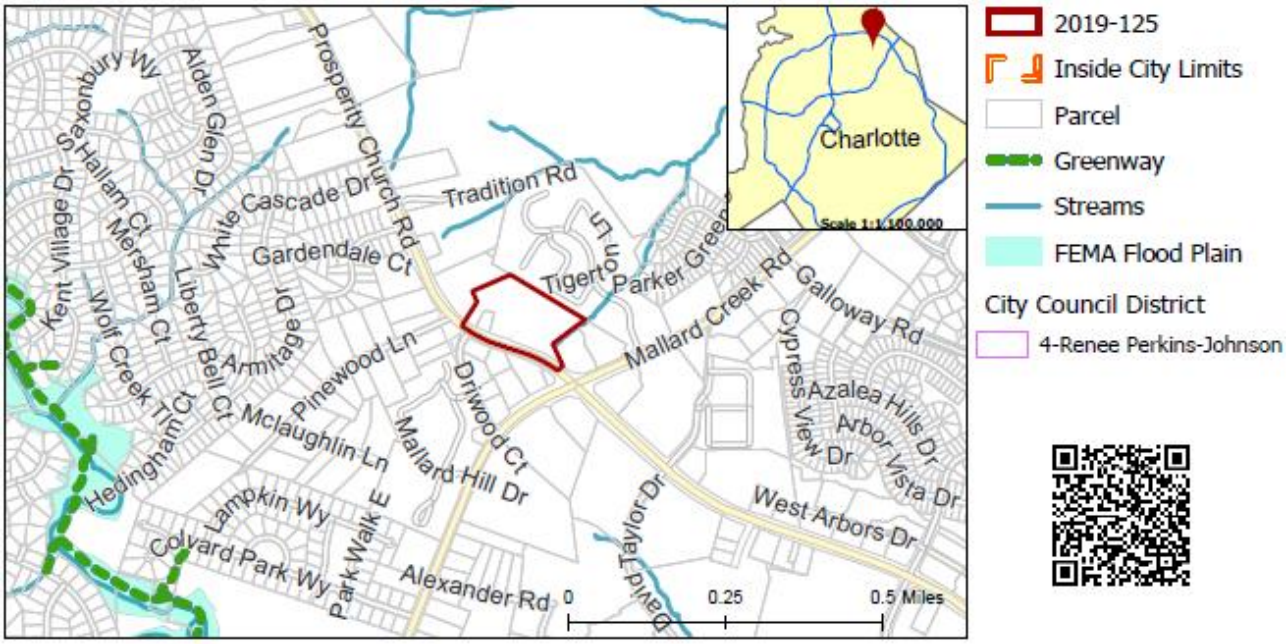
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-125
Pre-Hearing Staff Analysis
December 16, 2019

REQUEST	Current Zoning: B-1(CD) (neighborhood business, conditional) Proposed Zoning: B-1(CD) SPA (neighborhood business, conditional, site plan amendment)
LOCATION	Approximately 8.43 acres located on the east side of Prosperity Church Road, north of Mallard Creek Road.



SUMMARY OF PETITION	The petition proposes to increase the existing permitted square footage of the shopping center by 6,500 square feet to allow a minor building expansion.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	SCOC-Mallard Crossing, LLC SCOC-Mallard Crossing, LLC 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: 2

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of technical issues related to building design.

Plan Consistency

The petition is **consistent** with the *University Research Park Area Plan* (2010) recommendation for retail uses for the site.

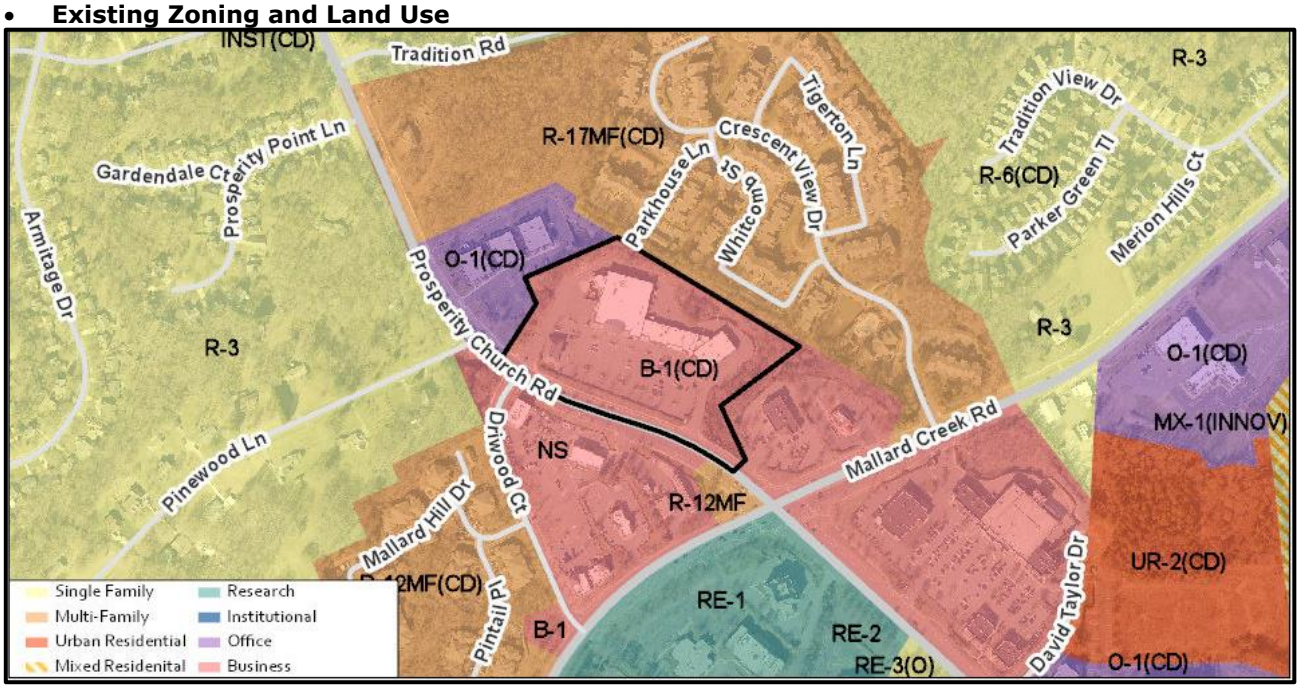
Rationale for Recommendation

- This petition seeks to rezone Mallard Crossing, a shopping center with multiple commercial buildings. Upon approval of petition 1991-03(c), the site was limited to 63,000 square feet of uses allowed in the B-1 zoning district.
- The owner of Mallard Crossing is in the process of renovating and establishing new tenants in the exiting shopping building as allowed by the existing site zoning. However, as part of the

	renovation, a minor building expansion to accommodate a new tenant is needed. This minor building expansion cannot be accomplished under the existing site zoning as it exceeds the allowed square footage for the shopping center. The petition seeks to increase the permitted square footage by 6,500 square feet. • The area plan supports this effort with additional language noting that, "lying strategically between many residential communities and the University Research Park, this area should continue to grow and serve the surrounding community." Approval of this petition would allow the shopping center to adapt to better serve the surrounding community.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Allows up to 6,500 additional square feet of non-residential uses to an existing shopping center as permitted in the B-1 zoning district.
  - The existing outparcel building and its associated square footage is not part of this rezoning petition and will continue to be subject to the previously approved conditional plan.
  - Access to the site will be from Prosperity Church Road.
  - Limits building height to 40-feet.
  - Provides a five-foot wide pedestrian connection between exiting building and Prosperity Church Road.
  - Commits to providing a concrete waiting pad for CATS passengers along Prosperity Church Road.
- **Existing Zoning and Land Use**

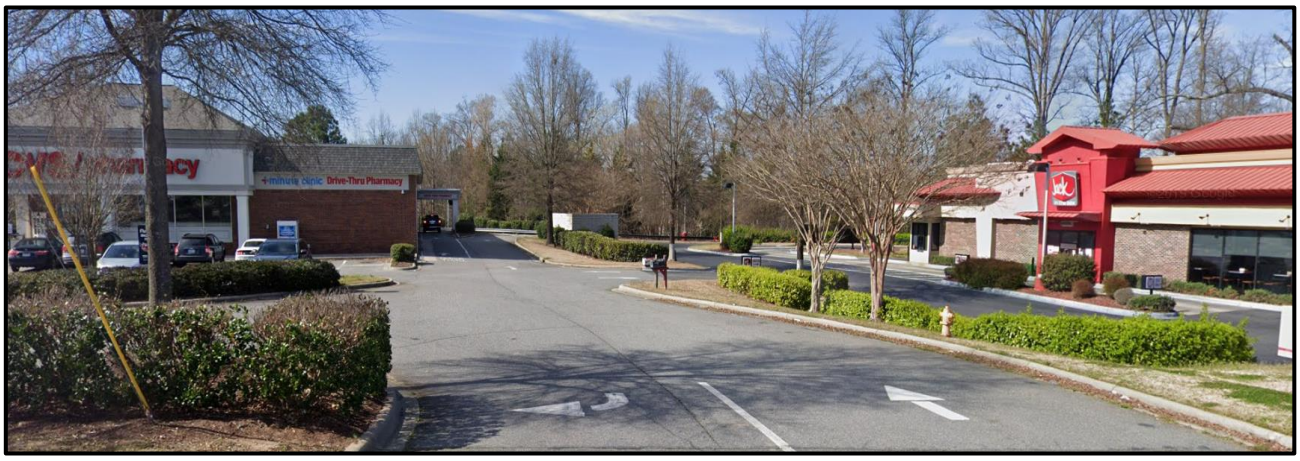


The subject property is developed with a mix of retail uses. The surrounding land-uses include, multi-family apartments, retail, and office uses.

The subject property (denoted by red star) is developed with a mix of retail uses.

The property to the north along Crescent View Drive is developed with multi-family apartments.

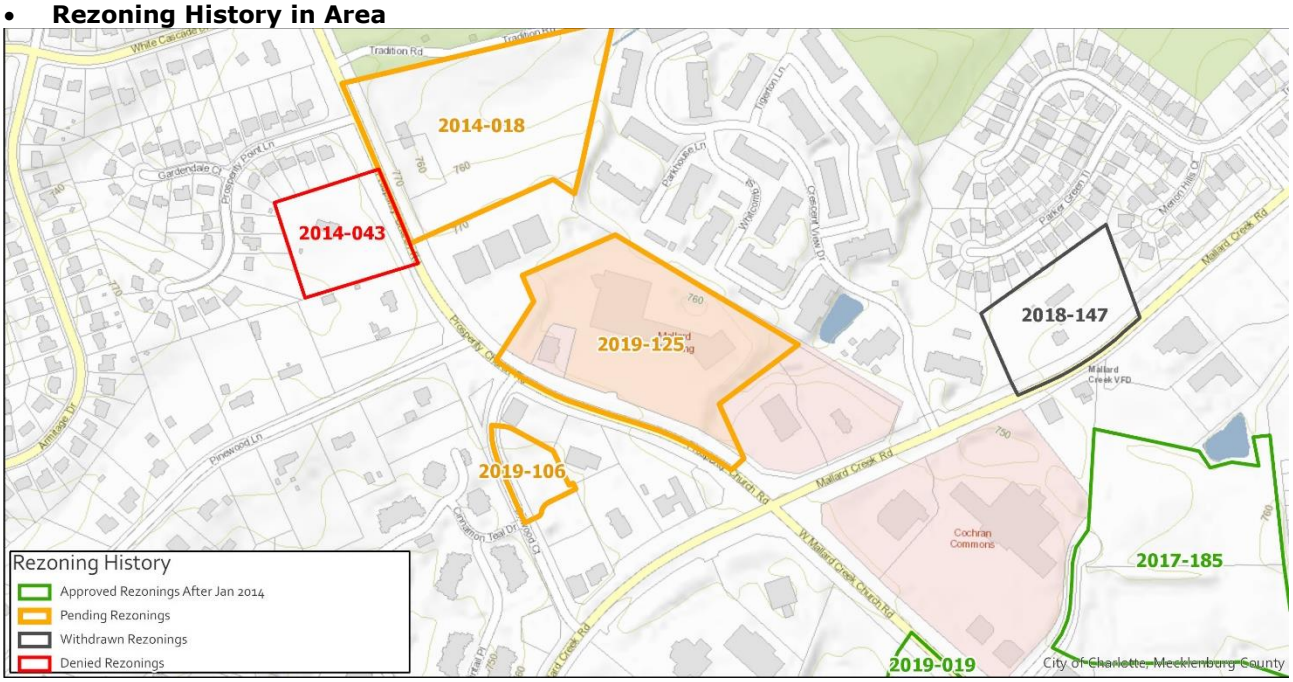
The property to the south along Prosperity Church Road is developed with a mix of retail uses.



The property to the east along Mallard Creek Road is developed with retail uses.

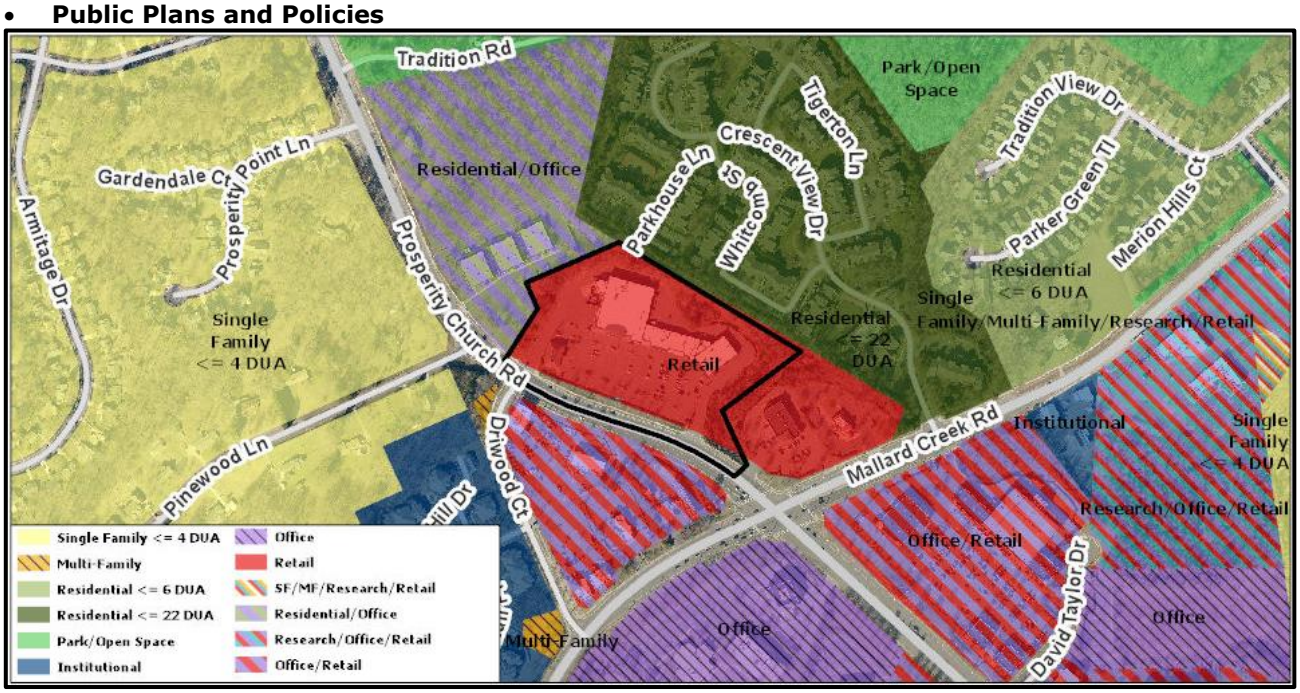
The property to the west along Prosperity Church Road is developed with office uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-018	Proposes to rezone 8.81 acres to allow all uses in the R-4 (single-family residential) zoning district.	Pending
2014-043	Proposed to rezone 2.71 acres to reuse an existing single-family home to establish a child care center for up to 60 children.	Denied
2017-185	Rezoned 11.75 acres to allow up to 260 multi-family units.	Approved
2018-147	Proposed to rezone 3.31 acres to allow an age restricted multi-family residential development at a density of 27.2 dwellings per acre.	Withdrawn
2019-019	Rezoned 4.64 acres to allow up to 17,000 square feet of retail, RDEE, personal service uses, and financial institutions with accessory ATM.	Approved
2019-106	Proposes to rezone 0.89 acres to amend a previously approved plan to allow a Type 1 Eating, Drinking, and Entertainment Establishment on a vacant parcel within a larger existing commercial development.	Pending

- **Public Plans and Policies**



  - The *University Research Park Area Plan* (2010) recommends retail uses for the site.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on a major thoroughfare. NCDOT has the Mallard Creek Church Road widening project from W.T. Harris Boulevard to Cabarrus County. The proposed zoning has minimal impact on the surrounding streets.
  - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 4,250 trips per day (based on 60,100 square feet of retail).
    Entitlement: 4,250 trips per day (based on 60,100 square feet of retail).
    Proposed Zoning: 4,370 trips per day (based on 62,510 square feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See Outstanding Issues, Note
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.

Charlotte Water: Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The closest water distribution main is approximately 236 feet east of the rezoning boundary at the intersection of Pinewood Lane and Prosperity Church Road. A developer donated project will be required in cases there is not direct service. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Prosperity Church Road.

- See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See advisory comments at www.rezoning.org
  - **Storm Water Services:** See advisory comments at www.rezoning.org. Charlotte-Mecklenburg Storm Water Services has issued a Corrective Action Request dated 2/27/19 for the existing stormwater control measure (SCM) on site that remains unresolved. The petitioner and/or property owner will be required to provide updated design calculations and as-built survey to show the SCM meets the intent as designed and for applicable ordinances. Corrective measures may be required as necessary.

- **Urban Forestry:** 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.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

1. Correct inconsistent note under Site Development Data to limit building height to 40-feet.

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

Planner: Michael Russell (704) 353-0225