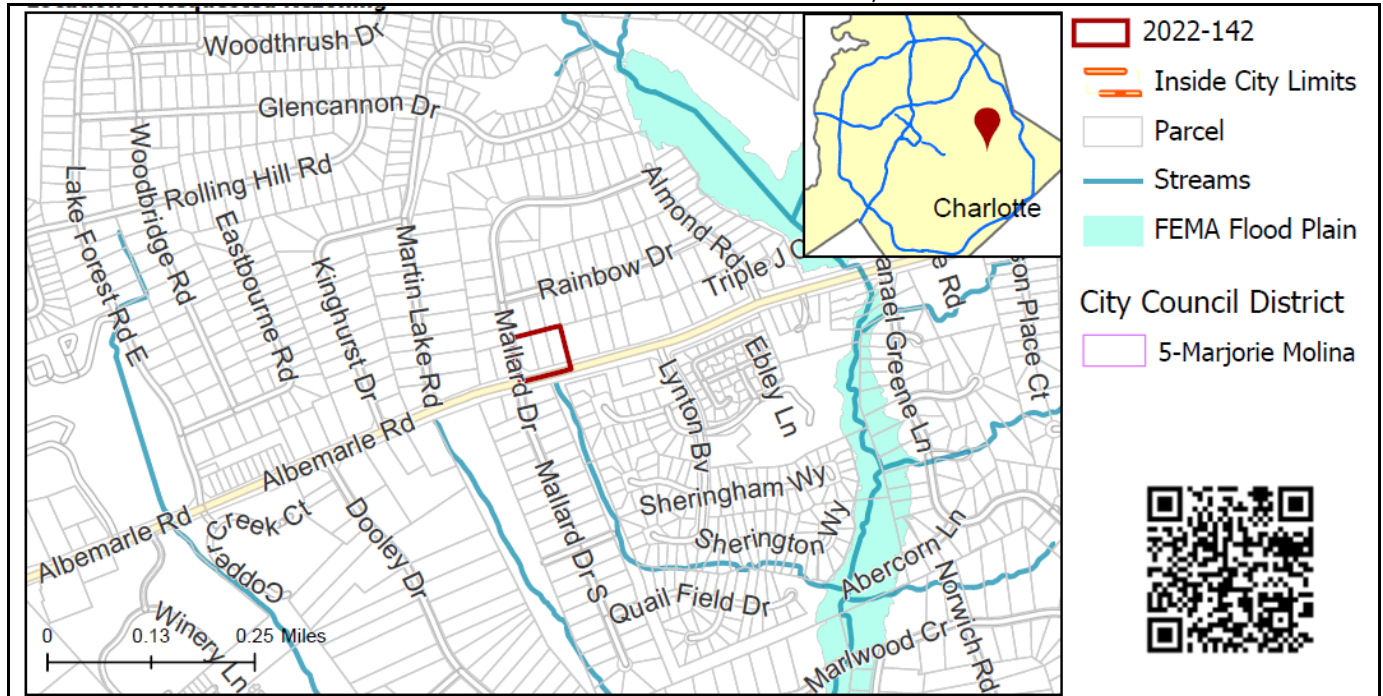


REQUEST

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 in 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 recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

- 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 commits to a 12-foot multi-use path (MUP) along Albemarle Road, and a six-foot sidewalk and an eight-foot planting strip along Mallard Drive.

- 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.

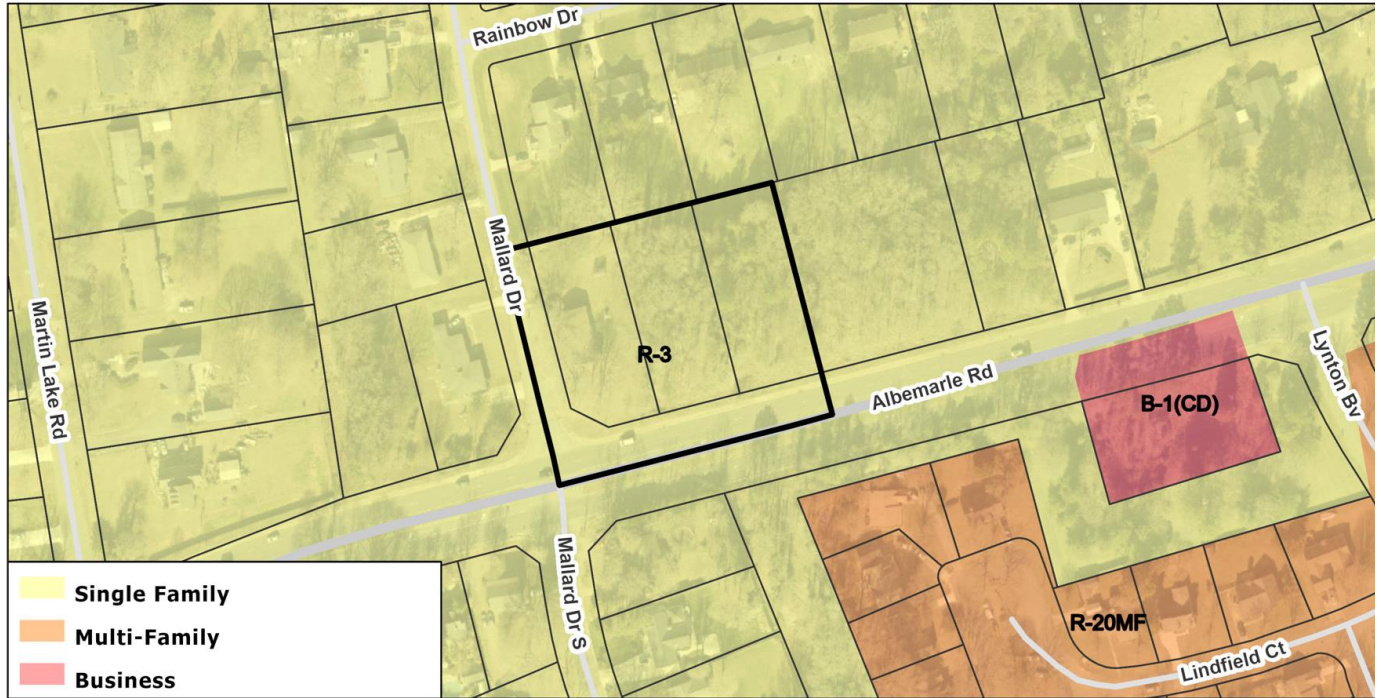
PLANNING STAFF REVIEW

• 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.~~ Adds note stating: The property is intended to be “affordable housing” (as defined by the Federal Department of Housing and Urban Development) in perpetuity.
- Provides a 20-foot setback along Albemarle Road and Mallard Drive.
- Limits building height to a maximum 60 feet. Adds detail illustrating height relationship between proposed building and adjacent single family residential home.
- 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 Road and Mallard Drive.
- Illustrates a 12-foot multi-use path and an eight-foot planting strip along Albemarle Road.
- Illustrates a six-foot sidewalk and eight-foot planting strip along Mallard Drive.
- Proposes a 16-foot wide Class C buffer along property lines abutting single family residential use/zoning and along west property line parallel Mallard Drive.
- Illustrates a possible fence around the perimeter of the property.
- Illustrates tree save and stormwater areas.
- Notes passive recreation proposed through use of interconnected sidewalks for walking/exercise, and benches along the stormwater pond for observing wildlife and nature.
- Added the following note to the site plan: 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.

• **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)	N1-A (neighborhood 1)	N1 (neighborhood 1)



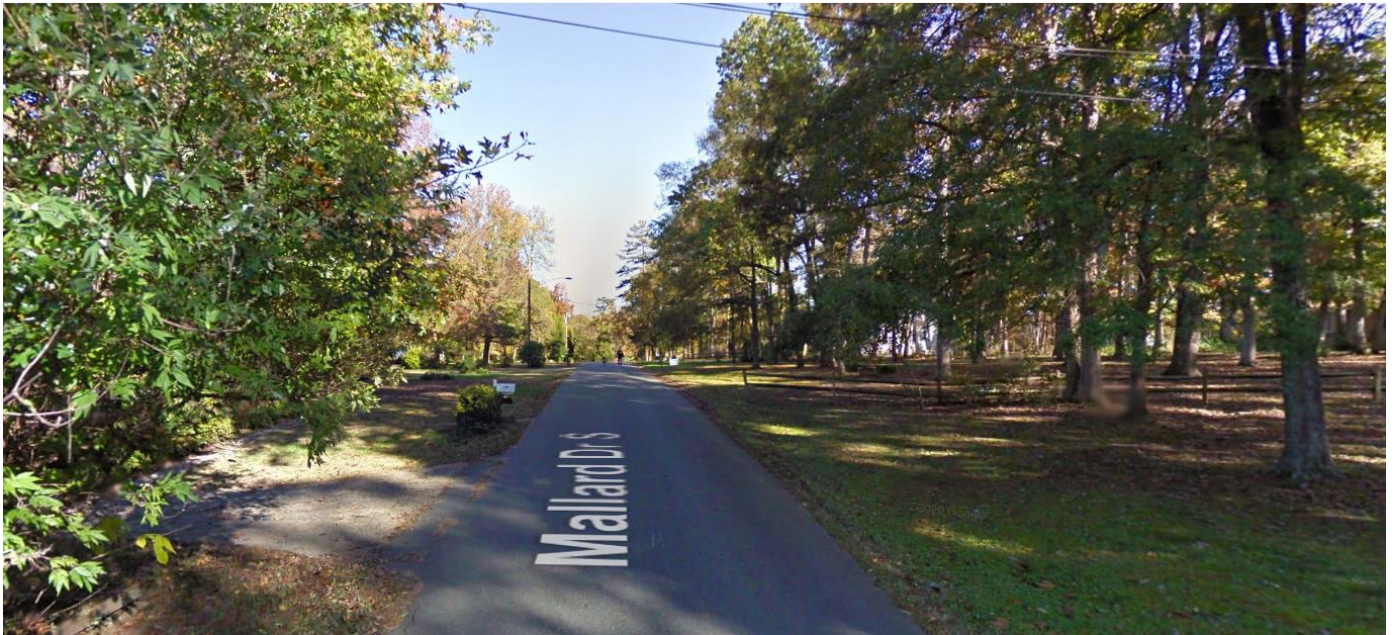
The rezoning site is developed with a single family home with remainder acreage vacant.



North are single family homes.



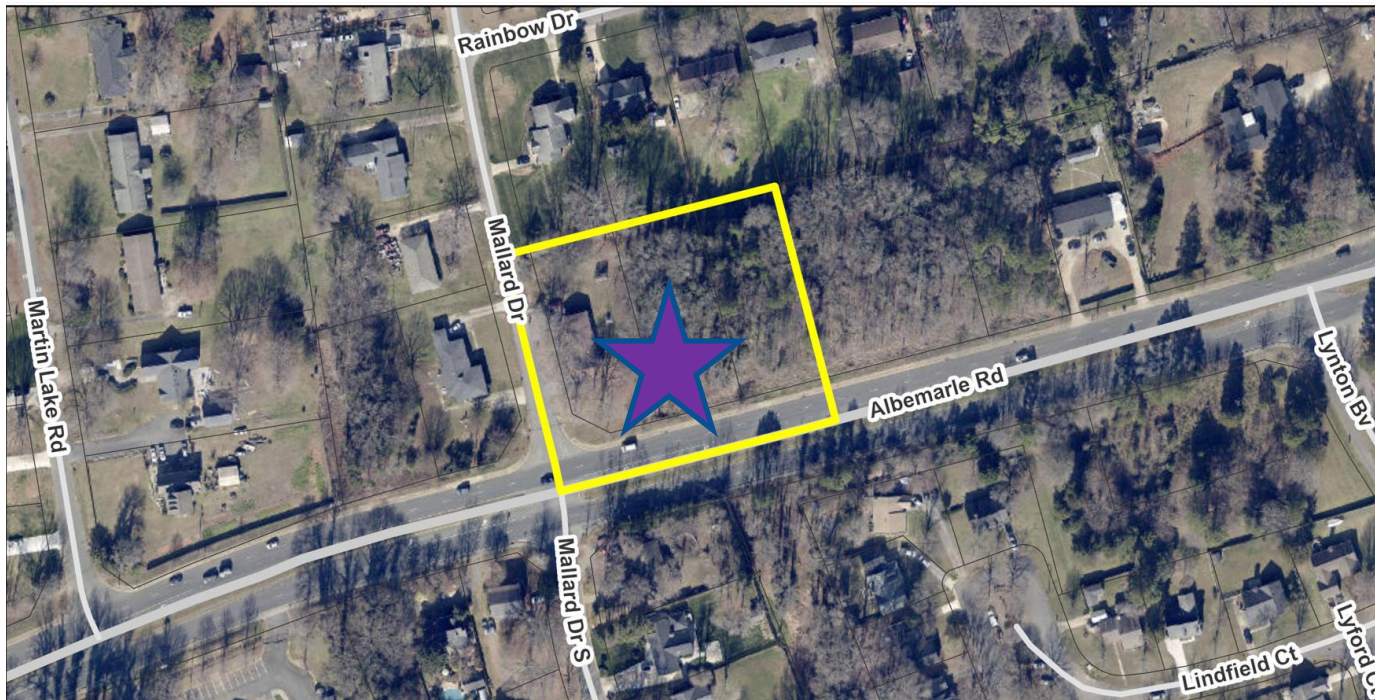
East are single family homes and vacant land.



South are single family homes.

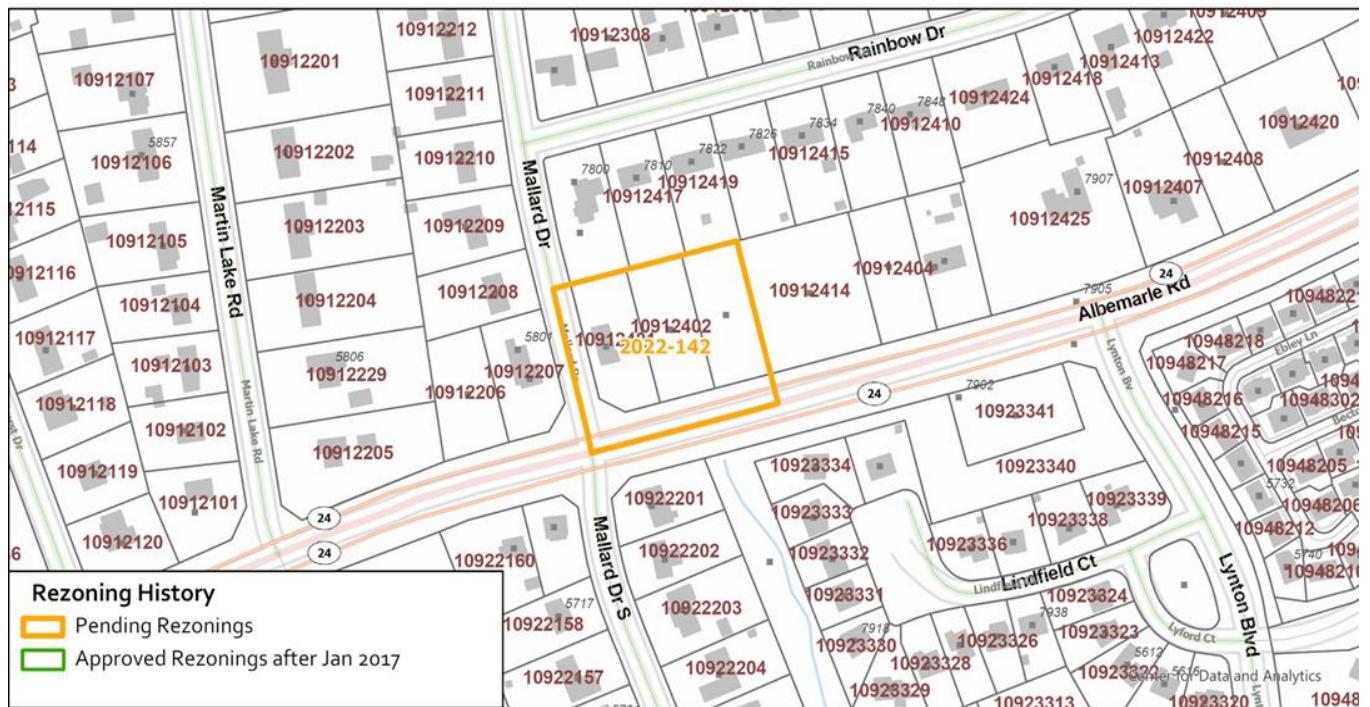


West are single family homes and a religious institution.



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 is 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. CDOT has no outstanding comments.
 - **Active Projects:**
 - None.
 - **Transportation Considerations**
 - No outstanding issues.
 - **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 1. **Addressed**

OUTSTANDING ISSUES

Environment

1. 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. **ADDRESSED**

Site and Building Design

2. Update Permitted Uses Note 4. The intent of the original comment is to state whether there is a minimum timeframe that the development itself must remain affordable rather than the length of time a resident may live in their unit. Please update note. If the intent is for the development to remain affordable in perpetuity state that clearly. **ADDRESSED**
3. Under Zoning Code Summary, modify proposed height to read: "Maximum of 50 feet per Table 9406(2)(a)". Modify Architectural Standards Note 1 to limit building height to a maximum of 50 feet per Table 9.406(2)(a). **RESCINDED**
4. Please clearly label setbacks along Albemarle Drive and Mallard Drive. The Zoning Code Summary on the site plan notes a proposed 20 foot setback as requested by staff. **ADDRESSED**
5. Please confirm where is this 16' buffer that is parallel to Mallard Drive being measured from. Back of sidewalk? Please show correctly as the sidewalk should not be in the buffer. **ADDRESSED**
6. Commit to the 16 foot Class C buffer with a fence along the north and east property lines (entire lengths) in a conditional note, specifying locations under Streetscape/Landscaping. **ADDRESSED**
7. ~~New Comment (Urban Design): Fencing along street frontage should be decorative and not opaque and placed interior to any street trees.~~

TECHNICAL ISSUES

1. Label proposed fence along north property line. **ADDRESSED**
2. Consolidate Architectural Standards notes under one section instead of two separate sections. **ADDRESSED**
3. Move Recreation Note to conditional notes section. **ADDRESSED**

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org
Planner: Claire Lyte-Graham (704) 336-3782