

## **Community Meeting Report for Rezoning Petition No. 2021-090**

**Petitioner:** APM Mallard Creek, LLC

**Rezoning Petition No.:** 2021-090

**Property:** 9925 & 10017 Mallard Creek Road, Charlotte, NC 28262

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning, Design and Development Department pursuant to Section 6.203 of the City of Charlotte Zoning Ordinance.

### **Persons and Organizations Contacted with Dates and Explanations of How Contacted:**

The required Community Meeting was held virtually on Tuesday, September 7, 2021. A representative of the Petitioner mailed a written notice of the date, time and details of the Virtual Community Meeting to the individuals and organizations set out on **Exhibit A** by depositing the Community Meeting Notice in the U.S. mail on August 20, 2021. A copy of the written notice is attached as **Exhibit B**.

### **Time and Date of Meeting**

The Community Meeting required by the Ordinance was held virtually on Tuesday, September 7, 2021 at 6:30 p.m.

### **Persons in Attendance at Meeting**

The list of registered attendees from the required Virtual Community Meeting is attached as **Exhibit C**. The Petitioner's representatives at the required Community Meeting were Jitendra Patel as Manager of the Petitioner, APM Mallard Creek LLC, Matthew Ragona and Matthew Gallo of Ragona Architecture & Design, PLLC and William T. Wallace of McMillan, Psaroudis & Markey, PA.

### **Summary of Issues Discussed at Meeting:**

#### **I. Overview of Petitioner's Presentation**

##### **Introduction and Overview of Development Plan**

William T. Wallace ("Wallace") opened the meeting, welcomed everyone in attendance, and introduced the development team. Wallace requested that all meeting participants please list their names and email addresses in the meeting chat window so that he would be able to accurately take meeting attendance.

Matt Ragona and Matt Gallo (collectively "RAD Architecture") presented the current site plan and outlined the location and dimensions of applicable buffer areas on the perimeter of the proposed development. RAD Architecture identified the location of the proposed rezoning and the density involved in the project. Following their overview presentation of the site plan and of rezoning, RAD Architecture addressed common questions which had been submitted from various community members ahead of the meeting. These key questions centered on drainage for the site, the rezoning process timeline and anticipated final approval, and traffic impacts as a result of the rezoning.

As to the concern regarding drainage, RAD Architecture noted that the detention pond as shown in the site plan would handle all water runoff so that the property would not exceed any additional water runoff or soil erosion despite the increase in impervious items.

RAD Architecture addressed the rezoning matter by confirming that no substantive amendments or changes could be placed on the rezoning application and site plan without the entire rezoning process having to be reinitiated. They set forth the review phases involved with the ultimate rezoning approval, noting that ultimately the rezoning would be presented before the City Council.

As to concerns regarding increase in or risk involving community traffic, RAD Architecture noted that the City of Charlotte and NC Department of Transportation cited no issues or need for site plan change as a result of traffic.

### **Summary of Questions/Comments and Responses**

Mr. Lin Tine Li opened community questioning and comment by inquiring who RAD Architecture and Wallace were retained to represent. Wallace explained that they represented the Petitioner in the rezoning matter.

Following RAD Architectures initial presentation as outlined above, Mr. Kevin Tiernan raised concerns of future changes to the proposed rezoning, to which RAD Architecture explained that any changes to the type of rezoning being sought would require an entirely new resubmittal process to begin, including a new Community Meeting to be held, and that no such changes were set to occur or being contemplated by the Petitioner.

It was inquired by those in attendance, as to how soon the community members would receive updates regarding the progress and timeline of the rezoning and final rezoning decision. RAD Architecture explained that the deadline to resubmit the rezoning was September 13, 2021 and that the meeting minutes and proposed revised site plan, if any, would be available online through the City website by searching for the petitioned zoning reference number 2021-090. RAD Architecture explained that the minutes would also be filed with the City Clerk of Court prior to the resubmittal date.

It was asked what type of fence material in and along the side buffer would be utilized and if it would be consistent with fencing materials and general styling of the Colvard Creek Community. RAD Architecture explained that those types of cosmetic decisions will be up to the Petitioner once they begin the actual onsite construction but that the fence would meet the minimum standards for being 6' high and solid in nature.

There was concern over soil erosion and how that runoff would be accounted for. RAD Architecture noted that the site plan includes a retaining wall to retain the grade. RAD Architecture also stated that after rezoning approval and in preparation for construction the Petitioner will engage a civil engineer to make sure water runoff and soil erosion occur at no faster rate than prior to the development. The civil engineer will, among other measures, fully engage a storm drainage system to ensure that soil erosion is accounted for. It was expanded on by the community members, that with the increase in impervious area on the site, there was seemingly no way for an engineer of the Petitioner to take measures to properly prevent soil erosion and excess drainage. RAD Architecture stated that while the impervious area was undoubtedly being increased, the detention pond as shown on the site plan was an appropriate measure to account for this issue. RAD stated detention pond will be designed/ engineered by a Civil Engineer during the design process to meet the City Stormwater Standards.

The meeting then centered on a primary issue of traffic. It was questioned what steps the Petitioner would take to alleviate traffic issues when the particular area already sees heavy volume, especially during the early morning school hours. As an aside to the traffic concerns, a question was also raised

concerning the proposed six-foot privacy wall and its ability to effectively neutralize sound coming from the townhome development.

Mrs. Nancy Morgan joined in agreement on the concern of traffic and asked if the Petitioner would be putting in a traffic light as part of the development. The traffic light was also brought forward as a matter of concern by Mr. John Trunk who urged it would be needed to ensure the safety of all area residents. In addition to a traffic light Mr. Trunk also stated that he felt additional, general traffic signage would be necessary to assist with congestion and protect area residents. Wallace stated that the Petitioner planned to move forward with the site plan and development consistent with the guidelines of the City of Charlotte and the North Carolina Department of Transportation, neither of which were requiring the construction of a traffic light.

Mrs. Connie Magee followed up as to traffic, informing that the Colvard Creek Community was already a thoroughfare for parents picking up children from neighboring schools, and suggested that the Petitioner make the townhome development a gated access point to assist with further traffic. Mr. Li joined Mrs. Magee in this concern. RAD Architecture stated that at this time, the rezoning site plan is submitted as full access entrance community and that the Petitioner has no plans on installing gate access for the townhome development.

There were questions as to whether the site plan provided enough parking for both the residents and any guests they may have, and if visitors were unable to access parking within the townhome development would they merely park in the surrounding communities including Colvard Park. RAD Architecture responded by stating that the site plan generally allots four (4) parking spaces for each unit along with a guest parking pad that accounts for four (4) additional community spaces. Mrs. Tamara Howlett followed up with additional concern over the overall parking scheme for the development and noted that two townhome units within the site only appear to have two (2) parking spaces.

Mrs. Crystal McBride inquired if the developed townhomes would be “for sale” or “for rent”. RAD Architecture and Wallace explained that these would be “for sale” townhomes and that the rezoning was being applied with the townhomes designated as “for sale”.

Mrs. Crystal McBride also expressed concern regarding the detention pond, specifically with neighborhood children playing in and around the detention pond and possibly being injured. RAD Architecture stated that generally the engineer of the community will ensure that the detention pond is fenced in, and moreover the proposed depth of the detention pond will be 6-8 feet and the site engineer will take the appropriate measures to keep the pond at that reasonable depth.

Mrs. Crystal McBride also inquired if the appropriate City Council Member had been invited to the meeting to which Wallace responded that a Community Meeting Notice had been provided to the Council Member for the community’s district.

Mrs. Tama Morris asked if the Petitioner would be attempting to build more than the 33 units shown on the site plan. Wallace explained that the Petitioner will not be constructing more than the 33 units shown and that the Petitioner would be unable to do that without restarting the entire rezoning process.

Mrs. Crystal McBride asked how much longer approval of the rezoning could take to which RAD Architecture provided the 3 months and stated that a final decision as to the rezoning was forecasted to occur within the year.

Dr. David McGee inquired as to when the bylaws and covenants for the community would be drafted and if the drafts would be available to the Colvard Creek members for review. RAD Architecture, joined by

Wallace, explained that the covenants and bylaws for the townhome association would not be drafted until after the rezoning was approved and the property development was near completion. Wallace explained that at a later date, after his office had drafted the bylaws and covenants he could discuss with the developer about making those available to the community.

John Trunk asked what would need to be done by the community members to raise a formal complaint with the City Council in order to halt this rezoning. He asked this question specifically of Wallace, citing it as a procedural question. Wallace stated that he was unsure of the process necessary to raise the alluded to formal complaint.

Mr. Jerry Morgan asked Wallace what would be done to assess pollution levels in the detention pond and ensure that the detention pond met the required safety levels. Wallace stated that he was unable to speak to pond pollution levels, to which Mr. Jerry Morgan expressed primary concern over water runoff stemming from the development. RAD Architecture explained that the detention pond is designed to negate the risk of excess water runoff and that the detention pond would be engineered so as to meet any requisite environmental requirements.

Dr. Crystal Abernathy then provided a statement to the community members regarding the sought-after rezoning classification of R-8MF. Dr. Abernathy stated that while the developer was building 33 units on the site, under the R-8MF classification there was a theoretical possibility for more units and that in the event this rezoning was not approved, another developer would undoubtedly come forward in the future with plans to develop the site, and such plans may not be as favorable to the surrounding communities as those plans proposed by the Petitioner.

Ms. Jaunice Wilson then asked if the Petitioner had any like kind townhome developments in the surrounding area. Wallace responded that the Petitioner could expand on that if he desired, and Wallace ultimately let Ms. Wilson know that the Petitioner had performed other development projects in South Carolina. It was then asked where the development in South Carolina was to which Wallace stated he did not know positively, but that he believed development was in Sumter, SC.

Mr. Li asked whether the minutes would be sent out to all community members and to those in attendance at the meeting. Wallace explained that the minutes would be placed on file with the Clerk of Court and also be available online by way of the City's website and associated with the rezoning petition number of 2021-090. Wallace also stated he would be glad to forward a copy of the minutes to those individuals who reach out to him via email requesting a copy after the minutes have been filed.

Mr. Robert Howlett then provided the final question of the meeting in asking how long construction on the project was anticipated to take. RAD Architecture replied that construction was estimated to be completed by 12-18 months upon completion of 6 months of design and permitting approvals after rezoning approval.

Wallace asked if there were any further questions. He stated that there were many points for consideration and review by the Petitioner and thanked all in attendance for their participation. He asked that any person who had not already done so, please provide their name in the chat feature of the meeting portal so they could be appropriately noted as being in attendance. The meeting was then adjourned.

**CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:**

- To address concerns regarding the safety of the detention pond a fence will be constructed around the detention pond

- To address concerns regarding parking and development resident overflow the site plan will be revised to add 8-10 parking stalls head in facing the pond.
- The rear buffer will be increased from 12' to 18' per LD Zoning review comments and to address concerns regarding the rear buffer from those in attendance
- The following note will be added to the site plan to comply with Storm Water recommendations and address community concerns: "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."

cc: Council Member Renee' Johnson, Charlotte City Council District 4  
Michael Russell, Charlotte Planning, Design & Development Department  
Jitendra Patel, APM Mallard Creek, LLC  
William T. Wallace, McMillan, Psaroudis & Markey, PA  
Matt Gallo and Matt Ragona, Ragona Architecture & Design, PLLC

## EXHIBIT A

PLEASE NOTE THERE ARE TWO MAILING LISTS YOU NEED TO USE. SEE BOTH TABS BELOW A

2021-090	TAXPID	OWNERLASTN	OWNERFIRST	COWNERFIRS	COWNERLAST
2021-090	02726110	MORRIS	JEFFREY J	TAMA L	MORRIS
2021-090	02726111	MCBRIDE	RICHARD A	CRYSTAL L	MCBRIDE
2021-090	02726112	MCCURDY	RICHARD		
2021-090	02726113	LI	LIN-TINE		
2021-090	02726114	FETTIG	EMMA E R/T		
2021-090	02726115	TYLER	MATTHEW		
2021-090	02726116	FAISON	YATES W III	ROBIN J	FAISON
2021-090	02726117	HOWLETT	ROBERT D	TAMARA L	HOWLETT
2021-090	02726118	SAR	MAO	MALAYTHIP	SAR
2021-090	02726119	COLVIN III	NATHANIEL	NICOLE L	COLVIN
2021-090	02726120	BROWN	TERRENCE G	CHINETIA N	BROWN
2021-090	02726121	ARCHER	KEVIN J JR	SUSAN A	ARCHER
2021-090	02726122	CASTILLO	JOSE	MARIA	CASTILLO
2021-090	02726123	MCLAUGHLIN	THOMAS DALE	LUCILLE B	MCLAUGHLIN
2021-090	02726124	MCLAUGHLIN	THOMAS DALE		
2021-090	02726137	MID-AMERICA APPARTMENTS LP			C/O COLONIAL REALTY LTD PARTNERSHIP
2021-090	02726301	COLVARD PARK LTD PARTNERSHIP			
2021-090	02726401	WATSON	JOHN ROBERT	PATRICIA COX	WATSON
2021-090	02726402	FRIMPONG	OSEI T		
2021-090	02726403	ENAND	SAT DEV	ANITA	ENAND
2021-090	02726404	GUEVARA	EVER		
2021-090	02726405	CESAR	CLAIRE		
2021-090	02726406	SVOBODA	MICHAEL BRUCE	BARBARA JEAN	ROZGONYI-SVOBODO
2021-090	02726407	LIAO	HSIANG Y		PAI-CHIN LEE
2021-090	04715203	LE	KIEN THI	THUAN TRONG	TRAN
2021-090	04715204	ALEXANDER	JOHN HARVEY SR	CLYDE M	ALEXANDER
2021-090	04715205	COLEMAN	JAMES A	EDITH C	COLEMAN
2021-090	04715206	BLAKELY	SIMONE H		
2021-090	04716805	CAROLINA PRACTITIONER SUITES LLC			

2021-090	04716806	CAROLINA PRACTITIONER SUITES LLC			
2021-090	04716807	ALEXANDER	JOHN HARVEY	MONIE K	ALEXANDER
2021-090	04716808	SHARMA	MOHIT		
2021-090	04716823	PROSPERITY PLACE HOLDING LLC			
2021-090	04716826	PROSPERITY PLACE HOLDINGS LLC			
2021-090	04716829	PROSPERITY PLACE HOLDINGS LLC			

PLEASE NOTE THERE ARE TWO MAILING LISTS YOU NEED TO USE. SEE BOTH TABS BE

2021-090	ORGANIZATION_NAME	FIRST_NAME	LAST_NAME	STREET_ADDRESS	UNIT_NUM
2021-090	Arbor Hills Homeowners Association	Sarah	Ziegler	10701 Claude Freeman Dr	
2021-090	Ashley Creek Homeowners Association	John	Higdon	3111 Parker Green Tr	
2021-090	Avensong Homeowners Association	Debbie	Durrell	10701 Claude Feeman Dr	
2021-090	Bank Of America (University City)	Jesse	Cureton	3325 Radbourne Boulevard	
2021-090	Chatham Homeowners Association	Paul	Corkery	3008 Parker Green Trail	
2021-090	Chatham Homeowners Association	William	Shepherd	3040 Parker Green Trail	
2021-090	Chestnut Commons Homeowners Association	Guy E.	Derby, Jr	3111 Parker Green Tr	
2021-090	Churchill Downs	Kelly	Voler	10701 Claude Feeman Dr	
2021-090	Clearcreek Acres II	James R	Malone	3325 Radbourne Boulevard	
2021-090	Colvard Park	Tanner	Suttles	3225 Colvard Park Way	
2021-090	Colvard Park Homeowners Association	Kevin	Archer	3008 Colvard Park Wy	
2021-090	Greater Vision Development Corporation, Inc.	Billy	Hopkins	9632 Mersham Court	
2021-090	Harris Pointe Homewoners Association	Randal	Jones	3538 Briarthorne Dr	
2021-090	Highland Trace Neighborhood	Howard	Carmichael	10701 Claude Feeman Dr	
2021-090	Highland Trace Neighborhood	Willie	Caldwell	3111 Parker Green Tr	
2021-090	Holly Ridge Neighborhood Association	Donald	Woodard	3325 Radbourne Boulevard	
2021-090	Lexington	Robert	Davis	2345 Treymore Lane	
2021-090	Mallard Ridge Homeowners Association	Ronnie	Matthews	3521 Mallard Cove Ct	
2021-090	Mallard Trace	Rao	Kommareddi	3212 Devon Croft Lane	
2021-090	Mallard Trace At Rossmore Homeowners Association	Pamela	Smith	3103 Summercroft Ln	
2021-090	Mallard Trace At Rossmore Homeowners Association	Susan	Donnelly	9146 Exbury Ct	
2021-090	Mallard Trace Homeowner's Association	Robert H.	May	9607 Fairmead Drive	
2021-090	Marlwood Acres	Connie	Kovach	3513 Mallard Cove Ct	
2021-090	Nocroft-Sweetwater	Natacha	Andrews	8336 Dunstaff Rd	
2021-090	Prosperity Point Homeowners Association	Alan	McDonald	10010 Gardendale Ct	
2021-090	Prosperity Point Homeowners Association	Cosby	Quinlan	3030 Driwood Court	
2021-090	Quail Hollow II Homeowners Association	Tom H.	Roberts	3511 Edgepine Dr	
2021-090	Radbourne Homeowners Association	Drew	Green	3325 Radbourne Blvd.	
2021-090	Radbourne Homeowners Association	Todd	Arnold	3337 Whistley Green Dr	
2021-090	Ramblewood Neighborhood Association	Denise	Hallett	11020 David Taylor Dr	
2021-090	Ramblewood Neighborhood Association	Woody	Schmidt	11020 David Taylor Dr	
2021-090	Villa Heights Community Organization	Hatti	Watkins	3820 Saxonbury Wy	



2021-090 Welcome Home CLT  
2021-090 Wellington Homeowners Association

Amarra  
Donnell

Ghani  
Dixson

11135 Cypress View Dr.  
4521 Appley Mead Lane

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EXHIBIT B

**MCMILLAN, PSAROUDIS & MARKEY, P.A.**

**11040 S. TRYON STREET,  
SUITE 201**

**CHARLOTTE, NC 28273**

By Appointment

Telephone - 704 / 552-9997

Southwest Charlotte/Lake Wylie Office

**6101 CARNEGIE BOULEVARD,  
SUITE 310**

**CHARLOTTE, NC 28209**

Telephone - 704 / 552-9997 Fax 704/552-0540

Southpark Office

**10115 KINCEY AVENUE,  
SUITE 110**

**HUNTERSVILLE, NC 28078**

By Appointment

Telephone - 704 / 552-9997

Huntersville/Lake Norman Office

Ralph R. McMillan  
Michelle C. Psaroudis\*  
John C. Markey II  
Bryan C. Lawrence\*  
William T. Wallace\*

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\*also licensed in SC

August 19, 2021

**NOTICE TO INTERESTED PARTIES OF  
COMMUNITY MEETING**

**Subject:** Community Meeting - **Rezoning Petition No. 2021-090** filed by APM Mallard Creek LLC to request the rezoning of an approximately 4.18 acre site located on the west side of Mallard Creek Road, northeast of West W.T. Harris Boulevard, and west of Interstate 85

**Date and Time of Meeting:** Tuesday, September 7, 2021 at 6:30 p.m.

**Place of Meeting:** See Below for Information on How to Access the Virtual Community Meeting

Our firm is assisting APM Mallard Creek LLC (the "Petitioner") in their filing and completion of that Rezoning Petition with the Charlotte Planning, Design & Development Department requesting the rezoning of an approximately 4.18 acre site located on the west side of Mallard Creek Road, northeast of West W.T. Harris Boulevard, and west of Interstate 85 from the R-3 zoning district to the R-8MF(CD) zoning district. The purpose of this rezoning request is to accommodate a residential community on the site that would contain a maximum of 6 buildings comprised of 33 total for sale townhomes. These for sale townhomes will be no more than two to three stories in height.

The Petitioner will hold a virtual Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Charlotte Planning, Design & Development Department's records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the site.

Accordingly, on behalf of the Petitioner, we invite you to participate in the virtual Community Meeting regarding this Rezoning Petition on Tuesday, September 7, 2021 at 6:30 p.m. Area residents and representatives of area organizations who would like to participate in the Community Meeting must email their personal email addresses to [wwallace@mplawcarolinas.com](mailto:wwallace@mplawcarolinas.com) to receive an electronic invitation and link to the Community Meeting. If you do not have access to the internet or cannot otherwise participate

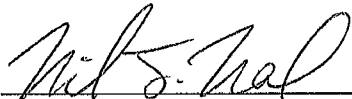
in the Community Meeting and would like a hard copy of the presentation mailed to you, please contact me at the email address above or by phone at 704-714-4229.

Once you log into the Community Meeting, a presentation regarding the Rezoning Petition will be provided. After the presentation, attendees will have an opportunity to ask questions. You can also continue to contact us with questions after the Community Meeting.

Representatives of the Petitioner look forward to sharing this rezoning proposal with you and to answering your questions.

In the meantime, should you have any questions or comments, please call me.

Thank you.



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William T. Wallace, Esq.

cc: Council Member Renee' Johnson, Charlotte City Council District 4 (via email)  
Mr. Michael Russell, Charlotte Planning, Design & Development Department (via email)  
Date Mailed: August 19, 2021.

## EXHIBIT C

### MEETING ATTENDEES:

1. Elizabeth Tunnell
  - a. [elizabethtunnell@msn.com](mailto:elizabethtunnell@msn.com)
2. Nancy "Jill" Morgan
  - a. [nancyjillmorgan@gmail.com](mailto:nancyjillmorgan@gmail.com)
3. Crystal McBride and Richard McBride
  - a. [Crystal.mcbride74@gmail.com](mailto:Crystal.mcbride74@gmail.com)
4. Lin Tine Li and Jessica Li
  - a. [medavidli@gmail.com](mailto:medavidli@gmail.com)
5. Steven Mullis
  - a. [jsmullis@bellsouth.com](mailto:jsmullis@bellsouth.com)
6. John Trunk
  - a. [johnctrunk@gmail.com](mailto:johnctrunk@gmail.com)
7. Robin Faison and Yates Faison
  - a. [robin.faison@gmail.com](mailto:robin.faison@gmail.com)
8. Dr. David Magee and Mrs. Connie Magee
  - a. [dmagee@carolina.rr.com](mailto:dmagee@carolina.rr.com)
9. Richard McCurdy
  - a. [mccurdy5653164@gmail.com](mailto:mccurdy5653164@gmail.com)
10. Crystal Abernathy joined by parents Lucy and Dale McLaughlin
  - a. [drcrystal@abernathynd.com](mailto:drcrystal@abernathynd.com)
11. Nancy Jill Morgan and Jeffrey Morgan
  - a. [nancyjillmorgan@gmail.com](mailto:nancyjillmorgan@gmail.com)
12. Tama and Jeffrey Morris
  - a. [tjm28269@aol.com](mailto:tjm28269@aol.com)
13. Kevin Archer
  - a. [G12cs1962@aol.com](mailto:G12cs1962@aol.com)
14. Mary Hendry
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15. Kevin Tiernan
  - a. [Ktiernan7@me.com](mailto:Ktiernan7@me.com)
16. Michelle Humphrey
  - a. [michelle.humphrey@gmail.com](mailto:michelle.humphrey@gmail.com)
17. Brett Pawlowski
  - a. [brett@nc3t.com](mailto:brett@nc3t.com)
18. Jaunice Wilson
  - a. [jaunice.wilson@gmail.com](mailto:jaunice.wilson@gmail.com)
19. Jim Riggs
  - a. [jkriggs552@aol.com](mailto:jkriggs552@aol.com)
20. Sandra Hutchinson on behalf of Carolina Practitioner Suites, LLC
  - a. [Cps.officeleasing@gmail.com](mailto:Cps.officeleasing@gmail.com)
21. Julia Ward
  - a. [Juliaaward00@hotmail.com](mailto:Juliaaward00@hotmail.com)