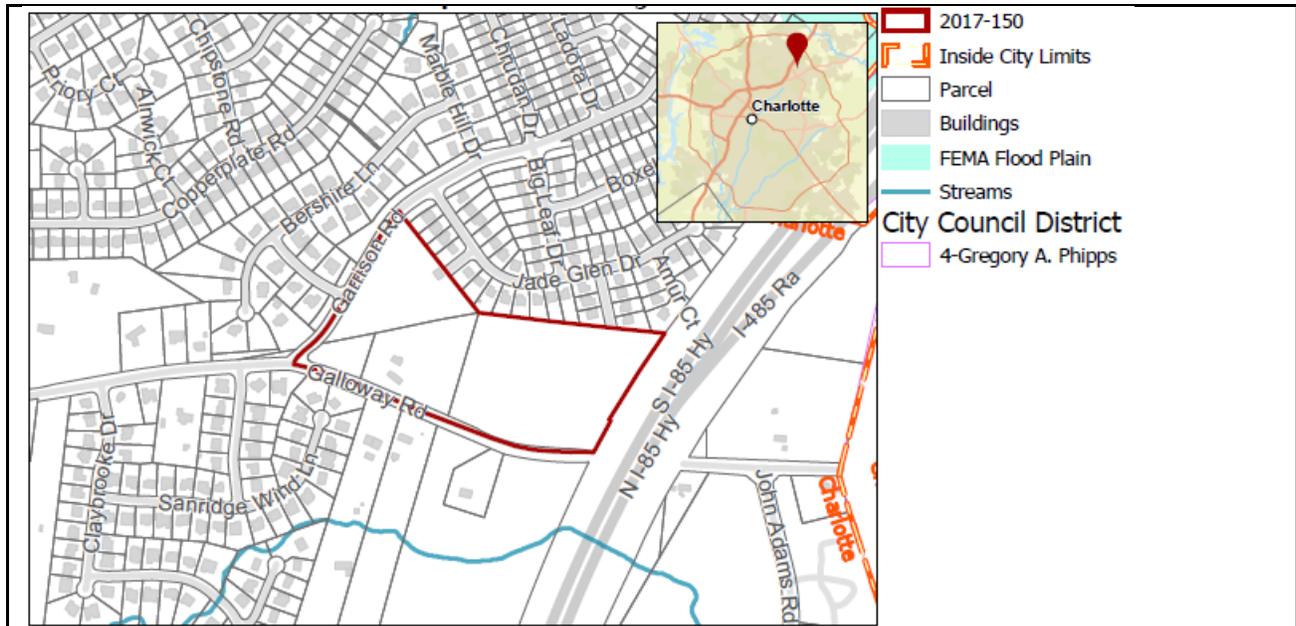


**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional) with five-year vested rights

**LOCATION**

Approximately 20.6 acres located on the north side of Galloway Road, east of Garrison Road and west of Interstate 85.  
(Council District 4 - Phipps)



**SUMMARY OF PETITION**

The petition proposes to develop ~~145~~ **137** for-sale single family attached dwelling units at a density of ~~7.04~~ **6.65** units per acre.

**PROPERTY OWNER**

Brian K. Schneider, Robin G. Morrison & James Parker Lumpkin II

**PETITIONER**

Mattamy Homes

**AGENT/REPRESENTATIVE**

Collin Brown, K&L Gates LLP

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 17

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The northern portion of the petition is consistent with the *Northeast Area Plan* recommendation for residential land use but inconsistent with the recommended density of four dwelling units per acre. In addition, it does not meet the *General Development Policies* criteria for more than four units per acre.

The southern portion of the petition is inconsistent with the *Northeast Area Plan* recommendation for research/office/retail land uses.

Rationale for Recommendation

- The subject property is located on Galloway Road between single family residential developments and Interstate 85.
- Recently approved rezoning petition 2016-139, allows the development of a multi-family development at 12 dwelling units

- per acre, across the street from this site on Galloway Road.
- For the eastern portion of the site abutting Interstate 85, the plan recommends research/office/retail land uses, which are no longer appropriate at this location considering that it will be surrounded by residential uses along a local street.
- While the plan recommends residential use for the western portion of the petition, it does not meet the *General Development Policies* criteria for density above four units per acre. However, the proposed townhome development will provide a transition between the recently approved multi-family development, and the existing single family neighborhoods in the area.
- In addition, the site plan commits to a network of public and private streets, a pedestrian network, open space, and design standards that are compatible with the surrounding single family development.

### PLANNING STAFF REVIEW

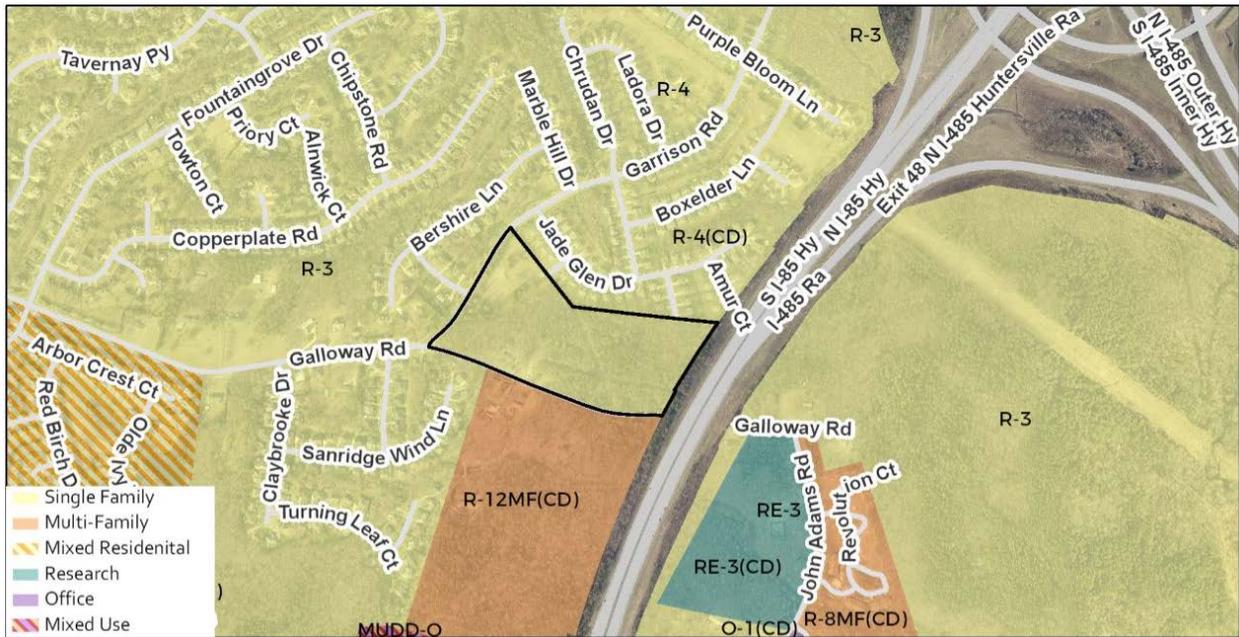
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to ~~45~~ 137 for-sale townhome units at a density of ~~7.04~~ 6.65 dwelling units per acre.
- Maximum building height not to exceed ~~three~~ two stories and 45 feet.
- Provides amenitized open space areas to include but not be limited to benches, water features, walking trails, plazas, landscaping, stonework, and/or sculptures.
- Interior pocket parks, and linear green areas along the development frontage on Garrison Road, with concept plans for each.
- A 37.5 foot Class C buffer along the northern property boundary abutting the existing Maplewood Subdivision.
- Vehicular site access via one entrance on Garrison Road and two entrances on Galloway Road, in addition to two street stubs along the northern border that align with streets in the existing Maplewood Subdivision.
- Streetscape and landscaping:
  - A six-foot wide sidewalk and eight-foot wide planting strip along the site's frontage on Galloway Road and Garrison Road.
  - A minimum five-foot wide sidewalk and minimum eight-foot wide planting strip along both sides of all proposed public streets.
  - A minimum five-foot wide sidewalk and a minimum five-foot wide planting strip along both sides of all proposed private streets.
- Transportation commitments:
  - Dedicates in fee simple 36 feet of right-of-way as measured from the street's existing centerline along Galloway Road.
  - Installs an eastbound 150-foot left turn storage lane with appropriate bay taper length on Galloway Road at Site Access "B" (Legranger Road extension).
  - Establishes a building setback line along Galloway Road east of Legranger Road to accommodate a future Interstate 85 grade separation structure.
  - Coordinates the realignment of Garrison Road to align properly with Galloway Road to provide a near 90-degree tee intersection, as generally depicted on the rezoning plan, and constructs curb ramps on both northern corners of this intersection.
- Architectural standards:
  - All residential entrances within fifteen feet of a sidewalk will be raised from the average sidewalk grade at a minimum of twenty-four inches.
  - Usable porches or stoops will form a predominant feature of the building design and be located on the front and/or side of the building.
  - Corner/end units facing a public or private street will face the public realm and corner units will have enhanced side elevations with a front stoop.
  - Alley-loaded townhome units will have walkways connecting all residential entrances to sidewalks along public and private streets. Front-loaded townhomes will have walkways leading to the driveway to ensure landscaping treatment in between driveway entrances.
  - Attached dwelling units will be limited to a maximum of six units per building.
- Identifies potential tree save areas and proposed water quality area.

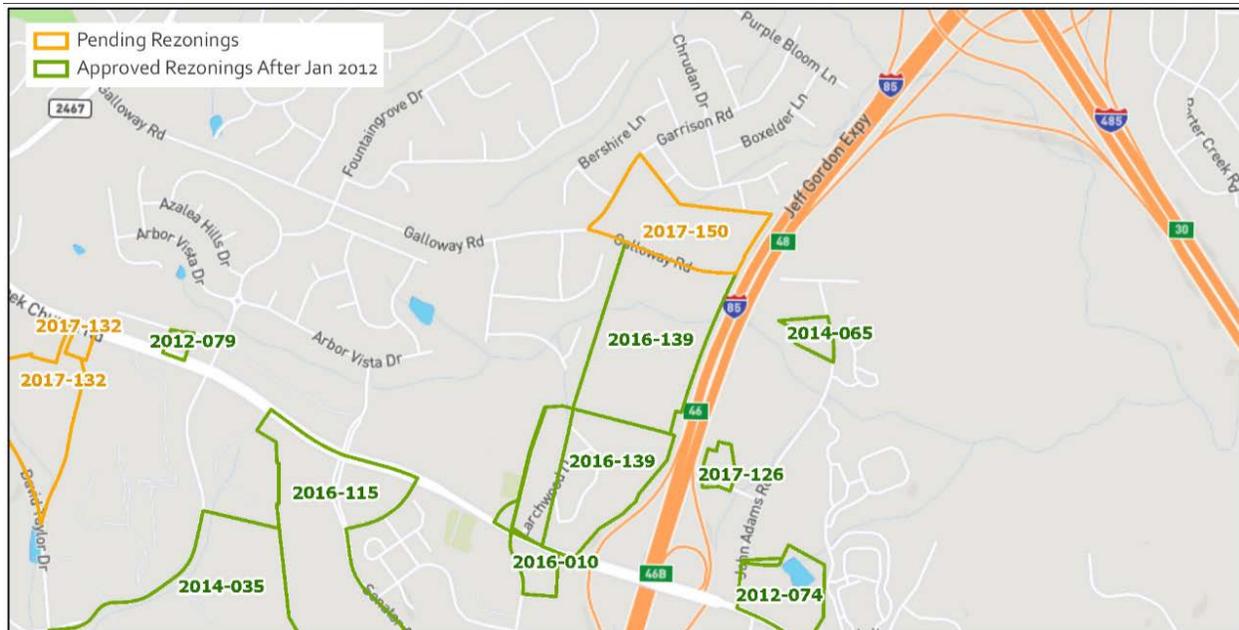
- Limits height of freestanding lighting to 21 feet.

• **Existing Zoning and Land Use**



- The site currently consists of a single family home and undeveloped acreage.
- The site is bounded by Interstate 85 to the east and generally surrounded by single family residential neighborhoods.

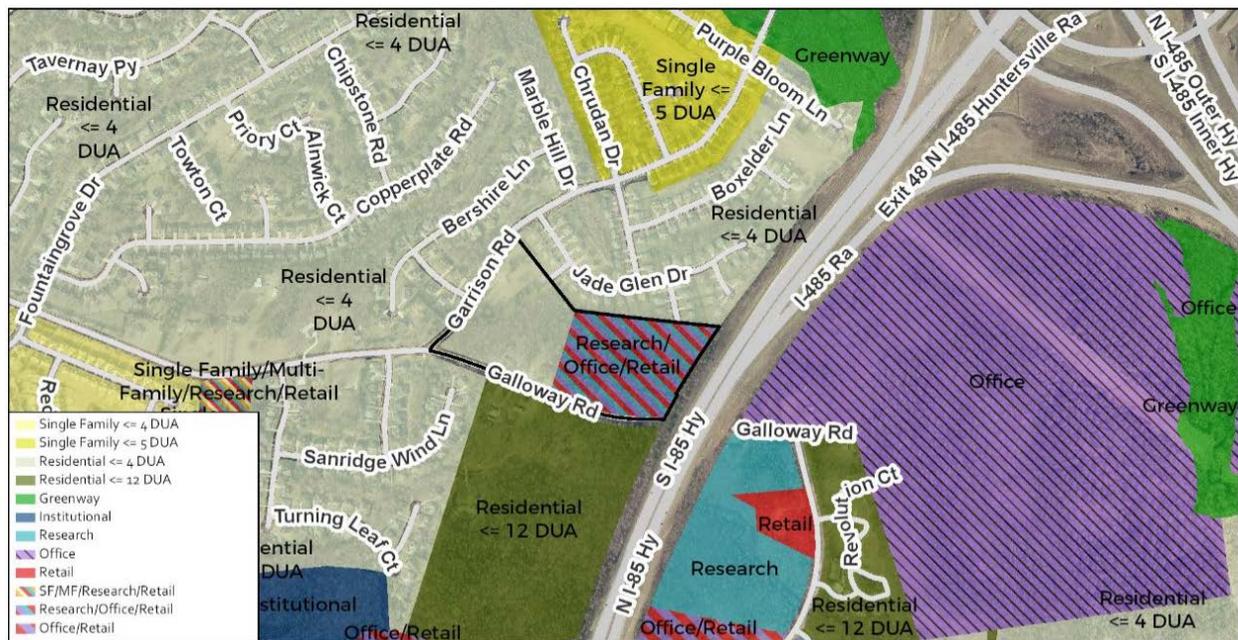
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-132	Proposed rezoning for 21 acres to UR-2 (urban residential, conditional) with five-year vested rights for the development of 115 townhomes for sale.	Pending
2017-126	Rezoned 2.5 acres to B-1 (neighborhood business) to allow all uses in the B-1 (neighborhood business) district.	Approved
2016-139	Rezoned approximately 65.7 acres located on the northwest	Approved

	corner at the intersection of West Mallard Creek Church Road and Interstate to allow up to 395 multi-family residential units and up to 160,000 square feet of uses.	
2016-115	Amended the RE-3(O) (research, optional) site plan for 37.54 acres to allow up to 300 multi-family dwelling units; 75,000 square feet of retail, eating/drinking/ entertainment establishments; and a 200-room hotel	Approved
2016-010	Rezoned 4.3 acres to BD(CD) (distributive business, conditional) to allow the development of a climate controlled self-storage facility and accessory management office.	Approved
2014-065	Amended the RE-3 (research) site plan for 2.91 acres to allow the development of a 6,375 square foot banquet hall facility and retention of an existing cell tower.	Approved
2014-035	Rezoned 90 acres to RE-3(O) (research, optional) and O-1(CD) (office, conditional) with five-year vested rights to allow the expansion of office, research and laboratory facilities for an existing business	Approved
2012-079	Amended the MUDD-O (mixed use development, optional) site plan for .086 acres to allow the development of a 6,000 square foot building for a retail dry cleaner.	Approved
2012-074	Rezoned and amended the site plan to B-1(CD) (neighborhood business, conditional) for 9.5 acres to allow 30,000 square feet of uses permitted in the B-1 (neighborhood business) district with restrictions.	Approved

• **Public Plans and Policies**



- The *Northeast Area Plan* (2000) recommends research/office/retail land uses for the eastern portion of the site, and residential uses up to four dwelling units per acre on the western portion of the site.
- The *General Development Policies* (GDP) provide 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 up to four dwellings per acre, and not for up to the eight dwellings per acre proposed, as illustrated in the table below.

Assessment Criteria	Density Category – > 6 up to 8 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	1
Connectivity Analysis	1
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 11</b>	<b>Total Points: 9</b>

• **TRANSPORTATION CONSIDERATIONS**

- The site is located at the unsignalized intersection of minor collectors. The site plan commits to construction of the Galloway extension across the site's frontage with site design to accommodate a future overcrossing of Galloway at Interstate 85 and intersection modification at the Galloway/Garrison intersection. The site plan provides an adequate street network by connecting to all existing adjacent street stubs and coordinating a future intersection with a proposed development to the south.
- ~~See Outstanding Issues, Notes 1 and Requested Technical Revisions, Note 1.~~
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 30 trips per day (based on rezoning petition).
    - Entitlement: 670 trips per day (based on General Guidance from Planning).
  - Proposed Zoning: 890 trips per day (based on site plan).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Department of Solid Waste Services:** Charlotte Solid Waste Services notes that the City of Charlotte does not provide individual rollout carts for garbage and recycling to multi-family properties with over 29 units. The City does provide garbage and recycling service on the City's multi-family collection contract; however, the property must provide a dumpster(s)/compactor. The multi-family collection vendor provides the recycle carts, placed at the dumpster(s)/compactor area, for properties utilizing the contract for service. If a property owner and/or developer elects to use a private hauler for individual rollout cart service, space requirement for dumpster(s)/compactor and recycling must still be set aside. *Reference Sec. 10-99 Rollout container collection service and Sec. 403 Solid Waste containers, compactors, recycling containers, solid waste and recycling handling areas, and service entrances.*
- **Charlotte Fire Department:** No on street parking on roads less than 26 feet clear width. See [Charlottefire.org](http://Charlottefire.org) for other requirements.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 30 students, while the development allowed under the proposed zoning will produce 31 students. Adequacy of existing school capacity in this area is a significant problem, with particular concern about rezoning cases where school utilization exceeds 100% since the proposed development may exacerbate those situations. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed below.
  - The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
    - Mallard Creek Elementary from 93% to 95%
    - Ridge Road Middle from 119% to 119%
    - Mallard Creek High from 123% to 123%.

- **Charlotte Water:** Charlotte Water has water system infrastructure accessible for the rezoning boundary via existing 6-inch water distribution mains located along Garrison Road, Galloway Road, Chalkbark Lane, and Southern Sugar Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing 8-inch gravity sewer mains located along Southern Sugar Drive.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be planted in the right-of-way of any state maintained street (I-485) without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact Laurie Reid (704-336-5753) at the City Arborist's office for a tree planting permit once plans have been approved by the City and before planting trees in the NCDOT right-of-way.

The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do NOT confirm or imply authorization by the City to remove any City trees located in street right-of-way of any city maintained street; City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way. No trees can be removed from the right-of-way of any city maintained street without explicit authorization from the City Arborist or his designee.

Trees cannot be planted in the right-of-way of all existing and newly created City of Charlotte maintained streets without authorization from the City Arborist or his designee. Contact Laurie Reid (704-336-5753) at the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting.

Per the Tree Ordinance, "a continuous perimeter planting strip, located between the street and sidewalk, with a minimum width of eight feet, shall be required." Plan as shown does not provide a continuous planting strip due location of driveways. Required to provide a continuous planting strip.

The petitioner shall submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. In addition, the survey shall include all trees eight inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional.

  - **Erosion Control:** ~~See Outstanding Issues, Note 2-~~
  - **Land Development:** Petitioner is advised additional BMP locations may be necessary for consistency with pre-development drainage patterns.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** Development of this site may require submission of an asbestos Notification of Demolition and Renovation due to possible demolition or relocation of an existing structure.
- **Mecklenburg County Parks and Recreation Department:** No issues.

## OUTSTANDING ISSUES

### Transportation

1. ~~The petitioner should revise Conditional Note III.4. to remove "or phased per the site's development plan" or explicitly describe phasing and associated improvements.~~ **Addressed.** Petitioner removed "...or phased per the Site's development plan" from Note III.7.

### Environment

2. ~~Stream/wetland delineation is required.~~ **Addressed.**

### Site and Building Design

3. ~~Reduce the number of front loaded units on public streets.~~ **Addressed.** Petitioner has reduced the percentage of front-loaded units from 39% to 36%.
4. ~~Revise the density on the site plan to indicate 7.04 units per acre not 7.3 units per acre.~~ **Addressed.** Petitioner has reduced the total number of units from 145 and 137, and the density updated to reflect 6.65 units per acre.
5. ~~Provide minimum area and elements to be provided in all open space depicted.~~ **Addressed.** Adds language specifying amenities to be in portions of the common open space areas to include but

- not be limited to benches, walking trails, plazas, walking trails, plazas, landscaping, and/or garden sculptures. Labels approximate acreage of pocket parks on the site plan.
6. ~~In Architectural Standards Note IV.4. define "enhanced" and clarify if the front stoop occurs on the side of the elevation.~~ Addressed by defining enhancements as decorative lighting/scones, architectural details or protrusions, transom windows, awnings, and/or stairs.
  7. ~~Show and label locations for solid waste and recycling container as required per Section 12.403(3) of the Zoning Ordinance.~~ Addressed by adding a note stating that it is anticipated that solid waste and recycling collection services will be provided by a private collection service and, in this event, roll out containers. In the event that a private collection service is not utilized or roll-out containers are not utilized, an optional trash and recycling collection station area is depicted on the rezoning plan.

#### **REQUESTED TECHNICAL REVISIONS**

##### Transportation

8. ~~Revise Note III. from existing to *proposed* centerline.~~ Addressed.

##### Land Use

9. ~~Under Site Data, confirm that calculated proposed density of project is correct.~~ Addressed. Density has been reduced to 6.65 units per acre (reduction in the number of units from 145 to 137).

---

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Department of Solid Waste Services Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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