

REQUEST	Current Zoning: MX-2 Innovative, mixed use, innovative
LOCATION	Proposed Zoning: INST(CD), institutional, conditional Approximately 2.18 acres located on the west side of Davis Lake Parkway between David Cox Road and Harris Woods Boulevard. (Council District 2 - Mitchell)
SUMMARY OF PETITION	The petition proposes a 25,000 square foot, 40-bed dependent living facility.
PROPERTY OWNER	Harris Woods Land Investors Limited Partnership
PETITIONER	Edencare Inc.
AGENT/REPRESENTATIVE	W. Neill Fortune
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Northeast District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Phipps).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Labovitz/Griffith
	Yeas: Allen, Eschert, Griffith, Johnson, Labovitz, Lathrop and Phipps
	Nays: None
	Absent: None
	Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented the petition and noted that there are no outstanding issues.
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

- **Background**
 - The subject property was part of the 335-acre Davis Lake development approved in 1987 (rezoning petition 1987-45C) This rezoning allowed for 1,164 residential units, 292,000 square feet of office, and 197,000 square feet of retail. The subject property was part of 17.28 acres rezoned to O-15(CD) for 172,000 square feet of office.
 - Subsequent petitions include:
 - Petition 96-09C rezoned 40.82 acres of the Davis Lake development to O-1(CD) and CC and included broadening the uses on the subject property from only office uses to all uses in the O-1 district.
 - Petition 2008-044 rezoned 12.38 acres of the larger development, including the subject property, from O-1(CD) to MX-2 Innovative to allow 92 townhomes for sale.

- **Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
 - A 40-bed assisted living facility.
 - Maximum 25,000 square foot, single story building.
 - Harris Woods Boulevard will be extended as a public street along the length of the property boundary, with a 5-foot sidewalk and 8-foot planting strip along both sides.
 - The proposed street extension will be platted prior to issuance of a certificate of occupancy.
 - An additional 33.5 feet of right-of-way will be dedicated along David Cox Road one foot behind the back of the proposed sidewalk.
 - Exterior building materials will include face brick veneer and vinyl or fiber cement board siding, which is similar to the building materials of the adjacent assisted living facilities.
 - An 18-foot wide Class C buffer will be provided abutting residential uses to the west.
 - Freestanding lighting will be limited to 25 feet in height with fully shielded and full cut-off type fixtures.

- **Public Plans and Policies**

- The *Northeast District Plan* (1996) recommends residential uses at a density of eight dwelling units per acre.
- The petition is inconsistent with the *Northeast District Plan*.

- **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **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 comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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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-Environment*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327