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| <b>REQUEST</b>                       | <p>Current Zoning: RE-1 (research), RE-3(CD) (research, conditional), and R-3 (single family residential)</p> <p>Proposed Zoning: MUDD-O (mixed use development, optional) and R-12MF(CD) (multi-family residential, conditional), with five-year vested rights</p>   |
| <b>LOCATION</b>                      | <p>Approximately 65.7 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Interstate 85. (Council District 4 - Phipps)</p>  |
| <b>SUMMARY OF PETITION</b>           | <p>The petition proposes to allow up to 395 multi-family residential units, up to 45,000 square feet of uses as allowed in MUDD, and an eating/drinking/entertainment (Type 1 and/or Type 2) with golf-related outdoor entertainment uses. The site is generally surrounded by a mix of single family residential neighborhoods, institutional and retail uses, and vacant land.</p>  |
| <b>PROPERTY OWNER<br/>PETITIONER</b> | <p>Jill H. Garrison, et al<br/>Charter Properties, Inc.<br/>Browder Group Real Estate, LLC</p>  |
| <b>AGENT/REPRESENTATIVE</b>          | <p>John Carmichael, Robinson Bradshaw &amp; Hinson, P.A.</p>  |
| <b>COMMUNITY MEETING</b>             | <p>Meeting is required and has been held. Report available online.<br/>Number of people attending the Community Meeting: 20</p>   |
| <b>STATEMENT OF<br/>CONSISTENCY</b>  | <p>The Zoning Committee found a portion of the site to be consistent with the <i>Northeast Area Plan</i> and a portion of the site inconsistent with the adopted plan, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"><li>• The portion of the site proposed for a mix of commercial uses is consistent with the <i>Northeast Area Plan</i> recommendation for office/research/retail uses. However, the portion of the site proposed for multi-family use is inconsistent with the <i>Northeast Area Plan</i> recommendation for office/research/retail uses and residential use up to four dwelling units per acre.</li></ul> <p>However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"><li>• The subject property is located in an I-85 interchange area which was identified in the <i>Northeast District Plan</i> (which preceded the <i>Northeast Area Plan</i>) for an expansion of research uses outside of the University Research Park; and</li><li>• The <i>Northeast Area Plan</i> updated that land use recommendation to include a range of commercial uses (office/research/ retail), along with a recommendation for improved connectivity in the area and an integrated site plan; and the proposed development has been designed to provide the integrated and interconnected development recommended by the plan. Commercial development, consistent with the plan, is proposed for the part of the site closest to West Mallard Creek Church Road; and</li><li>• Multi-family development is requested for the remainder of the site, instead of the non-residential uses identified by the plan. The addition of multi-family results in a mix of uses, instead of more isolated commercial development; and</li><li>• The requested development has been designed to respond to the transportation context by placing the most auto-oriented uses which will require high levels of vehicular access, specifically the outparcels and large EDEE (eating/drinking/entertainment establishments), closest to the interstate interchange; and</li></ul> |

- The site plan provides a transition from the auto-oriented area to a walkable commercial street which will connect to the multi-family development in the northern portion of the site; and
- The area that the plan recommends for single family development is proposed to be used for a 75-foot buffer area abutting existing single family homes, and a segment of the public street which will connect Mallard Creek Church Road and Galloway Road; and
- In addition to the new street connecting to Galloway Road, the proposed development will provide a number of transportation improvements. These include reservation of right-of-way for a future east-west crossing of I-85 at Galloway Road, and a new signalized intersection to create site access and set up for a potential new connection in the adjacent University Research Park;

By a 7-0 vote of the Zoning Committee (motion by Wiggins seconded by Spencer).

#### **ZONING COMMITTEE ACTION**

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

##### Transportation

1. Petitioner made minor modifications to the Garrison/Galloway intersection to obtain better compliance of stop control condition.
2. The petitioner revised transportation conditional notes as follows:
  - a. Notes 4H, 4N, 4O, and 4R(4)(b) - removed "or if there is not existing right-of-way to accommodate these improvements, then the Petitioner shall have no obligation to install such improvements." Note 4L – Clarified that this reserved area will not be included in tree save.
  - b. Note 4R(1)(a) – Revised to clarify that the improvement is to construct a second right turn lane and included language to channelize these right turn lanes with a pedestrian island.
  - c. Added "plus the appropriate taper length" to all notes with a specific turn lane storage length.
  - d. Note 4R(3)
    - i. Included a northbound through lane at access point #2 at Mallard Creek Church Road.
    - ii. Added R(3)(i): The petitioner shall remove all existing pavement/drainage structures not needed and replace with top soil and necessary landscaping within the existing Legranger Road right-of-way between Mallard Creek Church Road and the proposed realigned Legranger Road.
  - e. Note 4R(5)(a) - Provided a three lane cross section on the northbound connector road at Galloway Road providing one ingress lane, one left turn lane, and one 100-foot right turn storage lane with an appropriate taper length.
3. The petitioner added an exhibit on Sheet RZ3.1 identifying commitments to improve the radius of the intersection of Galloway and Garrison Roads, with accompanying development note.
4. Petitioner commits to submitting the sum of \$25,000 to CDOT to pay for traffic calming measures on Galloway Road.
5. The petitioner agreed to the outer 50 feet of portions of the 75-foot buffer being undisturbed with exceptions (i.e. fence placement, SWIM buffers).

##### Environment

6. The petitioner submitted an email from the United States Army Corps of Engineers (USACE) stating that the specified location is not a jurisdictional channel in Area A; therefore, there is no requirement for a 50-foot undisturbed buffer.
7. The site plan has been modified to show that the proposed screening fence stops at the boundaries of the 50-foot Undisturbed PCSO buffer within Area "C".

##### Site and Building Design

8. Modified site plan to identify "Building Edge" locations on Outparcels 1 and 2. For Outparcel 1, added a note stating that neither a drive aisle nor vehicular parking will be permitted between the building edge proximity line and the adjacent connector road and roundabout. For Outparcel 2, added language stating that a drive aisle and vehicular parking will be permitted between the building edge proximity line and the roundabout.
  9. Added a note committing that 70% of the frontage along the new street will be made up of building facades or the community green. Added a note stating that upon the completion of the buildings proposed to be constructed in Development Area C, a minimum of 70% of Development Area C's frontage along the eastern edge of the connector road will be comprised of building facades, the community green, outdoor dining areas and/or landscaped areas.
  10. Provided an additional pedestrian connection within the proposed public street just north of the Community Green that also connects to the proposed 10-foot multi-use path.
  11. Development note has been revised to commit to at least two of the following amenities within the community green: seating, sculptures/artwork and a water feature.
  12. Proposes to screen parking behind the community green with a seat wall or landscaping.
- Requested Technical Revisions
13. Development Note D(5) states that in the event a convenience store with or without gas sales is located on Development Area D, a maximum of two uses located on Development Area D may have accessory drive-in and drive-through service lanes/windows. Development Note D(6) states that in the event a convenience store with or without gasoline sales is not located on Development Area D, a maximum of three uses located on Development Area D may have accessory drive-in and drive-through service lanes/windows.
  14. Petitioner has noted that Area A adjacent to Interstate 85 will have 20 shrubs per 100 linear feet located within or adjacent to the 30-foot setback.
  15. Modified site plan and accompanying language to specify that the 75-foot buffer as shown on the rezoning plan is a Class C buffer that may not be reduced in width.
  16. Access #1, #2, and #3 are now labeled on the site plan.
  17. The "connector road" is now labeled on the site plan.
  18. Architectural Standards Development Note 5A(3)(c)(iv) stating that driveways intended to serve single units shall be prohibited on all network required streets has been removed from the site plan.
  19. Clarified Development Note E(1) to note that a total maximum of 45,000 square feet of gross floor area may be developed on Development Area C and Development Area D combined.

**VOTE**

Motion/Second: Wiggins / McClung  
 Yeas: Fryday, Lathrop, Majeed, McClung, Spencer, Watkins, and Wiggins  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee, providing an overview of the location of the proposed TopGolf facility and associated building elevations, portion of the site designated for a proposed apartment community, outparcels, buffers, and ingress/egress points. Staff noted that a portion of the site was consistent with the *Northeast Area Plan* and a portion of the site inconsistent with the adopted plan.

Various Committee members made note of the number of emails received from citizens expressing concerns about this request. A Commissioner inquired about proposed traffic calming measures. CDOT staff responded that it was uncertain what types of traffic calming

measures would be installed. CDOT staff also noted that there is a five year sunset so if funds are not utilized within that time frame, they will be returned to the petitioner.

A Committee member noted that the multi-family community would provide a reservoir of potential golfers. The Commissioner suggested that signage be provided when making a turn from Mallard Creek Road onto Interstate 85. There was a brief discussion about the tree canopy and ability to see the Water Tower on the south side of West Mallard Creek Road. It was noted that the proposed buffers and the topography would more than likely prevent residents from seeing the Water Tower. A Committee member stated that the TopGolf facility would be oriented towards the interstate, and that the subject rezoning site was not suitable for single family residential development.

A Committee member expressed concerns about the improvements at Galloway and Garrison Roads and inquired about a nearby private road. CDOT staff responded that the private road will become public, and noted there are additional studies about connectivity, including improvements towards the IKEA. CDOT staff also responded to inquiries about sidewalk extension along Galloway Road, proposed improvements offering alternative routes, and realignment of Legranger Road.

A Committee member requested that the first 50 feet of the 75-foot buffer along the west side of the property be undisturbed. The rules were suspended to allow the agent to speak to this request. The agent described the buffers along the west property line, including where a fence would be installed. The petitioner agreed to the outer 50 feet of portions of the 75-foot buffer being undisturbed with the exception of certain conditions (i.e. fence placement, SWIM buffers).

A Commissioner noted that a concern brought up by various residents pertained to safety. There was a brief discussion about the distance golf balls could be hit. Staff noted that, similar to the TopGolf facility on Arrowood, this facility would have nets 170 feet high to provide protection. Another Committee member noted that safety concerns being expressed really pertained to light, glare, noise, traffic, and alcohol.

#### STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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### FINAL STAFF ANALYSIS (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allow a mix of uses in four development areas (Areas A, B, C, and D).
- Area A consists of 33.35 acres located at the northern part of the site, and is proposed to be rezoned to R-12MF(CD) (multi-family residential, conditional).
- Areas B, C, and D contain approximately 32.35 acres located in the southern portion of the site and are proposed to be rezoned to MUDD-O (mixed use development, optional).

#### Area A

- Up to 395 multi-family residential dwelling units along with accessory uses that may include a leasing and management office and amenities such as a fitness center, clubhouse, swimming pool, dog park, playground, pocket park and outdoor grilling and gathering areas.
- Structures will be up to three stories.
- Establishes a minimum setback of 30 feet from future right-of-way line along Galloway Road.
- Establishes a "no build line" at the northeast corner of Development A to accommodate the extension of Galloway Road via a future bridge across Interstate 85.
- Commits to the following architectural standards:
  - Maximum building height of 48 feet or three stories.
  - Minimum 20% brick, natural stone (or synthetic equivalent), stucco or other material for any principal and accessory building abutting a network required public or private street.

- Prohibits use of vinyl siding (except vinyl hand rails, windows, soffits, doors or door trim) and concrete masonry units not architecturally finished.
- Places buildings to present a front or side façade to all network required streets.
- Requires buildings to front a minimum of 50% of the total required street frontage.
- Prohibits placement of parking lots between streets and buildings.
- Requires buildings exceeding 120 feet in length to include modulations of the building massing/façade plane (such as recesses, projections, and architectural details).

#### Area B

- Proposes the establishment of an eating/drinking/entertainment establishment (Type 1 and/or Type 2) and outdoor entertainment uses and any incidental or accessory uses as allowed. Outdoor entertainment component of this proposed use may include a golfing activity or golfing game of skill.
- The eating/drinking/entertainment establishment (Type 1 and/or Type 2) and outdoor entertainment uses will be limited to a complex comprised of a building that may contain, among other uses, eating/drinking/entertainment establishments (Type 1 and/or Type 2), recreational facilities, retail uses, lounges, meeting and banquet facilities, covered bays for tee boxes and an outdoor field utilized in connection with the golfing activity or golfing game of skill, other accessory and related uses and accessory parking.
- Maximum gross floor area of the proposed building will be 70,000 square feet. The area of the outdoor field will not be considered and counted towards the maximum 70,000 square feet of gross floor area.
- Proposes a maximum building height of 57 feet.
- Provides a 25-foot landscape screening area for Area B adjacent to Interstate 85 (five trees and 20 shrubs per 100 feet). Guywire for netting to be located within limits of 25-foot landscape screening area.
- Provides conceptual architectural renderings on the front, side and rear elevations of the building to be constructed on Development Area B.
- Proposes the following optional provisions for Area B:
  - Allow vehicular parking, circulation and maneuvering area to be located between buildings and public and private streets.
  - On the front elevation of the building, allow a sign on top of a canopy type structure located generally at the entrance into the building to have a maximum sign face area of 110 square feet.
  - Allow signs and/or logos that are designed and constructed so that they are integrated into the building architecture (e.g. recessed or built into the building walls - "integrated signs"). The total allowed maximum sign surface area of the integrated signs will be 1,270 square feet. The allowed sign surface area of the integrated signs may be allocated to one integrated sign or to more than one integrated sign, and the integrated signs may be located on one or more building elevations.
  - To ensure that golf balls are not hit beyond the boundaries of the outdoor field utilized in connection with the golfing activity, netting and support poles shall be installed around the perimeter of the outdoor field. The maximum permitted height of the netting and support poles shall be 170 feet.
  - To not require the proposed structure in Development Area B to comply with the applicable provisions of Sections 9.8506(2)(A) (street walls), 9.8506(2)(F) (reflective surfaces), and 9.8506(2)(H) (building entrances), so that it may be built as generally depicted on the conceptual architectural elevations attached to the rezoning plan.

#### Area C

- Proposes a total maximum of 45,000 square feet of gross floor area of uses as allowed in MUDD on Development Areas C and D.
  - Allows following uses as permitted in MUDD (mixed use development district):
    - Eating/drinking/entertainment establishments (Types 1 and 2);
    - Breweries;
    - Professional business and general offices, such as banks, clinics, medical, dental and doctor's offices, veterinary clinics, government, post offices, optician's offices and similar uses;
    - Retail sales;
    - Services, including, without limitation, beauty shops and barbershops, spas and fitness centers; and
    - Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- Prohibits uses with drive-in and drive-through service lanes/windows as an accessory use.
- Prohibits a convenience store with or without gasoline sales.

- Proposes a maximum building height of 40 feet.
- Prohibits surface parking and vehicular maneuvering and circulation areas from being located between buildings and the connector road.
- Proposes a community green on Development Area C featuring landscaping and hardscaping. Commits to at least two of the following amenities within the community green: seating, sculptures/artwork and a water feature.
- Commits to the following architectural standards:
  - Places a front or side façade to all streets.
  - Facades fronting streets shall include a combination of windows and operable doors for a minimum of 60% of each frontage elevation with transparent glass between two feet and ten feet on the first floor.
  - Incorporates a minimum of 30% masonry materials such as brick or stone on the facades of the first/ground floor of the buildings along streets.
  - Notes upon completion of buildings, minimum of 70 percent of frontage along eastern edge of connector road will be comprised of building facades, the community green, outdoor dining areas, and/or landscaped areas.
  - Provides a direct pedestrian connection between street facing doors and corner entrance features to sidewalks on adjacent streets.
  - Prohibits expanses of blank walls greater than 20 feet in all by incorporating architectural features such as, but not limited to, banding, medallions or design features or materials.
  - Proposes building elevations be designed with vertical bays or articulated architectural features.
  - Prohibits surface parking and vehicular maneuvering and circulation areas from being located between buildings on Development Area C and the new internal public street.

#### Area D

- Proposes a total maximum of 45,000 square feet of gross floor area of uses as allowed in MUDD on Development Areas C and D.
- Consists of three outparcels with frontage along West Mallard Creek Church Road (Outparcels 1, 2, and 3). Outparcel 1 may be subdivided into two outparcels.
- Proposes the following uses as permitted in MUDD (mixed use development):
  - Eating/drinking/entertainment establishments (Types 1 and 2);
  - Breweries;
  - A convenience store with or without gasoline sales (maximum one);
  - An automotive service station (maximum one);
  - Professional business and general offices, such as banks, clinics, medical, dental and doctor's offices, veterinary clinics, government, post offices, optician's offices and similar uses;
  - Retail sales;
  - Services, including, without limitation, beauty shops and barbershops, spas and fitness centers;
  - Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry;
  - Drive-in and drive-through service lanes/windows as an accessory use.
  - Depicts building edge proximity lines for Outparcels 1 and 2. Prohibits a drive aisle and vehicular parking between building edge proximity line and adjacent connector road and/or roundabout.
- States that in the event a convenience store with or without gas sales is located on Development Area D, a maximum of two uses located on Development Area D may have accessory drive-in and drive-through service lanes/windows.
- In the event a convenience store with or without gasoline sales is not located on Development Area D, a maximum of three uses located on Development Area D may have accessory drive-in and drive-through service lanes/windows.
- Proposes the following optional provisions for Development Area D:
  - Allow drive-in and drive-through service lanes/windows as an accessory use.
  - Allow vehicular parking, circulation and maneuvering area to be located between buildings and public and private streets.
  - Allow uses on Outparcel 1 to have a ground mounted monument sign with up to 60 square feet of sign area and up to six feet in height.
  - Allow uses on Outparcels 2 and 3 each to have a ground mounted monument sign with up to 36 square feet of sign area and up to five feet in height.
  - Allow wall signs on each building located on Development Area D to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.

Commits to the following transportation improvements:

- Dedication and conveyance of 40 feet of right-of-way from existing centerline of Galloway Road, transitioning from 40 feet to 36 feet from existing centerline of Galloway Road as depicting on the rezoning plan.
- Provision of a new public street with on-street parking within the site providing vehicular connection from West Mallard Creek Road to Galloway Road.
- Reserves future right-of-way for a potential new public street to be constructed by others that may ultimately connect to Creekmere Lane.
- At the intersection of West Mallard Creek Church Road and the I-85 Southbound Ramps:
- A minimum 550-foot right turn lane on the southbound Interstate 85 off-ramp.
- A minimum 500-foot receiving lane on the southbound Interstate 85 on-ramp.
- Intersection of West Mallard Creek Church Road and Site Access #2:
- A westbound 300-foot channelized right turn lane on West Mallard Creek Church Road at its intersection with Site Access #2.
- Intersection of West Mallard Creek Church Road and Site Access # 1/Legranger Road:
  - An eastbound right turn lane on West Mallard Creek Church Road at its intersection with Legranger Road with 100 feet of storage.
  - Two eastbound left turn lanes on West Mallard Creek Church Road at its intersection with Site Access #1, each with 150 feet of storage. The southernmost turn lane is an existing lane and it shall be re-striped to provide the required storage.
  - A westbound right turn lane on West Mallard Creek Church Road at its intersection with Site Access #1 with 125 feet of storage.
  - Two westbound left turn lanes on West Mallard Creek Church Road at its intersection with Legranger Road. The southernmost left turn lane shall have a minimum of 200 feet of storage and the northernmost left turn lane shall have a minimum of 600 feet of storage. The northernmost left turn lane is an existing lane and this left turn lane shall be re-striped to provide the required 600 feet of storage.
  - Two channelized right turn lanes on northbound Legranger Road at its intersection with West Mallard Creek Church Road each with 525 feet of storage.
  - A left turn lane on northbound Legranger Road at its intersection with West Mallard Creek Church Road with 150 feet of storage.
  - A six lane cross section on the southbound connector road at its intersection with West Mallard Creek Church Road (at Site Access #1) as follows and as depicted on the Rezoning Plan:
    - Two ingress lanes;
    - A right turn lane with 350 feet of storage and an appropriate taper;
    - A single through lane; and
    - Dual left turn lanes, each with 625 feet of storage.
  - Construction of the realignment of Legranger Road at the intersection of Legranger Road and West Mallard Creek Church Road as generally depicted on the Rezoning Plan.
- Intersection of Mallard Creek Road and Galloway Drive:
  - On northbound Mallard Creek Road at its intersection with Galloway Drive, re-stripe the existing right turn lane to a through-right turn lane.
  - Subject to the approval of NCDOT, CDOT, and any other governmental agencies and the availability of existing right of way to accommodate such improvement, construct a drop-right turn lane with a width of 10 feet on northbound Mallard Creek Road from the intersection of Mallard Creek Road and Galloway Road to the intersection of Mallard Creek Road and Lexington Approach Drive.
  - The traffic signal shall be modified to provide a left-turn arrow (i.e., flashing yellow) for the southbound approach on Mallard Creek Road.
- Intersection of Galloway Drive and Site Access #3:
  - A three lane cross section on the northbound connector road, with one ingress lane and one egress lane. The egress lane shall be a full movement lane.
  - A minimum 100-foot internal protected stem.
  - A westbound left turn lane on Galloway Road at its intersection with Site Access #3 with 150 feet of storage when requested by CDOT.
- Intersection of Galloway Road and Garrison Road:
  - Improves the radius of the intersection of Galloway Road and Garrison Road by installing additional pavement and making minor adjustments to the pavement markings.
  - Provides a detail of proposed improvements at the intersection of Galloway and Garrison Roads.
- Proposes a future vehicular connection to Mallard Creek Presbyterian Church parking lot.
- Subject to approval of NCDOT, CDOT, and any other governmental agencies and the availability of existing right-of-way to accommodate such improvement, commits to constructing a waiting

- pad for a new bus stop on West Mallard Creek Church Road.
- Provides a sidewalk utility easement along the site's frontage on Galloway Road to accommodate installation of planting strip and sidewalk.
  - Commits to \$25,000 in traffic calming measures on Galloway Road.
  - Installs a minimum eight-foot wide planting strip and a minimum six-foot wide sidewalk along the Site's frontage on Galloway Road.
  - Installs a six-foot sidewalk and eight-foot planting strip on the south side of Galloway Road to be extended to Garrison Road.
  - Installs an eight-foot wide planting strip and a 12-foot wide multi-use path along the Site's frontage on West Mallard Creek Church Road.
  - Installs a 10-foot multi-use path adjacent to the new public street extending from Galloway Road to West Mallard Creek Church Road.
  - Pedestrian connections between proposed residential development and non-residential uses.
  - Proposes a 75-foot wide "Class B" buffer (reduced to 56.25 feet with wood fence) along portion of west property line abutting parcel developed with a religious institution.
  - Proposes a 75-foot wide buffer along remaining portion of west property line abutting properties zoned R-3 (single family residential) and developed with single family homes.
  - Provides shrubs within the 30-foot setback from Interstate 85 at a rate of 20 shrubs per 100 linear feet.
  - Constructs and installs a minimum five-foot tall masonry wall with a brick veneer finish along portions of the western boundary line.
  - Provides 35-foot evergreen and deciduous tree screening between proposed retail and multi-family uses.
  - Identifies 50-foot SWIM (Surface Water Improvement Management) buffer, and 50-foot and 100-foot undisturbed PCSO (Post Construction Stormwater Ordinance) buffers.
  - Identifies jurisdictional wetlands on site.
  - Proposes BMP areas and tree save areas.
- **Public Plans and Policies**
    - The adopted future land use for the majority of the site is research/office/retail as per the *Northeast Area Plan* (adopted 2000). The plan recommends a mixture of uses with retail not to exceed 100,000 square feet and an integrated site plan that addresses connectivity issues.
    - The long parcel to the west adjacent to single family homes south of Galloway Road is recommended for residential use up to four dwelling units per acre, per the *Northeast Area Plan*.
- **TRANSPORTATION CONSIDERATIONS**
    - This site is located in the northwest quadrant of an interchange for I-85 and a major thoroughfare. The current site plan commits to several transportation improvements to provide site access as well as enhance the existing and future transportation system including, constructing a new street through the site that creates a new connection between a thoroughfare and a collector; realigning, widening, and signaling an existing intersection to create site access and set up for a potential new connection in the adjacent University Research Park; offsite widening at the I-85 southbound on- and off-ramps and the Mallard Creek and Galloway intersection; reservation for a future east-west street connection; construction of the Galloway extension; and site design to accommodate a future overcrossing of Galloway at I-85.
    - **Vehicle Trip Generation:**
      - Current Zoning:
        - Existing Use: 30 trips per day (based on three dwellings/vacant).
        - Entitlement: 7,170 trips per day (based on 107 single family dwellings, and 600,000 square feet office).
      - Proposed Zoning: 22,900 trips per day (based on 32,500 square feet retail, 6,500 square feet EDEE, 395 multi-family residential units, convenience store with 20 fuel pumps, and Top Golf).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 53 student(s), while the development allowed under the proposed zoning will produce 53 student(s). Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero (0) student(s).
  - The proposed development is projected to impact the school utilization (without mobile

classroom units) as follows:

- Mallard Creek Elementary from 99% to 102%
  - Ridge Road Middle to remain at 110%
  - Mallard Creek High from 127% to 128%.
- **Charlotte Water:** In relation to the parcels under review, Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along Galloway Drive.

Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located on parcel 029-02-121 and an existing 12-inch gravity sewer main located on parcels 029-02-124 and 029-02-133.

After an analysis of the sanitary sewer associated with the proposed project through the Willingness to Service application process, it was determined that there was sufficient capacity to accommodate the proposed flow at the time of the application. Please note that the availability of flow is subject to change, and that the Willingness to Serve review was in no way guaranteeing capacity for this project. In order to ensure capacity, further review of this project is required through the Charlotte Water Capacity Assurance Program. Applications are required prior to acceptance of the proposed flows and connectivity to the sanitary sewer system. Please contact Charlotte Water New Services Group for official submittal guidelines to the Capacity Assurance Program.

- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed from or planted in the right-of-way on I-85, I-85 exit ramp, or West Mallard Creek Church Road without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact Lewis Hatfield (704-336-4265) at the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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