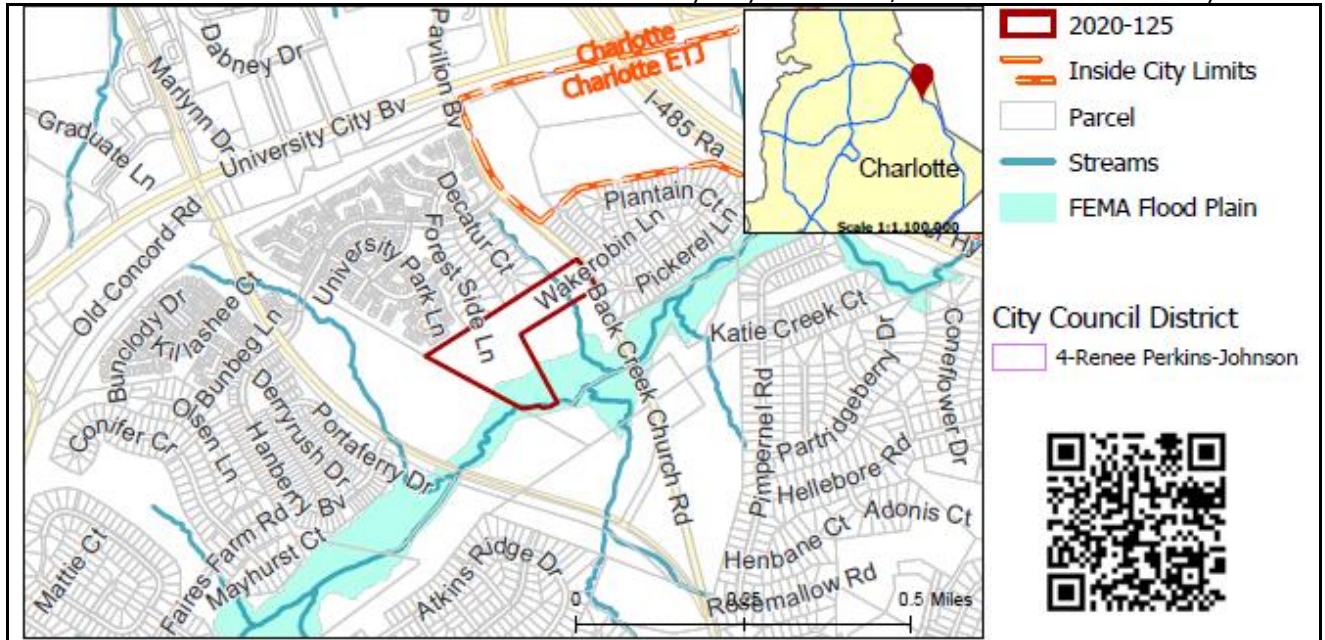


**REQUEST**

Current Zoning: R-3 (residential)  
Proposed Zoning: MX-2 (mixed residential)

**LOCATION**

Approximately 12.13 acres located along Back Creek Church Road, south of University City Boulevard, near the Cabarrus County line.



**SUMMARY OF PETITION**

The petition proposes to develop the subject property into a single-family attached community of up to 97 residential units (7.99 dwelling units per acre (DUA)) and to permit any accessory uses either permitted by-right or under prescribed conditions.

**PROPERTY OWNER**

William Long, Jr.

**PETITIONER**

Jon Nicholls, Accent Homes Carolina, Inc.

**AGENT/REPRESENTATIVE**

Paul Pennell, Urban Design Partners

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 6

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the Rocky River Road Area Plan's (2006) recommendation for residential uses up to 8 DUA and greenway uses for the site.

Rationale for Recommendation

- The request is consistent with the *Rocky River Road Area Plan's* overall Vision statement in that it states that the area "should offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development." This project has accomplished that by implementing enhanced architectural standards for the proposed townhome units.
- The petition request for attached single family dwelling units assists in accomplishing the Plan's Land use goals for this area which encourages a mixture of housing types.

- The petition's commitment to preservation of the natural southeastern portion of the site allows for possibility of the area plan's recommendation of utilizing buffers for trail opportunities in this area.

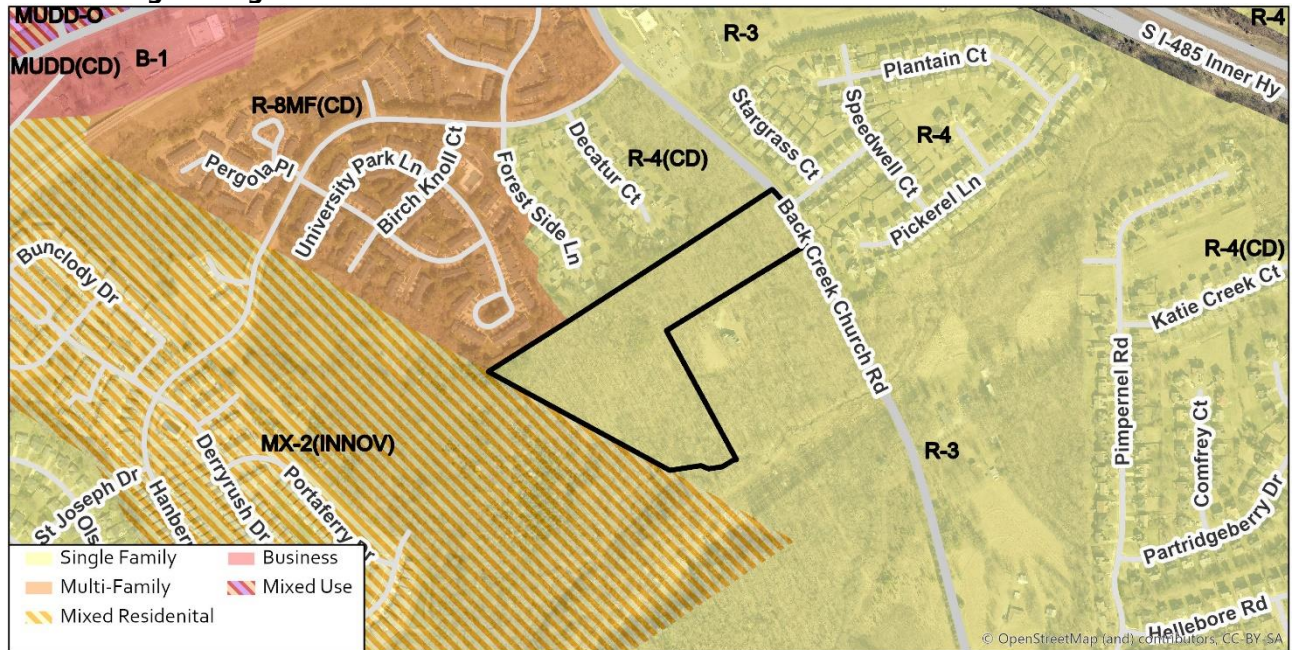
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

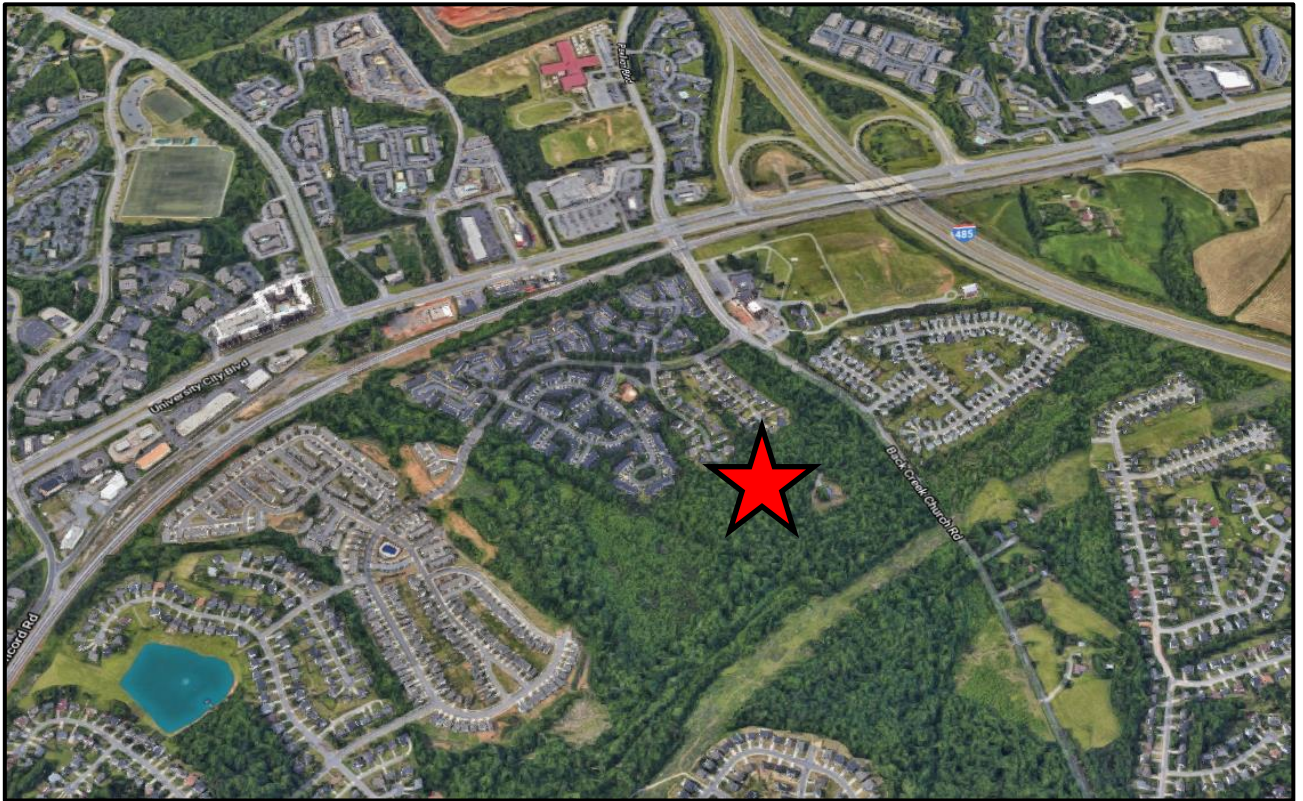
- Permits up to 97 single family attached townhome units.
- Provides a combination of internal public and private roads; public roads shall be designed with an 8-foot planting strip and 6-foot sidewalk.
- The site's frontage along Back Creek Church Road shall be improved with a 12-foot multi-use path.
- Commits to enhanced architectural design standards including recessed and translucent garage doors that face public or private streets, a maximum of five (5) units per building when adjacent to a public ROW, preferred building materials, and blank wall limitations.
- Dedicates and conveys property with MCPR within the 100' SWIM buffer adjacent to Back Creek for the construction of a greenway as depicted on the MCPR greenway master plan.

### • Existing Zoning and Land Use



There have been no recent rezonings at this site. The site is surrounded by a large, single family homesite to the south, apartments and single-family residences to the east, north, and west.





General locate of site denoted by red star.

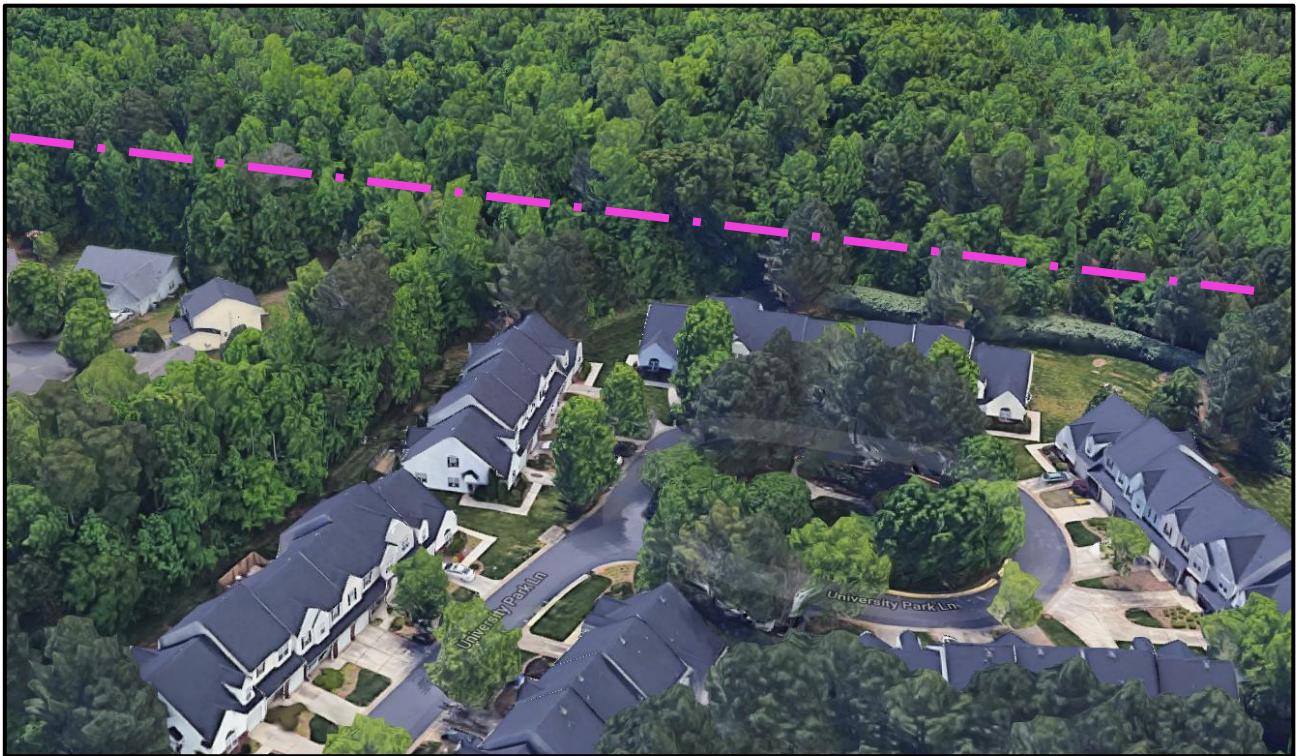


Streetview looking west along Back Creek Church Road. The site's frontage is to the left and is currently a wooded lot.





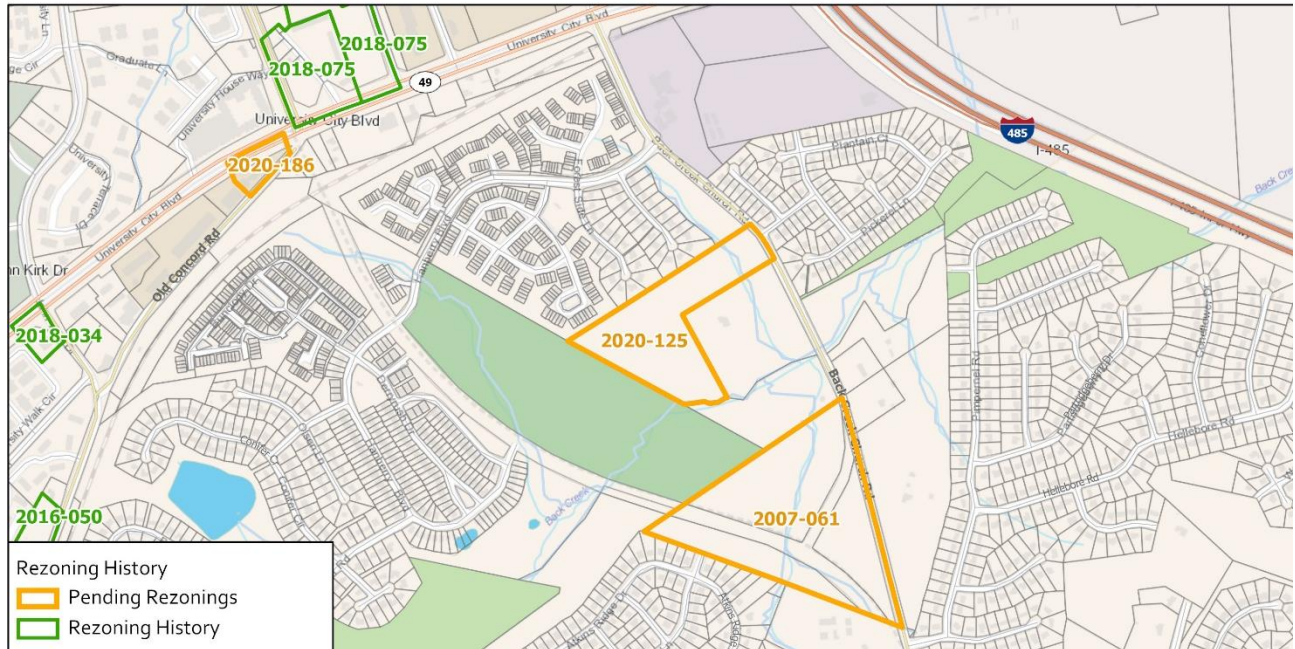
Streetview looking southeast along Forest Side Lane. This mixed residential community is located immediately north of the rezoning site.



Looking southeast toward the rezoning site. Attached single family units are also immediately north of the rezoning boundary (approximate location of rezoning boundary illustrated with pink dashed line).

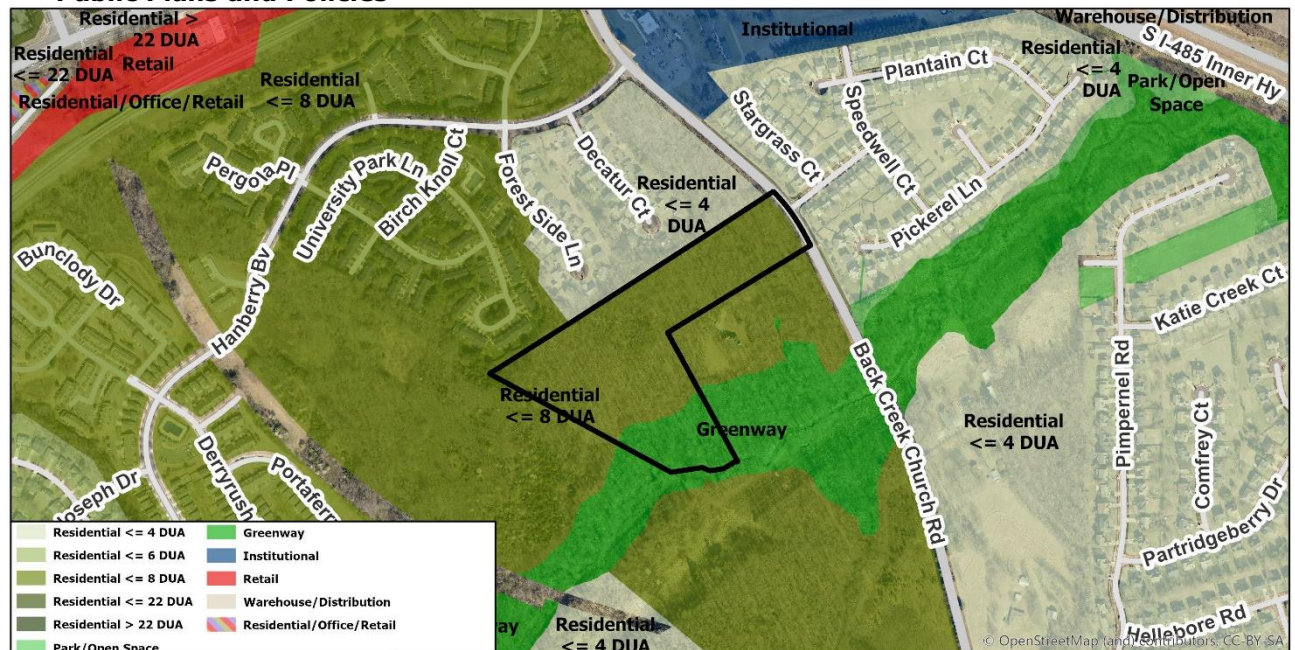


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-075	Rezoning proposal to allow up to 568 multi-family dwelling units on 10.77 acres.	Approved
2018-034	Petition to rezone former vacant college bookstore to permit additional retail uses.	Approved
2016-087	Petition to redevelop residential site into 349 multi-family units.	Approved
2020-186	Request to rezone to allow all uses within the B-2 (general business) zoning district.	Approved
2007-061	Rezoning to accommodate up to 96 condo units.	Indefinite Deferral

- Public Plans and Policies**



- The Rocky River Road Area Plan recommends residential uses up to 8 DUA for the site and greenway uses along the site's frontage with Back Creek.

- **TRANSPORTATION SUMMARY**

- The site is located on Back Creek Church Road (a State-maintained, minor thoroughfare road). The subject site is located within the vicinity of an active NCDOT STIP project (U-5768) scheduled for construction in 2024. It is anticipated that the STIP project will alleviate traffic along the existing Back Creek Church Road corridor. The project will complement the STIP project in this area and will dedicate right-of-way to Back Creek Church Rd. The petitioner commits to constructing 6-foot sidewalk with 8-foot planting strip on all local roads per Chapter 20 of the City's Ordinances, a 12' multi-use path along Back Creek Church Road to meet the City of Charlotte BIKE Policy, and a left turn lane into the development as required for developments that generate over 500 trips per day. All of CDOT's outstanding comments have been successfully addressed.
- **Active Projects:**
  - NC-49 widening and Back Creek Church Road realignment (Eastern Circumferential)
    - Widen NC-49 and realign Back Creek Church Road to a new intersection at Mallard Creek Church Road.
    - ROW 2021/Construction 2024
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 0 trips per day (based on vacant land use).
    - Entitlement: 410 trips per day (based on 36 single-family detached dwellings).
  - Proposed Zoning: 795 trips per day (based on 110 townhomes).

**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-Mecklenburg Schools:** The development allowed under the existing zoning could generate 8 students, while the development allowed under the proposed zoning may produce 23 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 15 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - University Meadows Elementary remains at 119%
    - James Martin Middle remains at 74%
    - Zebulon Vance High from remains at 129%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Back Creek Church Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along the northern portion of the parcel. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **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**

Site and Building Design

- ~~1. Please remedy Charlotte Fire note that mentions the inability to meet 150' to all exterior portions of buildings along the proposed private alley. **ADDRESSED**~~
- ~~2. Site must meet 9.303(19)f to permit reduced setback along public street. Please note that in conditional notes and ensure all setbacks are labeled. **ADDRESSED**~~

**REQUESTED TECHNICAL REVISIONS**Environment

- ~~3. Revise Streetscape and Landscaping section, subitem 1, to reflect compliance with the City of Charlotte Tree Ordinance.~~ **ADDRESSED**
  4. Add note to Streetscape and Landscaping section that reads as follows: "Removal of trees within the street ROW may require mitigation of those trees." **ADDRESSED**
- 

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

**Planner:** Will Linville (704) 336-4090