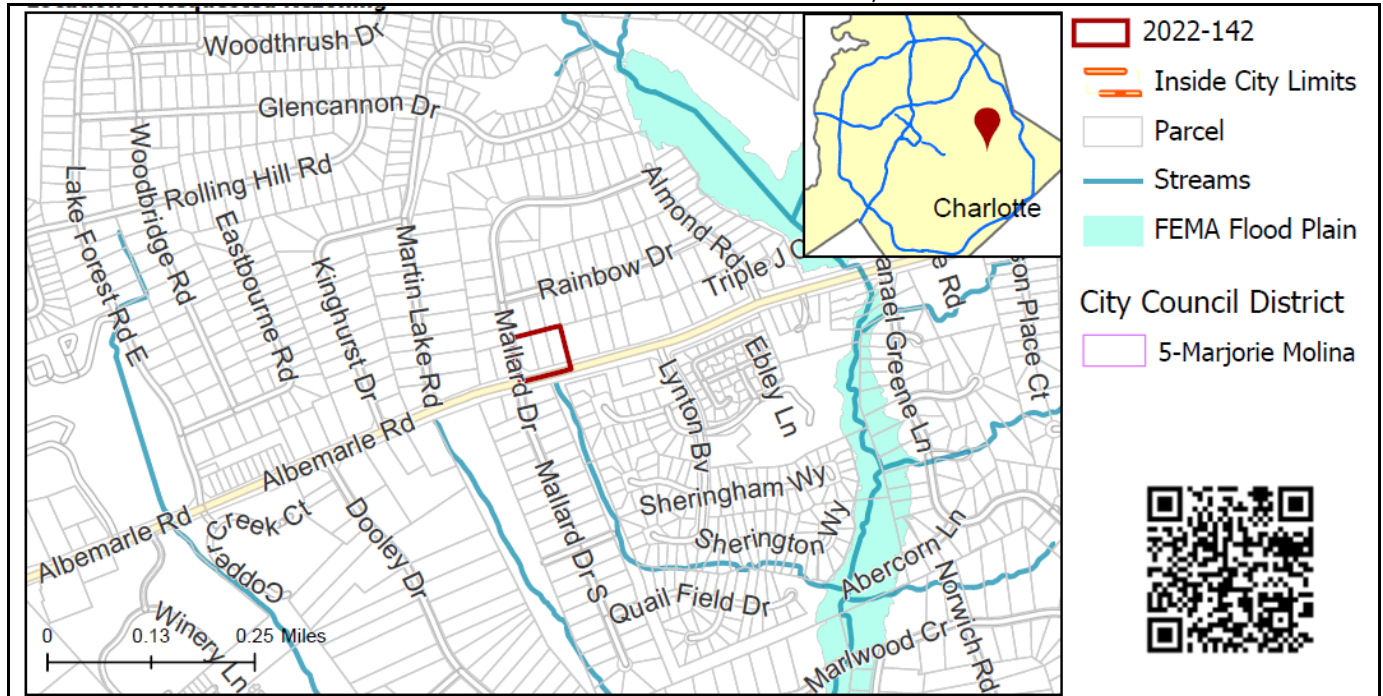


REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 1.57 acres located at the northeast intersection of Albemarle Road and Mallard Drive, south of Rainbow Drive.



SUMMARY OF PETITION

The petition proposes to allow up to 32 age-restricted and income targeted apartments a single building on a vacant lot.

PROPERTY OWNER

EC Legacy Properties LLC

PETITIONER

EC Legacy Properties, LLC

AGENT/REPRESENTATIVE

Sharrell Howard - STETRIS

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 12

STAFF RECOMMENDATION

Staff does not recommend approval of this petition in its current form. Outstanding issues related transportation, environment, and site and building design are needed in order for staff to reevaluate our recommendation.

Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map recommendation for Neighborhood 1.

Rationale for Recommendation

- Multiple outstanding issues need to be resolved including items including but not limited to streetscape improvements on Albemarle Rd. and Mallard Dr., building height clarification, and separation from adjacent single-family uses.
- While inconsistent with the 2040 Policy Map recommendation for Neighborhood 1 uses, the petition is proposing residential uses that add to the housing options in the area.
- The petition commits to an age restrictive product.

- The petition proposes sidewalk connection to the sidewalk systems along Albemarle and Mallard Roads.
- The petition lies in close proximity to the 46X Harrisburg Express bus route.
- Neighborhood 2 at this site helps to achieve the Place Type goal of providing a variety of housing types such as townhomes and apartments.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 3: Housing Access for All
 - 5: Safe & Equitable Mobility

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

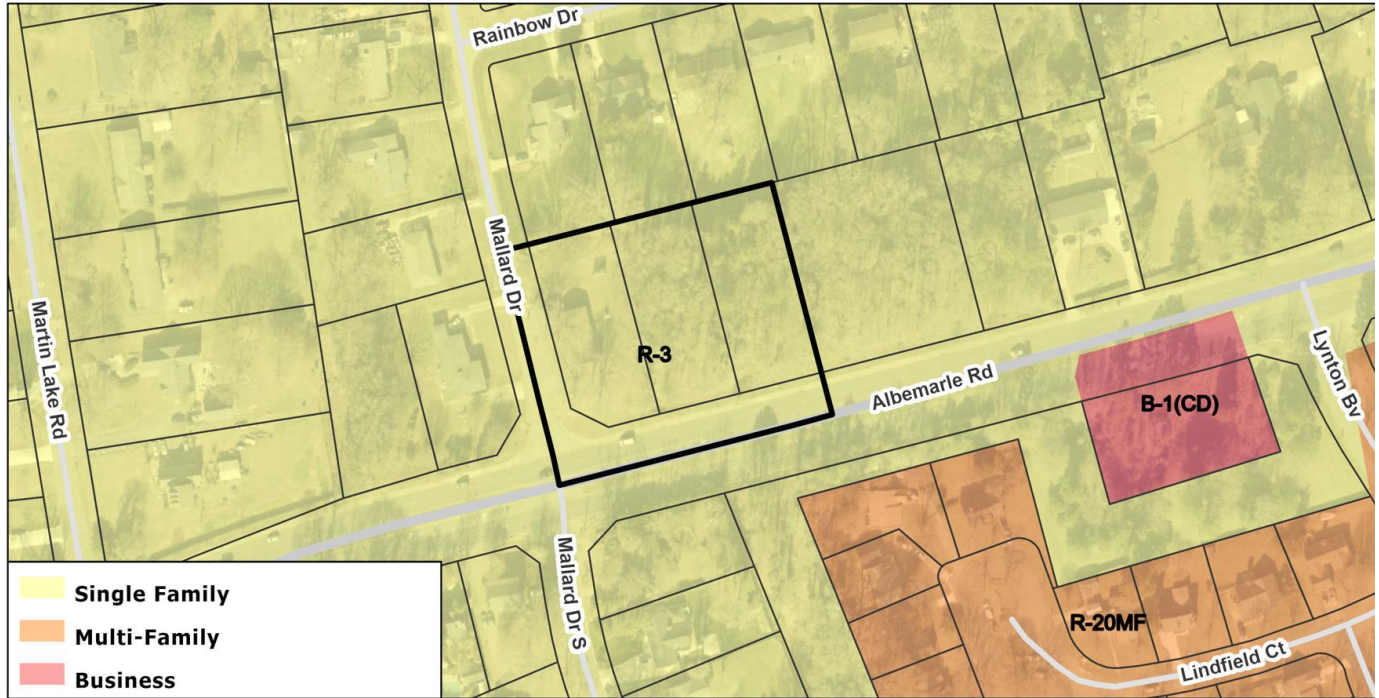
PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 32 apartments in a single building at a density of 20.38 units per acre, with associated parking area.
- Limits age of each resident to 55 and over.
- Limits resident occupancy to those defined as “low income” by U.S. Department of H.U.D.
- Allows residents to live in their units for an undefined and continuous length of time.
- Limits building height to a maximum 60 feet.
- Proposes ingress/egress from Mallard Drive.
- Illustrates a potential security gate at entrance and potential gates where internal sidewalks connect to sidewalk systems along Albemarle and Mallard Roads.
- Illustrates a possible fence around the perimeter of the property.
- Illustrates tree save and stormwater areas.
- Notes passive recreation is proposed through the use of interconnected sidewalks for walking/exercise, and benches along the stormwater pond for observing wildlife and nature.

- Existing Zoning



The site is developed with a single family home and is surrounded primarily single family residential neighborhoods, religious institution, and vacant land on parcels zoned R-3, R-20MF, and B-1(CD).

Existing Zoning	Translated Zoning	Recommended Place Type
R-3 (single family residential)	N-1A (neighborhood 1)	N1 (neighborhood 1)



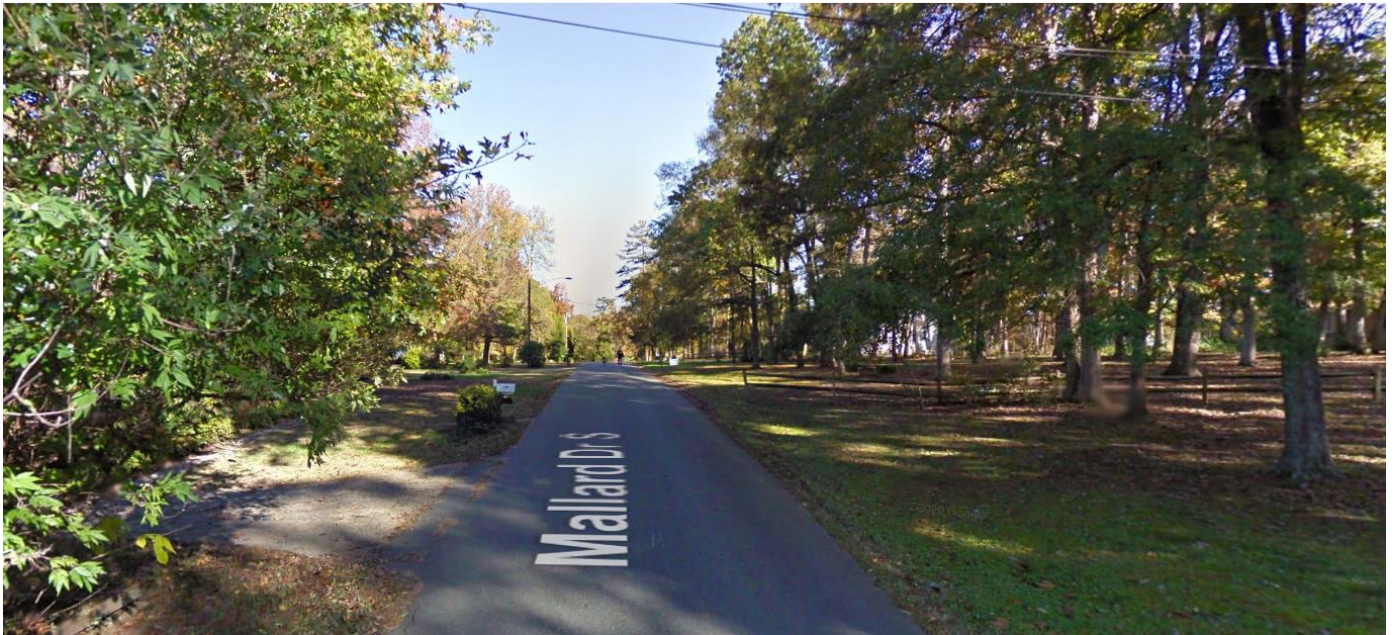
The rezoning site is developed with a single family home with remainder acreage vacant.



North are single family homes.



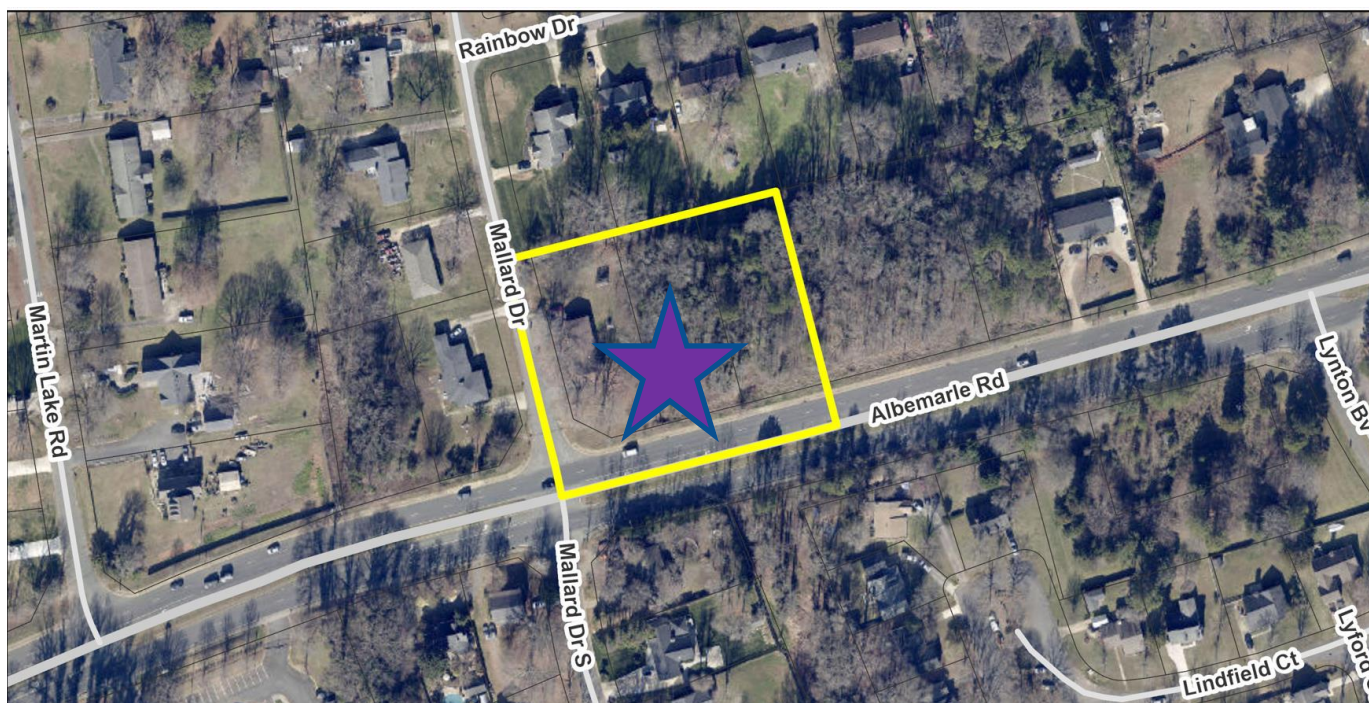
East are single family homes and vacant land.



South are single family homes.



West are single family homes and a religious institution.



The rezoning site (denoted by purple star) is surrounded primarily by single family neighborhoods, a religious institution, and vacant land.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
	There have been no recent rezonings in the immediate area.	

- **Public Plans and Policies**



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

- **TRANSPORTATION SUMMARY**

- The petition is located on the north side of a state-maintained Major Thoroughfare, Albemarle Road, and east of Mallard Drive. A Traffic Impact Study (TIS) is not needed for the site. Site plan revisions are needed to meet ordinance requirements and/or the outstanding items including, but not limited to committing to streetscape along Mallard Drive and Albemarle Road, installing a multi-use-path along Albemarle Road, and dedicating right of way along both public street frontages. Further details are listed below.
- **Active Projects:**
 - None.
- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-7.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 20 trips per day (based on duplex).
 - Entitlement: 40 trips per day (based on four single family homes).
 - Proposed Zoning: 260 trips per day (based on 32 dwelling units).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution mains located in Albemarle Rd and an existing 6-inch water main in Mallard Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing 8-inch gravity sewer main located in Mallard Drive and an existing 8-inch gravity sewer main in Albemarle Road. See advisory comments at www.rezoning.org
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at 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:** See Outstanding Issues, Note 8.

OUTSTANDING ISSUES

Transportation

1. Curblines: The proposed zoning district has a setback measured from back of the existing or proposed future curbline.
 - a. Albemarle Road: Future curbline location: 44' from centerline
 - b. Mallard Dr: Future curbline location: 13' from centerline per CDLSM Local Residential Medium Street

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 confirm existing 50' of right-of-way from centerline or commit to dedicate 50' right-of-way from the road centerline on Albemarle Road. Revise site plan to label and dimension 28' of right-of-way from centerline of Mallard Drive. The site plan shall label and dimension the right-of-way from the road centerline.
3. Revise site plan and conditional note(s) to commit to construct an 8-foot planting strip, and 6-foot sidewalk on Mallard Drive per Chapter 19. Revise site plan and conditional note(s) to commit to construct an 8-foot planting strip, and 12-foot Multi-Use Path on Albemarle Road per the city council adopted Charlotte Streets Map. The site plan shall label and dimension both items from the back of curb and gutter and road centerline.
4. Site plan and conditional note(s) revisions are needed to commit to construct bicycle facilities by installing a 12' multi-use path to meet the City Charlotte BIKE Policy along Albemarle Road. Add conditional note and callout to install 12-foot multi-use path on Albemarle Road along site frontage.
5. A site plan note(s) specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued as needed. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible.
6. A site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued as needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.
7. Add conditional note "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 south eastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support."

Environment

8. All applications for grading, building, demolition, land use, change of use or rezoning permits on all property, except single-family development shall require a tree survey. The survey shall identify all trees of eight-inch dbh or greater and all planted trees of two-inch caliper or greater and six feet in height that grow partially or wholly within the city right-of-way.

Site and Building Design

9. Under Zoning Code Summary, modify proposed height to read: "Maximum of 50 feet". Modify Architectural Standards Note 1 to limit building height to a maximum of 50 feet. Please ensure the yard requirements comply with the zoning ordinance when proposed building height exceeds 40 feet and located adjacent single family residential zoning and use.
10. Under Zoning Code Summary, modify Setback (Front) to read Setback (South). Add language "From right-of-way line" as this is how it appears on the plan.
11. Under Zoning Code Summary, change Side Yard (West) to read Setback (West). Add language "From right-of-way line" as this is how it appears on the plan.
12. Under Zoning Code Summary, remove Gross Floor Area and Maximum Allowable Building.
13. Under Zoning Code Summary, modify to read Maximum FAR 1.0.
14. Provide a 16-foot Class C buffer along all property lines abutting single family zoning and/or in residential use. *This buffer was illustrated in a previous site plan.*
15. Fire turnaround area is not permitted in the buffer. If the fire turnaround area is proposed in this area, it should be referred to landscape area provided to a Class C standard in order to reference a planting schedule.
16. Clarify if there are a certain number of plantings required in these areas? Please define what type of plantings are being required in this clouded area. If defined by a minimum width from the property line, make sure to include language allowing the fire turnaround to be located within this planting area and do not call this a "buffer" as a buffer would not typically permit this condition.
17. Remove "Probable" - The fence will either be required or not.

18. Please add the architectural standards notes to the site plan provided by staff during plan review.

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

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