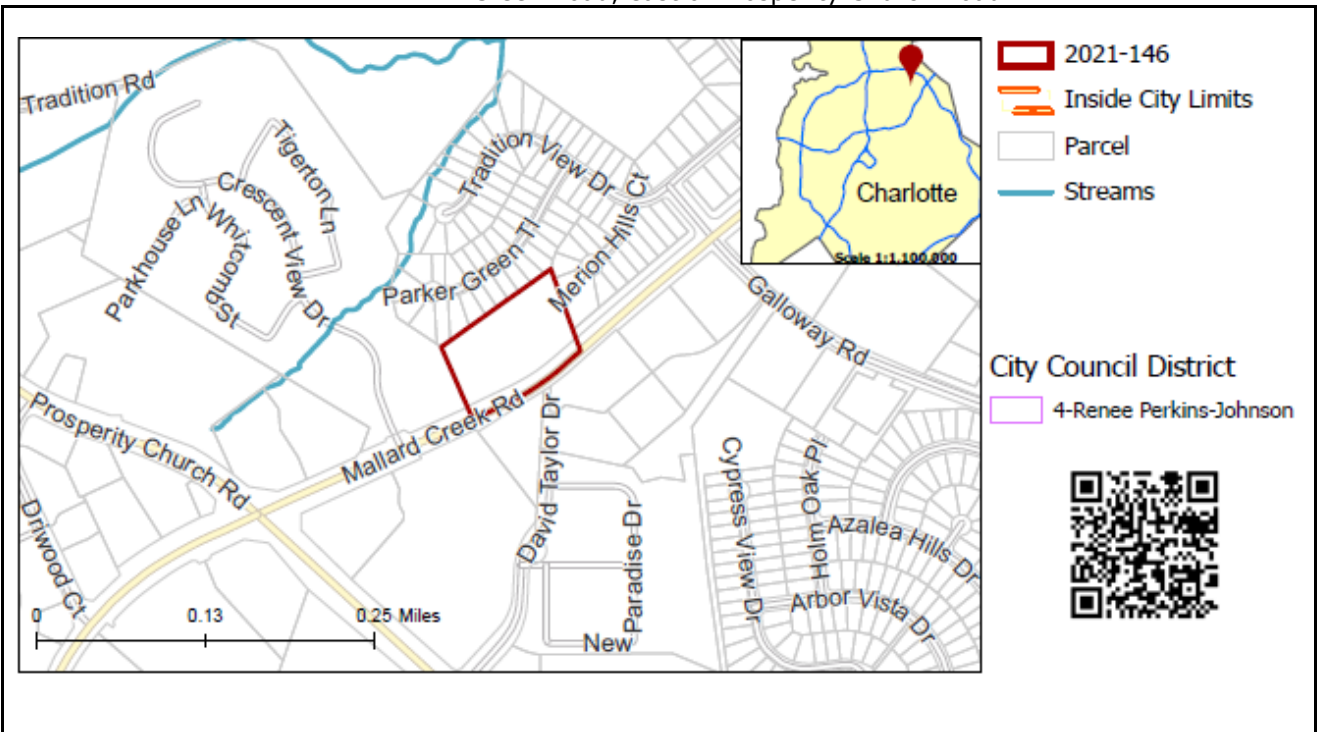


## REQUEST

Current Zoning: R-3 (single family residential)  
Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)

## LOCATION

Approximately 3.70 acres located on the northwest side of Mallard Creek Road, east of Prosperity Church Road.



## SUMMARY OF PETITION

The petition proposes a residential community of up to 34 townhome units with a density of 9.2 dwelling units per acre.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Think Group, LLC  
Kinger Homes, LLC  
Travis Gingras

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 22

## STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

### Plan Consistency

The petition is **inconsistent** with the *Prosperity Hucks Area Plan's* (2015) recommendation of residential uses of no more than 6 DUA.

### Rationale for Recommendation

- The petition is requesting a slightly higher density of 9.2 DUA.
- The request is compatible with the surrounding neighborhood uses and provides a good transition and buffer from Mallard Creek Church Road on the south to single family residential on the north/east.
- The petition commits to enhancing the pedestrian environment on the site with multiple site design elements.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan*, from single family uses of no more than 6 DUA to multifamily uses of up to 12 DUA for the site.

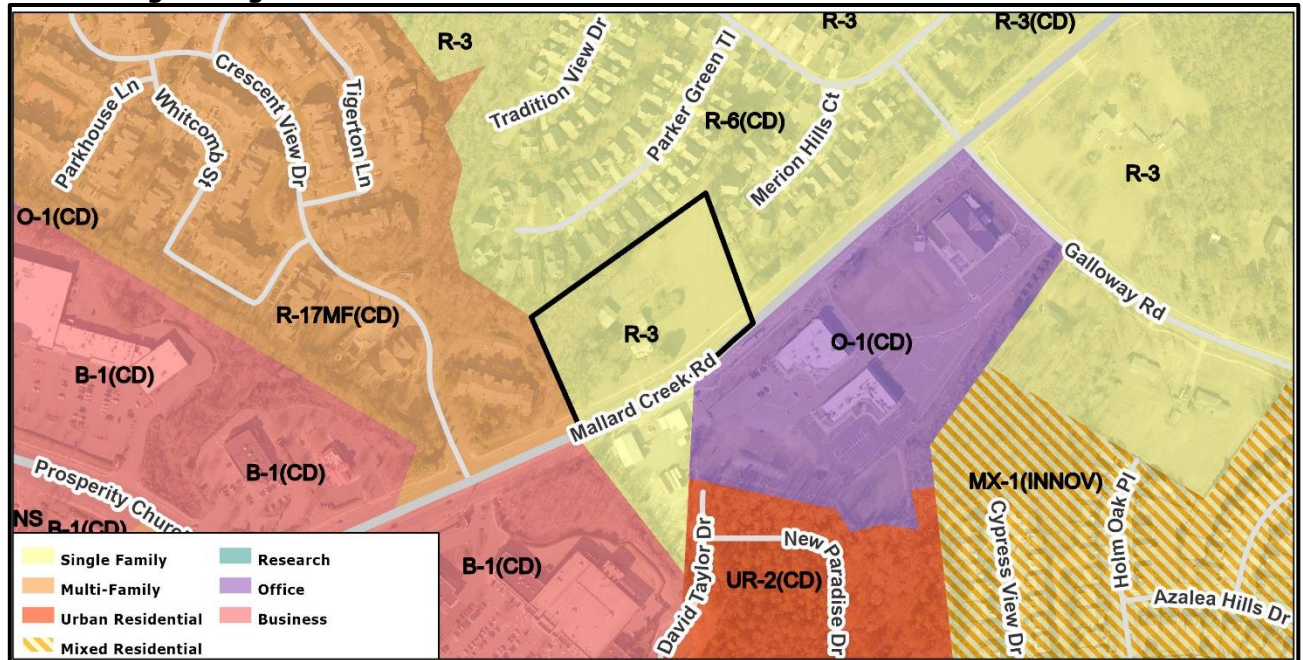
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 34 townhome units.
- Commits to an 8-foot planting strip and a 6-foot sidewalk along the frontage of Mallard Creek Road.
- Provides internal sidewalks and pedestrian connections to all public and private streets.
- Provides a 24-foot class C buffer to abutting single-family homes.
- Provides 2,000 square-feet of open space with benches and enhanced landscaping.
- Provides visitor parking spaces.
- Architectural details:
  - Exterior building materials will be a combination of brick veneer, stone, manufactured stone, and cementitious siding.
  - 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.
  - Usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches should be covered and be at least 6 feet deep. Stoops and entry-level porches may be covered but should not be enclosed.
  - All corner/end units that face a public or private street should 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.
  - Each unit will have a 2-car garage.

### • Existing Zoning and Land Use



The surrounding land uses include single family, multi-family apartments, medical office, retail, and commercial uses.





The subject property denoted with a red star.



The property to the north along Parker Green Trail is developed with single family homes.

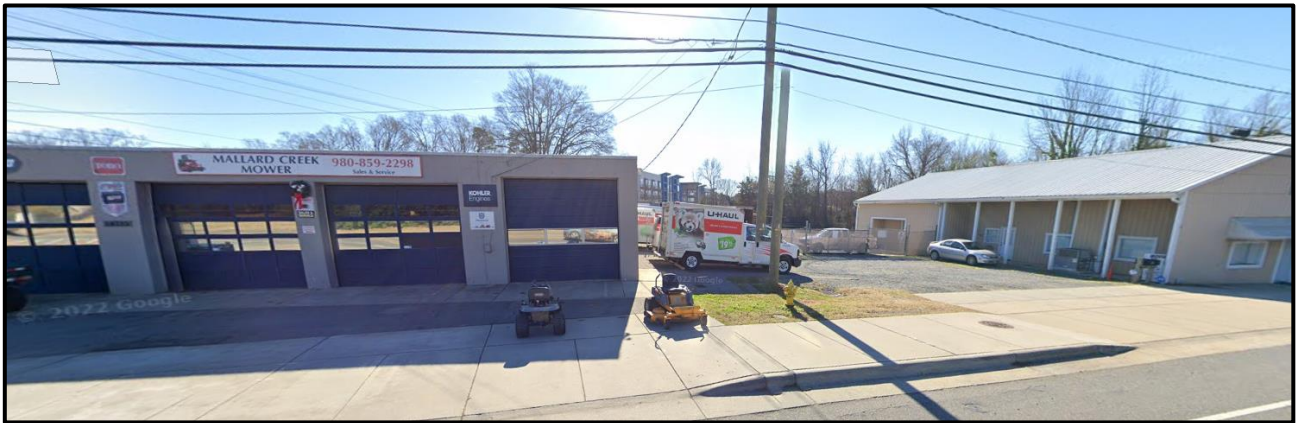


The property to the east along Merion Hills court is developed with single family homes.





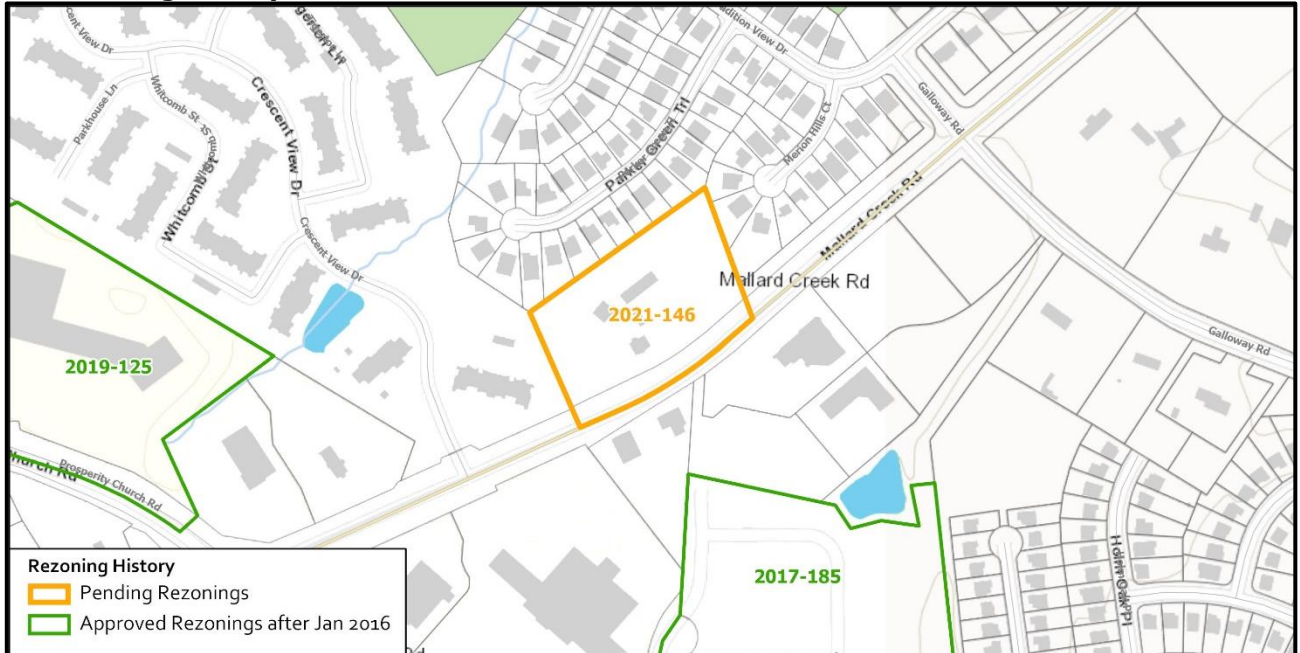
The property to the west along Crescent View Drive is developed with apartments.



The property to the south across Mallard Creek Road is developed with retail uses.

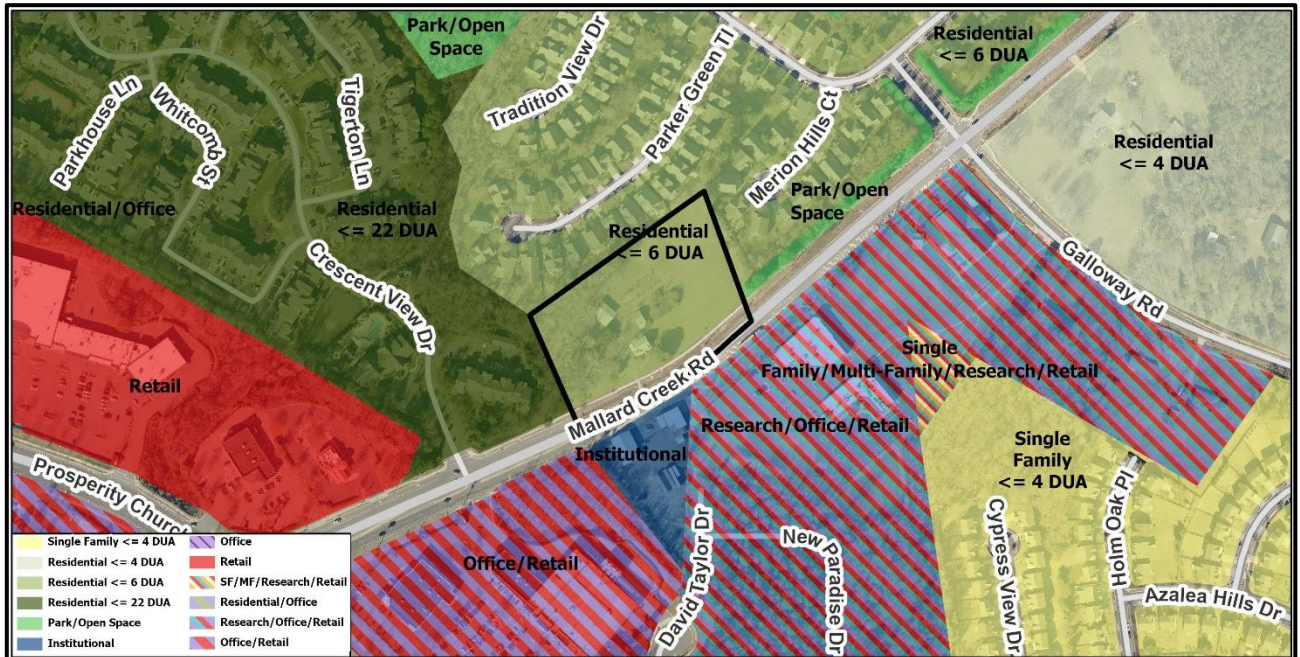


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-185	Rezoned 11.75 acres to allow up to 260 multi-family units.	Approved
2019-125	Rezoned 8.43 acres to allow up to 6,500 additional square feet of non-residential uses to an existing shopping center.	Approved

- Public Plans and Policies**



- The *Prosperity Hucks Area Plan* calls for residential uses of no more than 6 DUA.

- **TRANSPORTATION SUMMARY**

- The petition is located adjacent to Mallard Creek Road, a State-maintained major thoroughfare southwest of Galloway Road, a City-maintained minor collector. A Traffic Impact Study (TIS) is not needed for this petition. CDOT continues to request 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. Site plan revisions are needed to meet ordinance requirements and/or the outstanding items including, but not limited to clarifying the location of the sidewalk utility easement along the entire property frontage. Further details are listed below:
  - **Active Projects:**
  - Mallard Creek Road Widening – Mallard Creek Church Road to I-485 (NCDOT TIP project U-6028)
    - Status: Planning (project suspended)
    - Scope: Widening Mallard Creek Road to multi-lane median-divided roadway, details TBD
- **Transportation Considerations**
  - See Outstanding Issues, Notes 4-5
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 10 trips per day (based on 1 single family dwelling).
    - Entitlement: 115 trips per day (based on 9 single family dwellings).
  - Proposed Zoning: 220 trips per day (based on 34 townhomes).

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

- **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:** The development allowed under the existing zoning could generate 11 students, while the development allowed under the proposed zoning may produce 5 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 16-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)
- **City Arborist:** No comments submitted.
- **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:** No comments submitted.

**OUTSTANDING ISSUES**

Transportation

- ~~1. Revise site plan to show cross section of Mallard Creek Road at the site driveway with the required turn lane improvements. Clarify the conditional notes to reflect the required turn lane improvements on Mallard Creek Road.~~ Addressed
- ~~2. Clarify conditional note by stating the left and right turn lanes will be constructed.~~ Addressed

3. ~~Maintain curb line at 33-ft from centerline at the site driveway. Stripe out the area adjacent to the driveway with pavement markings.~~ **Rescinded**
  4. **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.**
  5. **Additional SUE needs to be shown on the east side of property along the Mallard Creek Road sidewalk.**
  6. ~~Install curb and gutter 33-feet from the centerline of Mallard Creek Road along the entire property frontage and clarify the location of the sidewalk utility easement.~~ **Addressed**
- Site and Building Design
7. ~~Change all instances of "should" to "shall" in the site plan notes.~~ **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 # 2021-146

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.	✓
	<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>N/A</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>