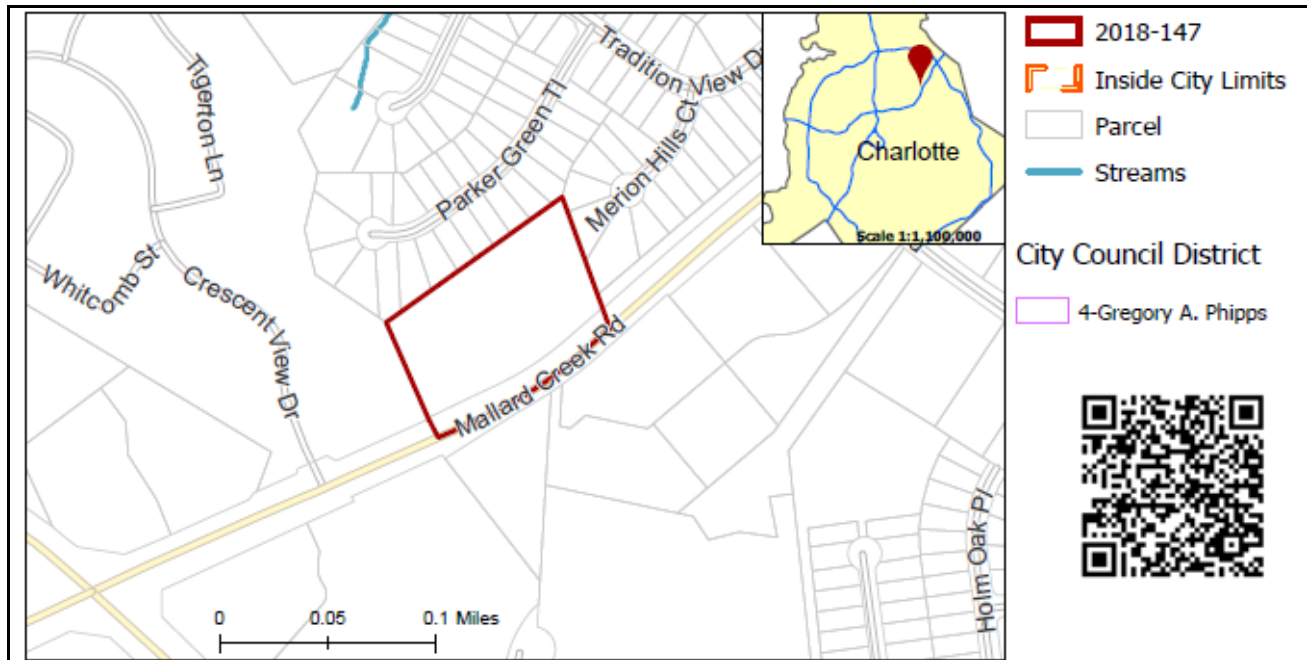


**REQUEST** Current Zoning: R-3 (single family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION** Approximately 3.31 acres located on the north side of Mallard Creek Road, east of Prosperity Church Road, west of Galloway Road.  
(Council District 4 - Phipps)



**SUMMARY OF PETITION** The petition proposes to allow an age restricted multi-family residential development at a density of 27.2 dwellings per acre on a parcel developed with a single-family dwelling and accessory uses. generally located east of the intersection of Mallard Creek Road and Prosperity Church Road.

**PROPERTY OWNER** Think Group LLC  
**PETITIONER** Laurel Street Residential  
**AGENT/REPRESENTATIVE** Keith MacVean, Dujuana Keys & Jeff Brown, Moore and Van Allen, PLLC

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 68

**STAFF RECOMMENDATION** Staff does not recommend approval of this petition in its current form.

Plan Consistency  
The petition is consistent with the *Prosperity Hucks Area Plan* for residential uses, but inconsistent with the recommended density of 6 dwelling units per acre (DUA).

Rationale for Recommendation

- The proposed residential use is consistent with the plan recommendation, but the proposed density of approximately 27 units per acre is inconsistent with the plan's recommended density of 6 units per acre.

- The Prosperity Hucks Area Plan calls for low density residential uses, with some slightly higher density residential and neighborhood serving institutional uses at strategic locations where compatible with existing land uses. Principal concerns in determining compatibility are noted as massing, scale, and buffers in relation to existing properties.
- The highest residential density currently developed in the area is approximately 17 units per acre in a nearby multi-family project to the west (The Tradition at Mallard Creek).
- The highest residential density approved in the area was UR-2(CD) zoning via petition 2017-185 for up to 5 four-story multi-family buildings and 22 DUA.
- While staff does not support the petition in its current form due the proposed density being inconsistent with the area plan, we acknowledge the following:
  - The proposed use of age restricted housing (55+) would meet a housing need for this segment of the population.
  - The *Prosperity Hucks Area Plan* provides land use recommendations on a macro level and does not look at site specific conditions and possible infill opportunities on an individual parcel level.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan*, from residential use at 6 units per acre to residential at greater than 22 dwellings per acre for the site.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 90 age restricted dwelling units in a single building with associated parking area (a portion of which may be covered).
- Limits building height to three stories and 45 feet at the rear and side of the building, and up to four stories and 56 feet along Mallard Creek Road.
- Limits the number of principal buildings to be developed on the site to one.
- Provides a 24-foot buffer with a six-foot privacy fence along the northern and eastern property lines, as noted on site plan. In two locations buffer width may be reduced to eight feet and 18 feet with a six-foot fence. Notes proposed fence will be vinyl.
- Buffer will consist of a minimum of 10 trees per 100 linear feet, with at least 50% comprised of Evergreen trees and a minimum of 50% of the trees large maturing trees. The type of trees to be planted in the buffer will vary, but will include, but not limited to the following types of trees: Eastern Hemlock; Shumard Oak; American Holly; American Arborvitae; Trident Maple; Kousa Dogwood; Fringetree; and Foster Holly.

#### Commits to the following transportation commitments:

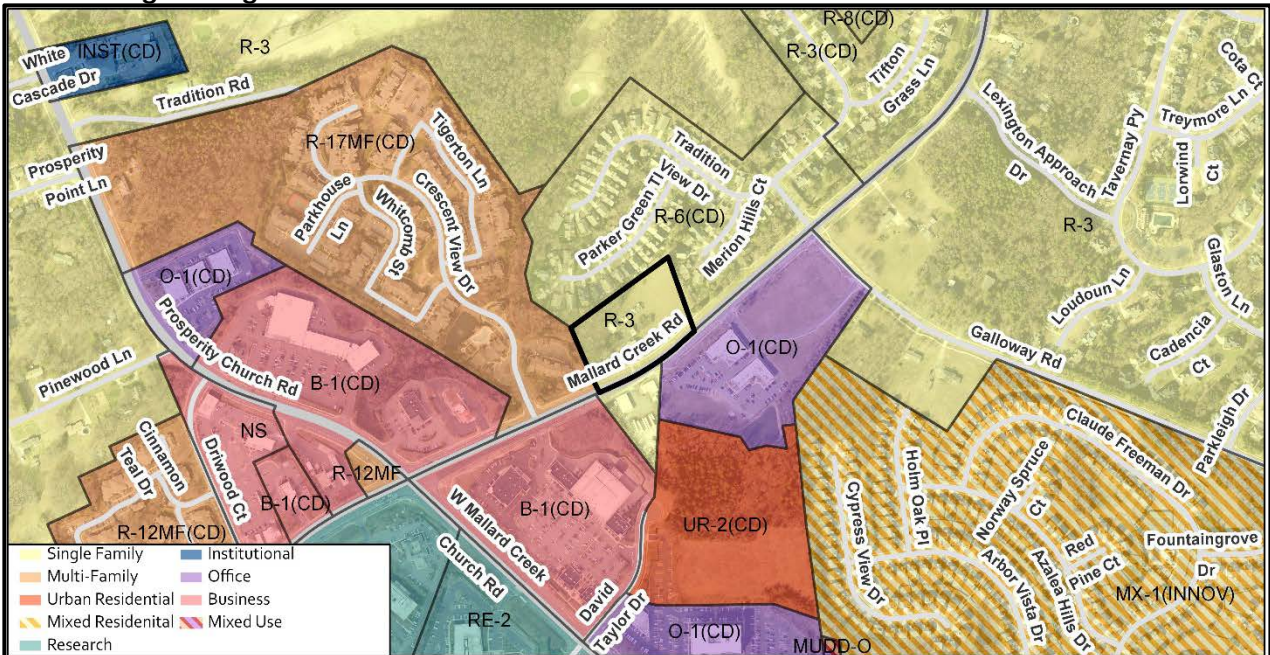
- Proposes one point of vehicular ingress/egress onto Mallard Creek Road.
- An eight-foot planting strip and a 12-foot multi-use path along Mallard Creek Road.
- Petitioner will convey right-of-way to NCDOT indicated on the site plan for NCDOT Project U-6028.
- Any right-of-way to be dedicated for the required roadway improvements will be dedicated via fee simple conveyance prior to the site's first certificate of occupancy is issued.
- Provides a new CATS waiting bus pad along the site's frontage and as shown on the site plan.

#### Commits to the following architectural standards:

- A 30-foot setback from back of future curb along Mallard Creek Road. A minimum 14-foot setback is required in the UR-2 (urban residential) district.
- A 95-foot rear yard along the site's northern property line. A minimum 10-foot rear yard is required in the UR-2 (urban residential) district.
- A 25-foot side yard along the site's eastern property line. A minimum five-foot side yard is required in the UR-2 (urban residential) district.
- Proposes the following building materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood.
- Prohibits vinyl siding (but allows vinyl handrails, windows or door trim) and concrete masonry units not architecturally finished.

- Building will front on Mallard Creek Road.
- Parking lots will not be permitted between any building and Mallard Creek Road. Parking areas located to the side of the building will be screened from view at grade with landscaping.
- Building modulations (such as recesses, projections, and architectural details) will be a minimum of 10 feet wide and will project or recess a minimum of two feet extending through at least a full floor.
- Modulation will occur a minimum of 75 linear feet on façade planes greater than 150 feet.
- 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, projections, recesses, pilasters, banding and change in materials or colors.
- Buildings will be designed with a recognizable architectural base on the façade facing Mallard Creek Road.
- Building elevations facing Mallard Creek Road will not have expanses of blank walls greater than 25 feet and architectural features such as but not limited to banding, medallions or design features or materials to avoid a sterile, unarticulated blank treatment of such walls.
- Ground floor transparency along the building frontage facing Mallard Creek Road will be a minimum of 25%.
- Petitioner will analyze the adequacy of the existing stormwater conveyance across parcels receiving stormwater discharge from the site. The limits of analysis will extend to the downstream side of the parcel addressed as 3000 Parker Green Trail or to where the rezoning site is less than 10% of the tributary drainage area, whichever criteria creates the longest analysis limits. If the existing stormwater conveyance within the specified analysis limits is found to be inadequate, the petitioner will make a good faith effort with the property owner(s) to improve the stormwater conveyance or otherwise mitigate impacts of the stormwater discharge from the site within the specified analysis limits.
- Illustrates potential tree save/replant area within the western portion of the site adjacent the western property line.
- Limits height of parking area lighting to 15 feet.

• **Existing Zoning and Land Use**

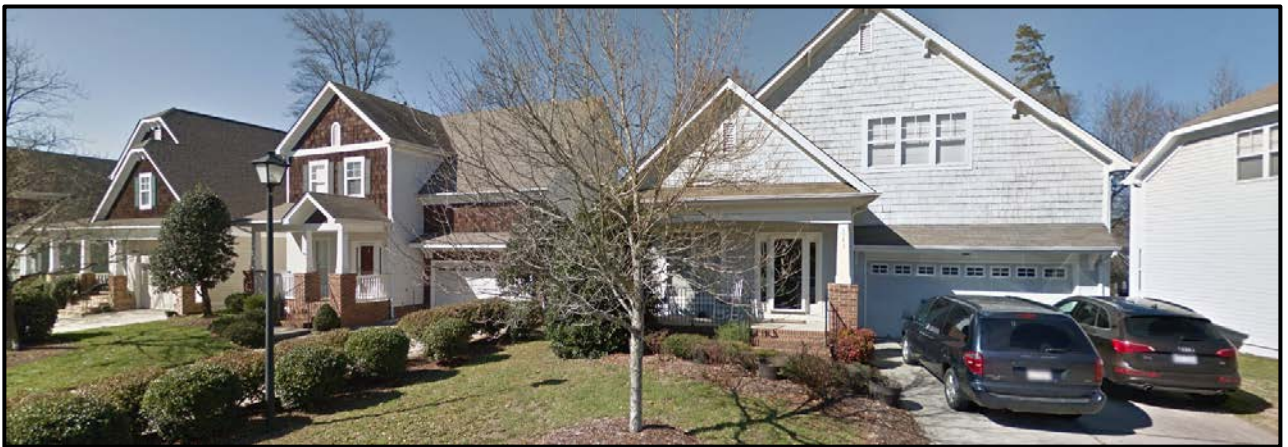


- The site is currently developed with a single-family dwelling with accessory structures and is surrounded by single family neighborhoods, an apartment community, recreational use (The Tradition Golf Course), and office and retail uses in various zoning districts. The site lies just outside the University Research Park Mixed Use Activity Center.





The subject property is developed with a single-family house with accessory buildings.



The properties to the north along Parker Green Trail are single-family homes.



The properties to the south along Mallard Creek Road include a medical facility and warehouse use.



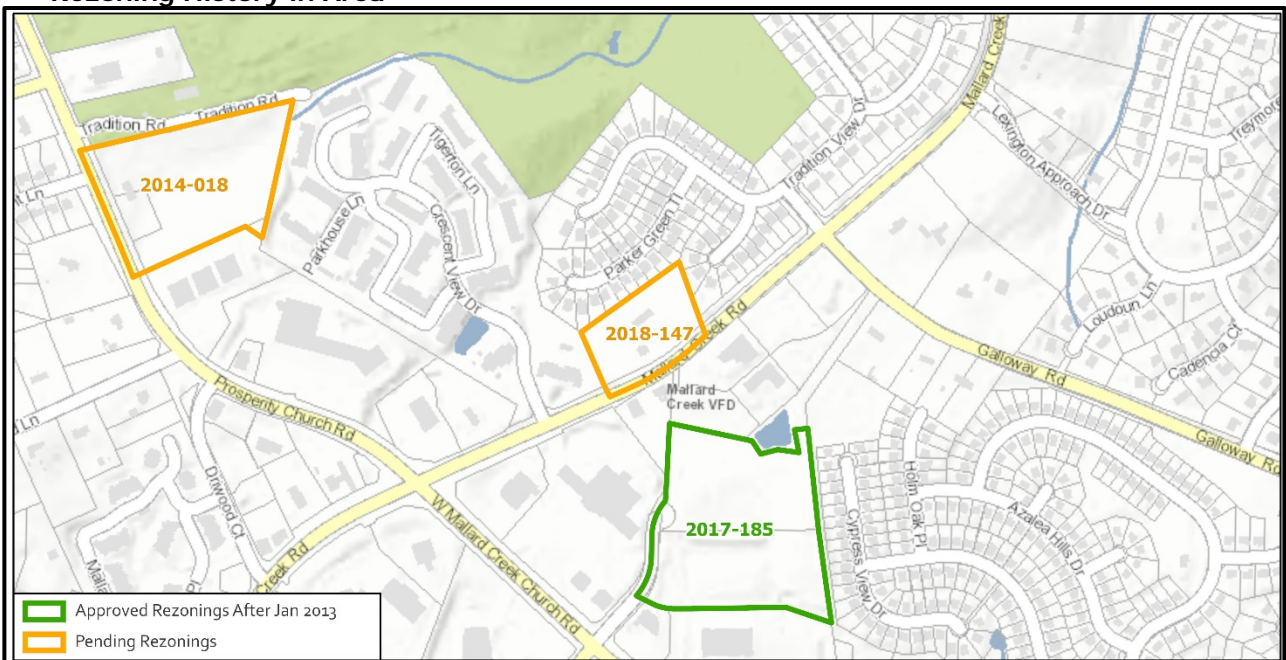


The properties to the east along Merion Hills Court are single-family homes.



The property to the west along Mallard Creek Road is developed with apartments.

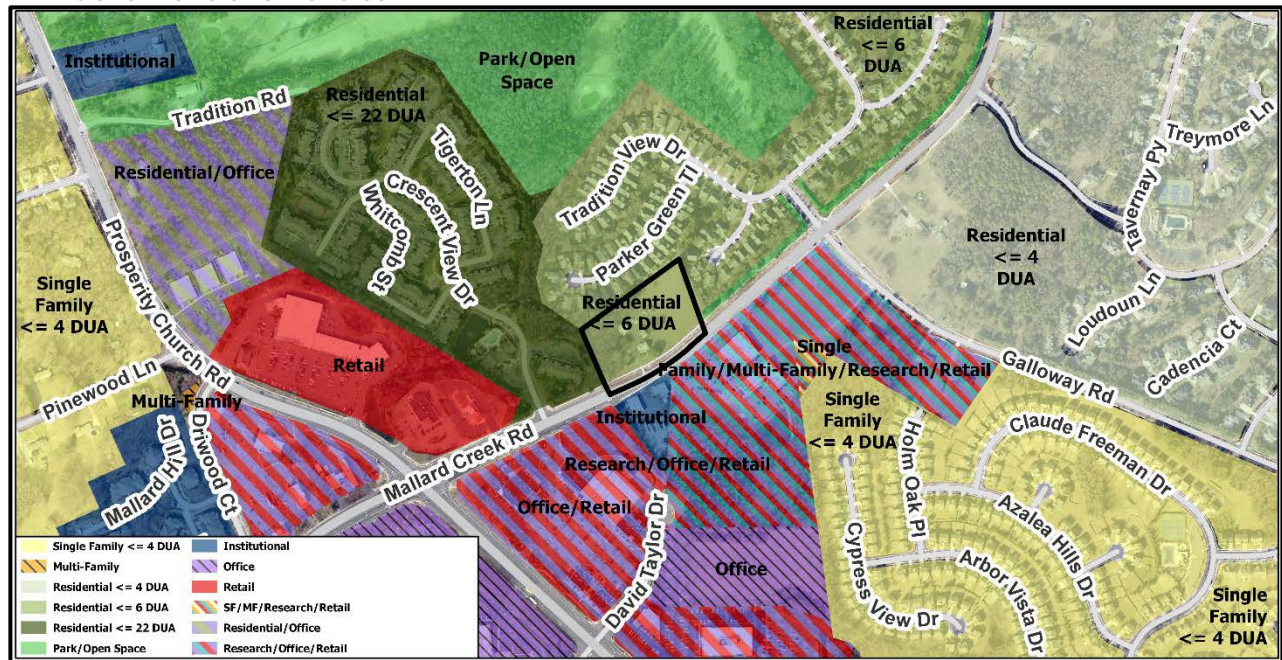
• **Rezoning History in Area**





Petition Number	Summary of Petition	Status
2017-185	Rezoned approximately 11.75 acres from O-1(CD) (office, conditional) to UR-2(CD) (urban residential, conditional) to allow up to 260 multi-family residential units.	Approved
2014-018	Rezone 8.81 acres from R-17MF(CD) (multi-family, conditional) to R-4 (single family residential) to allow all uses in the R-4 zoning district.	Deferred

• **Public Plans and Policies**



- The *Prosperity Hucks Area Plan* (2015) recommends low density residential. The plan notes that some slightly higher density residential and neighborhood serving institutional uses are appropriate at strategic locations where compatible with surrounding uses. Principal concerns in determining compatibility are massing, scale, and buffers in relation to existing properties.
- **TRANSPORTATION CONSIDERATIONS**
  - The site plan commits to dedication of the future right-of-way for Mallard Creek Road widening project. In addition, the site plan commits to locating the curb and gutter at the future location and installing a 12-foot multi-use path along Mallard Creek Road.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 10 trips per day (based on one single family dwelling).
      - Entitlement: 90 trips per day (based on nine single family dwellings).
    - Proposed Zoning: 310 trips per day (based on 90 senior apartments).

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

- **Charlotte Area Transit System:** See Outstanding Issues, Note 4.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water transmission main located along Mallard Creek Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along Mallard Creek Road.

- **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:** See Outstanding Issues, Note 1.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### **OUTSTANDING ISSUES**

##### Environment

1. Show tree save calculations on site plan. Site is in a wedge and will be required to provide 15% tree save area based on gross acreage. 15% of 3.31 acres = 0.49 acres tree save area.

##### Site and Building Design

2. Place arrow to correctly label westernmost "trash and recycling area with screening and gates".
3. Note 1D limits number of principal buildings to one. Architectural standards language references buildings plural. Please clarify notes.

##### Transportation

4. The site is located along CATS local bus route #54. CATS is requesting the provision of a new waiting pad for a bus stop along the site's frontage. Coordinate with CATS for final pad location placement to ensure the stops are appropriately spaced and meet design standards.
- 

#### **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 Department of Solid Waste Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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