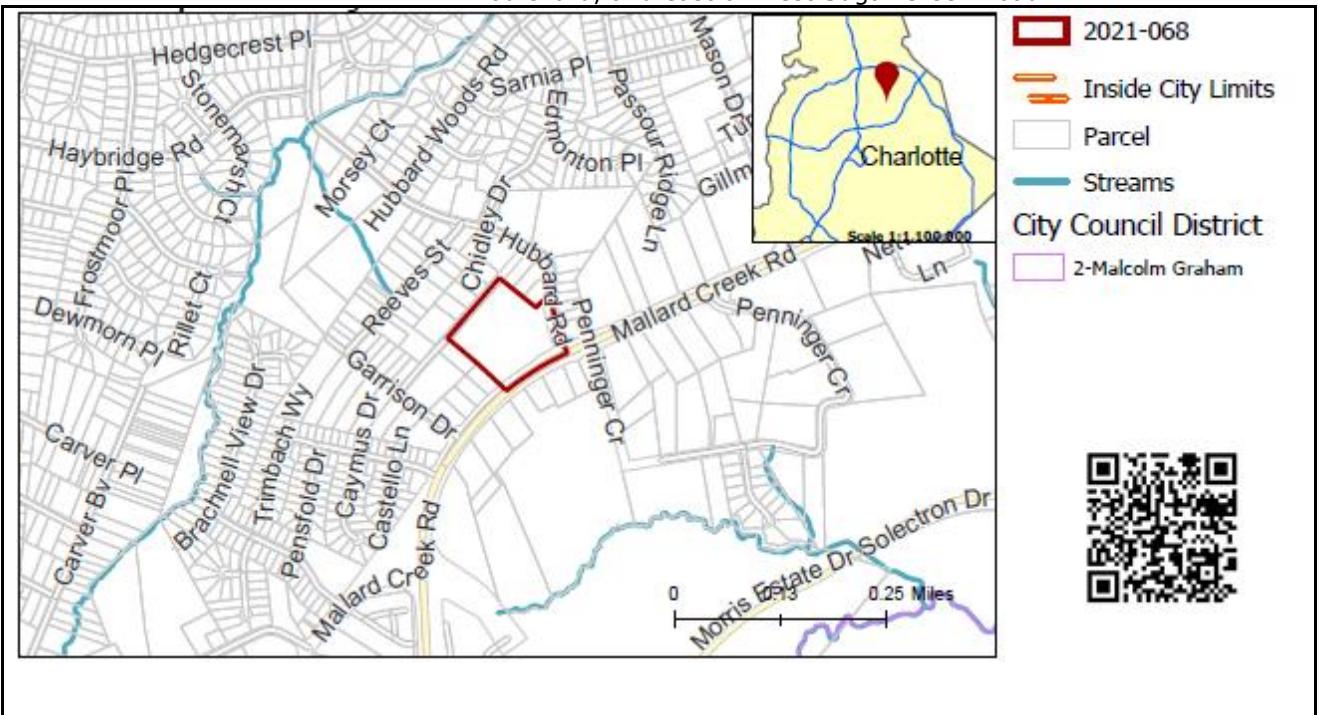


REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: INST(CD) (institutional, conditional)

LOCATION

Approximately 5.24 acres located at the northwest intersection of Mallard Creek Road and Hubbard Road, south of West W.T. Harris Boulevard, and east of West Sugar Creek Road.



SUMMARY OF PETITION

The petition proposes a residential independent living facility with up to 107 units in one building with a density of 20.4 dwelling units per acre.

PROPERTY OWNER

J. James M. Love Revocable Trust

PETITIONER

DreamKey Partners

AGENT/REPRESENTATIVE

Keith MacVean, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 8

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northeast District Plan* (1996) recommendation of residential use, but **inconsistent** with the plan's density recommendation of up to 4 dwelling units per acre (DUA), and **inconsistent** with the *General Development Policies* criteria for over 17 DUA.

Rationale for Recommendation

- This petition's proposal of 107 age-restricted dwelling units meets the *Northeast District Plan* goals of adding more residential development along Mallard Creek Road and increasing the mix of housing types available to residents.

- While the petition's proposed 20.4 DUA does not meet *General Development Policies* criteria for allowing over 17 DUA, the petition's location alongside Mallard Creek Road and its proximity to R-8MF(CD) zoning across the street and R-17MF(CD) to the south make the higher density compatible with the surrounding areas.
- The petition proposes a 32-ft Class C buffer or reduced buffer with a compatible fence or berm (per the zoning ordinance) as an appropriate barrier between the site and the adjacent single-family homes, therefore mitigating impacts to the surrounding neighborhood.
- This petition's commitment to constructing age-restricted dwelling units will help to accommodate the growing senior population in Charlotte.
- The petition is committed to increasing pedestrian mobility and safety by including an eight-foot planting strip and a 12-foot multi-use path alongside Mallard Creek Road, and an eight-foot sidewalk and planting strip alongside Hubbard Road.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from Single Family Residential up to 4 DUA to Residential up to 22 DUA for the site.

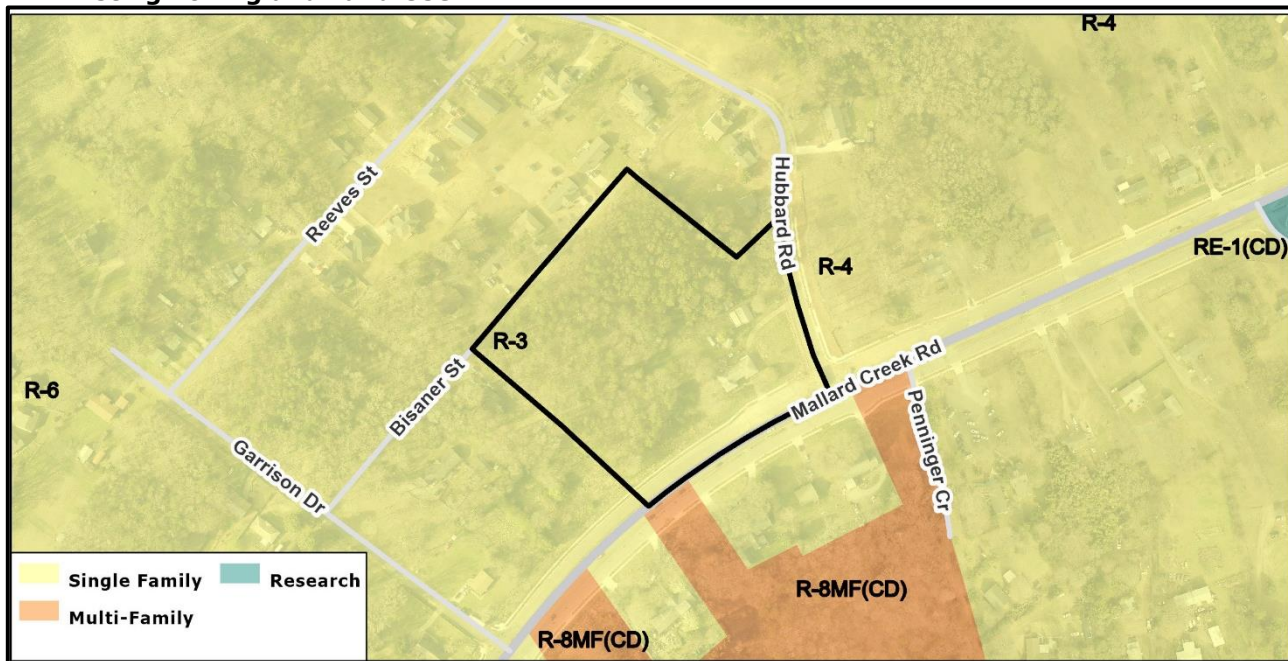
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows 107 age-restricted units in one building.
- Limits building height to 60-feet.
- Provides an ADA compliant bus pad on Mallard Creek Road.
- Commits to an eight-foot planting strip and a 12-foot multi-use path alongside Mallard Creek Road, and an 8-foot sidewalk and an 8-foot planting strip alongside Hubbard Road.
- Access is provided by a driveway on Hubbard Street and Mallard Creek Road as right-in/right-out.
- Provides a minimum 3,500 of improved open space with walking paths, landscaping, and seating area.
- Provides a 32-foot Class C buffer along the property boundaries that abut single family zoning or use.
- Architectural Details:
 - Building materials will be a combination of portions of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood.
 - Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
 - Building Massing and Height shall be designed to break up long monolithic building forms as follows: Buildings exceeding 120-feet in length will include modulations of the building massing/facade plane such as recesses, projections, and architectural details. Modulations will be a minimum of 10-feet wide and shall project or recess a minimum of 5-feet and extend up and down along the exterior of the building façade.
 - Building elevations will be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projection recesses, pilasters, banding and change in materials or colors.
 - Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.
 - Buildings will be designed with a recognizable architectural base. A minimum of three elevations will be articulated with a water table of at least three feet in height.

- Existing Zoning and Land Use



The surrounding land uses include single family and multi-family homes.



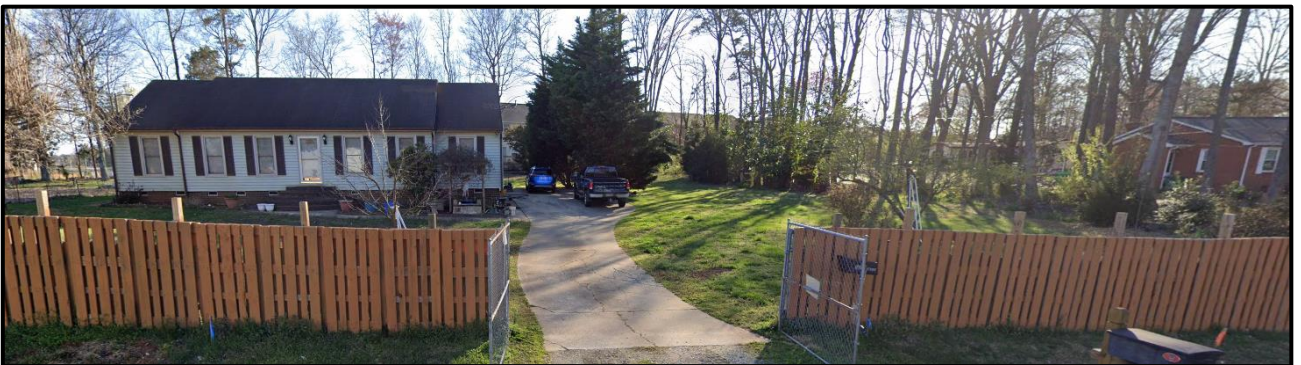
The subject property denoted with a red star.



The property to the north and west along Bisaner Street is developed with single family homes.

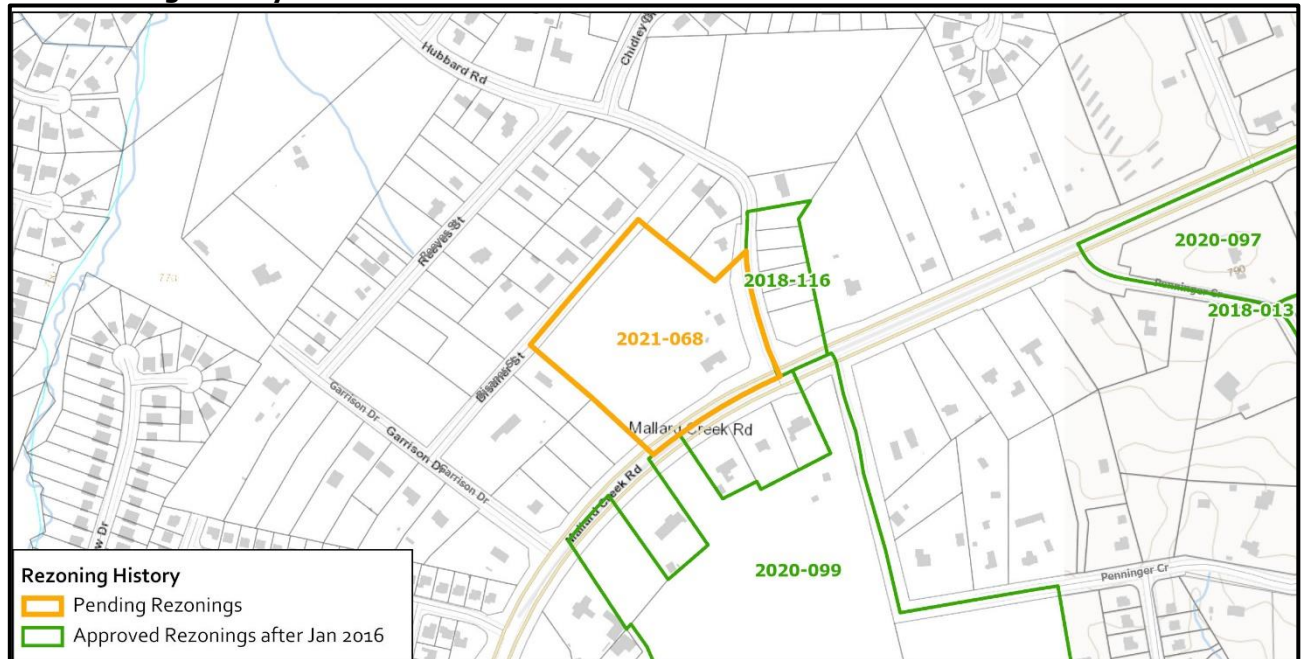


The property to the south across Mallard Creek Road is developed with single family homes.



The property to the west along Garrison Drive is developed with single family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-013	Rezoned 6.27 acres to construct a surface parking lot to serve as accessory parking for an adjacent office building and associated uses in the Research Park.	Approved
2018-116	Rezoned 1.34 acres to allow all uses permitted in the R-4 (single family residential) zoning district.	Approved
2020-097	Rezoned 12.40 acres to allow up to 50,000 square feet of facilities to accommodate uses including medical health clinics, offices, financial institutions, laboratories, and research uses.	Approved
2020-099	Rezoned 20.88 acres to allow up to 130 for sale townhome units.	Approved

- **Public Plans and Policies**



- The *Northeast District Plan (1996)* calls for Single Family Residential up to 4 DUA.
- The *General Development Policies (GDP)* provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition **does not meet** the *General Development Policies* locational criteria for consideration of over 17 dwellings per acre as illustrated in the following table.

Assessment Criteria	Density Category – over 17 DUA
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	1
Connectivity Analysis	4
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	Total Points: 13

- **TRANSPORTATION SUMMARY**

- The petition is located adjacent to Hubbard Street, a City-maintained major collector, Mallard Creek Road, a State-maintained major thoroughfare, and Bisaner Street, a City-maintained local street. The petitioner has committed to improve a portion of Bisaner Street with pavement widening and streetscape improvements. A 12-foot multi-use path bike facility will be constructed along Mallard Creek. Streetscape improvements will also be constructed along Hubbard Street. Two driveways will be permitted on Hubbard Streets and Mallard Creek Road as right-in/right-out, to restrict turning movements. All outstanding CDOT comments have been resolved

- **Active Projects:**

- None

- **Transportation Considerations**

- ~~See Outstanding Issues, Notes 1-6.~~ Addressed

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on 1 single family dwelling).

Entitlement: 185 trips per day (based on 15 single family dwellings).

Proposed Zoning: 405 trips per day (based on 107 multi-family senior units).

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
- **Charlotte-Mecklenburg Schools:** Age-restricted petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Bisaner Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Bisaner Street. See advisory comments at 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
- **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 outstanding issues.

OUTSTANDING ISSUESTransportation

1. ~~Revise the site plan and conditional note(s) to measure the 12-foot shared use path/8-foot sidewalk from the 8-foot planting strip and not back of curb.~~ **Addressed**
2. ~~Revise the site plan and conditional note(s) to make the minor corrections to the commitment to construct curb and gutter along Hubbard Road.~~ **Addressed**
3. ~~Revise the site plan and conditional note(s) to commit to adjust the pedestrian signal poles and crosswalk striping at the Hubbard Street and Mallard Creek Road signalized intersection, to accommodate the proposed 12-foot multi-use path.~~ **Addressed**
4. ~~Revise the site plan and conditional notes to remove this note.~~ **Addressed**

NOTE:
THIS SITE GENERATES LESS THAN 2,500 DAILY TRIPS. THUS, A TIA IS NOT REQUIRED. IF THE SITE PLAN CHANGES DURING THE PERMITTING PROCESS AND MORE THAN 2,500 DAILY TRIPS ARE GENERATED, A TIA WILL BE REQUIRED.

5. ~~Revise the site plan and conditional notes to consider revising this conditional note: If Bisaner Street is extended and constructed as a public street to Hubbard Street, it may not make sense to restrict access to Bisaner Street.~~ **Addressed**
6. ~~Revise the site plan and conditional notes to dimension right-of-way dedication from road centerline, per CLDSM standard detail number U-02—Local Residential Medium Street Typical Section.~~ **Addressed**

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Michael Russell (704) 353-0225