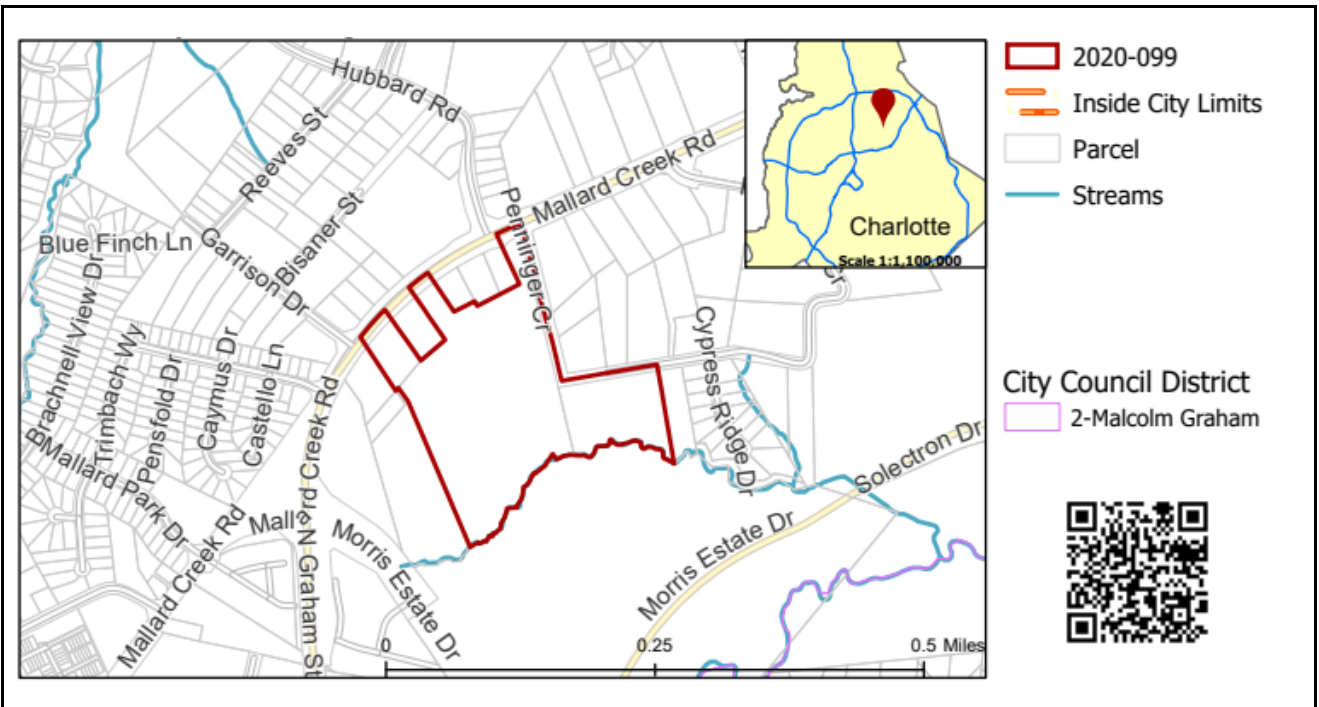


**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)

**LOCATION**

Approximately 20.88 acres located along the southeast side of Mallard Creek Road and north of Morris Estate Drive.



**SUMMARY OF PETITION**

The petition proposes to allow up to 130 townhouse style dwelling units for a density of 5.7 dwelling units per acre on vacant land.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

James W. Garrison  
D.R. Horton  
Jonathan Crowder, Merrick Engineering

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 10

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northeast District Plan (1996)* recommendation of single-family/multi-family use up to 8 dwelling units per acre.

Rationale for Recommendation

- This petition proposes up to 130 for sale townhome units with a density of 5.7 dwelling units per acre (DUA). This density is consistent with the *Northeast District Plan (1996)* recommendation of single-family/multi-family uses up to 8 DUA.
- The petition will help fulfill the *Northeast District Plan* goal of having a variety of housing types which are accessible to amenities.

- This petition proposes to improve Penninger Circle to meet city roadway standards and to build a sidewalk on the project side of the street.

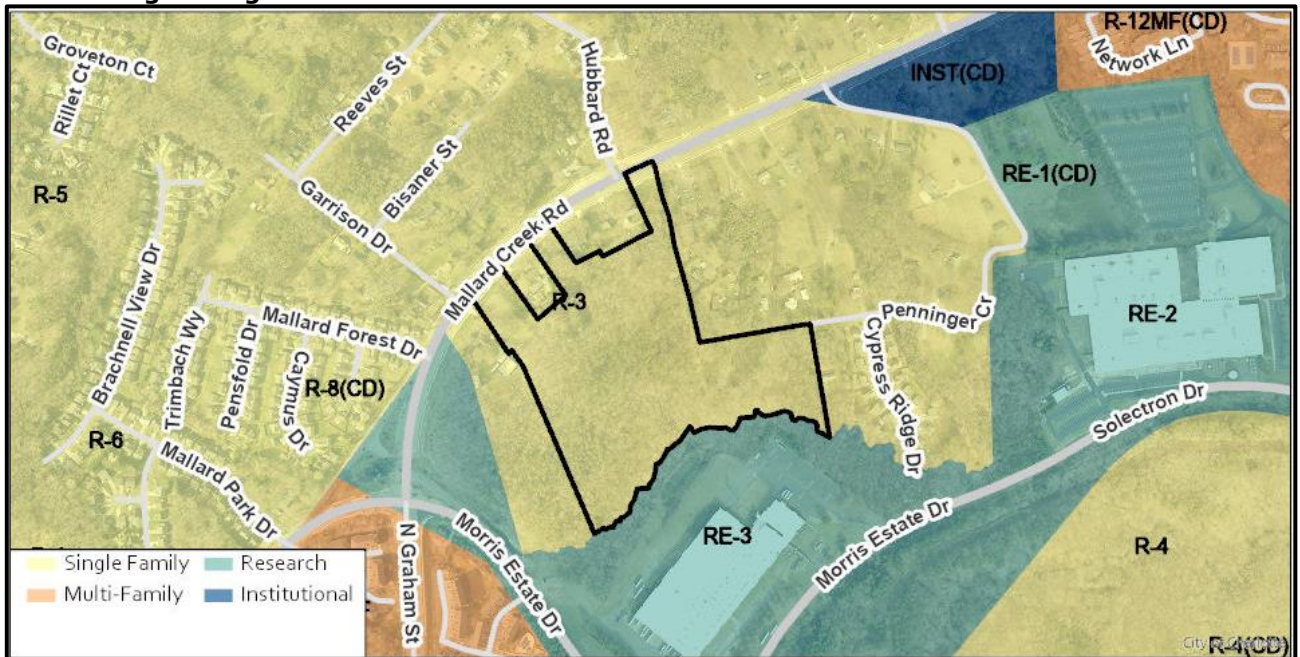
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 130 for sale townhome units.
- Commits to constructing road improvements within the existing unmaintained Penninger Circle public right-of-way.
- Commits to not extending Penninger Circle to Mallard Creek and is shown as a street stub.
- Provides a right-in and right-out only on Mallard Creek Road with 100-feet of storage.
- Provides a planting strip and sidewalk along all streets.
- Provides a 50-foot Class C buffer to abutting single family residential areas.
- Architectural standards include:
  - primary exterior building materials include one or more of the following: brick veneer or similar masonry products, stone, manufactured stone, cementitious siding, and vinyl.
  - all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 inches.
  - Usable porches and stoops shall form a predominant feature of the building design and be located on the front of the building. Usable front porches should be covered and be at least 4-feet deep.
  - All corner/end units that face a public or private street should have windows on 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.

### • Existing Zoning and Land Use

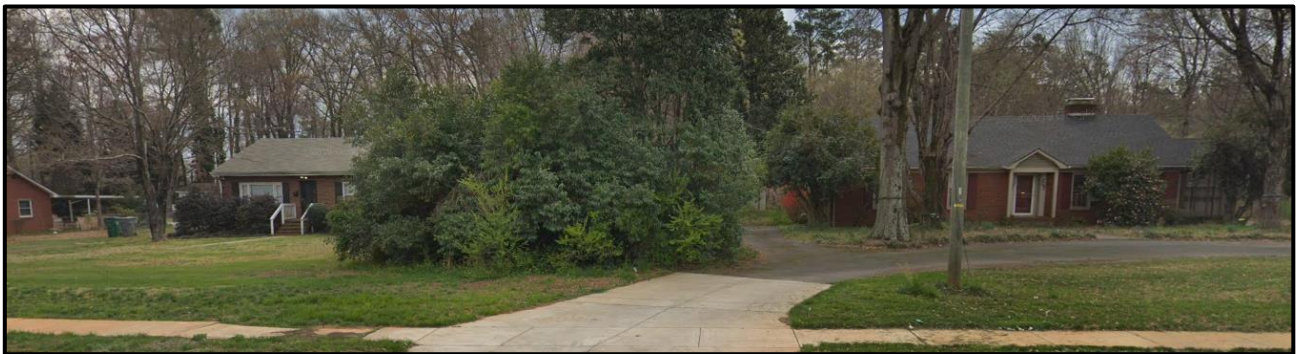


The subject property is zoned R-3. The surrounding land uses include single-family homes, multi-family apartments, institutional, and research uses.





The subject property (denoted by red star) is undeveloped.

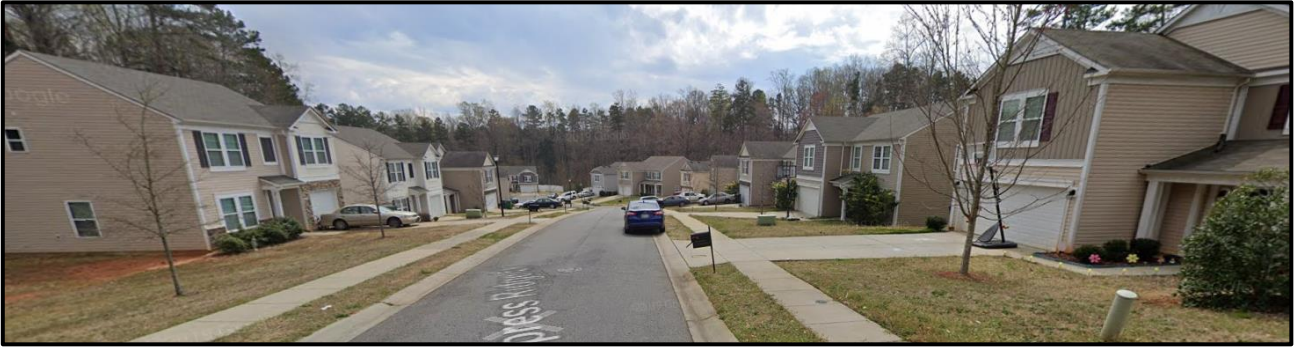


The property to the north along Mallard Creek Road is developed with single family homes.



The property to the south along Morris Estate Drive is developed with a warehouse use.



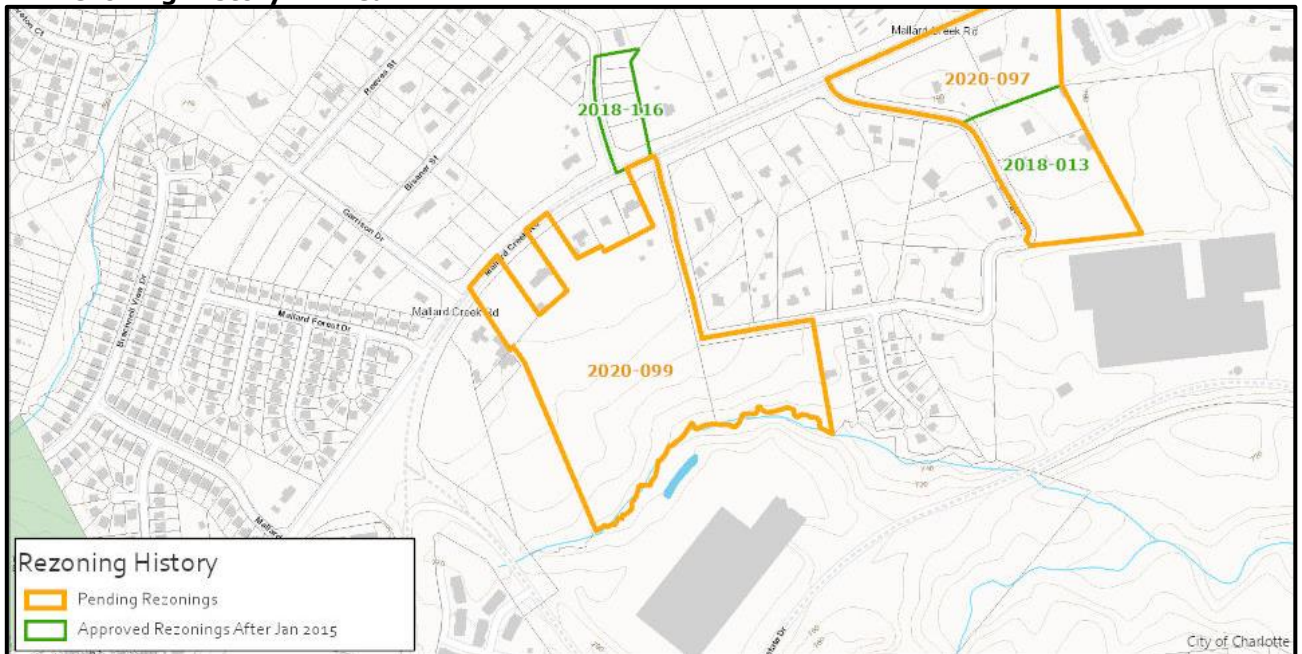


The property to the east along Cypress Ridge Road is developed with single family homes.



The property to the west along Mallard Creek Road is developed with a single-family home.

- Rezoning History in Area**

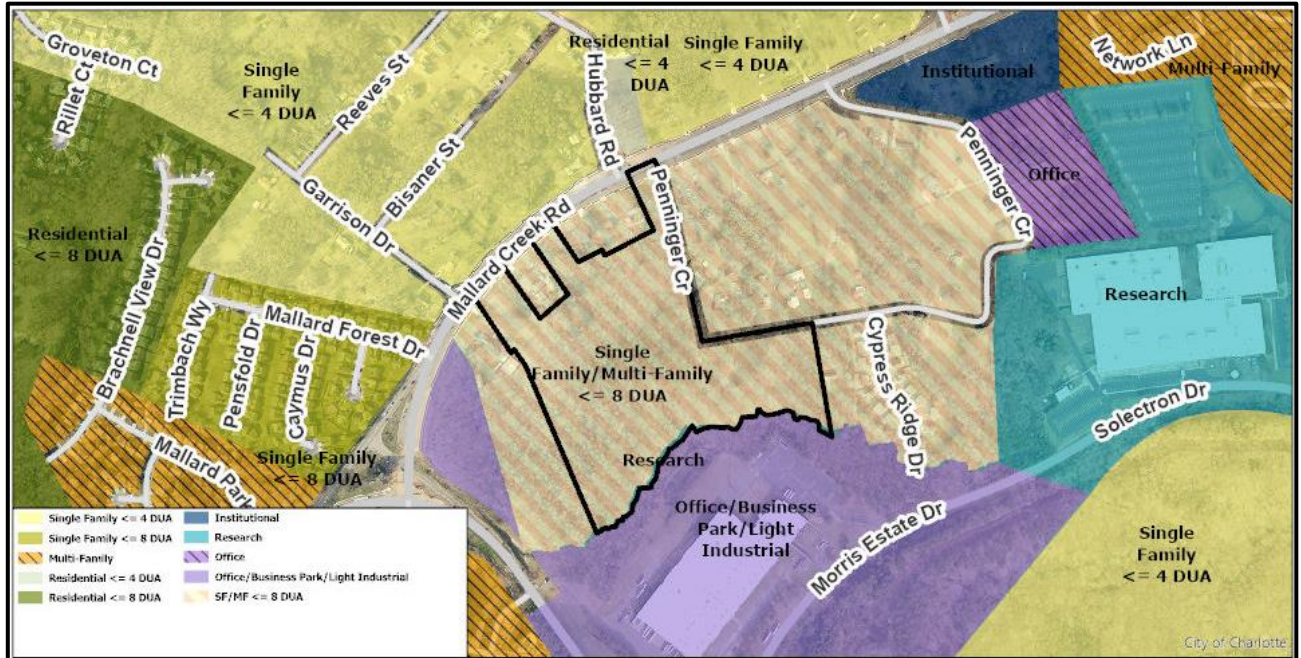


Petition Number	Summary of Petition	Status
2018-013	Rezoned 6.27 acres to allow a surface parking lot to serve as accessory parking for and adjacent office building in the Research Park.	Approved
2018-116	Rezoned 1.34 acres to allow all uses permitted in the R-4 zoning district.	Approved



2020-097	Proposes to rezone 12.40 acres to allow up to 50,000 square feet of office uses.	Pending
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• **Public Plans and Policies**



- The *Northeast District Plan* (1996) calls for single-family/multi-family uses up to 8 dwelling units per acre on this site.
- **TRANSPORTATION SUMMARY**
  - The site is located on Mallard Creek Road, which is classified as a State-maintained major thoroughfare. The petitioner has committed to constructing road improvements within the existing unmaintained Penninger Circle public right-of-way along the project frontage. **CDOT and the petitioner are continuing to modify the proposed street intersection design, located in front of 7304 Mallard Creek Road, to address a property owner concern involving car headlight beams and road construction near the existing house along Penninger Circle.** Additionally, the petitioner has committed to constructing a right-turn lane into the site, on Mallard Creek Road. Lastly, in accordance with Charlotte BIKES, the petitioner has agreed to construct a 12-foot multi-use path along Mallard Creek Road. CDOT has requested the petitioner to consider pairing driveways to minimize the curb cuts and improve the streetscape throughout the subdivision. **Active Projects:**
    - NCDOT STIP (#U-2507A) – Mallard Creek Road Widening and Extension.
    - The project will widen Mallard Creek Road to a 4-lane divided roadway section.
    - Status: under construction.
  - **Transportation Considerations**
    - See Outstanding Issues, Note 4-Addressed
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant land).
      - Entitlement: 670 trips per day (based on 62 single family homes).
    - Proposed Zoning: 945 trips per day (based on 130 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 29 students, while the development allowed under the proposed zoning may produce 20

students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.

- The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
  - Governor's Village from 104% to 105%
  - Vance High at 129%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Mallard Creek Road and a 6-inch main along Penninger Circle. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Penninger Circle. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

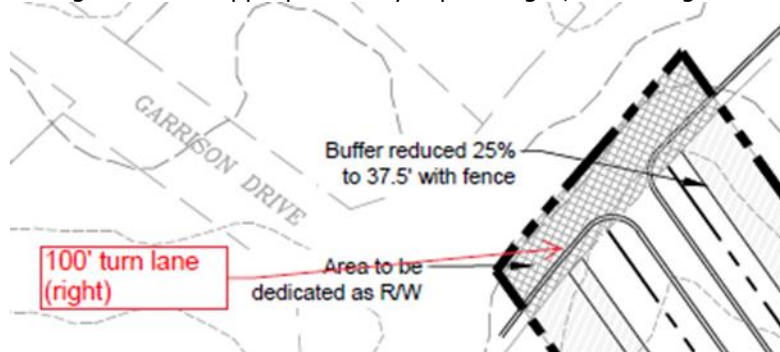
### Transportation

1. ~~The petitioner should revise the site plan to include the roadway improvements that will be constructed within NCDOT's STIP (#U-2507A). In accordance with Charlotte BIKES, please provide an 8-foot planting strip and a 12-foot multi-use path, if sidewalk is not constructed within the STIP.~~ **Addressed**
2. ~~The petitioner should revise the site plan and conditional note(s) to confirm adequate intersection sight distance, according to CDOT's Sight Distance Policy, for access proposed on Mallard Creek Road.~~ **Addressed**

## REQUESTED TECHNICAL REVISIONS

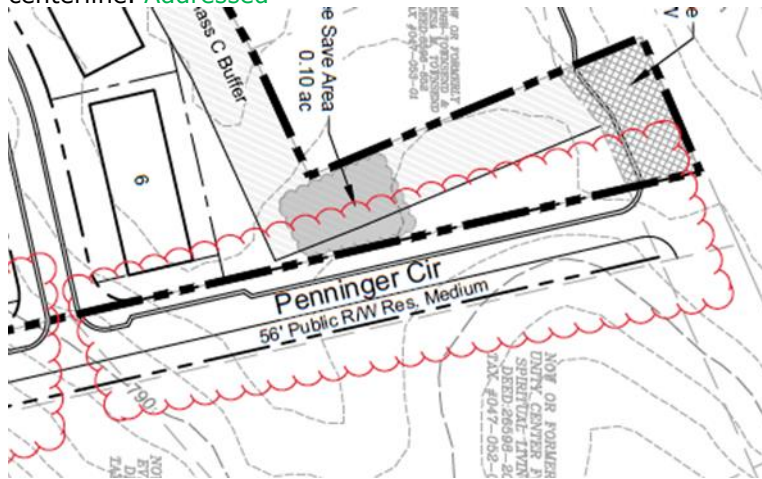
### Transportation

3. ~~Technical Clarification (site plan dated 09/14/20) The petitioner should clarify conditional note (Section 3.G.) that 2-ft of additional right-of-way should be dedicated from back of the 12-ft multi-use path. The petitioner should construct a 12-ft multi-use path where the existing sidewalk is removed for the proposed right turn lane. Where the existing sidewalk remains undisturbed along the property frontage, CDOT requests for the existing sidewalk to be widened to 12 ft, in accordance with Charlotte BIKES.~~ **Addressed**
4. ~~Technical Clarification (site plan dated 09/14/20) The petitioner should clarify whether front-loaded or rear-loaded units are proposed. If front-loaded, the petitioner should commit to pair shared driveway aprons with every two units, to preserve the proposed planting strip and sidewalk within the public right of way. This request limits the number of curb cuts, and promotes walkability, and preserves a quality streetscape.~~ **Addressed**
5. ~~Technical Clarification (site plan dated 09/14/20) The petitioner should clarify conditional note (Section 3.D.) that a proposed right turn lane will be constructed at the proposed Mallard Creek Road right in/right out access. The proposed right turn lane should have 100 linear feet of storage with the appropriate bay taper length, according to NCDOT design standards.~~ **Addressed**



6. ~~Technical Clarification (site plan dated 09/14/20) The petitioner should clarify the site plan to show and call out the existing Penninger Circle private drive that ties into existing Mallard Creek Road. CDOT requests the petitioner to clarify that the existing Penninger Circle road~~

improvements will be constructed in accordance with CLDSM U-02—Local Residential Medium Section cross-section design standards, on both sides of the existing Penninger Circle road centerline. Addressed



**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Michael Russell (704) 353-0225