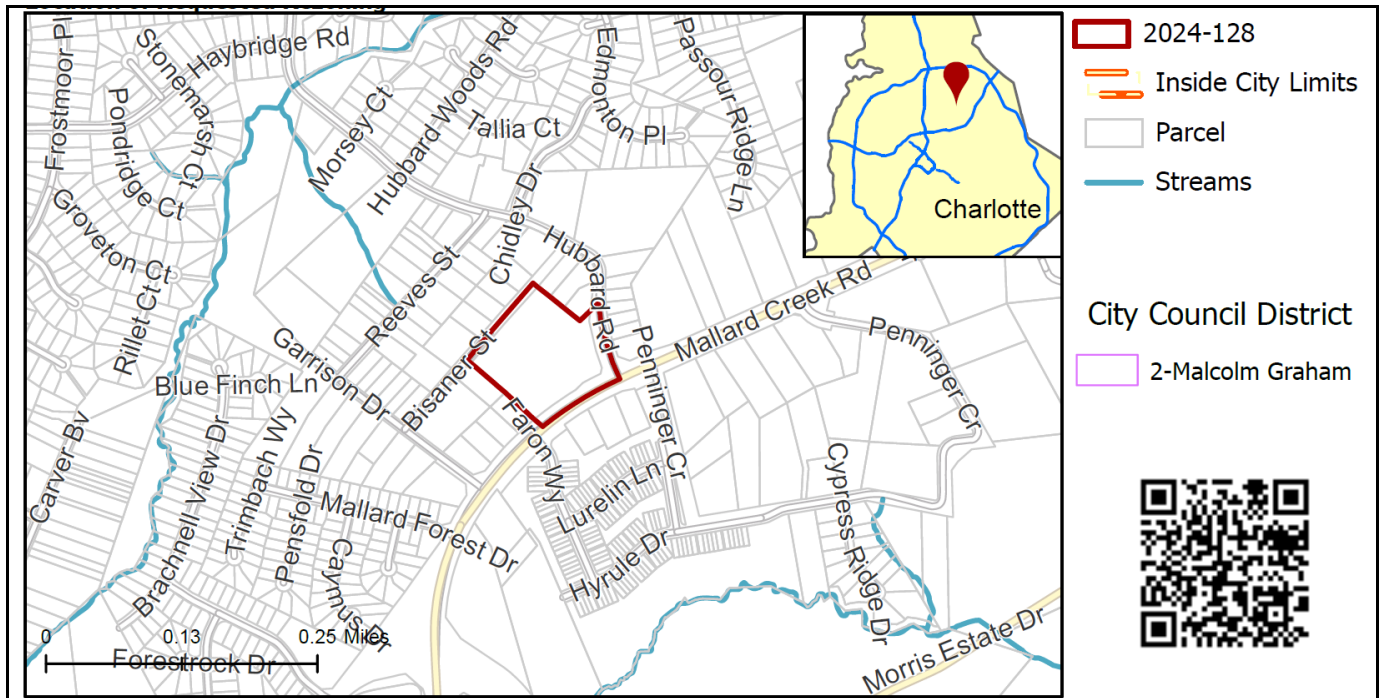


**REQUEST**

Current Zoning: INST(CD) (Institutional, conditional).  
Proposed Zoning: N2-A(CD) (Neighborhood 2-A, conditional)

**LOCATION**

Approximately 5.24 acres on the northwest corner of Mallard Creek Road and Hubbard Road, and to the east of Garrison Drive.



**SUMMARY OF PETITION**

The petition proposes the development of up to 64 multi-family attached dwelling units. The site is currently undeveloped.

**PROPERTY OWNER**

Mallard Creek Seniors, LLC

**PETITIONER**

Penmith Holdings, LLC

**AGENT/REPRESENTATIVE**

Nolan Groce, Urban Design Partners

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 0

**STAFF RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, and site and building design.

Plan Consistency

The petition is **inconsistent** with the *2040 Policy Map* (2022) recommendation for the Neighborhood 1 Place Type.

Rationale for Recommendation

- While the site is designated as a Neighborhood 1 (N-1) Place Type by the *2040 Policy Map*, the property is zoned INST(CD) (Institutional, conditional) and has development rights for a residential independent living facility with up to 107 units.
- The site is adjacent to a recently developed multi-family attached project located on the south side of Mallard Creek Road designated as the Neighborhood 2 (N-2) Place Type.

- The site is within 1-mile walk of a node of Neighborhood Center Place Type at Derita Ave and West Sugar Creek Rd and a node of Campus and Commercial Place Types at Mallard Creek Rd and W.T. Harris Blvd.
- The proposed development would fill a need for housing in an area that has been identified as lacking Access to Housing Opportunity by the *2040 Comprehensive Plan*.
- The site is served by transit, the number 22 CATS local bus, providing service between the JW Clay park and ride at the Lynx Blue Line and the Charlotte Transportation Center (CTC).
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10-Minute Neighborhoods
  - 2: Neighborhood diversity & Inclusion

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

## PLANNING STAFF REVIEW

### • Background

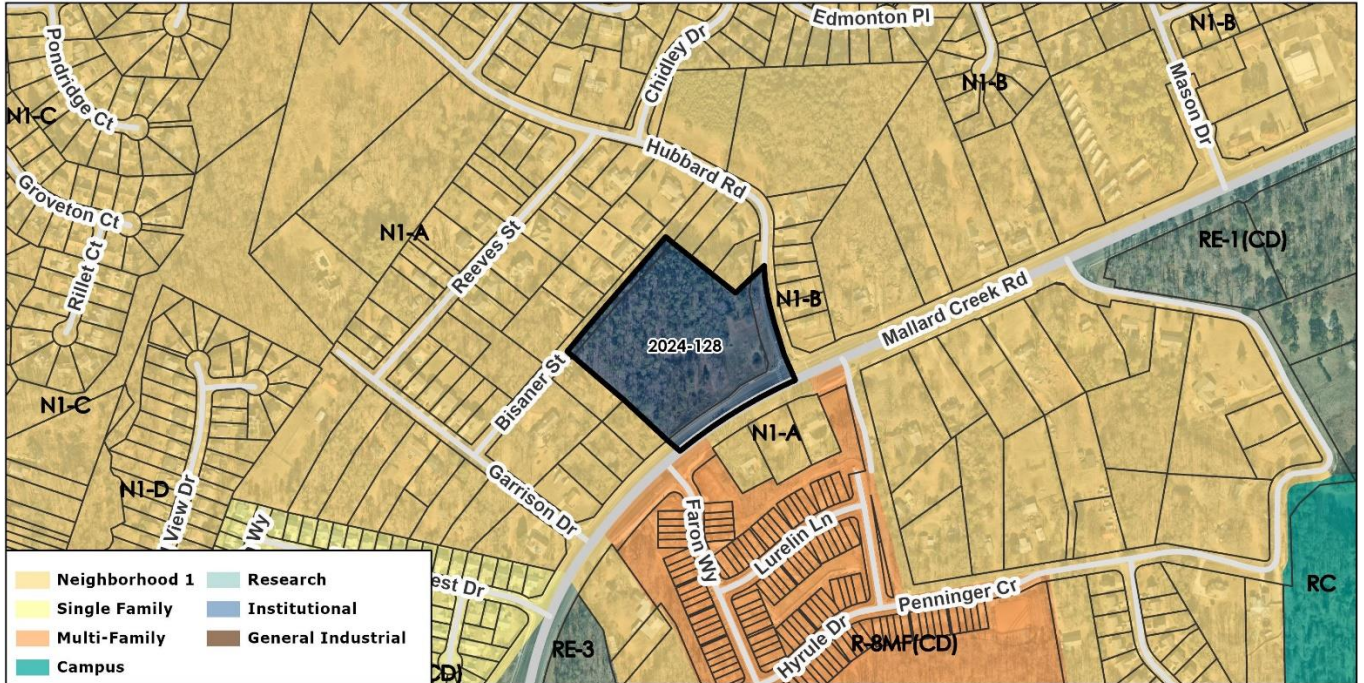
- The site previously received rezoning approval in 2021, petition 2021-068. The petition changed the zoning from R-3 (Single-Family) to INST(CD) (Institutional, conditional) for a residential independent living facility with up to 107 units located in one building.

### • Proposed Request Details

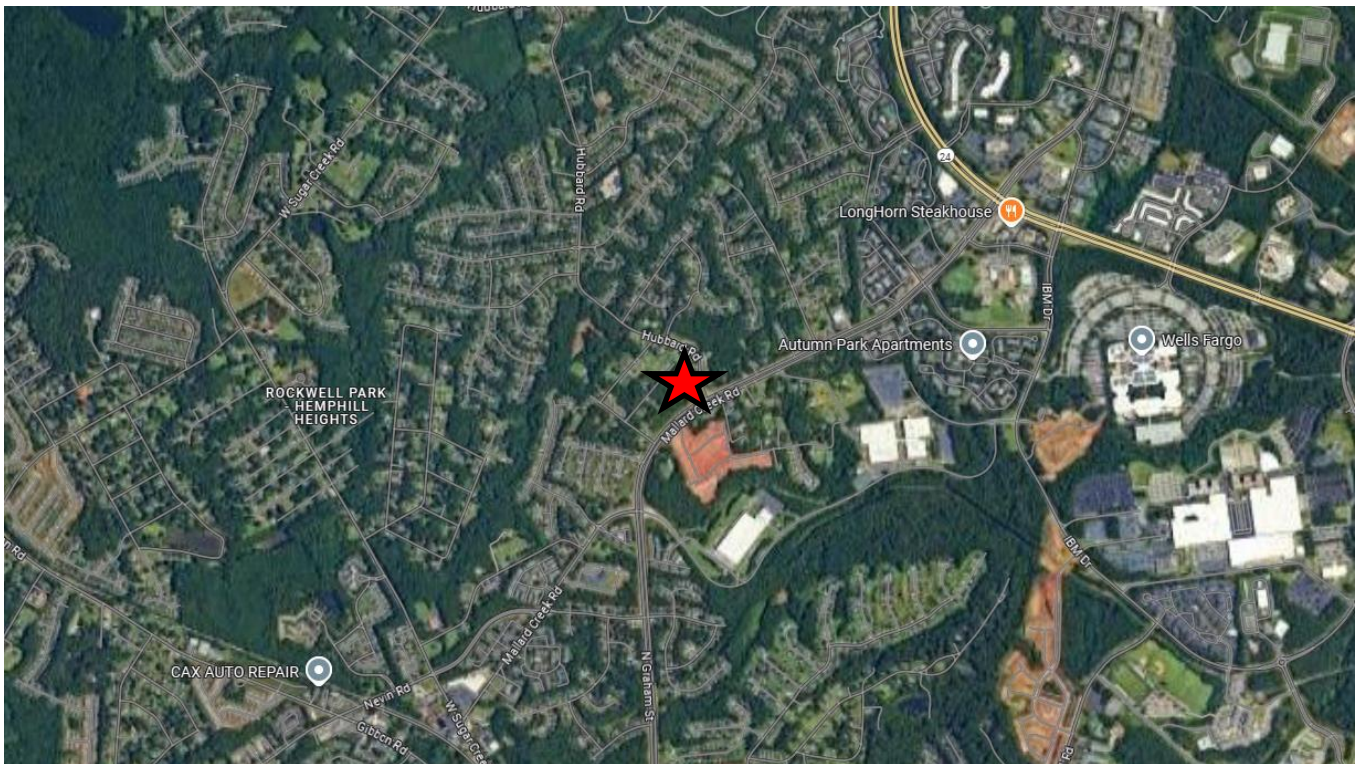
The site plan accompanying this petition contains the following provisions:

- Permits the development of up to 64 multi-family attached dwelling units.
  - Buildings along Brisener Rd are limited to duplexes and triplexes.
- The following streetscape and landscaping improvements are proposed:
  - A 12-foot multi-use path and 8-foot planting strip will be install along the site's frontage with Mallard Creek Rd.
  - An 8-foot sidewalk and 8-foot planting strip will be installed along the site's frontages with Hubbard Rd and Brisener Rd.
  - Direct pedestrian connections will be provided from residential units to the public street.
  - A 10' Class C landscape yard will be provided along the western boundary of the site where abutting the Neighborhood 1 Place Type, as generally depicted on the site plan.
  - Street trees will be provided along the private alley and between buildings, where feasible.
- The following architectural requirements are proposed:
  - Maximum building height is limited to 48 feet and a maximum of 2-storys.
  - Buildings shall contain a maximum of 5 dwelling units.
  - Building shall present their front facades to the street.
  - A variety of building material may be utilized including: masonry, concrete, precast concrete, stone, pre-cast stone, pre-finished metal, aluminum, steel, stucco, wood, ceramic tile, and cementitious fiber board and glass fiber reinforced concrete.
    - Vinyl is prohibited as a primary building material.
  - Pitched roofs will have minimum slope of 5:12. Shed roofs will have a minimum of 2:12.
  - HVAC and solid waste areas will be screen from view.
- The following transportation improvements are proposed:
  - Vehicular access will be via a private alley network off Hubbard Rd.
  - Brisener Rd will be improved to CLDSM standards along the site's frontage.
  - The existing bus stop on Mallard Creek Rd will be updated to an ADA compliant bus waiting pad.
  - All transportation improvements and dedication of right-of-way will be completed prior to the issuance of the first certificate of occupancy (CO).

• Existing Zoning



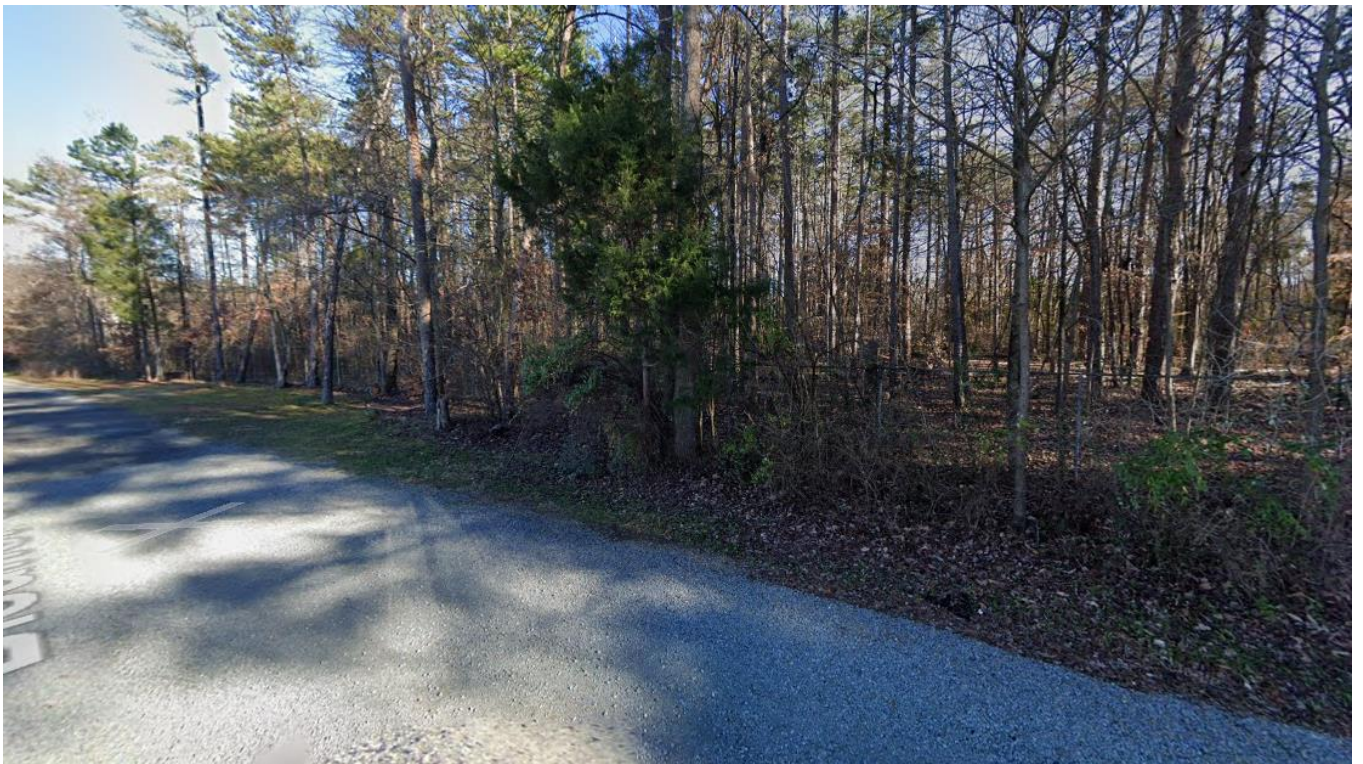
- The site is zoned INST(CD) (Institutional, conditional). The property is adjacent to properties zoned N1-B (neighborhood 1-B) to the north, east and west. And properties zoned N1-A (Neighborhood 1-A) and R-8MF(CD) (Multi-Family, conditional) to the south across Mallard Creek Rd.



The site (indicated by red star above) is located on the northwest corner of Mallard Creek Road and Hubbard Road, and to the east of Garrison Drive approximately 3/4-mile southwest of W.T. Harris Blvd.



View of the site looking west from Hubbard Rd at the intersection with Mallard Creek Rd. The site is primarily wooded with a grassy field at the southeastern corner.



View of the site looking southeast from Brisaner Rd. Brisaner Rd is a gravel road with several single-family houses along its length.



View of a multi-family site under construction with townhomes located south of the site across Mallard Creek Rd zoned R-8MF(CD) (multi-family, conditional).

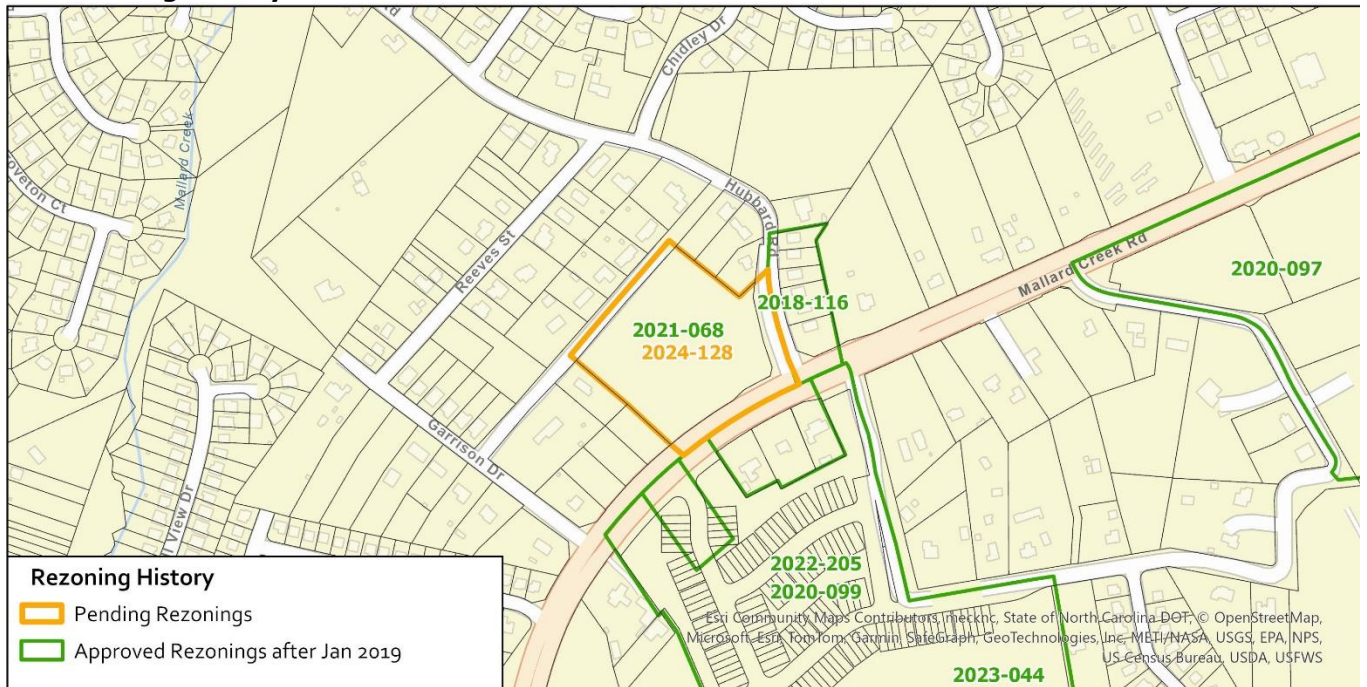


View of single-family houses located along Hubbard Rd east of the site, typical of the development pattern in the area.



View of single-family houses located along Brisaner Rd north of the site, typical of the development pattern in the area.

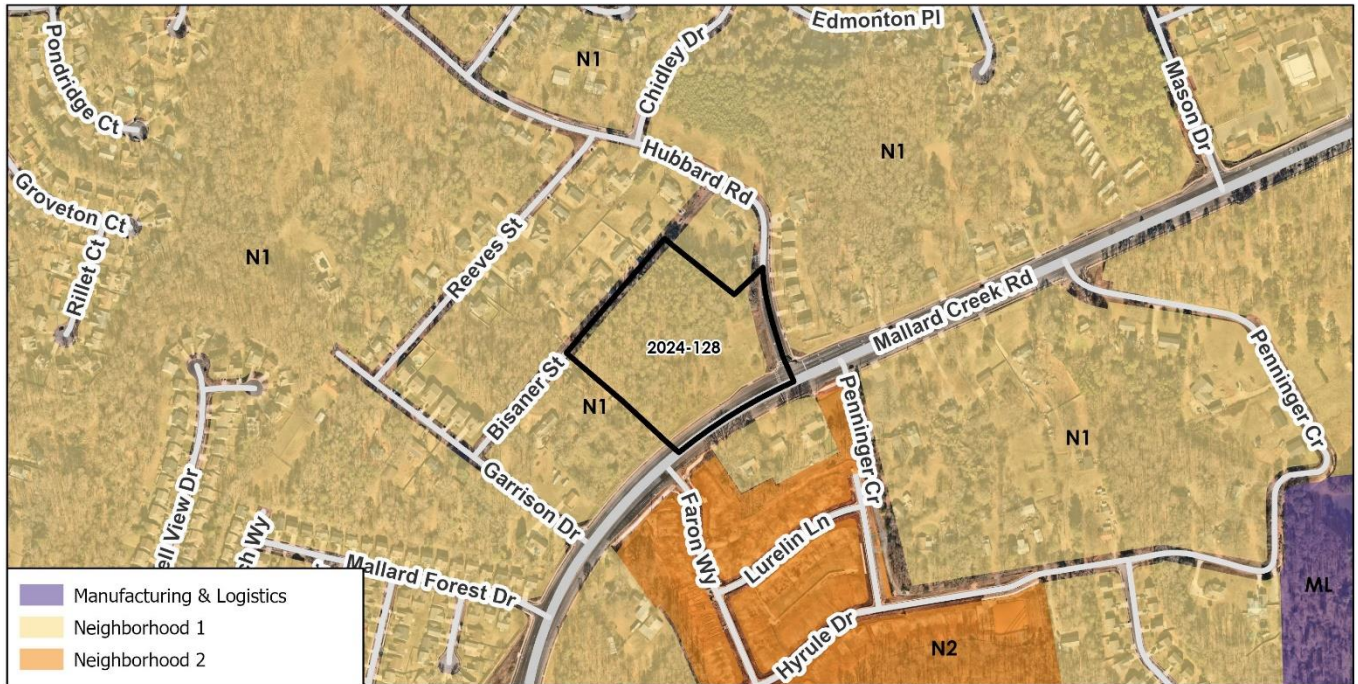
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-116	1.34 acres located on the northeast corner of Mallard Creek Road and Hubbard Road. From R-3 to R-4.	Approved
2020-097	12.40 acres located along the south side of Mallard Creek Road and along the east side of Penninger Circle. From RE-1(CD) and INST(CD) to RE-1(CD) SPA and RE-1(CD).	Approved
2020-099	20.88 acres located along the southeast side of Mallard Creek Road and north of Morris Estate Drive. From R-3 to R-8MF(CD).	Approved

2021-068	5.24 acres located at the northwest intersection of Mallard Creek Road and Hubbard Road, south of W. W.T Harris Boulevard, and east of W. Sugar Creek Road. From R-3 to INST(CD).	Approved
2022-205	21.12 acres located along the southeast side of Mallard Creek Road, west of Penninger Circle, and north of Morris Estate Drive. From N1-A and R-8MF(CD) to R-8MF(CD) and R-8MF(CD) SPA.	Approved
2023-044	63.22 acres located on the north and south side of Morris Estate Drive, east of North Graham Street, and west of IBM Drive. From RE-3 to I-2(CD).	Approved

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type.

• **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Mallard Creek Road, a State-maintained major arterial, and Hubbard Road, a City-maintained major collector. A Traffic Impact Study (TIS) is not required for the site due to the development generating site trips under ordinance thresholds and not meeting additional TIS triggers. Site plan and/or conditional note revisions are needed to commit to the location of the access point along Hubbard Road, the radius of the curblin and gutter line at Hubbard Road and Mallard Creek Road, providing a secondary access on Bisaner Street, relocating a proposed fire hydrant and adjusting a conditional note regarding transportation improvements.

• **Active Projects:**

- N/A

• **Transportation Considerations**

- See Outstanding Issues, Notes 1-4.

• **Vehicle Trip Generation:**

Current Zoning: INST(CD).

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 334 trips per day (based on 107 dwellings)

Proposed Zoning: N2-A(CD). 437 trips per day (based on 64 multi-family dwellings).

**DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Development allowed with the proposed zoning may produce 12 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - David Cox Elementary remains 118%
    - Ridge Road Middle remains at 94%
    - Mallard Creek High remains at 111%
- **Charlotte Water:** Accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main along Hubbard Rd. Accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Hubbard Rd. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No comments submitted.
- **Long Range Planning:** See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **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 comments submitted.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** See outstanding Issues, Notes 5-6.

#### **OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING**

##### Transportation

1. CDOT: Revise site plan and conditional note(s) to commit to relocating the site access to Hubbard Road to the north. Site access shall maximize the distance from Mallard Creek Road by relocating the access 20 feet from the property line measured from the curb return or 50 feet from the nearest adjacent driveway.
2. CDOT: Revise site plan to show proposed curblines from future location along Hubbard Road tying into the existing curblines along Mallard Creek Road and thus adjusting the radius at the intersection.
3. CDOT: Revise site plan and conditional note(s) to provide a secondary access to the site along Bisaner Street.
4. CDOT: Change conditional note 4 under "Transportation" to the following: "All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued." The petitioner may phase transportation improvements if said improvements and phasing are approved by CDOT and explicitly described in site plan notes.

##### Environment

5. Urban Forestry: A tree survey shall be required for all conditional zoning map amendments.
6. Urban Forestry: Show green area calculation on site plan.

##### Site and Building Design

7. Entitlement Services: Add condition specifying minimum number and maximum spacing of alley street trees.
8. Entitlement Services: Provide enhanced architectural standards to conditional notes.
9. Entitlement Services: Please provide minimum dimension for porches and stoops to ensure that they are usable.

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**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Maxx Oliver 704-336-3818