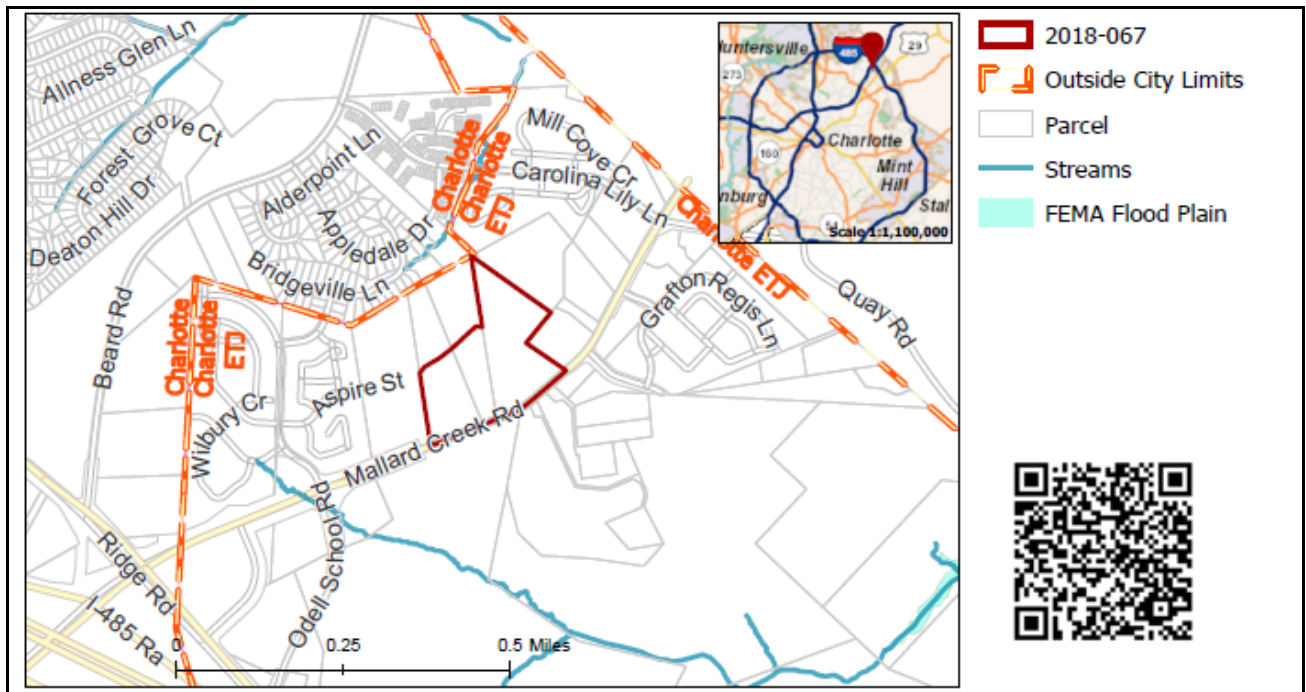


**REQUEST**

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

**LOCATION**

Approximately 18.06 acres located on the north side of Mallard Creek Road, east of Ridge Road, west of Carolina Lily Lane.  
(Outside City Limits)



**SUMMARY OF PETITION**

The petition proposes to allow a townhouse community on vacant land located on the north side of Mallard Creek Road and east of Interstate 485.

**PROPERTY OWNER**

Phyllis Stewart

**PETITIONER**

NVR, Inc.

**AGENT/REPRESENTATIVE**

John Carmichael, Robinson Bradshaw & Hinson, P.A.

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 4

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

- The site is located ½ mile southwest of the Concord Mills retail area and mixed-use node across the Cabarrus/Mecklenburg County line in the City of Concord.
- The proposed site plan provides alley loaded townhomes along with public streets, off-site transportation improvements, and the continuation of a street parallel to Mallard Creek Road that will help improve the pedestrian and vehicular networks internal and external to the site.

- The surrounding area contains a number of recently adopted multi-family developments, consistent with the adopted land use policy for the area.

## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

#### Land Use

- Proposes up to ~~190~~ 186 townhouse units (~~167~~ 163 rear loaded and 23 front loaded) at a density of ~~10.52~~ 10.29 units per acre.
- Limits building height to three stories and 50 feet.
- Includes passive amenity areas and mulched natural trails.
- Potential four-foot wide walking trail generally located along the northern portion of the site.

#### Transportation

- Commits to extending Aspire Street, a local street that generally runs parallel to Mallard Creek Road. The extension will run through the site, connecting to proposed Kings Grant Drive Extension off site and further to the east.
- Commits to substantial completion of the construction of Public Road A and Aspire Street prior to issuance of the first certificate of occupancy for a new building constructed on the site.
- Commits to substantial completion of the construction of the Aspire Street extension and the Kings Grant Drive extension prior to the issuance of certificate of occupancy for the 80<sup>th</sup> townhouse unit.
- Includes the construction of a local public street that will connect Mallard Creek Road and the Aspire Street extension.
- Access will be from the two new local streets with internal private alleys connecting to these two new rights-of-way.
- Installs a left turn lane with 100 feet of storage on Mallard Creek Road.
- 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, Aspire Street, and new public road A, and Kings Grant Drive Extension.
- Provides a 12-foot multi-use path along the Mallard Creek Road frontage, and six-foot sidewalks along Aspire Street, public road A, and Kings Grant Drive Extension.
- Provides eight-foot planting strip along Mallard Creek Road, and along portions of Aspire Street and Kings Grant Drive Extension.
- Commits to construction of a bus pad on Mallard Creek Road. Provides that a certificate of occupancy for the site will not be delayed in the event the Petitioner is unable to substantially complete the construction of the bus stop waiting pad because of work being performed by NCDOT on Mallard Creek Road.

#### Site and Building Design

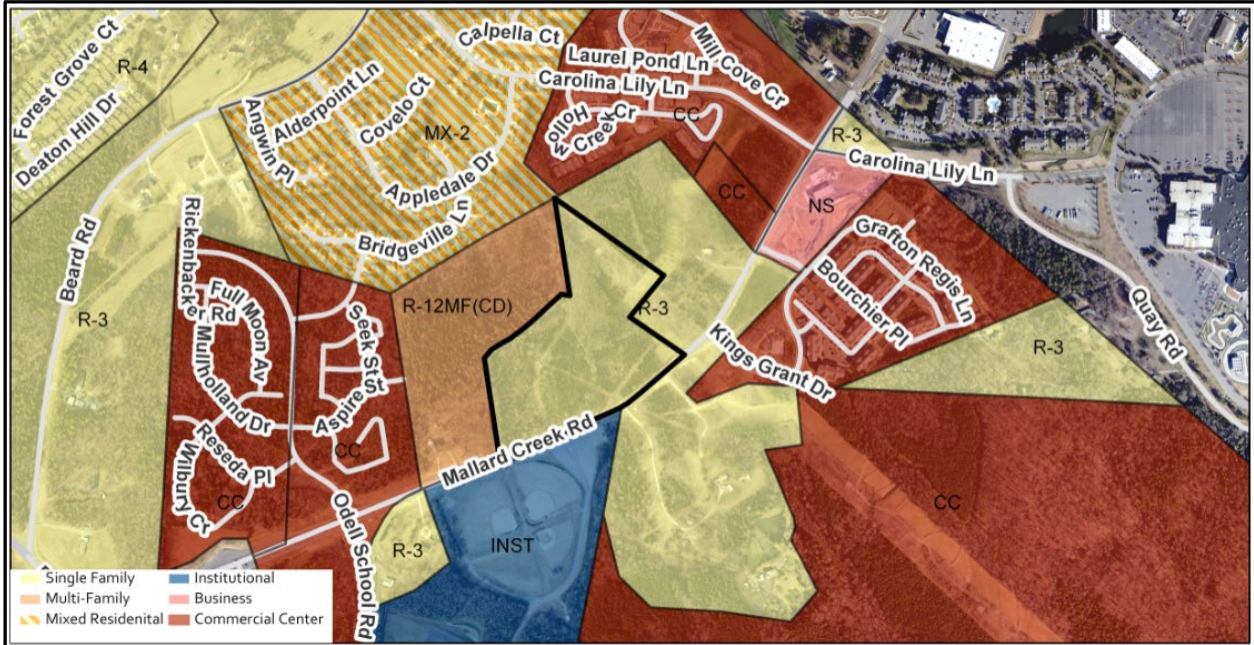
- Provides internal network of public streets and private alleys to allow site design to accommodate a majority of alley loaded with some rear loaded units.
- Provides a landscaped area along certain building units adjacent to the Duke Power right-of-way.
- Provides standards regarding pitched roofs; usable porches and stoops as a predominant feature of the building design; and treatment of corner/end units that face a public street.
- Commits to constructing a six-foot wooden or vinyl fence along the site's eastern boundary as shown on the rezoning plan.

#### Environmental Features

- Identifies 50-foot undisturbed post-construction stormwater buffers along the eastern and northern edges of the site.
- Identifies potential tree save areas.



• **Existing Zoning and Land Use**



The site is currently vacant and is immediately surrounded by a single family residential neighborhoods, apartment and townhouse communities, institutional use, and undeveloped and vacant land. Further east are residential and retail uses (including Concord Mills) in Cabarrus County.

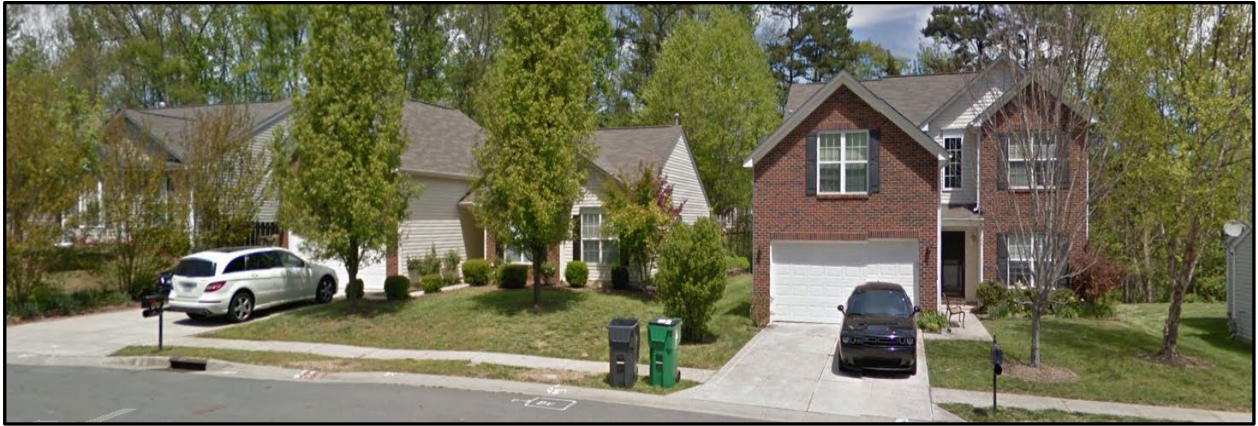


The subject property is zoned R-3 (single family residential) and is undeveloped.



Property to the west is vacant, but recently was rezoned for apartment development along Mallard Creek Road.





Properties to the north are developed with single family homes along Bridgeville Lane.



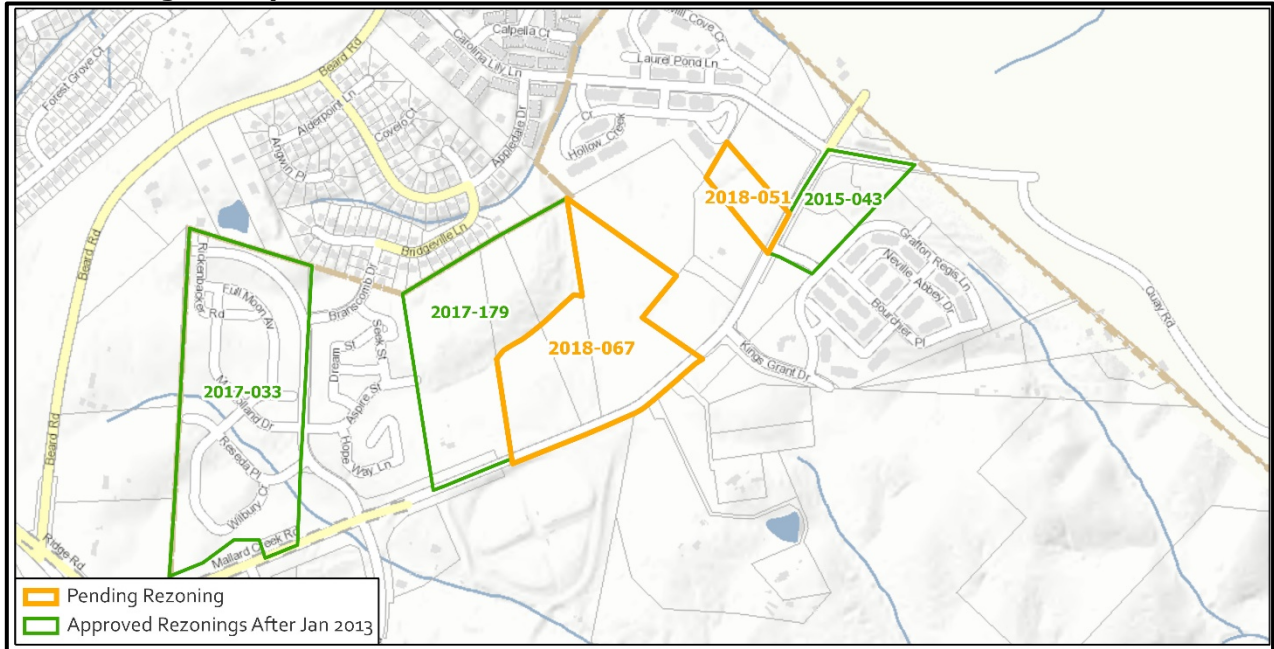
Property to the east is vacant and a power line right-of-way along Mallard Creek Road.



Property to the south is developed with Hickory Grove Baptist Church athletic fields.

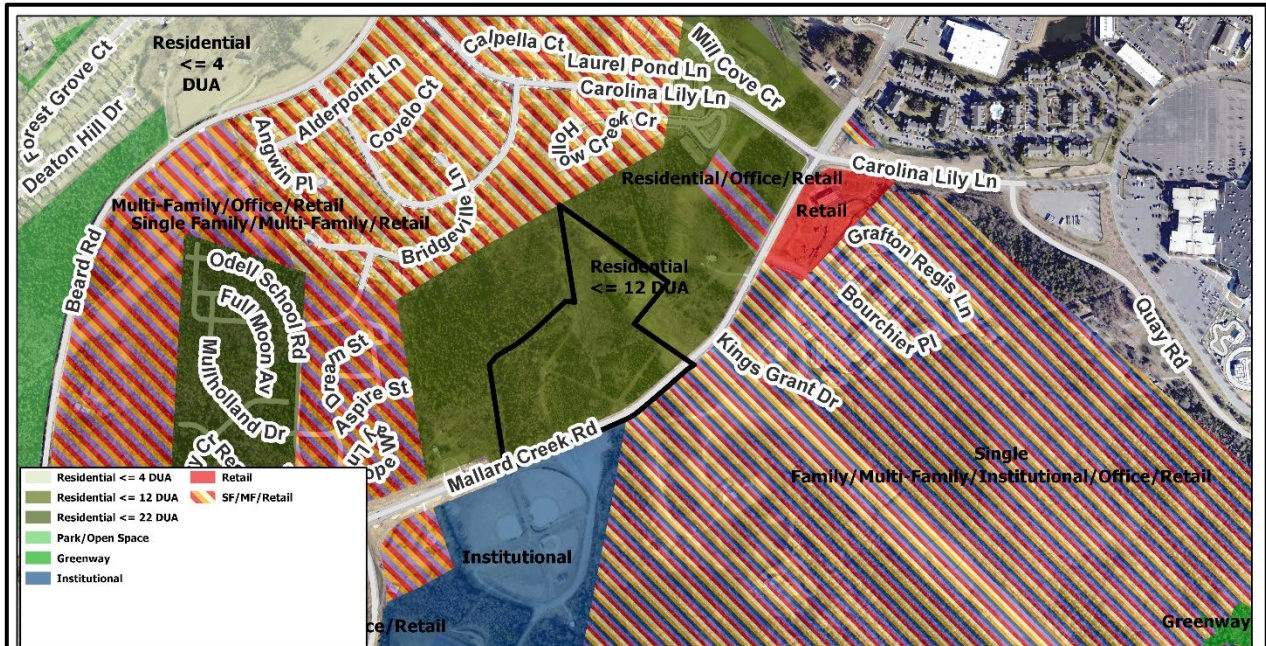


### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2018-051	Rezone 2.85 acres to allow a car wash with fuel canopy.	Pending
2017-179	Rezone approximately 19.52 acres to allow 234 apartments at a density of 11.99 units per acre.	Approved
2017-033	Site plan amendment on 29.01 acres to allow 322 apartments at a density of 11.08 units per acre.	Approved
2015-043	Rezone approximately 4.98 acres to allow up to 20,000 square feet of commercial uses with one accessory drive-through service window.	Approved

### • Public Plans and Policies



- The *Northeast Area Plan* (2000) recommends residential land use up to 12 dwelling units per acre for this site and adjacent parcels.

- The site is within the Northeast Growth Corridor, as per the *Centers, Corridors and Wedges Growth Framework*. Growth corridors may encompass a wide diversity of places, including a mixture of residential office and retail uses. Expectations for Growth Corridors include preservation and enhancement of established single family neighborhoods; additional development of vacant land; enhancements to support infrastructure, particularly the transportation network.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located along a major thoroughfare. The site plan provides a 12-foot multi-use path, and 8-foot planting strip along its street frontage to provide pedestrian and bicycle facilities to meet the City's goals. In addition, the curb/gutter and Public Street "A" has been modified to align with NCDOT's Mallard Creek Road's TIP project under design.
  - ~~See Outstanding Issues, Note 4.~~ Addressed
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant land use).
      - Entitlement: 520 trips per day (based on 47 single family homes).
    - Proposed Zoning: 1,110 trips per day (based on 190 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 Fire Department:** No parking on streets less than 26 feet clear width. Dead end access exceeding 150 feet requires an approved turnaround minimum width of 20 feet with turning radius 30 feet inside 42 feet outside.
- **Charlotte-Mecklenburg Schools:** (Note: CMS did not provide an updated memo for this petition. The information below is based on 189 units, not 190 units as proposed on the current site plan). The development allowed under the existing zoning would generate 25 students, while the development allowed under the proposed zoning will produce 56 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 31 students.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Mallard Creek Elementary from 88% to 93%
    - Ridge Road Middle from 116% to 117%
    - Mallard Creek High from 128% to 128%.
- **Charlotte Water:** Water and sewer infrastructure is not directly accessible for this rezoning boundary. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel.
- **Engineering and Property Management:**
  - **Arborist:** ~~See Outstanding Issues, Note 2.~~ Addressed
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** ~~See Outstanding Issues, Note 3.~~ Addressed (New outstanding issues 4 and 5) Addressed
  - **Storm Water Services:** ~~See Outstanding Issues, Note 3.~~ Addressed (New outstanding issues 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 outstanding issues.

#### OUTSTANDING ISSUES

##### Site and Building Design

1. ~~Revise Architectural Standards Note D5 to include "or pedestrian accessway".~~ Addressed

##### Environment

2. ~~Submit a tree survey for all trees two inches in diameter at breast height (DBG) or larger located in the public right of way. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ Addressed
3. ~~Check/revise all stream buffer labels on the rezoning plan. For any potential Post Construction Stormwater Ordinance stream buffers on the site, the stream buffer label on the rezoning plan should include the "Undisturbed" specification.~~ Addressed

4. ~~New outstanding issue due to revised site plan: The proposed site plan appears to show inconsistent buffer widths for the 50-foot undisturbed post-construction stormwater ordinance buffer. Please note buffer widths are measured from the stream top of bank and not the stream centerline.~~ Addressed
5. ~~New outstanding issue due to revised site plan: Please include the following note under "Environmental Features": Development within the PCSO Buffer shall be subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City Ordinance.~~ Addressed
- Transportation
6. ~~In the "Site Development Data" on RZ-1 revise "future ROW taking" to "future ROW."~~ Addressed

**REQUESTED TECHINCAL REVISIONS**Land Use

6. ~~Clarify the number of units. RZ-1 shows 190 and RZ-2 note B.2. indicates 189.~~ Addressed
- 

**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
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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