

REZONING PETITION

FOR PUBLIC HEARING

2024-090

REZONING PETITION

**CHARTER - WEST MALLARD
CREEK CHURCH RD SITE**
CHARLOTTE, NORTH CAROLINA

CHARTER PROPERTIES
1520 SOUTH BOULEVARD, SUITE 215
CHARLOTTE, NC 28203

SCHEMATIC SITE
PLAN

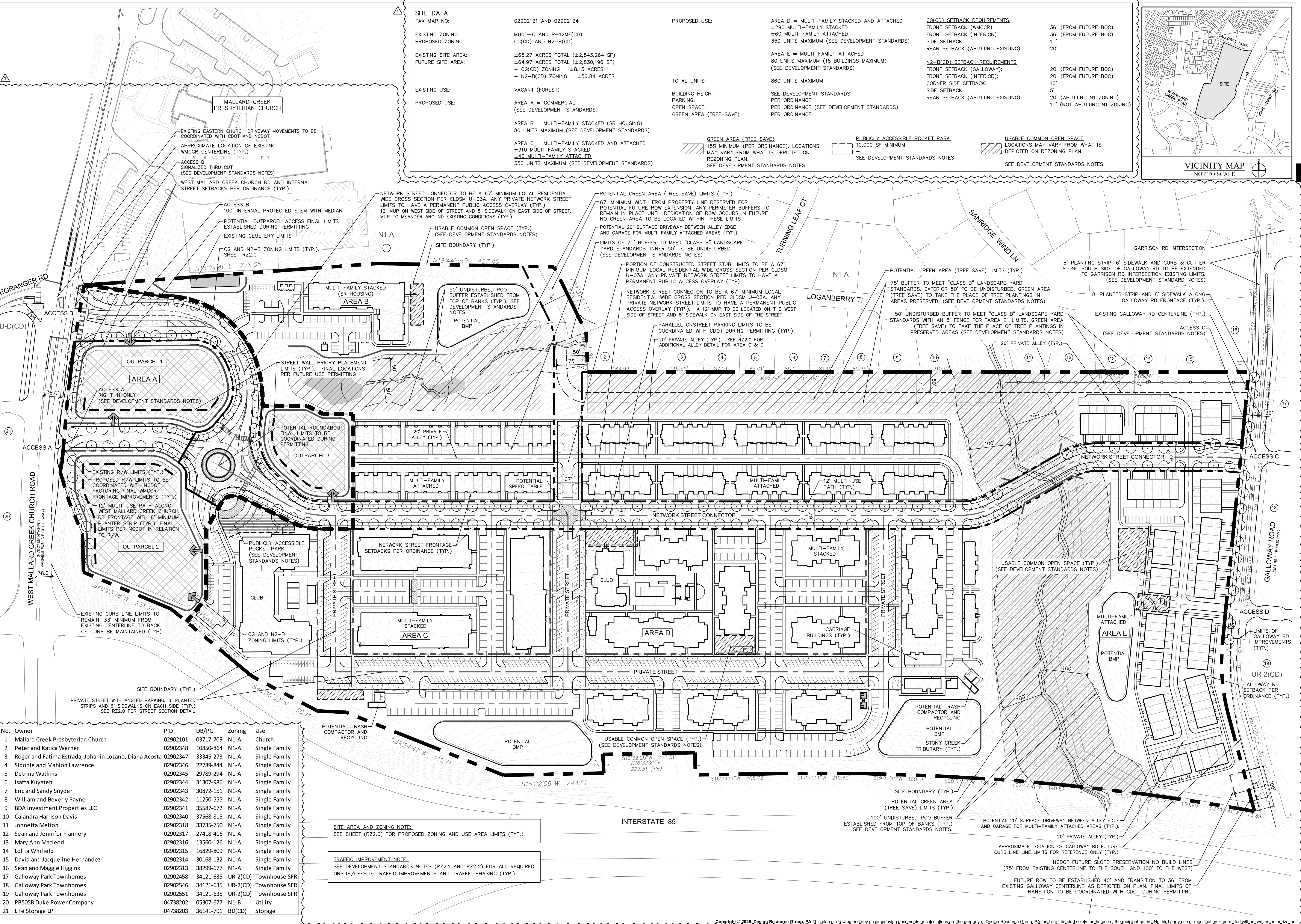
SCALE: 1" = 100'

PROJECT #: 638-100
DRAWN BY: NB
CHECKED BY: NB

JULY 15, 2024

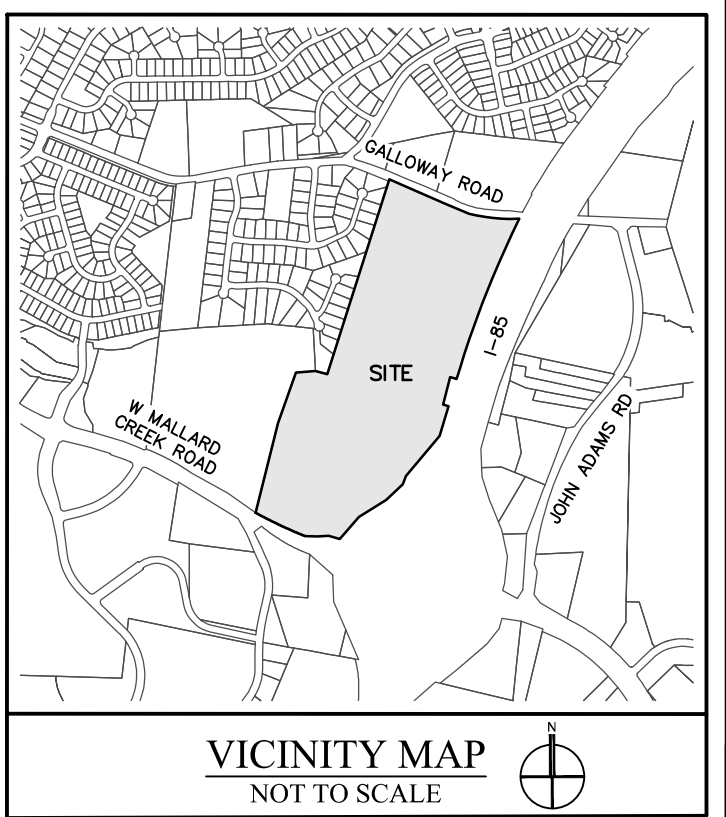
REVISIONS:
1. 10.13.25 - PER SITE UPDATES

RZ1.0



SITE DATA		PROPOSED USE:	
TAX MAP NO:	02902121 AND 02902124	AREA D = MULTI-FAMILY STACKED AND ATTACHED	CG(CD) SETBACK REQUIREMENTS:
EXISTING ZONING:	MUDD-O AND R-12MF(CD)	#290 MULTI-FAMILY STACKED	FRONT SETBACK (W/MCROW):
PROPOSED ZONING:	CG(CD) AND N2-B(CD)	#60 MULTI-FAMILY ATTACHED	FRONT SETBACK (INTERIOR):
EXISTING SITE AREA:	±65.27 ACRES TOTAL (±2,843,264 SF)	350 UNITS MAXIMUM (SEE DEVELOPMENT STANDARDS)	SIDE SETBACK:
FUTURE SITE AREA:	±64.97 ACRES TOTAL (±2,830,196 SF)	AREA E = MULTI-FAMILY ATTACHED	REAR SETBACK (ABUTTING EXISTING):
	- CG(CD) ZONING = ±8.13 ACRES	80 UNITS MAXIMUM (18 BUILDINGS MAXIMUM)	
	- N2-B(CD) ZONING = ±56.84 ACRES	(SEE DEVELOPMENT STANDARDS)	
EXISTING USE:	VACANT (FOREST)	860 UNITS MAXIMUM	
PROPOSED USE:	AREA A = COMMERCIAL (SEE DEVELOPMENT STANDARDS)	SEE DEVELOPMENT STANDARDS	
	AREA B = MULTI-FAMILY STACKED (SR HOUSING)	PARKING:	
	80 UNITS MAXIMUM (SEE DEVELOPMENT STANDARDS)	PER ORDINANCE	
	AREA C = MULTI-FAMILY STACKED AND ATTACHED	OPEN SPACE:	
	±310 MULTI-FAMILY STACKED	PER ORDINANCE (SEE DEVELOPMENT STANDARDS)	
	±40 MULTI-FAMILY ATTACHED	GREEN AREA (TREE SAVE):	
	350 UNITS MAXIMUM (SEE DEVELOPMENT STANDARDS)	PER ORDINANCE	

GREEN AREA (TREE SAVE)	PUBLICLY ACCESSIBLE POCKET PARK	USABLE COMMON OPEN SPACE
15% MINIMUM (PER ORDINANCE). LOCATIONS MAY VARY FROM WHAT IS DEPICTED ON REZONING PLAN. SEE DEVELOPMENT STANDARDS NOTES	10,000 SF MINIMUM SEE DEVELOPMENT STANDARDS NOTES	LOCATIONS MAY VARY FROM WHAT IS DEPICTED ON REZONING PLAN. SEE DEVELOPMENT STANDARDS NOTES



No.	Owner	PID	DB/PG	Zoning	Use
1	Mallard Creek Presbyterian Church	02902101	03717-709	N1-A	Church
2	Peter and Katia Werner	02902348	10850-864	N1-A	Single Family
3	Roger and Fatima Estrada, Johani Lozano, Diana Acosta	02902347	33345-273	N1-A	Single Family
4	Sidonie and Mahlon Lawrence	02902346	22789-844	N1-A	Single Family
5	Detrina Watkins	02902345	29789-294	N1-A	Single Family
6	Isatta Kuyateh	02902344	31307-986	N1-A	Single Family
7	Eric and Sandy Snyder	02902343	30872-151	N1-A	Single Family
8	William and Beverly Payne	02902342	11250-555	N1-A	Single Family
9	BDA Investment Properties LLC	02902341	35587-672	N1-A	Single Family
10	Calandra Harrison Davis	02902340	37568-815	N1-A	Single Family
11	Johnetta Melton	02902318	33735-750	N1-A	Single Family
12	Sean and Jennifer Flannery	02902317	27418-416	N1-A	Single Family
13	Mary Ann Macleod	02902316	13560-126	N1-A	Single Family
14	Lolita Whiffled	02902315	16829-809	N1-A	Single Family
15	David and Jacqueline Hernandez	02902314	30168-132	N1-A	Single Family
16	Sean and Maggie Higgins	02902313	38299-677	N1-A	Single Family
17	Galloway Park Townhomes	02902458	34121-635	UR-2(CD)	Townhouse SFR
18	Galloway Park Townhomes	02902546	34121-635	UR-2(CD)	Townhouse SFR
19	Galloway Park Townhomes	02902551	34121-635	UR-2(CD)	Townhouse SFR
20	PB505B Duke Power Company	04738202	05307-677	N1-B	Utility
21	Life Storage LP	04738203	36141-791	BD(CD)	Storage

SITE AREA AND ZONING NOTE:
SEE SHEET (R22.0) FOR PROPOSED ZONING AND USE AREA LIMITS (TYP.).

TRAFFIC IMPROVEMENT NOTE:
SEE DEVELOPMENT STANDARDS NOTES (R22.1 AND R22.2) FOR ALL REQUIRED ONSITE/OFFSITE TRAFFIC IMPROVEMENTS AND TRAFFIC PHASING (TYP.).

- (f) THE FRONT ELEVATION OF EACH MULTI-FAMILY ATTACHED DWELLING UNIT SHALL HAVE WINDOWS OR OTHER ARCHITECTURAL DETAILS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 10 FEET ON EACH LEVEL OF THE DWELLING UNIT.
- (g) EACH CORNER OR END MULTI-FAMILY ATTACHED DWELLING UNIT SHALL HAVE WINDOWS OR OTHER ARCHITECTURAL DETAILS ON THE SIDE OF THE MULTI-FAMILY ATTACHED DWELLING UNIT THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 15 FEET ON EACH LEVEL OF THE DWELLING UNIT.
- (h) EACH MULTI-FAMILY ATTACHED DWELLING UNIT SHALL HAVE A COVERED FRONT STOOP WITH A MINIMUM DEPTH OF 4 FEET AND A MINIMUM WIDTH OF 5 FEET. THE FRONT STOOP MAY BE COVERED BY AN AWNING, CANOPY, ROOF EXTENSION OR OTHER ARCHITECTURAL FEATURE CHOSEN BY PETITIONER.
- (i) EACH MULTI-FAMILY ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE SHALL HAVE A GARAGE.

5. STREETScape

A. PETITIONER SHALL INSTALL A MINIMUM 8-FOOT-WIDE PLANTING STRIP AND A MINIMUM 8-FOOT-WIDE SIDEWALK ALONG THE SITE'S FRONTAGE ON GALLOWAY ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE MINIMUM 8-FOOT-WIDE SIDEWALK MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.

B. PETITIONER SHALL INSTALL A MINIMUM 8-FOOT-WIDE PLANTING STRIP AND A MINIMUM 12-FOOT-WIDE MULTI-USE PATH ALONG THE SITE'S FRONTAGE ON WEST MALLARD CREEK CHURCH ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE MINIMUM 12-FOOT-WIDE MULTI-USE PATH SHALL BE LOCATED WITHIN A PUBLIC ACCESS EASEMENT AND SHALL BE MAINTAINED BY PETITIONER.

C. SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL INSTALL CURB AND GUTTER, A MINIMUM 8-FOOT-WIDE PLANTING STRIP AND A MINIMUM 6-FOOT-WIDE SIDEWALK ALONG THE SOUTH SIDE OF GALLOWAY ROAD FROM THE WESTERN BOUNDARY LINE OF THE SITE TO THE EXISTING SIDEWALK LOCATED GENERALLY AT THE INTERSECTION OF GALLOWAY ROAD AND GARRISON ROAD. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO INSTALL THE CURB AND GUTTER, THE MINIMUM 8-FOOT-WIDE PLANTING STRIP AND THE MINIMUM 6-FOOT-WIDE SIDEWALK, THEN PETITIONER SHALL HAVE NO OBLIGATION TO INSTALL SUCH IMPROVEMENTS.

6. OPEN SPACE/GREEN AREA/PUBLICLY ACCESSIBLE POCKET PARK

A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE OPEN SPACE AND GREEN AREA REQUIREMENTS OF THE ORDINANCE.

B. PETITIONER SHALL INSTALL AND MAINTAIN A PUBLICLY ACCESSIBLE POCKET PARK AT THE NORTHEASTERN CORNER OF THE ROUNDABOUT IN DEVELOPMENT AREA A IN THE LOCATION DEPICTED ON THE REZONING PLAN (THE "POCKET PARK"). A PUBLIC ACCESS EASEMENT SHALL BE PROVIDED ON THE POCKET PARK SITE TO ALLOW THE PUBLIC TO UTILIZE THE POCKET PARK. THE POCKET PARK SHALL HAVE A MINIMUM SIZE OF 10,000 SQUARE FEET AND IT SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING IMPROVEMENTS: HARDSCAPE, LANDSCAPING, SEATING ELEMENTS AND SHADE STRUCTURES.

- C. IN ADDITION TO THE POCKET PARK, A MINIMUM OF SIX (6) USABLE COMMON OPEN SPACES AREAS SHALL BE PROVIDED ON THE SITE IN THE LOCATIONS GENERALLY DEPICTED ON THE REZONING PLAN. THE CONFIGURATIONS AND LOCATIONS OF THESE USABLE COMMON OPEN SPACE AREAS MAY BE ADJUSTED DURING THE PERMITTING PROCESS. EACH USEABLE COMMON OPEN SPACE AREA SHALL CONTAIN A MINIMUM OF FOUR (4) OF THE FOLLOWING IMPROVEMENTS:
- (1) SHADING ELEMENTS SUCH AS SHADE STRUCTURES OR LARGE MATURING TREES.
 - (2) SEATING OPTIONS THAT INCLUDE MOVEABLE CHAIRS, SEATING BENCHES) AND SEAT WALLS.
 - (3) ENHANCED LANDSCAPING IN EXCESS OF THE MINIMUM STANDARDS OF THE ORDINANCE.
 - (4) SPECIALTY PAVING MATERIALS (NOT INCLUDING STANDARD FINISHED CONCRETE OR ASPHALT).
 - (5) DECORATIVE LIGHTING ELEMENTS SUCH AS TREE UPLIGHTING, BOLLARD LIGHTING, PEDESTRIAN SCALE POLE LIGHTING OR OTHER LIGHTING ELEMENTS THAT WILL ENHANCE THE SPACE.
- D. AS NOTED ABOVE IN PARAGRAPH 1.E., THE DEVELOPMENT OF THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. ACCORDINGLY, THE TREE SAVE REQUIREMENTS OF THE ORDINANCE SHALL BE CALCULATED AND SATISFIED OVER THE ENTIRE SITE, RATHER THAN WITHIN EACH INDIVIDUAL DEVELOPMENT AREA. AS A RESULT, EACH INDIVIDUAL DEVELOPMENT AREA SHALL NOT BE REQUIRED TO MEET THE TREE SAVE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE PROVIDED THAT THE SITE AS A WHOLE MEETS SUCH TREE SAVE REQUIREMENTS.

7. ENVIRONMENTAL FEATURES

A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF ARTICLE 20 OF THE ORDINANCE.

B. THE LOCATION, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

C. DEVELOPMENT WITHIN ANY SWIM/PCSR WQ BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE. STREAM DELINEATION REPORTS ARE SUBJECT TO REVIEW AND APPROVAL BY CHARLOTTE STORM WATER SERVICES.

D. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED UNIFIED DEVELOPMENT ORDINANCE, STORMWATER ARTICLES 23 THROUGH 28.

8. LANDSCAPE YARDS/SCREENING

A. A MINIMUM 75-FOOT-WIDE LANDSCAPE YARD MEETING THE STANDARDS OF A TYPE B LANDSCAPE YARD SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN AND NORTHERN BOUNDARY LINES THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, AT SUCH TIME, IF EVER, THAT THE FUTURE RIGHT OF WAY IS DEDICATED TO THE CITY FOR A NEW PUBLIC STREET TO BE CONSTRUCTED BY OTHERS, THE PORTION OF THIS MINIMUM 75 FOOT WIDE LANDSCAPE YARD IN WHICH THE FUTURE RIGHT OF WAY IS LOCATED SHALL BE ELIMINATED.

B. A MINIMUM 50 FOOT WIDE LANDSCAPE YARD MEETING THE STANDARDS OF A TYPE B LANDSCAPE YARD WITH A MINIMUM 8 FOOT TALL WOOD SCREENING FENCE (OR THE MAXIMUM HEIGHT ALLOWED UNDER THE ORDINANCE IF THE MAXIMUM HEIGHT IS LESS THAN 8 FEET) SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN BOUNDARY LINE THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN.

C. THE EXTERIOR 50 FEET OF THE LANDSCAPE YARDS DESCRIBED ABOVE IN PARAGRAPHS 8.A. AND 8.B. SHALL REMAIN UNDISTURBED EXCEPT FOR THE FOLLOWING PERMITTED ACTIVITIES:

- (1) THE PLANTING OF SUPPLEMENTAL TREE AND SHRUBS.
- (2) THE INSTALLATION OF THE WOOD SCREENING FENCE DESCRIBED ABOVE IN PARAGRAPH 8.B, WHICH FENCE MAY MEANDER TO SAVE EXISTING TREES.
- (3) THE DEMOLITION OF THE EXISTING BUILT CONDITIONS, SUCH AS THE EXISTING DRIVES, HOMES AND CROSSINGS.
- (4) THE CONSTRUCTION OF THE CONNECTOR ROAD STREAM CROSSING.

D. PRIOR TO THE EARLIER TO OCCUR OF (i) THE CONNECTION OF THE CONNECTOR ROAD TO GALLOWAY ROAD OR (ii) THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA E, PETITIONER SHALL CONSTRUCT AND INSTALL A MINIMUM 5 FOOT TALL MASONRY WALL WITH A BRICK VENER FINISH GENERALLY ALONG THE NORTHERN PROPERTY LINES OF THOSE PARCELS OF LAND DESIGNATED AS TAX PARCEL NOS. 029-023-13 AND 029-023-12 FROM THE WESTERN BOUNDARY LINE OF THE SITE TO THE WESTERN PROPERTY LINE OF TAX PARCEL NO. 029-023-12. PETITIONER'S OBLIGATION TO CONSTRUCT AND INSTALL THIS WALL SHALL BE SUBJECT TO (i) PETITIONER'S ABILITY TO OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO CONSTRUCT AND INSTALL THE WALL FROM THE RELEVANT GOVERNMENTAL AGENCIES, INCLUDING, WITHOUT LIMITATION, AN ENCROACHMENT AGREEMENT FROM CDOT IF REQUIRED, AND (ii) PETITIONER'S ABILITY TO OBTAIN ANY REQUIRED EASEMENTS FROM THE OWNERS OF TAX PARCEL NOS. 029-023-13 AND 029-023-12. THE EXACT LOCATION OF THE WALL SHALL BE DETERMINED DURING THE PERMITTING PROCESS.

9. CEMETERY/UNMARKED GRAVES

A. A PORTION OF AN EXISTING CEMETERY IS LOCATED ON THE SOUTHWESTERN CORNER OF THE SITE, AND THE BOUNDARIES OF THE CEMETERY ON THE SITE HAVE BEEN ESTABLISHED AND ARE DEPICTED ON THE REZONING PLAN (THE "CEMETERY"). THE CEMETERY SHALL BE PRESERVED ON THE SITE.

B. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES ON THE SITE, PETITIONER SHALL INSTALL A TEMPORARY CONSTRUCTION BARRIER AROUND THOSE PORTIONS OF THE PERIMETER OF THE CEMETERY THAT ARE LOCATED ON THE SITE TO ENSURE THAT THE CONSTRUCTION ACTIVITIES DO NOT ENCROACH INTO THE CEMETERY. THE TEMPORARY CONSTRUCTION BARRIER SHALL REMAIN IN PLACE UNTIL SUCH TIME THAT THE PORTION OF THE CONNECTOR ROAD LOCATED ON DEVELOPMENT AREA A AND THE MULTI-FAMILY STACKED DWELLING UNIT BUILDING AND THE ASSOCIATED PARKING LOT LOCATED ON DEVELOPMENT AREA B ARE COMPLETED.

C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING TO BE CONSTRUCTED ON THE SITE, PETITIONER SHALL DONATE THE SUM OF \$10,000 TO EITHER MALLARD CREEK PRESBYTERIAN CHURCH OR TO A NON-PROFIT ORGANIZATION THAT IS INVOLVED WITH THE PRESERVATION OF CEMETERIES. THE \$10,000 PAYMENT MAY BE USED BY THE RECEIVING ENTITY TO SECURE THE CEMETERY, MEMORIALIZE THE CEMETERY THROUGH SIGNAGE OR OTHER MEANS, PROVIDE EDUCATIONAL OPPORTUNITIES RELATING TO THE CEMETERY AND/OR OTHER MATTERS THAT WILL BENEFIT THE CEMETERY.

10. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

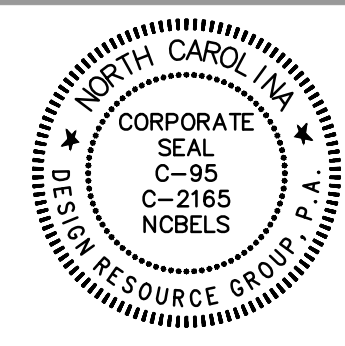
A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

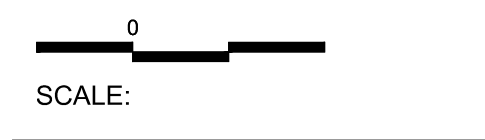
1111 Hawthorne Lane, Charlotte, NC 28205
704.343.0608
www.drgrp.com



REZONING PETITION
FOR PUBLIC HEARING
2024-090
REZONING PETITION

CHARTER - WEST MALLARD
CREEK CHURCH RD SITE
CHARLOTTE, NORTH CAROLINA
CHARTER PROPERTIES
1520 SOUTH BOULEVARD, SUITE 215
CHARLOTTE, NC 28203

TECHNICAL DATA SHEET



PROJECT #: 638-100
DRAWN BY: NB
CHECKED BY: NB

JULY 15, 2024

REVISIONS:
1. 10.13.25 - PER SITE UPDATES