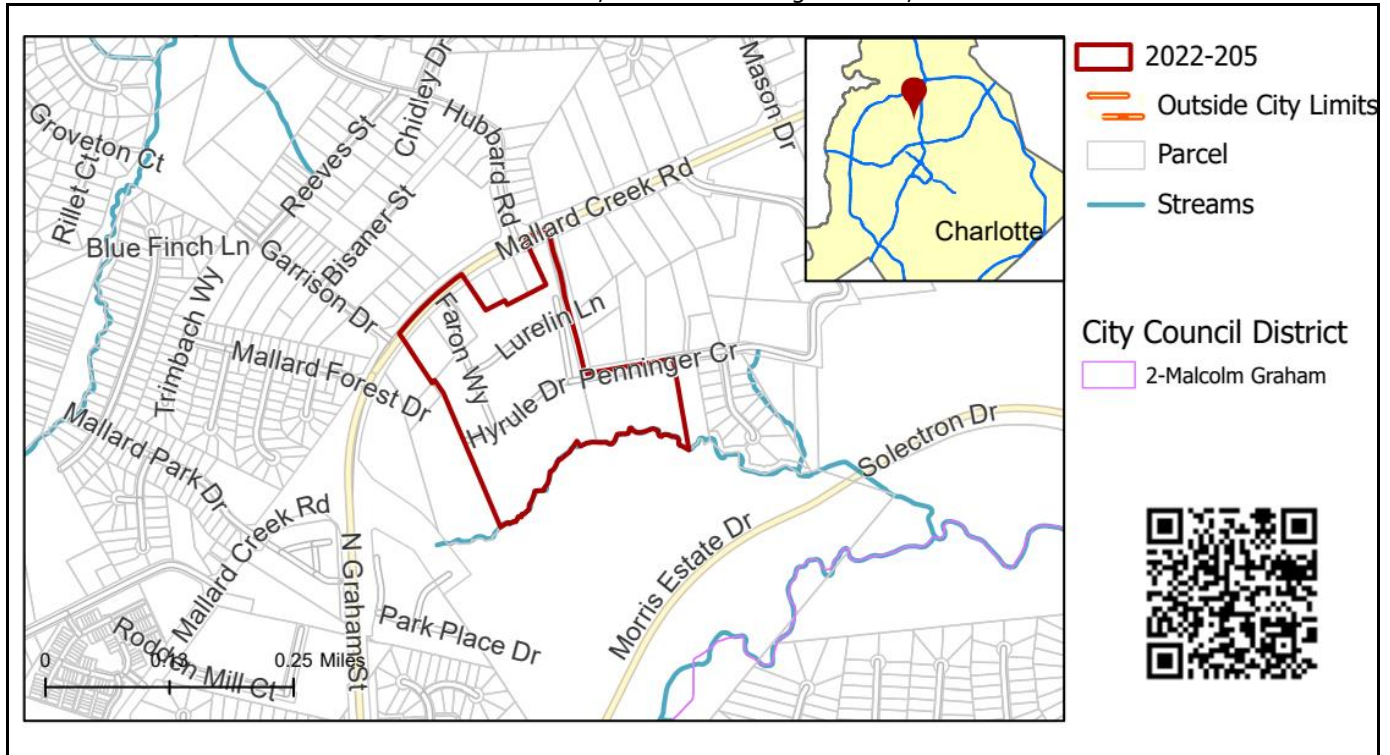


**REQUEST**

Current Zoning: N1-A and R-8MF(CD)  
Proposed Zoning: R-8MF(CD) and R-8MF(CD) SPA

**LOCATION**

Approximately 21.12 acres located along the southeast side of Mallard Creek Road, west of Penninger Circle, and north of Morris Estate Drive.



**SUMMARY OF PETITION**

The petition proposes to rezone one parcel to add an additional 4 townhome buildings for a total of 20 additional townhome units to the project and 116 units total for the site. This rezoning plan was previously approved under rezoning petition 2020-099.

**PROPERTY OWNER**

DR Horton

**PETITIONER**

DR Horton

**AGENT/REPRESENTATIVE**

Jonathan Crowder, Merrick Engineering

**COMMUNITY MEETING**

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.

Plan Consistency

The petition is consistent with the *2040 Policy Map* recommendation for the Neighborhood 2 Place Type for the majority of the site, but inconsistent with the recommendation for the Neighborhood 1 Place Type for a portion of the site.

Rationale for Recommendation

- The petition proposes to contribute to the variety of housing options in the area.

- This petition is consistent with the growing Neighborhood 2 development along Mallard Creek Road and would be well served by the activity centers to the southwest along Derita Ave and to the northeast along W. T. Harris Blvd.
- The petition commits to improvements on Penninger Circle, including include improving curb and gutter, sidewalks, and street trees.
- The petition proposes to contribute to connectivity with stub street connections from the public right of way Hyrule Drive to the adjacent sites.
- The landscaped buffers along existing single-family uses provide appropriate protection of the adjoining neighborhoods.
- This location is well served by bus transit along Mallard Creek Road.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities
  - 7: Integrated Natural & Built Environments

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 to Neighborhood 2 for a portion of the site.

#### **PLANNING STAFF REVIEW**

- **Background**

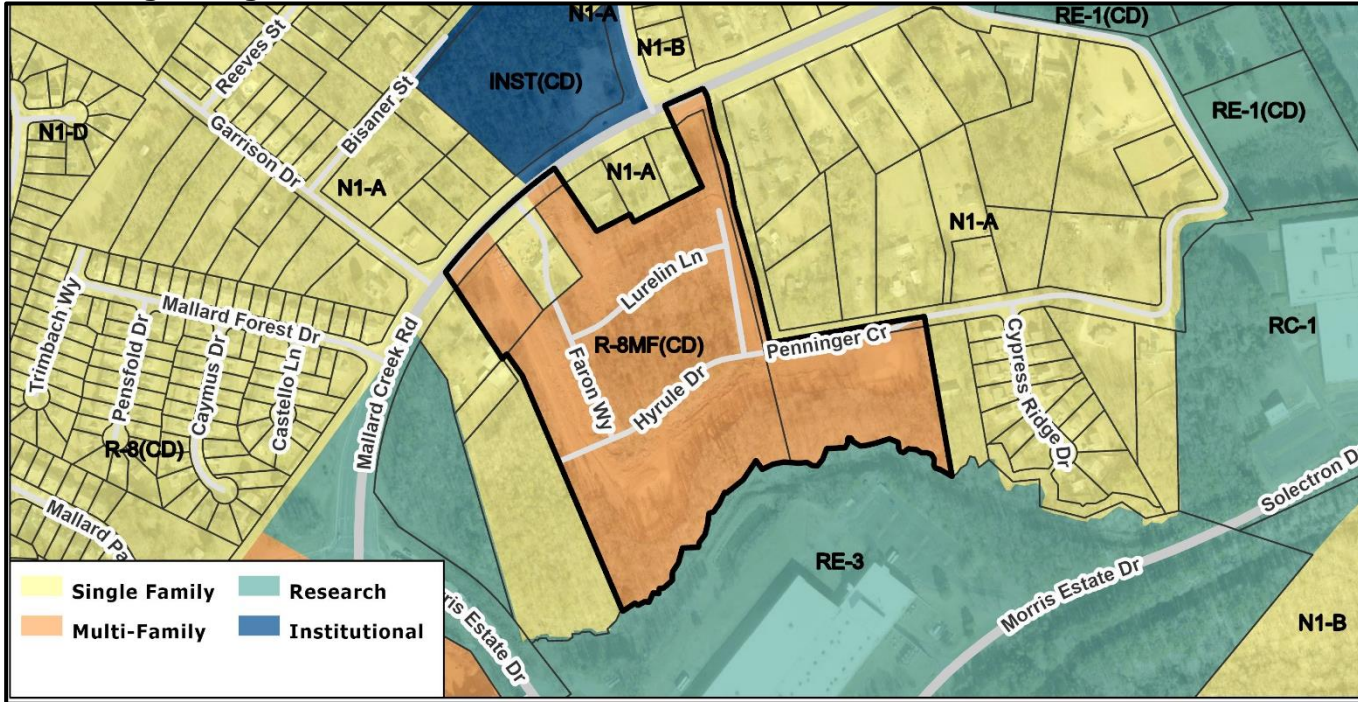
- This site was previously approved under rezoning petition 2020-099 on November 16, 2020. It allowed up to 130 townhome style units. A subsequent administrative approval was issued in October 19, 2021 to allow modification to the site for a public street connection.

- **Proposed Request Details**

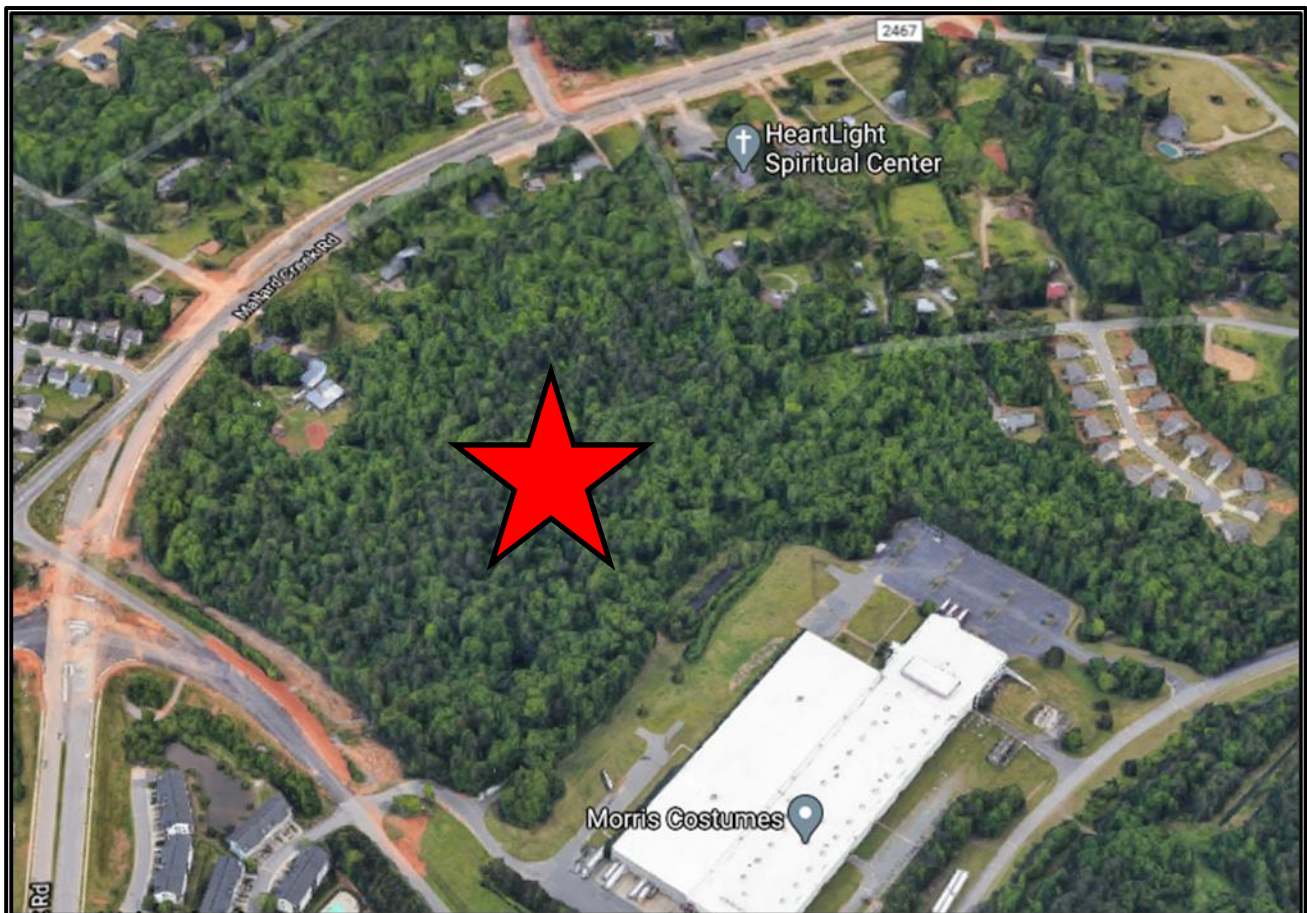
The site plan amendment contains the following changes:

- Adds up to 20 townhome style units in 4 buildings to the site that was previously approved for 96 townhome units for a site total of 116 dwelling units.
- This site plan amendment does not propose any new roads. All roads depicted have been permitted.
- The proposed townhomes will be the same size, style, and design as the previously permitted buildings.

• Existing Zoning



- The surrounding land uses include single-family homes, multi-family apartments, institutional, and research uses.



The subject property is denoted with a red star.



The property to the north along Mallard Creek Road is developed with single family homes.



The property to the south along Morris Estate Drive is developed with a warehouse use.

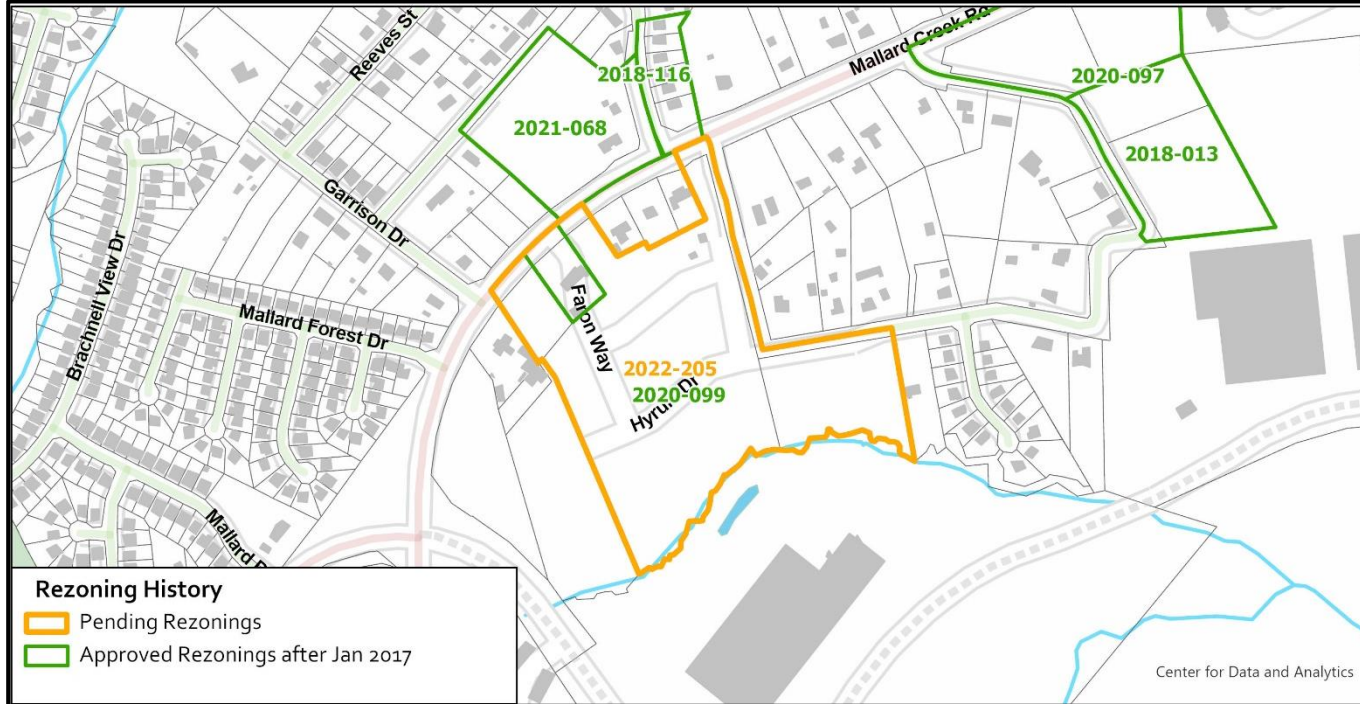


The property to the east along Cypress Ridge Road is developed with single family homes.



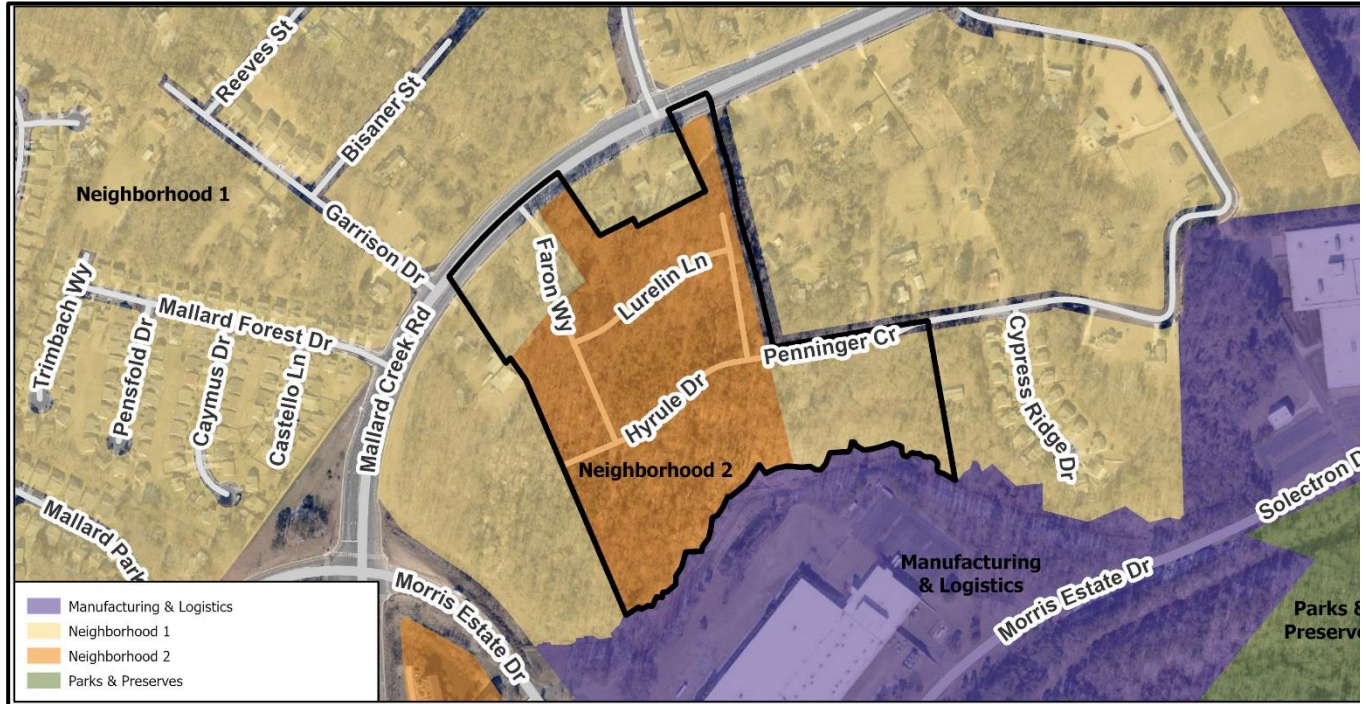
The property to the west along Mallard Creek Road is developed with a single-family home.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-013	Rezoned 6.27 acres to allow a surface parking lot to serve as accessory parking for and adjacent office building in the Research Park.	Approved
2018-116	Rezoned 1.34 acres to allow all uses permitted in the R-4 zoning district.	Approved
2020-097	Proposes to rezone 12.40 acres to allow up to 50,000 square feet of office uses.	Approved
2020-099	Rezoned 20.88 acres to allow up to 130 townhouse style dwelling units.	Approved
2021-068	Rezoned 5.24 acres to allow up to 107 age-restricted units in one building.	

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood 1 and Neighborhood 2 place types for this site.

• **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Mallard Creek Road, a State-maintained major throughfare, and Penninger Circle, a city-maintained local street. The site proposes to add 20 townhomes to the previous permitted 96 townhomes as a part of rezoning petition #2020-099. There is a small increase in the expected number of daily trips to be generated by the site. A Traffic Impact Study (TIS) is not required for this site due to the site the site generating less than 2500 daily trips. Site plan and/or conditional note revisions are needed to meet current standard CDOT conditional notes. Further details are listed below.

- **Active Projects:**

- N/A

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-5.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on 1 single family dwelling unit).

Entitlement: 700 trips per day (based on 2 single family units and 96 single family attached dwelling units).

Proposed Zoning: 835 trips per day (based on 116 single family attached dwelling units).

**DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate 19 students, while development allowed with the proposed zoning may produce 15 students. Therefore, the net increase in the possible number of students generated from existing zoning to proposed zoning is zero students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Governor’s Village STEM Academy K-8 remains at 94%.
    - Julius L. Chambers High remains at 137%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Mallard Creek Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest sewer gravity main is approximately 330 feet northwest of the rezoning boundary along Garrison Dr. Sanitary sewer service will be dependent on the completion of a public infrastructure project Mallard Creek Towns See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **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:** No outstanding issues.

### OUTSTANDING ISSUES

#### Transportation

1. Label and dimension the curb and gutter from the centerline for each road on the site plan.
2. Revise site plan and conditional note(s) to commit to dedicate 50-feet of right-of-way from the road centerline. The site plan shall label and dimension the right-of-way from the road centerline.
3. Add a conditional note specifying "A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City-maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements."
4. Add a conditional note specifying "The petitioner needs to complete and submit the Right of way Abandonment Petition form to CDOT for review. The Right of Way Abandonment process is controlled by North Carolina General Statutes and is independent of this rezoning process."
5. Add conditional note specifying "All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad northeastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support."

**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**  
**Planner:** Michael Russell (704) 353-0225