

REQUEST	Current Zoning: MX-2 (Innovative), mixed use residential, innovative Proposed Zoning: INST(CD), institutional, conditional
LOCATION	Approximately 13.81 acres located on the west side of Lancaster Highway, north of Ardrey Kell Road.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to develop up to 322 age restricted independent living units and related accessory uses. The petitioner also seeks five year vested rights.
Property Owner Petitioner Agent/Representative	McCarley Developers, LLC McCarley Developers, LLC ESP Associates PA
Community Meeting	Meeting is required and has been held. Report available online

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the modifications contained in a letter from the petitioner dated April 28, 2009 and additional modifications made after submittal of the letter, as follows:</p> <p>Note: * Denotes items modified after submittal of the letter from the petitioner.</p> <ol style="list-style-type: none"> 1. Show all internal streets as public streets except for those classified as private via the previous approved rezoning petitions (2006-013).* 2. Show Bridgemount Avenue as currently constructed and add a note that a variance from the Subdivision Ordinance must be approved and the City Council must vote in order to abandon existing public right-of-way.* 3. Add note that blank walls will not exceed 20 feet in length.* 4. Indicate that widths of required buffers will not be reduced.* 5. Add note that there will be no reduction of the 50-foot Class "C" buffer to be provided abutting the Bridgehampton Neighborhood.* 6. Indicate that architectural commitments for buildings will adhere to the building examples provided at the public hearing, the maximum height of 68 feet and the building materials specified in the site plan.* 7. Specify parking at 1.5 spaces per unit and note that parking may be reduced as allowed in Section 12.209 of the Zoning Ordinance. * 8. Indicate that all units will be independent living units. 9. Include Bridgemount Avenue as a site access under Development Standards. 10. Add a note that street trees will be provided at 40 feet on center on private streets. 11. Provide a 40-foot landscaped setback between the surface parking along the current Elizabeth Madison Court to buffer from the proposed townhomes across the street to the west.
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12. Eliminate driveway west of the intersection of Alice McGinn Drive and Elizabeth Madison Court.
13. Add note that all gated entrances will be recessed internal to the site to ensure no vehicular maneuvering or waiting will occur in the right-of-way on public streets
14. Delete note entitled "Variances, Waivers and Modifications".
15. Clarify reference to parking along Highway 521.
16. Delete the portion of the note that proposed to apply age restrictions to all occupants of remaining areas of the property governed by the McCarley HOA and joint CCR's but not within this petition.
17. Provide a 50-foot Class "C" buffer consisting of 8 to 10 foot tall Southern Magnolia trees along portions of the property that abut the Bridgehampton Neighborhood.

VOTE

Motion/Second:	Griffith/Locher
Yeas:	Allen, Griffith, Howard, Locher, Rosenburgh, Simmons and Walker
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and identified the modifications made to the plan. The Committee was informed that while the petition is inconsistent with the *South District Plan* staff does recommend approval of the petition, which has been modified to address all outstanding site plan issues and now retains an indirect, public connection through the site in accordance with the connectivity requirements set forth in the *Subdivision Ordinance*. Although the petition is inconsistent with the plan, area plans frequently do not specify locations for institutional uses.

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the *South District Plan* but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Rosenburgh seconded by Commissioner Simmons).

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 322 age restricted, independent living units for seniors 62 years of age or older.
- 50-foot Class "C" buffers abutting residential zoning and/or land use.
- Any one or a combination of surface, structured or on-street parking.
- Minimum 10 percent tree save area.
- Maximum building height of 68 feet.
- Access points provided from Copper Mountain Boulevard and via drive connections to Lancaster Highway 521.
- Interior street network comprised of public streets and one private street.
- Public street connection of Bridgemount Avenue.
- Gated entrances provided off internal streets.
- A variety of potential accessory uses, including a bar, branch bank, café, spa/hair salon and small clinic and therapy rooms.
- Non-residential accessory uses are not available to the general public.

- A 50-foot Class "C" buffer along portions of the property that abut the Bridgehampton Neighborhood consisting of 8-10 foot tall Southern Magnolia trees as the large maturing tree species.
- Buildings will be constructed of any one or a combination of brick, stone, stucco, wood, cement fiber siding alternative or wood shingles.
- **Public Plans and Policies**
 - The *South District Plan* (1993), as amended by Petition 2006-013, recommends residential land uses at a maximum density of eight dwelling units per acre.
 - This petition is inconsistent with the *South District Plan*. However, area plans frequently do not specify locations for institutional uses.
- **STAFF RECOMMENDATION (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** No issues.
- **Charlotte Fire Department:** No issues.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Schools:** The proposed development would generate six students. The net change in the number of students generated from the existing zoning to the proposed zoning is zero students.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
- **LUESA:** No issues.

Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.

Protects/restores environmentally sensitive areas by preserving existing wetlands.

Attachments Online at www.rezoning.org

- Application
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- CMS Review
- Community Meeting Report
- LUESA Review
- Site Plan

Planner: Sonja Sanders (704) 336-8327