# **Timeline & FAQ's**

- 1st Community Meeting Notice was mailed on 12/21
  - o Clarksons received notice but thought it was about the Colvard park zoning (only sign posted at time)
  - o HOA Was Not Notified b/c city had outdated contact list
- 1<sup>st</sup> Community Meeting Was Held On 1/5
- Zoning sign went up per dot on 1/13, 8 days after the meeting was held.
- Clarksons contacted zoning department after noticing sign week of 1/17 and found out there had been a meeting though petition website had not been updated to reflect that.
  - o Meeting notes say that no residents of Mallard Trace were in attendance
  - o City zoning rep contacted developer and had them reach out to Clarksons
- Developer has offered another meeting, February 10<sup>th</sup> @ 6:30 via Zoom
- First possible hearing by city council would be February 21.
- Mark your calendars these two dates. The city is working on its 2040 plan and zoning for all of this is up for grabs long term what happens to the land across from us will be under consideration. https://cltfuture2040.com
- Single family is not a priority anymore. We MUST stand for our property values, the
  value of homeownership and working hard to build a home and community for your
  family. There should be many options for housing including single family dwellings with
  yards of all sizes.
- With this development there will be 89 new town homes approved in a mile stretch of our homes. Not counting the ones that have gone in in URP across the street, or what is likely to be approved when the residential across the street goes on the block.
- It's your commute, your grocery store, your community. Townhomes are not the enemy, but density can be. The city is not considering or requiring greenspace or parks or quality of life in these developers' plans. We will need to be actively engaged to ensure our priorities are considered as much as the developer's profit and the city council's tax base.
- Traffic issues may be our best argument. See traffic flow map, with proposed median in attached packet.

Link to rezoning petition and all info in packet can be found here:

https://charlottenc.gov/planning/Rezoning/RezoningPetitions/2021Petitions/Pages/2021-186.aspx



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Home Land Development Enforcement CMCSI Planning Charlotte Water

Search Project

Record RZP-2021-186:

**Rezoning Petition** 

**Record Status: In Progress** 

Record Info ▼

# **Work Location**

**9405 MALLARD CREEK RD** CHARLOTTE NC 28269





# **Project Details**

### **Applicant:**

Dhanesh Kumar
KINGER HOMES LLC
215 N PINE ST UNIT 2011
CHARLOTTE, NC, 28202
Home Phone:7045501652
dhanesh@kingerhomes.com

#### **Project Description:**

The Villages at Governor Hunt Proposed 22 Townhomes on 2.84 acres.

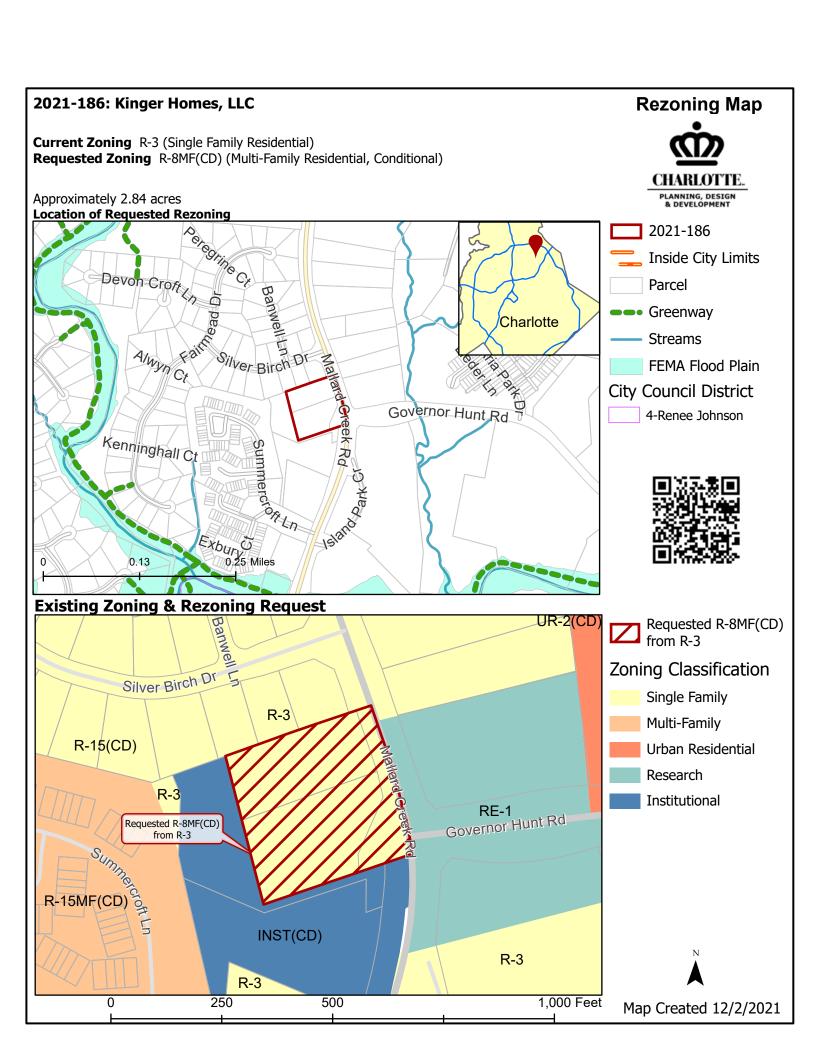
#### More Details

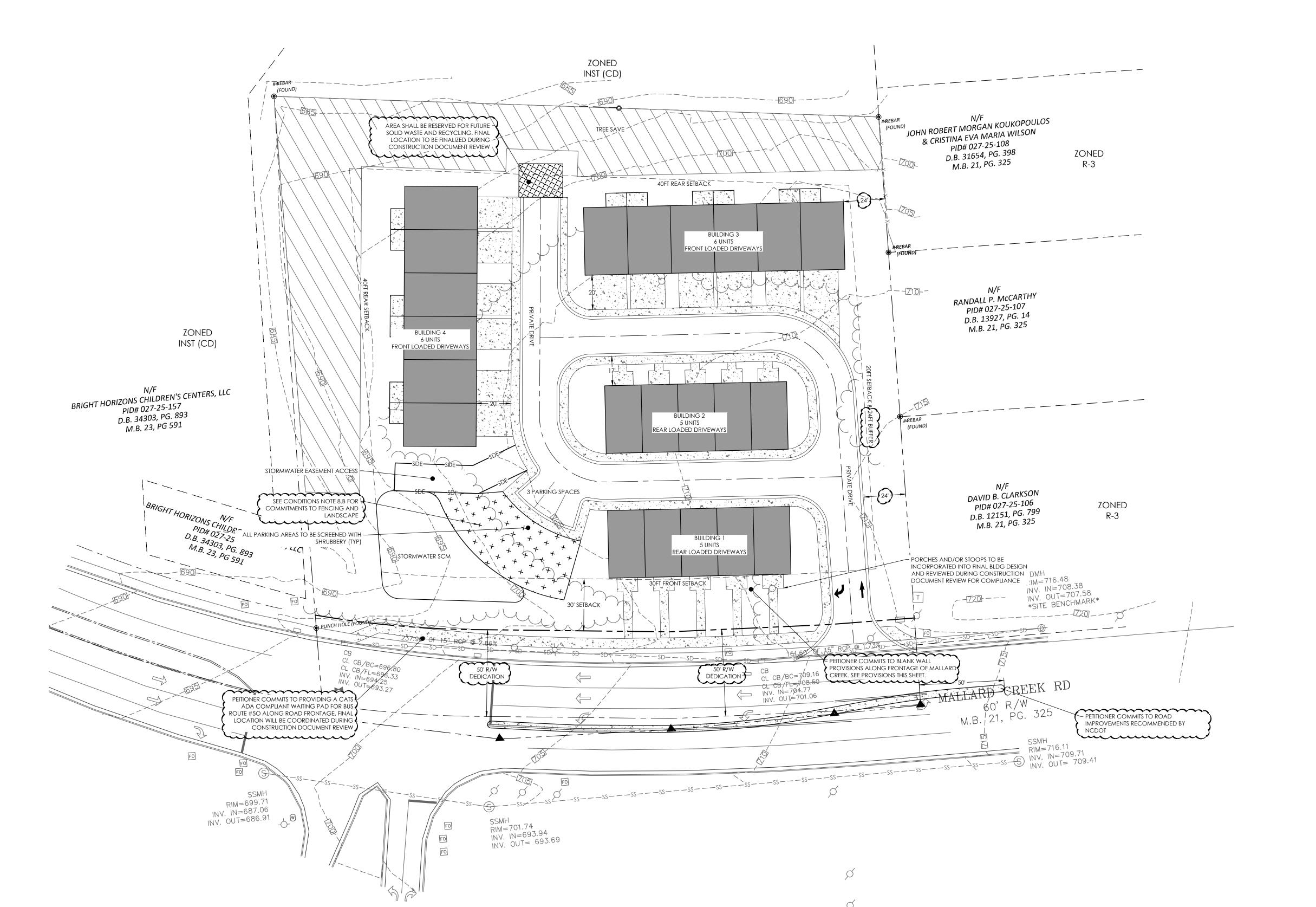
#### **Licensed Professional:**

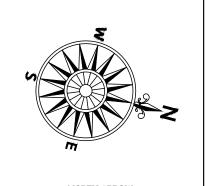
Travis Gingras travis@hensonfoley.com HENSONFOLEY DESIGN INC. 121 Gilead Road Huntersville, NC, 28078 Work Phone:7048751615 Mobile Phone:7049561862 ENGINEER 46974

#### Owner:

MOWRY MARY E 21309 BETHEL CHURCH RD CORNELIUS NC 28031







0 15 30 GRAPHIC SCALE 1"=30 FT.

GRAPHIC SCALE 1"=30 FT.

PRELIMINARY
NOT FOR
CONSTRUCTION

ENGINEERS SEAL

LATITUDE 35 DESIGN GROUP 1189 DAYBROOK DRIVE, KANNAPOLIS NC 28081 P: 704-956-1862 NCBELS LIC. #: C-4850

EX01-REZONING-221022 2022.01.14.DWG
PROJECT NUMBER: 2021-002

REVISIONS:

DATE: 11/01/2021 DRAWN BY: TSO

3 - SITE PLAN GOVERNOR HUNT

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NOTES:
FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE
CAPABLE OF SUPPORTING 80,000 LBS

ALTERATIONS TO THE CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 (ALTERATIONS TO APPROVALS)

ALL ARCHITECTURAL DESIGN STANDARDS SHALL APPLY

SITE LIGHTING BY OTHERS & SHALL COMPLY WITH LAND DEVELOPMENT STANDARDS

<del>-</del>------

WHERE VISUAL MITIGATION ELEMENTS ARE REQUIRED ON A BLANK WALL ALONG THE GROUND FLOOR

LEVEL STREET WALL AT LEAST 50 PERCENT OF THE LINEAR FOOTAGE OF ANY SUCH BLANK WALL SHALL BE TREATED BY ONE OR MORE OF THE FOLLOWING VISUAL MITIGATION ELEMENTS: PLANTING, BENCHES,

SCULPTURAL ART, RUSTICATION, DECORATIVE SCREENING, LATTICEWORK, OR LIVING PLANT MATERIAL

BICYCLE RACKS, TABLES AND CHAIRS, WALL TREATMENT IN THE FORM OF PERMITTED SIGNS, GRAPHIC OR

SITE DATA TABLE

PARCEL ID

LOCATION

JURISDICTION

PETITIONER

ZONING

TOTAL PARCEL AREA

PROPOSED USE

MIN. FRONT / STREET SETBACK

MIN. SIDE SETBACK

MIN. REAR SETBACK

MAX. BUILDING HEIGHT

PROPOSED NUMBER OF BUILDINGS

PARKING SPACES REQUIRED

PROPOSED PARKING SPACES

REQUIRED TREE SAVE

BUFFER REQUIREMENTS

BLANK WALL PROVISION:

PROPOSED UNITS / DENSITY

027-25-104 (DB 1568, PG 540) & 027-25-105 (**DB 10638 - PG** 

9405 MALLARD CREEK ROAD

CHARLOTTE

KINGER HOMES LLC

215 NORTH PINE STREET UNIT 2011

CHARLOTTE, NC 28202

EXISTING: R-3 - PROPOSED: R-8MF(CD)

2.84 AC - 123,710 SF

SINGLE FAMILY ATTACHED

22 UNITS / 8 UNITS PER ACRE

PER ZONING ORDINANCE

PER ZONING ORDINANCE

PER ZONING ORDINANCE

4 BUILDINGS

(1.5 PER UNIT) =33 SPACES

PER ZONING ORDINANCE

15% - (18,557 SF - 0.426 AC)

SEE SITE PLAN

FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS.

GARBAGE AND RECYCLE TO BE PROVIDED VIA ROLL OUT CANS STORED IN GARAGES OF UNITS. IN THE EVENT THAT CITY WASTE MANAGEMENT WILL NOT COLLECT TRASH AND RECYCLE PRIVATE COLLECTION WILL BE SOUGHT AFTER BY OWNERSHIP. PETITIONER COMMITS TO RESERVING AN AREA FOR FUTURE COMMUNAL DUMPSTER/RECYCLE AREA TO BE REVIEWED DURING CONSTRUCTION DOCUMENT PROCESS.

GARAGE SEPARATION ALONG PRIVATE ALLEYS: 5-7' FROM BACK OF ALLEY, OR 20' OR GREATER FROM BACK OF SIDEWALK ALONG ALLEY



EX01

NORTH ARROW

PRELIMINARY
NOT FOR
CONSTRUCTION

ENGINEERS SEAL

LATITUDE 35 DESIGN GROUP 1189 DAYBROOK DRIVE, KANNAPOLIS NC 28081 P: 704-956-1862 NCBELS LIC. #: C-4850

EX01-REZONING-221022 2022.01.14.DWG

PROJECT NUMBER: 2021-002

DATE: 11/01/2021 DRAWN BY: TSG

REVISIONS:

ONING - SURVEY

RE.

: VILLAGES AT GOVERNOR

HUNT

**811**®

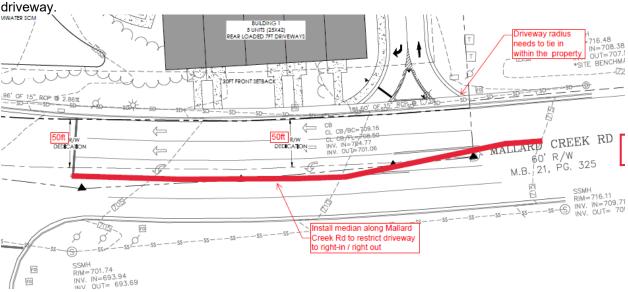
EX02

Know what's **below**. **Call** before you dig.

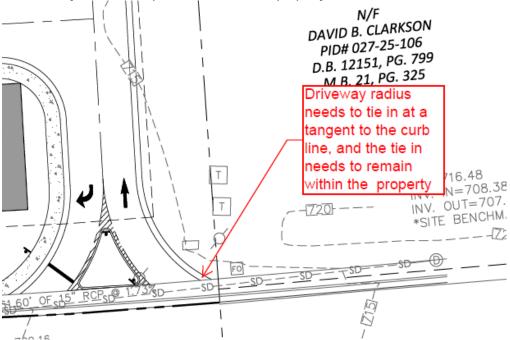
EX01-REZONING-221022 2022.01.14.DWG - PLOT: Travis - FRI. 1-14-2022 4:33 PM

Petition Number: 2021-186
General Location Identifier: 02725104

4. Revise site plan and conditional notes to commit to installing a concrete median along Mallard Creek Road to restrict the site driveway access to right-in / right-out. The median will be constructed from the intersection of Mallard Creek Road and Governor Hunt Road and extend 50 feet past the site driveway. The median will be designed to provide 150-feet of full width storage for the southbound left turn lane on Mallard Creek Road at Governor Hunt Road. Remove the proposed pork chop median at the site



5. Revise site plan to show the driveway radius tie into the existing curb and gutter at a tangent and ensure the driveway radius tie in point remains on the property.



6. Revise site plan and conditional notes to commit to construct an 8-foot planting strip, and a 12-foot multi-use path along the site's frontage of Mallard Creek Road per Chapter 19. The site plan shall label and dimension both items from the back of curb and road centerline. The 12-foot multi-use path also meets the council adopted Charlotte WALKS and Charlotte BIKES policies.

# REZONING PETITION 2021-186 CONCERNS TO CONSIDER

01
TRAFFIC
FLOW

PROPOSED ENTRANCE IS
FEET FROM MT AND STOP
LIGHT. PROPOSED RIGHT IN
RIGHT OUT. WILL INCREASE
U-TURN IN MT AND
INCREASE ACCIDENTS AT
LIGHT. PRESSURE NCDOT
AND CDOT TO MOVE ALL
ENTRANCES TO STOP LIGHT

CURRENT PLAN ONLY HAS
3 GUEST SPACES. THIS
WILL NOT ACCOMMODATE
GUESTS OR EVEN
RESIDENTS IF USING
GARAGES AS STORAGE,
PUSHING GUESTS TO OUR
STREETS.

OVERFLOW & VISITOR PARKING

SCALE OF
BUILDINGS AND
LOOK OF AREA

3 STORY TOWN HOMES IN THIS
AREA HAVE BEEN BUILT WITH
THE TOPOGRAPHY AND
SURROUNDINGS IN MIND,
UNLIKE THIS COMMUNITY
THAT WILL STICK OUT LIKE A
SORE THUMB ALONG THIS
ROAD AND LOOK OUT OF
PLACE LIKE TOWERS AT THE
TOP OF THE HILL.

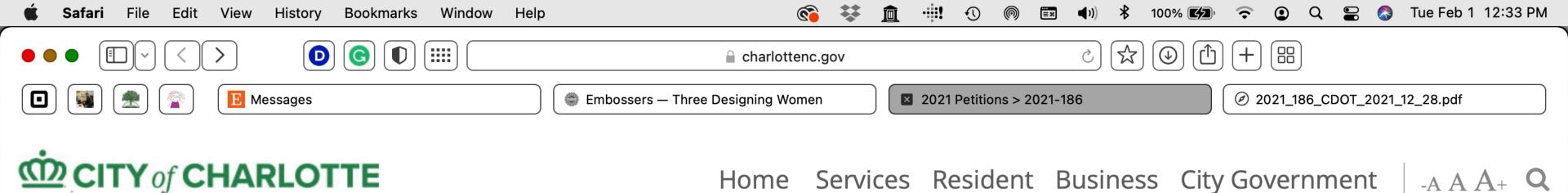
WHILE THE DEVELOPER SAYS
THE SELLING PRICE WILL BE
HIGH 300-400K, THE COMPS
AT COLVARD PARK HAVE MORE
GREEN SPACE; OTHER 3 STORY
WITH GARAGES AND POOLS &
PARKS IN 28269 ARE SELLING
FOR 250K. WHAT IS TRUE
OCCUPANCY RATE OF ARIA IN
URP?

O4 COMPS & REALISTIC VALUATION

O5

MINIMAL SOUND AND PRIVACY BARRIER

BOTH CITY ORDINACES AND MT HOMEOWNERS
COVENANTS LEAVE
BORDERING HOMES WITH
LITTLE OPTION FOR PRIVACY
AND SOUND BARRIERS
BETWEEN WHATEVER
DELVEOPMENT GOES IN
HERE.



# **Rezoning Petition 2021-186**

Kinger Homes, LLC

**Current Zoning:** R-3

**Petitioner:** 

**Proposed Zoning:** R-8MF(CD)

**Address:** 9405 Mallard Creek Road, Charlotte, NC 28269

**Location:** Approximately 2.84 acres located at the intersection of

Mallard Creek Road and Governor Hunt Road, west of

David Taylor Drive

Public Hearing Date: Pending

Zoning Committee Hearing Date: Pending

Council Decision Date: Pending

Council District: Johnson (4)

Status: Pending Approval Date:

City Council Meeting Agendas

(City Clerk's Website)

City Council - Rezoning Meeting Videos

Zoning Committee Agenda 🗷

2020 Rezoning Schedule

2019 Rezoning Schedule

2019 Text Amendment Schedule

**Text Amendments** 

(2000 - Present)

City of Charlotte Zoning Ordinance

**Zoning Inquiries** 

**Summary of Zoning Districts** 

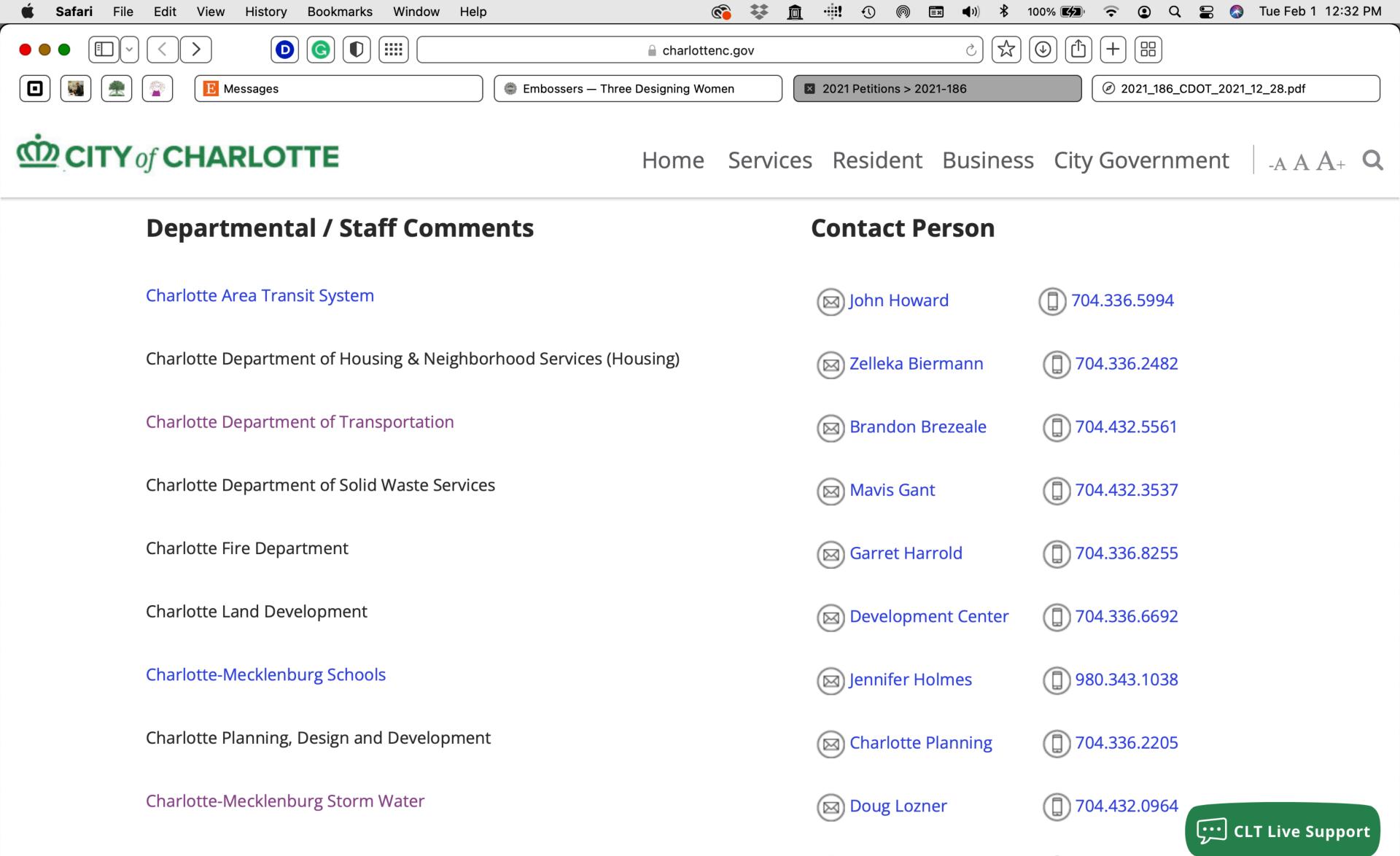
**Rezoning Acronyms** 

Neighborhood Organization Contact List

# **Petitioner Information:**

**Community Meeting Instructions** 





Charlotte-Mecklenburg Storm Water Revised

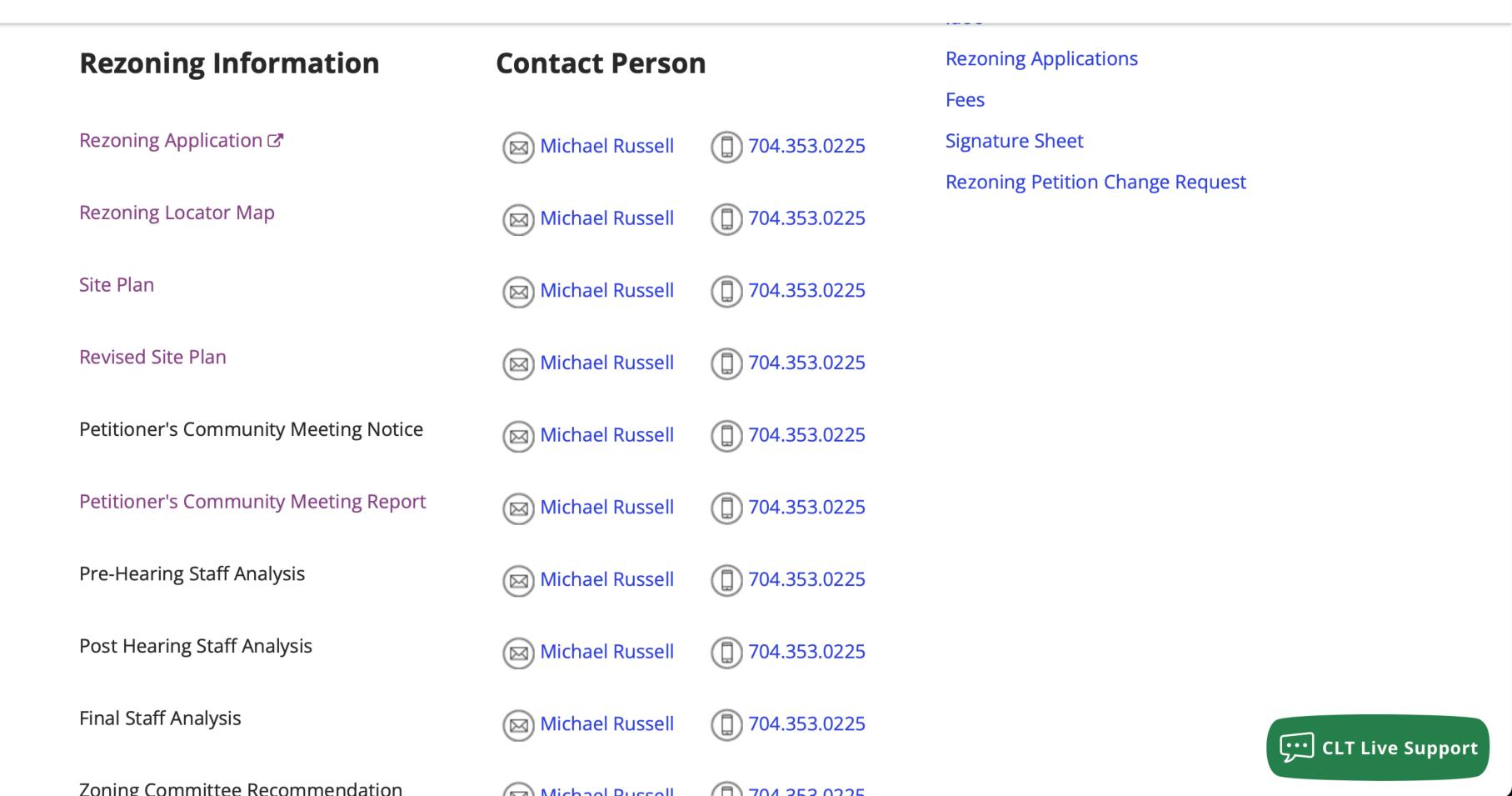
Doug Lozner

704.432.0964



# CITY of CHARLOTTE

Home Services Resident Business City Government



704 252 0225

Michael Duccell

Petition Number: 2021-186
General Location Identifier: 02725104

From: Brandon Brezeale, PE Reviewer: Patrick Monroe

Brandon.Brezeale@charlottenc.gov Patrick.Monroe@charlottenc.gov

704-432-5561 704-336-3937

Revision Log: [

Date	Description		
12-28-21	First Review (TNM)		

#### **General Review Information**

The petition is located adjacent to Mallard Creek Road, a State-maintained major thoroughfare at Governor Hunt Road, a City-maintained minor thoroughfare. The petition is located in the Northeast Wedge outside Route 4.

Active Projects Near the Site:

- Centene Development
  - This private land development project is located south of Governor Hunt Road and east of Mallard Creek Road.
  - The project is proposing roadway and signal improvements at the intersection of Mallard Creek Road and Governor Hunt Road.

CDOT's review of this rezoning petition is intended to provide consistency with council adopted policies, plans, standards and guidelines including, but not limited to, the <u>Transportation Action Plan (TAP)</u>, <u>Vision Zero</u>, <u>Urban Street Design Guidelines (USDG)</u>, <u>Center</u>, <u>Corridor and Wedges</u>, <u>Charlotte BIKES</u>, <u>Traffic Impact Study Guidelines</u> and <u>Charlotte WALKS</u>. With a commitment to design complete streets, this review is to ensure that the City's transportation network supports current and future land uses and includes streets that provide safe and comfortable mobility for motorists, pedestrians, bicyclists, and transit users.

This document is primarily for communication to Planning Department staff as part of the overall City staff analysis of the rezoning petition and includes an overall summary of the case from a transportation perspective, information on trip generation, and resolved or outstanding site plan concerns. Additional advisory information about the driveway permit process is provided for information only.

Based on our review of the petition, we offer the following information for your consideration.

#### **Transportation Summary**

The site is located adjacent to Mallard Creek Road, a State-maintained major thoroughfare at Governor Hunt Road, a City-maintained minor thoroughfare. A Traffic Impact Study (TIS) is not needed for this site. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to installing a concrete median along Mallard Creek Road to restrict the driveway access to right-in / right-out, installing a 12-foot multi-use path with an 8-foot planting strip to meet Council-adopted Charlotte WALKS and Charlotte BIKES policies, and the dedication of 50-feet of right-of-way from the centerline of Mallard Creek Road to meet the City's Subdivision Ordinance. Further details are listed below.

Petition Number: 2021-186 General Location Identifier: 02725104

**Trip Generation** 

Scenario	Land Use	Intensity	Trip Generation (vehicle trips/day)	Source
Existing Use	Single Family	1 Dwelling	10	Tax Record
Entitled Use	Single Family (R-3 2.84 acres)	8 Dwellings	105	General guidance from planning
Proposed Use	Apartments	22 Units	120	Site Plan: 6/3/2021

Provide comments to the specified comments below.

#### **Outstanding Issues**

#### Strikethrough = Resolved

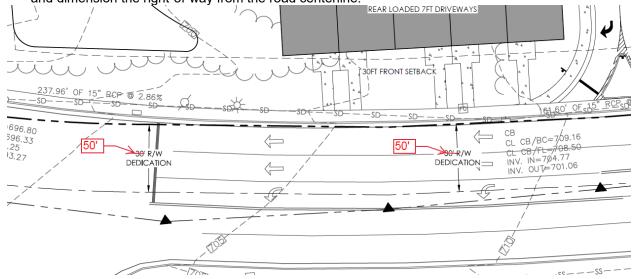
- 1. **Curb line:** The proposed zoning district has a setback measured from back of the existing or proposed future curb line.
  - a. Mallard Creek Road: The future location of curb and gutter is in the existing location.

Label and dimension the curb and gutter from the centerline for each road on the site plan.

#### 2. Traffic Study:

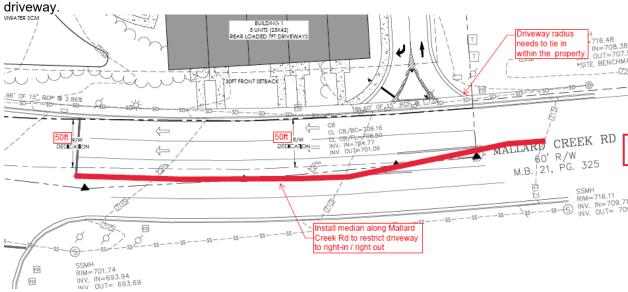
A Traffic Impact Study (TIS) is not necessary for the complete review of this petition due to the site generating less than 2,500 daily trips. If during the permitting process the site generates more than 2,500 daily trips, then a traffic study will be required.

3. Revise site plan and conditional note(s) to commit to dedicate 50-feet of right-of-way from the road centerline in accordance with Chapter 20 of the City's Subdivision Ordinance. The site plan shall label and dimension the right-of-way from the road centerline.

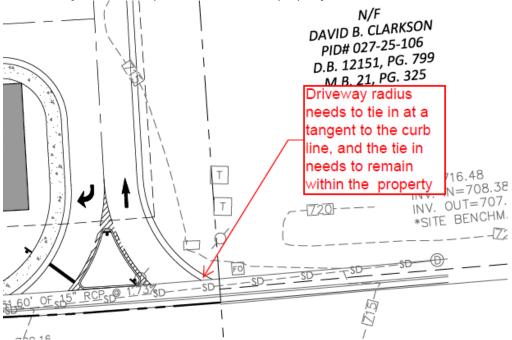


Petition Number: 2021-186
General Location Identifier: 02725104

4. Revise site plan and conditional notes to commit to installing a concrete median along Mallard Creek Road to restrict the site driveway access to right-in / right-out. The median will be constructed from the intersection of Mallard Creek Road and Governor Hunt Road and extend 50 feet past the site driveway. The median will be designed to provide 150-feet of full width storage for the southbound left turn lane on Mallard Creek Road at Governor Hunt Road. Remove the proposed pork chop median at the site driveway.



5. Revise site plan to show the driveway radius tie into the existing curb and gutter at a tangent and ensure the driveway radius tie in point remains on the property.



6. Revise site plan and conditional notes to commit to construct an 8-foot planting strip, and a 12-foot multi-use path along the site's frontage of Mallard Creek Road per Chapter 19. The site plan shall label and dimension both items from the back of curb and road centerline. The 12-foot multi-use path also meets the council adopted Charlotte WALKS and Charlotte BIKES policies.

Petition Number: 2021-186 General Location Identifier: 02725104

- 7. Revise site plan to label the proposed roads on site as private alleys.
- 8. Revise site plan to show the trash collection location for the site.
- 9. Revise conditional note 3.D. to specify dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible.
  - D) WHERE NECESSARY, PETITIONER SHALL DEDIC 2 feet ONVEY IN FEE SIMPLE ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE BEFORE THE SITE'S FIRST BUILDING CERTIFICATE UPANCY IS ISSUED OR PHASED PER THE SITE'S DEVELOPMENT PLAN. THE RIGHT-OF-WAY SHALL BE SET AT HEET BEHIND THE BACK OF SIDEWALK WHERE FEASIBLE.
- 10. Revise conditional note 3.D. to specify that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.

11. Add conditional note specifying "All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad north eastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support."

#### **Advisory Information**

The following are requirements of the developer that must be satisfied prior to driveway permit approval. These requirements shall be reflected on the rezoning plan, as appropriate.

- 1. The setback for this district is measured from the back of the existing or future curbline as determined by CDOT and Planning during the permitting process.
- 2. CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte, per the City of Charlotte's Driveway Regulations.
- 3. Adequate sight triangles must be reserved at the existing/proposed street entrance(s). Two 35' x 35' sight triangles (and two 10' x 70' sight triangles on NCDOT-maintained streets) are required for the entrance(s) to meet requirements. All proposed trees, berms, walls, fences, and/or identification signs shall not interfere with sight distance at the entrance(s) and shall be identified on the site plan.
- 4. The proposed driveway connection(s) to public streets will require a driveway permit(s) to be submitted to CDOT (and NCDOT on NCDOT-maintained streets) for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process. The locations of the driveway(s) shown on the site plan are subject to change in order to align with driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.
- 5. All proposed commercial driveway connections to a future public street will require a driveway permit submitted to CDOT for review and approval.
- 6. Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.
- 7. A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing Citymaintained street right-of-way by a private individual, group, business, or homeowner's/business

Petition Number: 2021-186
General Location Identifier: 02725104

association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

- 8. The petitioner needs to complete and submit the <u>Right of way Abandonment Petition form</u> to CDOT for review. The decision of this rezoning petition does not correlate with the decision of the possible abandonment, as this decision is issued within the separate Right of Way Abandonment process that is controlled by North Carolina General Statutes.
- 9. To attain a street and pedestrian lighting recommendation, the petitioner should coordinate with Anthony Mendez, CDOT. Please visit the following link: https://charlottenc.gov/Transportation/Programs/Pages/StreetLighting.aspx