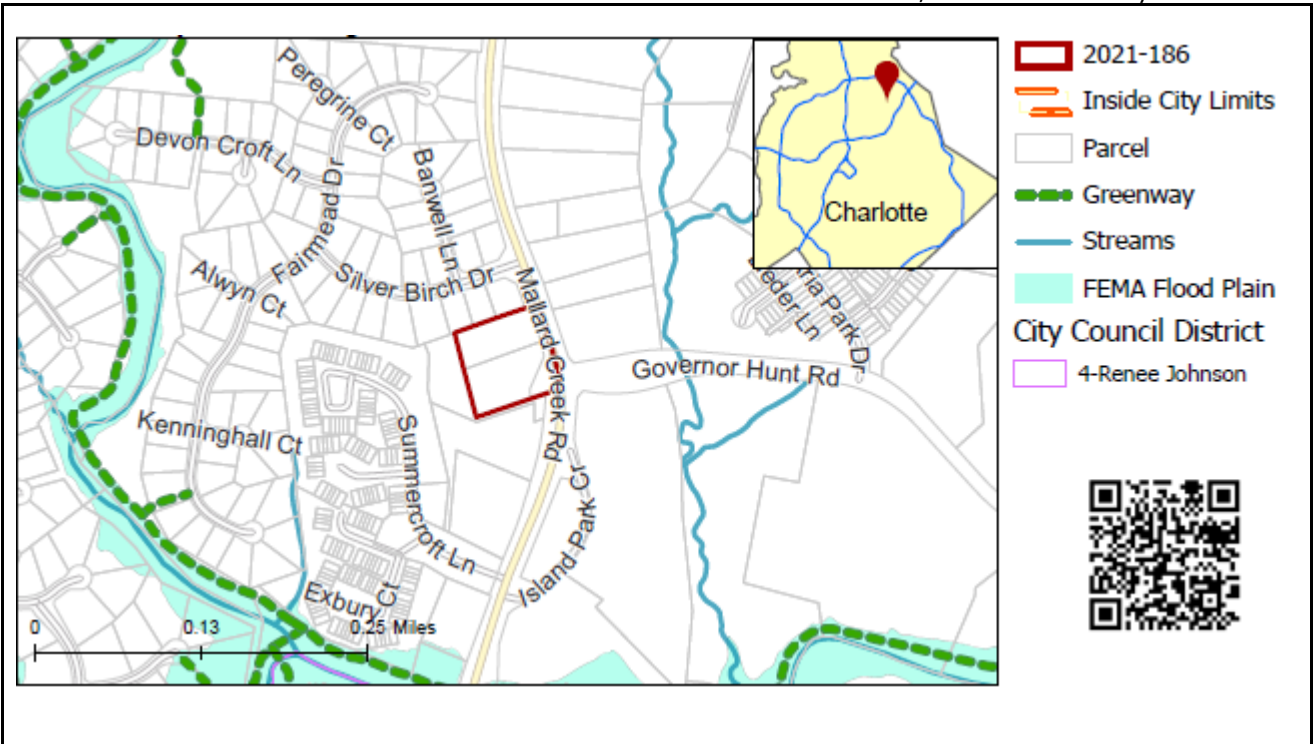


**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)

**LOCATION**

Approximately 2.84 acres located at the intersection of Mallard Creek Road and Governor Hunt Road, west of David Taylor Drive.



**SUMMARY OF PETITION**

The petition proposes to develop a residential community of up to 22 townhome units with a density of 7.7 dwelling units per acre.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Mary E. Mowry  
Kinger Homes, LLC  
Travis Gingras, Latitude 35 Design Group

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 3

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Northeast District Plan* (1996) recommendation of single family uses of no more than 4 DUA. The petition is consistent with *General Development Policies* (GDP) recommendation for density of no more than 8 DUA for the site.

Rationale for Recommendation

- At 7.7 dwelling units per acre, this petition is inconsistent with the area plan's recommended density of 4 dwelling units per acre, but it is consistent with the area plan's recommendation of a residential use.

- The proposed development meets the locational criteria per the *General Development Policies* (GDP) for the proposed density of up to 8 DUA.
- The proposed project is generally consistent with the existing development pattern in the area, in particular with the existing townhomes to the southwest of the site.
- The request is a good opportunity and compatible use for an infill site between an existing residential neighborhood, an institutional use, and nearby multifamily uses.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from single family residential uses of no more than 4 DUA to residential uses of less than 8 DUA for the site.

## PLANNING STAFF REVIEW

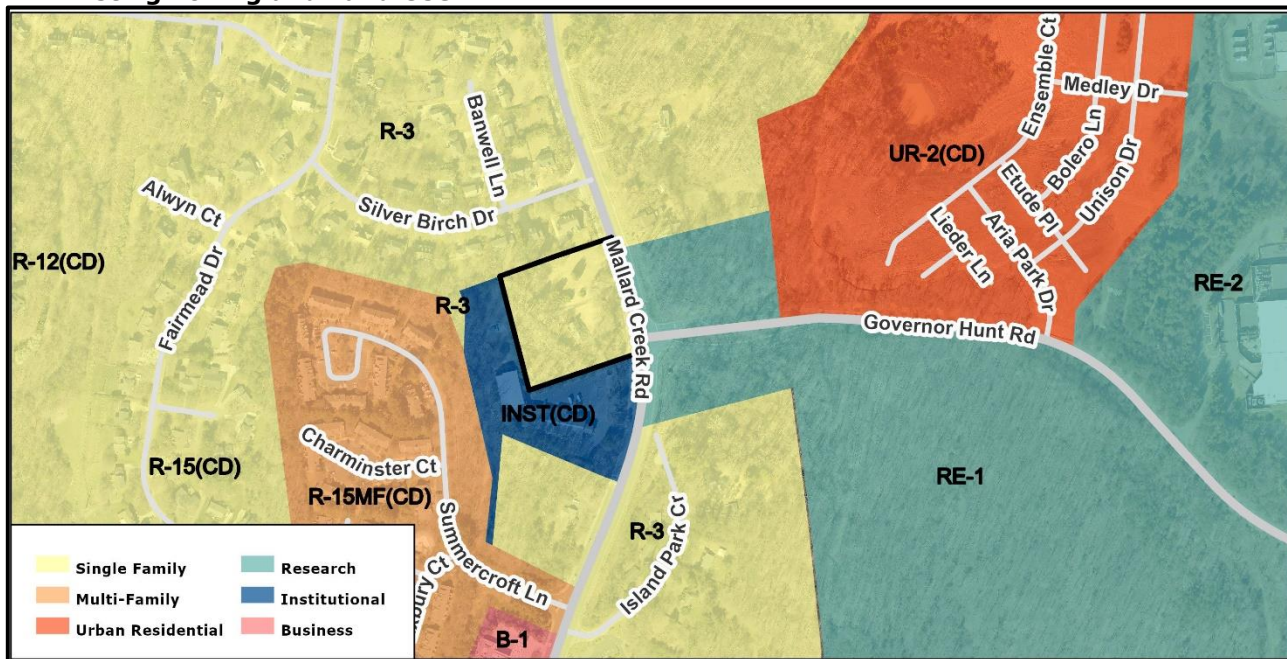
### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

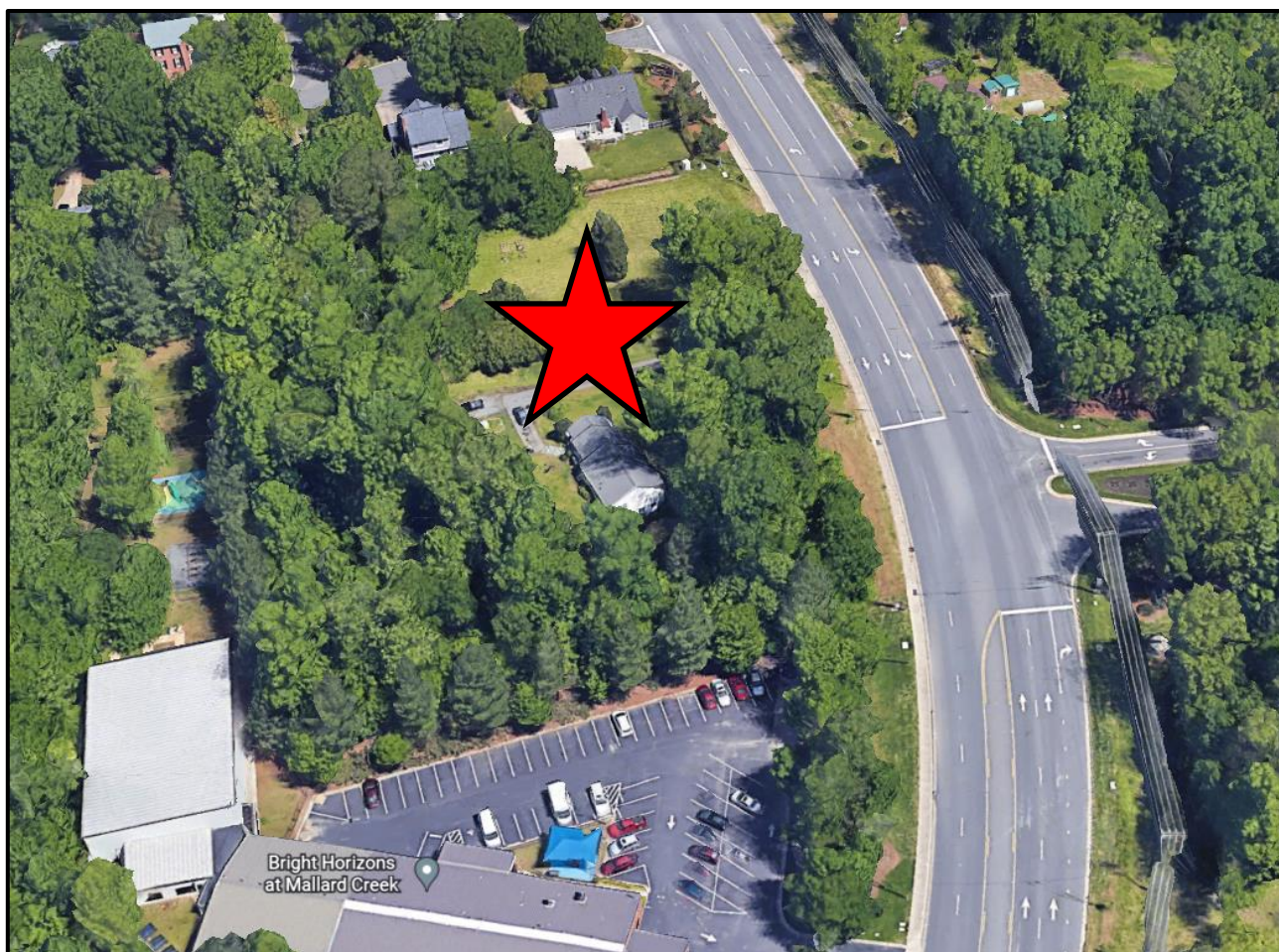
- Allows up to 22 townhome units.
- Commits to a 12-foot multi-use path and 8-foot planting strip along the site's frontage of Mallard Creek Road.
- Commits to relocating the site driveway to create the fourth leg of the signalized intersection at Governor Hunt.
- Dedicates 50-feet of right-of-way from the road centerline.
- Provides a minimum of 150-feet of full width storage for the Mallard Creek left turn lane at Governor Hunt Road.
- Provides each unit with a 2-car garage.
- Provides a CATS an ADA complaint bus waiting pad along road frontage.
- Commits to a 24-foot Class C buffer to abutting residential homes.
- Provides walkways to connect all residential entrances to sidewalks along public and private streets.
- Architectural details:
  - Building materials may be a combination of the following glass, brick, stone, simulated stone, pre-cast stone, stucco, vinyl, EIFS, and wood.
  - To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 24 inches.
  - Garage doors visible from public or private streets shall minimize the visual impact by providing a setback of 12 to 24 inches from the front wall plane and additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
  - All corner/end units that face a public or private street shall have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels.
  - Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.



- Existing Zoning and Land Use



The surrounding land uses include single family homes, multi-family apartments, a day care, and undeveloped land.

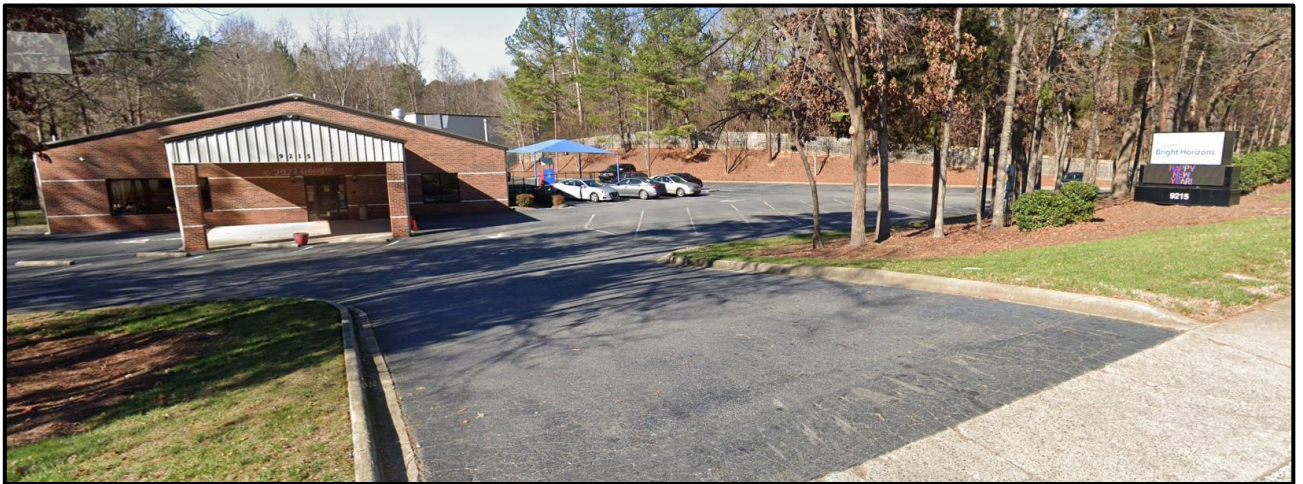


The subject property is denoted with a red star.

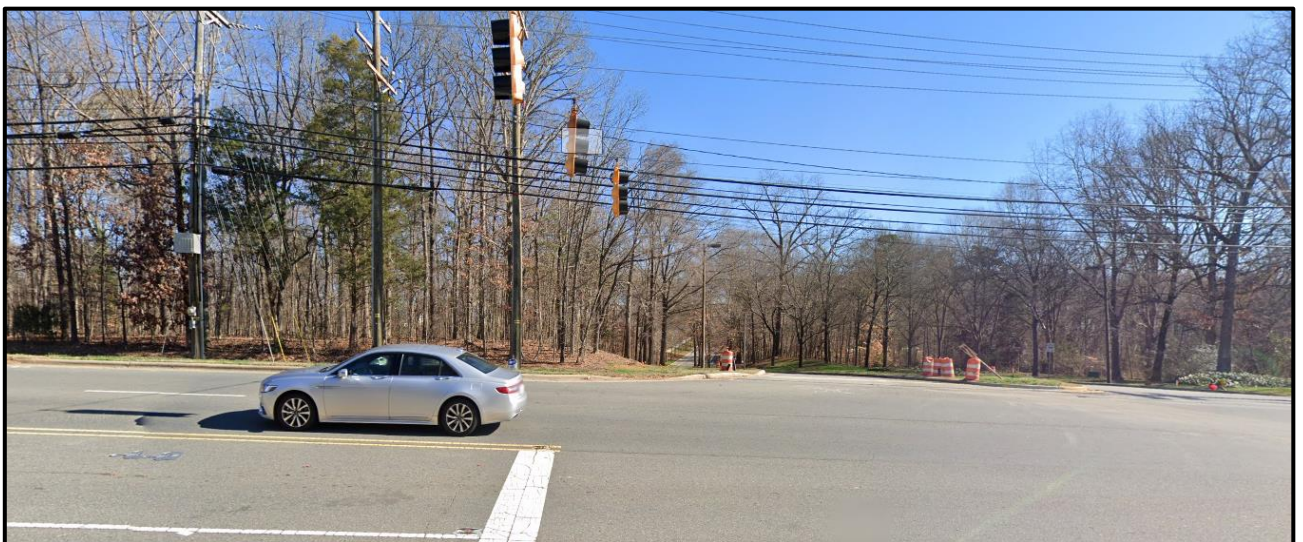




The property to the north along Silver Birch Drive is developed with single family homes.



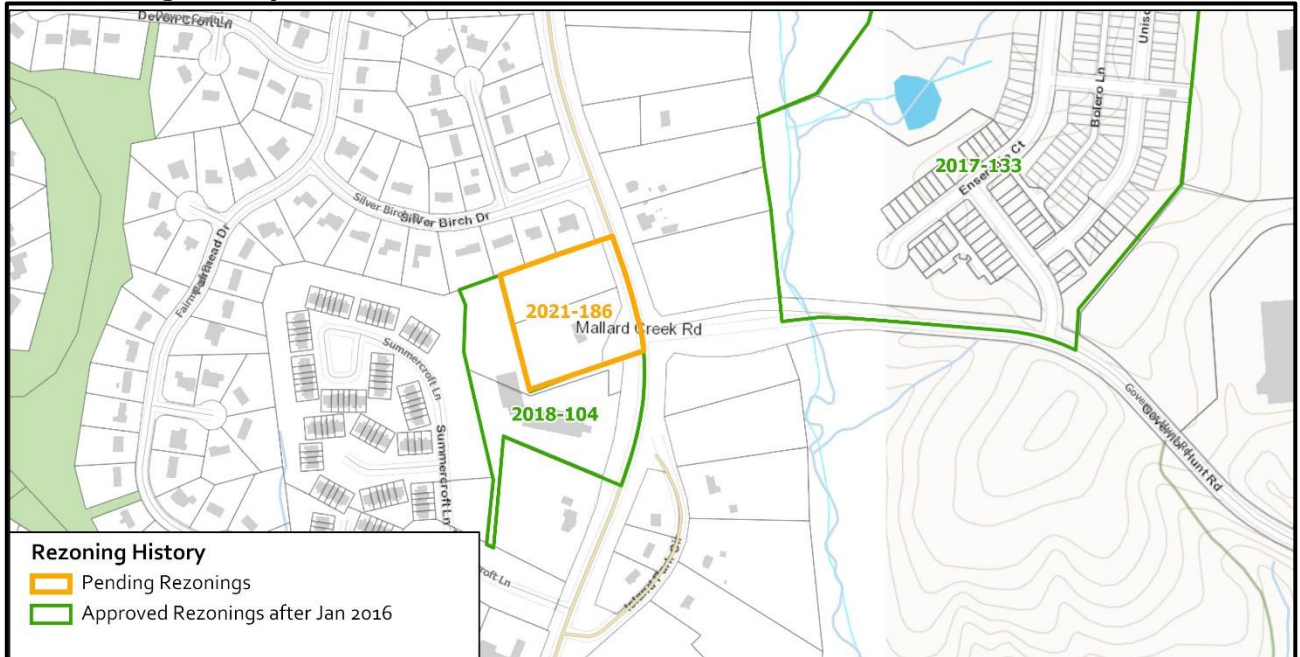
The property to the south and west along Mallard Creek Road is developed with a day care facility.



The property to the east along Mallard Creek Road and Governor Hunt Road is undeveloped.

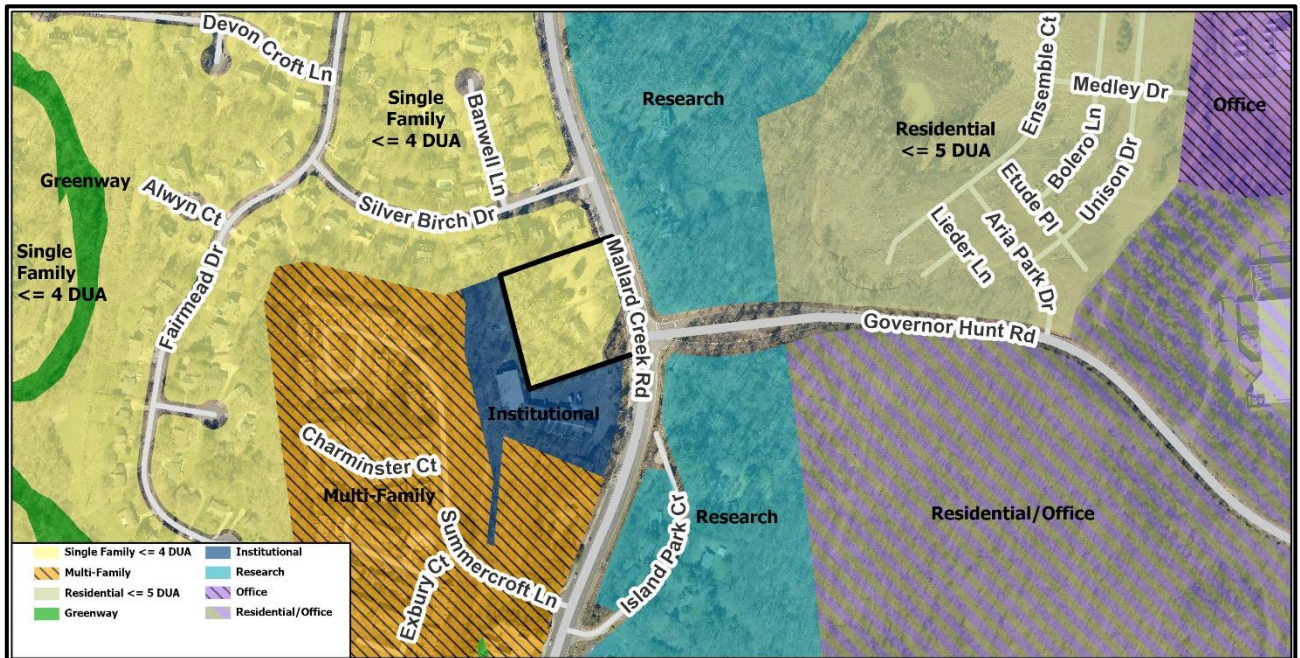


### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2017-133	Rezoned 38.0 acres to allow up to 167 townhome units.	Approved
2018-104	Rezoned 3.25 acres to allow additional uses on a site currently used as a large day care facility.	Approved

### • Public Plans and Policies



The *Northeast District Plan* (1996) recommends single family uses of no more than 4 DUA for this site.

- The *General Development Policies* (GDP) provides 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 12-17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	3
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 11</b>	<b>Total Points: 13</b>

- **TRANSPORTATION SUMMARY**

- The site is located adjacent to Mallard Creek Road, a State-maintained major thoroughfare at Governor Hunt Road, a City-maintained minor thoroughfare. A Traffic Impact Study (TIS) is not needed for this site. The petitioner has committed to installing a 12-foot multi-use path and 8-foot planting strip along the site's frontage of Mallard Creek Road to comply with the Council-adopted Charlotte BIKES policy. CDOT has coordinated transportation improvements for this petition which an 8-foot planting strip and 12-foot multi-use path along the site's frontage to Mallard Creek Road and an improved CATS bus stop. In addition to the previously coordinated transportation improvements CDOT is coordinating with the petitioner and NCDOT to examine the feasibility of relocating the site driveway to the create the fourth leg of the signalized intersection at Governor Hunt. Once the driveway location has been finalized, CDOT will have no outstanding issues.
- **Active Projects:**
  - Centene Development
    - This private land development project is located south of Governor Hunt Road and east of Mallard Creek Road.
    - The project is proposing roadway and signal improvements at the intersection of Mallard Creek Road and Governor Hunt Road.
- **Transportation Considerations**
  - ~~See Outstanding Issues, Notes 1 & 2~~ Addressed
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 10 trips per day (based on 1 single family dwelling).
    - Entitlement: 105 trips per day (based on 8 single family dwellings).
  - Proposed Zoning: 130 trips per day (based on 22 townhome units).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **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:** The development allowed under the existing zoning could generate 4 students, while the development allowed under the proposed zoning may produce 3 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Mallard Creek Elementary remains at 75%.
    - Ridge Road Middle remains at 125%.
    - Mallard Creek High remains at 121%.
- **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 has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Mallard Creek Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No comments submitted.

## OUTSTANDING ISSUES

### Transportation

1. ~~Proposed 12 ft multi-use path along Mallard Creek Rd should extend the entire property frontage per Ch 19. SUE is required 2 ft behind multi-use path if located outside of the 50 ft dedicated ROW for future maintenance.~~ Addressed
2. ~~CDOT requests a 12 ft multi-use path along Mallard Creek Road. The 6 ft sidewalk as proposed is required per Chapter 19. The wider sidewalk is in conformance with the Charlotte WALKS and BIKES policy. Revise the site plan to show sidewalk utility easement 2 ft behind the sidewalk if located outside of the ROW. Site plan revisions are also required to show the sidewalk tie-in at the property line. Add a conditional note committing to the 8 ft planting strip and 6 ft sidewalk.~~ Addressed

### Site and Building Design

3. ~~Add note "if land is sold with an attached dwelling unit, the development shall accommodate either 400 square feet of Private Open Space per dwelling unit on each subplot or 10% of the site shall be provided as Usable Common Open Space". Provide open space including dimensions with amenities on site plan/notes.~~ Addressed
4. ~~Remove note under the development table that "All sidewalks are to be 5 foot minimum" or clarify where the 5 foot sidewalks are proposed so staff can provide comment on ordinance requirements.~~ Addressed

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





**Planner:** Michael Russell (704) 353-0225

## Goals Relevant to Rezoning Determinations








### Rezoning Petition # 2021-186

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	N/A
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	<b>Goal 3: Housing Access for All</b> Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	N/A
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	N/A



	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>N/A</p>
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>