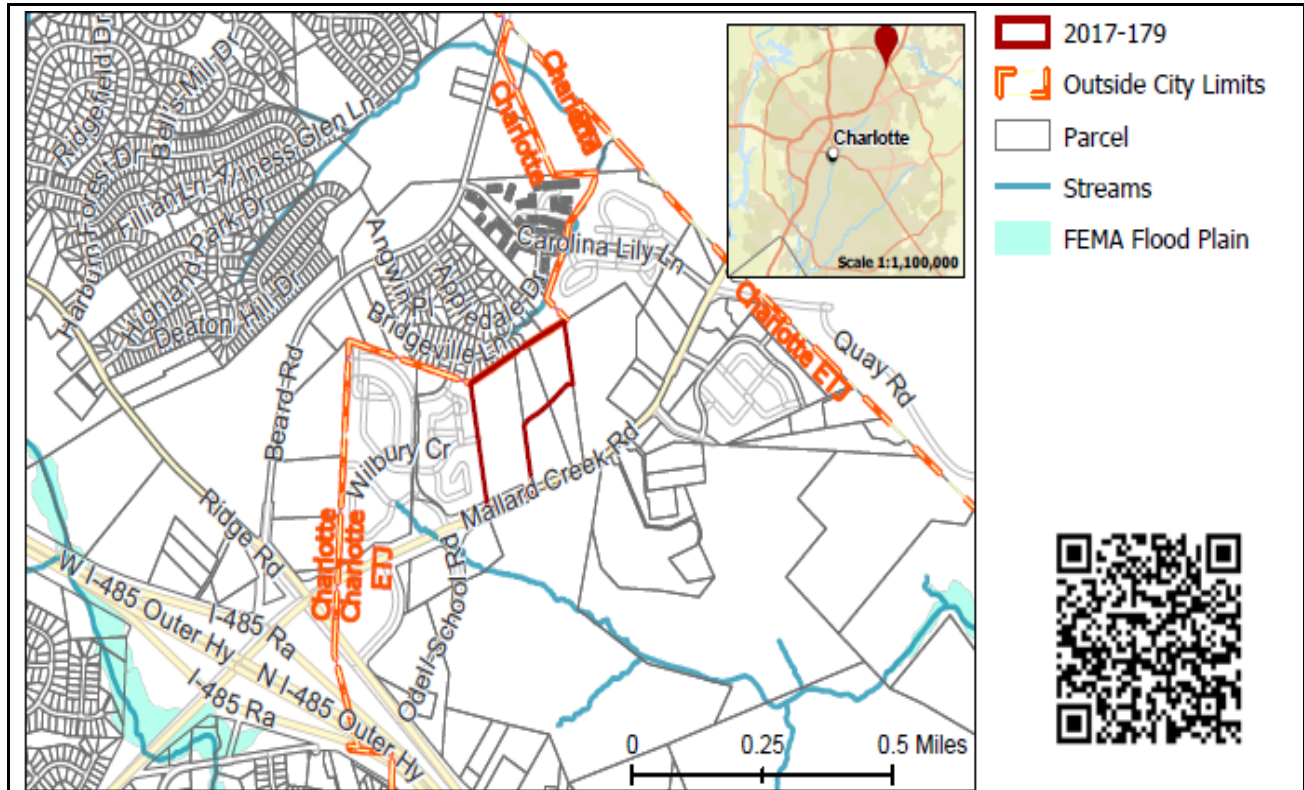


**REQUEST**

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

**LOCATION**

Approximately 19.52 acres located on the north side of Mallard Creek Road, east of Interstate 485.  
 (Outside City Limits)



**SUMMARY OF PETITION**

The petition proposes to allow the development of a multi-family residential community on acreage partially developed with a single family home and the remainder vacant, and located on the north side of Mallard Creek Road, east of Interstate 485 and west of Concord Mills in Cabarrus County.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**  
**COMMUNITY MEETING**

Richard M. McCoy and Dixie McCoy, et al  
 Davis Development, Inc.  
 John Carmichael/Ty Shaffer, Robinson Bradshaw & Hinson, P.A.  
 Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 23

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Northeast Area Plan* recommendation for residential up to 12 units per acre.

Rationale for Recommendation

- The proposed development is consistent with the adopted land use for the site: residential up to 12 dwelling units per acre.
- The surrounding area contains a number of recently adopted multi-family developments, consistent with the adopted land use policy for the area.
- The proposed development will provide connections to the multi-family communities under construction to the west.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

#### Land Use

- Proposes up to 234 multi-family residential dwelling units at a density of 11.99 units per acre.
- The units will be contained in up to nine buildings, with maximum building heights of ~~four~~ **three** stories **over basement and maximum average height 48 feet at the front building line.**
- The proposal also includes a club/amenity building with pool and a limited number of garages.

#### Transportation

- The site plan commits to extending Aspire Street, a local street that runs generally parallel to Mallard Creek Road. The extension will run through the site, connecting to existing multi-family to the west, and stub into the property to the east.
- The site plan also includes the construction of a local public street that will connect Mallard Creek and the Aspire Street extension.
- Access will be from the two new local streets.
- **Constructs a northbound left turn lane on Mallard Creek Road at the vehicular access point into the site.**
- Locates a waiting pad for a new bus stop on the site's frontage on Mallard Creek Road.
- Dedicates and conveys to CDOT or to NCDOT portions of site adjacent to Mallard Creek Road as required to provide right-of-way measuring 69 feet from the existing centerline.

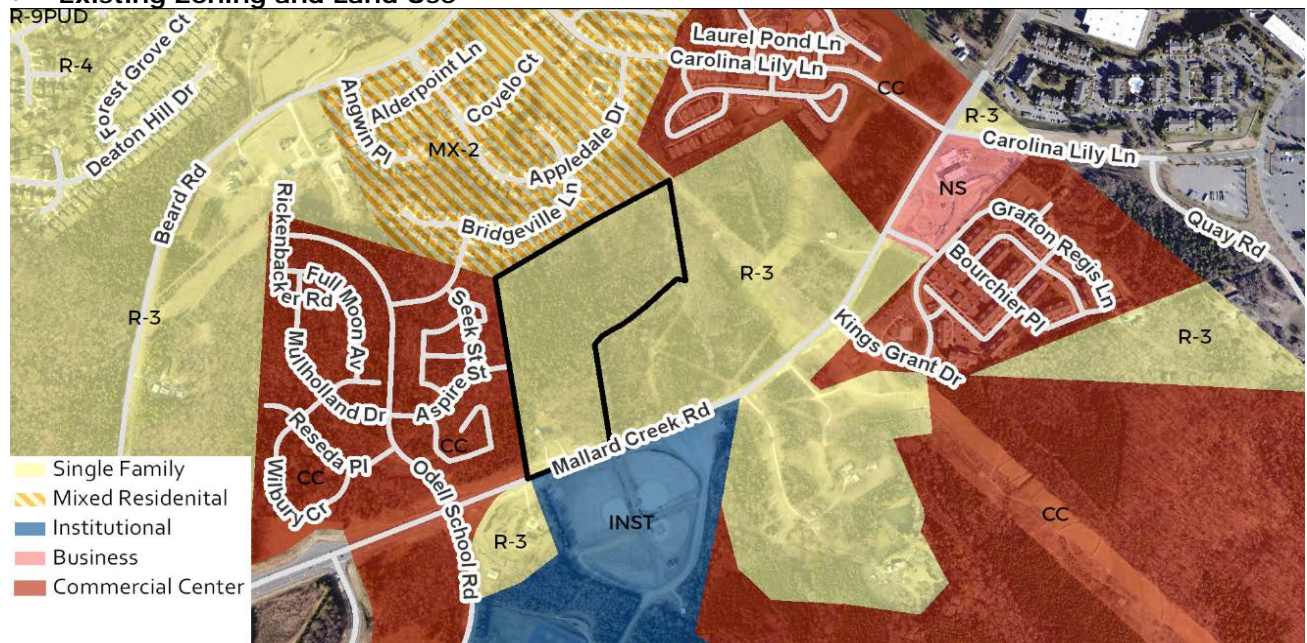
#### Site and Building Design

- Provides required 50 foot Class C buffers along all property lines abutting properties zoned R-3 (single family residential) and MX-2 (mixed use district).
- Locates buildings along Mallard Creek Road, the new public street off a Mallard Creek Road, and the north side of the extension of Aspire Street.
- Provides building elevations with keynotes indicating materials.
- Prohibits use of vinyl as an exterior building material, except on windows, soffits, doors, garage doors, trims and railings.

#### Environmental Features

- Identifies 50-foot **undisturbed** Post-Construction stormwater buffers along the eastern and southern edges of the site.
- Identifies potential tree save areas.

### • Existing Zoning and Land Use



- A portion of the rezoning site is developed with a single family home; the remainder of the acreage is vacant.
- The site is surrounded by a single family homes, apartments under construction, and vacant land. Hickory Grove Baptist Church is located across the street on the south side of Mallard Creek Road.





The subject property is zoned R-3 (single family residential) and developed with one single family structure.



The property to the south is zoned INST (institutional) and developed with recreational fields for a religious institution.

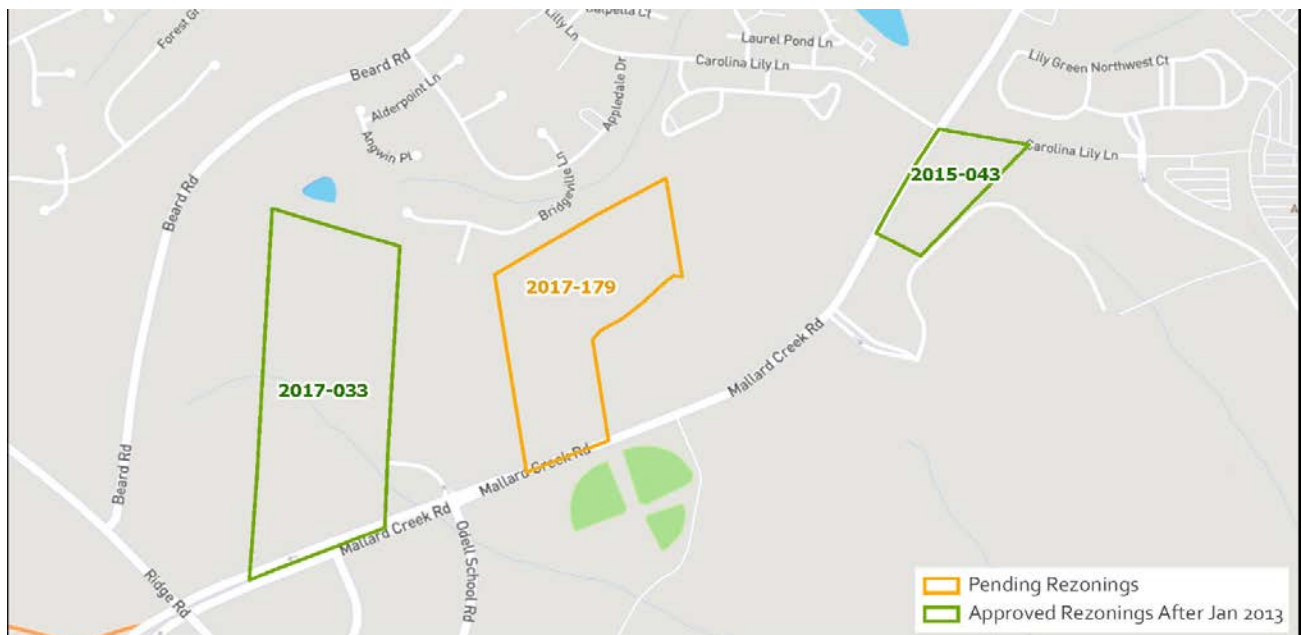


The properties to the east and west are zoned R-3 (single family residential) but are not developed.



The property to the north is zoned MX-2 (mixed use) and developed with single family houses.

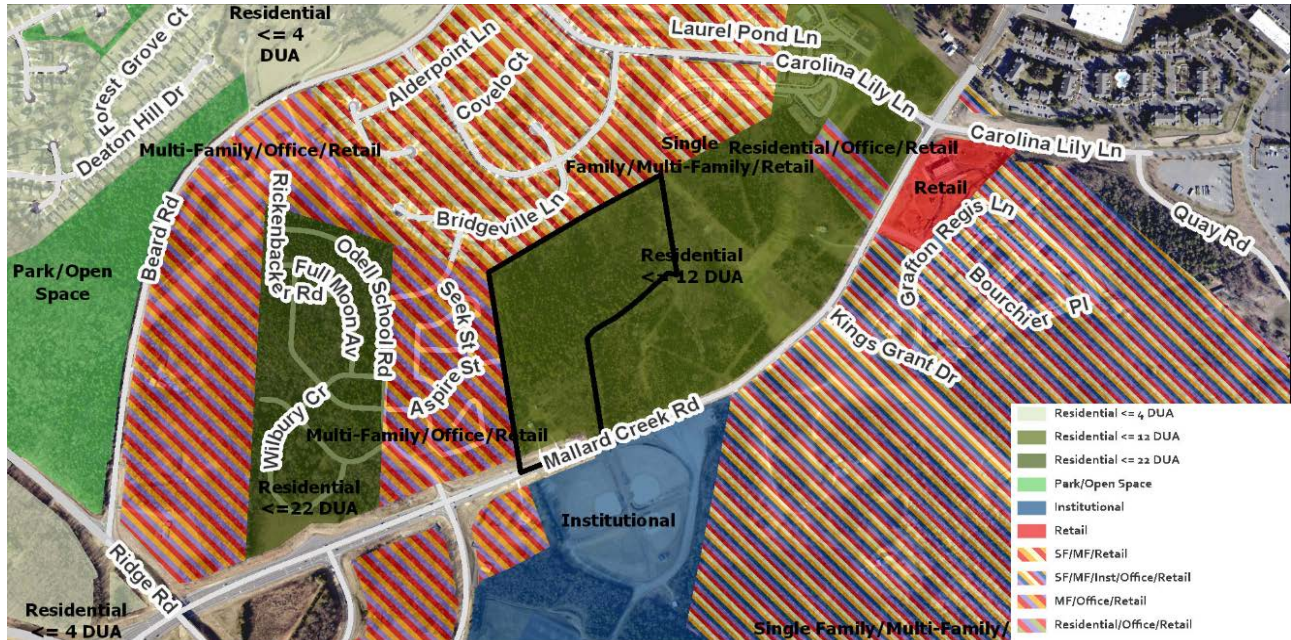
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-043	Rezoned approximately 4.98 acres in order to allow up to 20,000 square feet of uses permitted in the NS (neighborhood services) district (including a use with a drive-thru).	Approved
2017-033	Site plan amendment for approximately 29.08 acres to allow up to 322 dwelling units of various residential types.	Approved



- **Public Plans and Policies**



- The *Northeast Area Plan* (2000) recommends residential up to 12 dwelling units per acre for the subject property.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on a major thoroughfare. The current site plan extends an east-west private street across the site and matches the sidewalk width of the project permitted on the adjacent parcel. A northbound Mallard Creek Road left turn lane into the proposed private street will be required by NCDOT/CDOT.
  - ~~See Outstanding Issues, Notes 1 and 2.~~ Addressed
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 10 trips per day (based on one dwelling).
      - Entitlement: 640 trips per day (based on 58 single family dwelling; three units per acre).
    - Proposed Zoning: 1,540 trips per day (based on 234 apartments).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** ~~See Outstanding Issues, Note 3.~~ Addressed
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 29 students, while the development allowed under the proposed zoning will produce 32 students.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Mallard Creek Elementary from 93% to 95%
    - Ridge Road Middle from 119% to 119%
    - Mallard Creek High from 123% to 123%.
- **Charlotte Water:** Charlotte Water currently does not have water system accessible for rezoning boundary under review. The closest water distribution main is approximately 800 feet southwest of the rezoning boundary at the intersection of Odell School Road and Mallard Creek Road. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding access to water system connections.

Charlotte Water currently does not have sewer system accessibility for the rezoning boundary under review. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.

- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.

- **Land Development:** ~~See Outstanding Issues, Note 4.~~ Addressed
- **Storm Water Services:** ~~See Outstanding Issues, Notes 4 and 5.~~ Addressed
- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

## OUTSTANDING ISSUES

### Transportation

- ~~1. The petitioner should revise the site plan and conditional note(s) to provide a northbound left turn lane from Mallard Creek to the proposed local private street. The access at Mallard Creek Road may otherwise be restricted to right-in/right-out.~~
- ~~2. The NCDOT is planning a widening project (U-6032) and may revise the future curbline along the site's Mallard Creek Road frontage during permitting.~~
- ~~3. No on-street parking. Dead end access exceeding 150 feet requires approved Charlotte Fire Department turnaround. See charlottefire.org for other requirements. Petitioner should coordinate with Charlotte Fire to resolve this issue.~~ Petitioner has placed a note on site plan stating dead ends exceeding Fire Department requirement to comply with Fire Department requirements for turnaround, typical.

### Infrastructure

- ~~4. Please correct stream buffer labels to specify 50-foot Undisturbed PCSO buffer. Please also add the following note under the ENVIRONMENTAL FEATURES heading: "For adjoining parcels receiving stormwater discharge from proposed BMP(s), the Petitioner shall analyze adequacy of the existing stormwater conveyance on the adjoining parcels. If the existing stormwater conveyance on the adjoining parcels is found to be inadequate, the Petitioner shall make a good faith effort with the property owner(s) to improve the stormwater conveyance or otherwise mitigate the stormwater discharge onto the adjoining parcels."~~ Addressed
- ~~5. Please correct stream buffer delineations and labels on the site plans. Within this watershed, all intermittent and perennial streams draining less than 50 acres require a 50-foot undisturbed PCSO buffer (the 35-foot buffer delineations are incorrect).~~ Addressed

## REQUESTED TECHNICAL REVISIONS

### Site and Building Design

- ~~6. Under Development Data Table specify maximum number of stories and building height.~~ Addressed
- ~~7. Please shift required Class C buffer out of the 150-foot Duke Energy transmission right-of-way.~~ Addressed.
- ~~8. Remove drawing on technical data plan sheet.~~ Addressed.
9. Revise Note 1.C under General Provisions to clarify that only minor amendments that do not change the intent of the plan will be allowed.

## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Transportation Review

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