

<b>REQUEST</b>	Current Zoning: R-3, single family residential Proposed Zoning: R-17MF(CD), multi-family residential, conditional
<b>LOCATION</b>	Approximately 13.98 acres on the south side of Mallard Creek Road, across from Mason Drive and beside Penninger Circle.
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	This petition proposes to rezone 13.98 acres to allow construction of 238 age-restricted multi-family residential units, with a density of 17.02 units per acre.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the <i>Northeast District Plan (1996)</i> , which recommends residential uses at up to eight dwelling units per acre. However, there are nearby multi-family projects with similar densities and the age-restricted nature of this proposal makes it appropriate for this location.
<b>Property Owner</b>	Strawberry Corvette, LLC; Jerry T. Caskey; Richard & Linda Caskey
<b>Petitioner</b>	David S. Rushing for Apprise Holdings, LLC
<b>Agent/Representative</b>	N/A
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Six residential buildings, each containing 24 to 48 age restricted units (age 55 and older).
  - Maximum building height is 40 feet. There is an option to provide a portion of the required parking in detached garages.
  - Dedication of right-of-way on both Mallard Creek Road and Penninger Circle, with gated entrances from both streets.
  - Protection of most of the trees on the site, including a preservation plan by a certified arborist.
  - Amenities that include a pool, cabana, and park areas. A total of 51 percent of the site is open space.
  - Architectural commitments to general design and exterior materials. The elevations include mixed masonry ground floors, hardi-plank siding, pitched roofs with asphalt shingles, and building articulation, which includes patios/porches.
- **Existing Zoning and Land Use**  
There are four large-lot single family homes on the petitioned site. To the north across Mallard Creek Road are single family homes and a manufactured housing development, which is zoned R-3. To the east is a multi-family residential project zoned R-12MF(CD) and a large warehouse and associated parking are located to the southeast in RE-2 zoning. Single family homes are located to the west and are zoned R-3.
- **Rezoning History in Area**  
There have not been any recent rezonings in the immediate area.
- **Public Plans and Policies**
  - The *Northeast District Plan (1996)* recommends residential uses at up to eight dwelling units per acre for this location.
  - This petition is inconsistent with the *Northeast District Plan*.

**PUBLIC INFRASTRUCTURE** (see full department reports online)

- **Vehicle Trip Generation:**  
Current Zoning: 500 trips per day.  
Proposed Zoning: 883 trips per day.
- **CDOT:** There is a current NCDOT project to widen Mallard Creek Road. This development needs to conform to that project engineering, including the dedication of five feet of right-of-way in addition to the dedication shown on the site plan. The proposed sidewalk and planting strip also need to match the NCDOT plans. Driveway permits will be needed from both NCDOT and CDOT. CDOT is requesting either a second access or a more centrally located access point onto Penninger Circle.
- **Charlotte Fire Department:** No issues.
- **CATS:** CATS is requesting a new bus pad along Mallard Creek Road.
- **Connectivity:** This proposal is for a gated community. The gating is not seen as having a major impact on future connectivity since a connection to the industrial area to the south is not desired.  
**Schools:** Due to the age restriction of residents, this development will not add any students to the schools in this area.
- **Park and Recreation:** No issues.

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**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*.
  - Minimizes impacts to the natural environment by providing tree save areas beyond ordinance requirements (calculations not yet provided).
  - Facilitates the use of alternative modes of transportation by providing additional right-of-way.

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**OUTSTANDING ISSUES**

- The petitioner should:
  1. Revise the site plan to comply with Section 9.303(19)d.ii, which requires all buildings to be within 400 feet of a public or private street.
  2. Relocate or re-size the building in the southeast corner of the site to meet the 40-foot rear yard that is incorrectly identified as a 30-foot setback.
  3. Correct the future right-of-way line, which does not appear to be 30 feet from the centerline of the existing Penninger Circle.
  4. Correct the yard for the southwest building from a 68-foot setback to a 10-foot side yard.
  5. Reduce the number of units to meet the 17 unit-per-acre limit of the R-17MF district. This also includes deleting from the density calculation those areas of right-of-way to be dedicated that are already in public maintenance (usually to the ditch line).
  6. Provide dimensions and materials for the proposed decorative fence.
  7. Extend the sidewalk on the parking lot side of the northwest building out to Penninger Circle.
  8. Clarify that pedestrian gates will be provided for all sidewalks extending to the public street sidewalk system.
  9. Clarify Note #4 to state that rights-of-way will be dedicated and conveyed.
  10. Resolve the conflict between Note #1 and the Zoning Information specification that 80 percent of all trees will be saved. Add to Note #1 that the certified arborist's plan will be implemented.

11. Modify the site plan to identify and preserve the existing trees in the Phase 2 area that could be used to meet the parking lot tree requirements. In addition, there are numerous trees in the "park area" along Penninger Circle that need to be shown on the site plan. The tree save areas need to be calculated as a percentage of the site.
12. Show screening of the parking areas visible from Penninger Circle.
13. Provide building elevations for the portions of all buildings visible from Penninger Circle.
14. Delete Note #5 as development will already have to comply with Post Construction Controls Ordinance.
15. Correct the proposed zoning category under Site Data.
16. Address CDOT comments listed above.
17. Provide concrete bus pad per CATS request.

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- CDOT Review
- CATS Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Utilities Review
- CMS Review
- Community Meeting Report
- LUESA Review
- Site Plan
- Storm Water Review

**Planner:** Tom Drake (704) 336-8312