
REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: INST(CD), institutional, conditional
LOCATION	Approximately 13.98 acres on the east side of the intersection of Mallard Creek Road and Penninger Circle, across from Mason Drive.
SUMMARY OF PETITION	The petition proposes a 236-unit nursing home consisting of 176 dependent living units and 60 independent living units with associated services and amenities.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the <i>Northeast District Plan</i> ; however, land use plans frequently do not specify locations for institutional uses.
Property Owner	Strawberry Corvette, LLC; Jerry T. Caskey; Richard and Linda Caskey
Petitioner	Patrick N. Dillon
Agent/Representative	N/A
COMMUNITY MEETING	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:
 - Two phases, each with one three-story building of 118 units. Elevations are provided.
 - Ground floor dining facility with a full service kitchen, 24-hour nursing staff, indoor amenities, and outdoor open space provided for each building.
 - A four-foot planting strip and five-foot sidewalk proposed along Mallard Creek Road to comply with the NCDOT designed widening.
 - An eight-foot planting strip and five-foot sidewalk proposed along Penninger Circle.
 - Tree save areas generally limited to the setbacks along the public street frontages.
 - A total of 148 parking spaces.
 - Decorative fencing around majority of the perimeter of the site.
 - Gated access.
 - 40-foot setbacks off both streets.
 - **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 with associated parking is 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:** Petition 2009-068 to rezone this site for multi-family residential was denied in February 2010. There have not been any other 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*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Department of Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 500 trips per day.
Proposed Zoning: 680 trips per day.
 - **Connectivity:** No issues.

- **Charlotte Department of Solid Waste Services:** The site plan needs to show locations for solid waste and recycling centers.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - Tree save areas exceed minimum ordinance requirements.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Modify the site plan to reflect compliance with the Tree Ordinance since this may affect the number of parking spaces shown on the site plan.
 2. Establish a minimum age restriction for the independent living units in the development.
 3. Correct the site plan annotation that the setback on Penninger Circle is measured from the existing right-of-way.
 4. Show potential recycling centers.
 5. Specify class of buffer.
 6. Include detail of fence.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Charlotte Area Transit System Review
- Charlotte Department of Transportation Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Tammie Keplinger (704) 336-5967