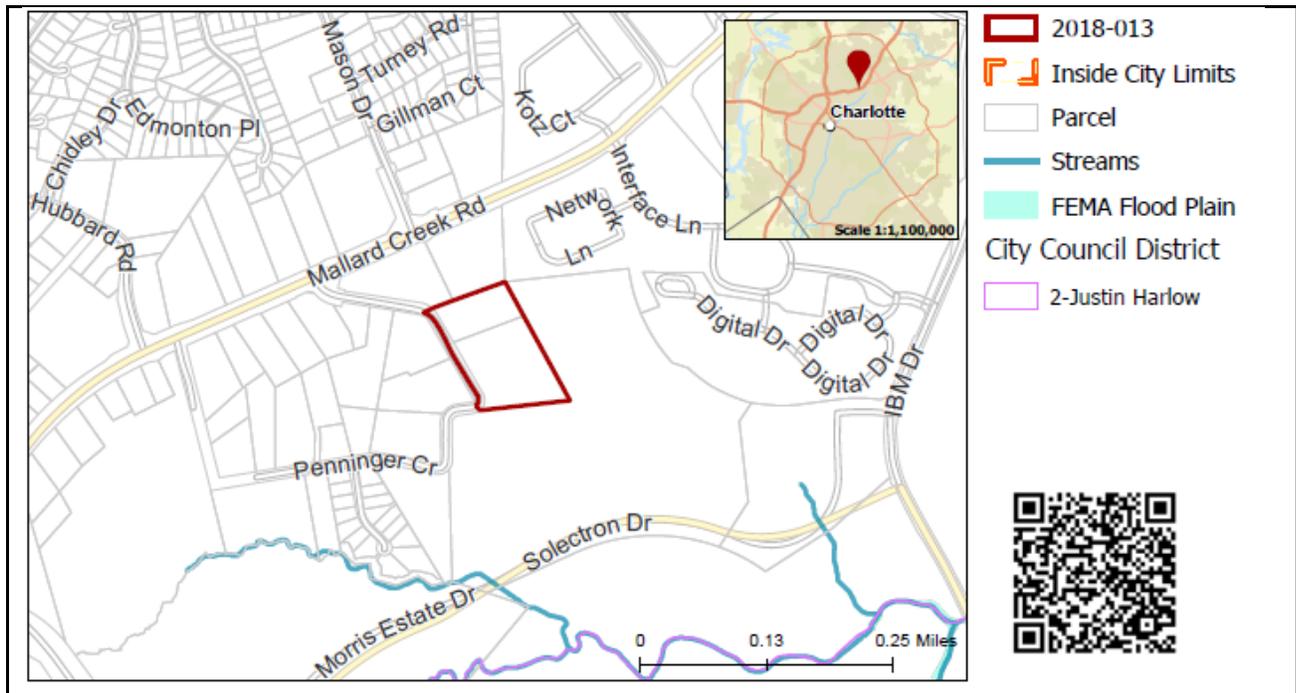


**REQUEST**

Current Zoning: INST(CD) (institutional, conditional)  
Proposed Zoning: RE-1(CD) (research, conditional)

**LOCATION**

Approximately 6.27 acres located on the east side of Penninger Circle, south of Mallard Creek Road.  
(Council District 2 - Harlow)



**SUMMARY OF PETITION**

The petition proposes to construct a surface parking lot to serve as accessory parking for an adjacent office building and associated uses in the Research Park.

**PROPERTY OWNER**

Strawberry Corvette, LLC

**PETITIONER**

Westcore Properties AC, LLC

**AGENT/REPRESENTATIVE**

John Carmichael, Robinson Bradshaw & Hinson, P.A.

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 5

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the *Northeast District Plan* recommendation for institutional land uses as amended by a previous petition.

Rationale for Recommendation

- The proposed parking lot is inconsistent with the institutional land use recommended for this site by a previous rezoning. The institutional use was never implemented.
- The subject property is located between single family residential uses along Penninger Circle and a parking lot and building formerly used for office/research in the Research Park.
- The proposed parking and existing parking lots will be connected and will provide additional parking that will be needed if the building is used entirely for office purposes.
- The proposed parking area will be screened and buffered from the residential areas along Penninger Circle by a 75-foot Class B

- buffer.
- Vehicular connections from the site to Penninger Circle would be allowed only when three of the five parcels of land located on the west side of Penninger Circle (across from the site) are redeveloped for multi-family or non-residential uses.

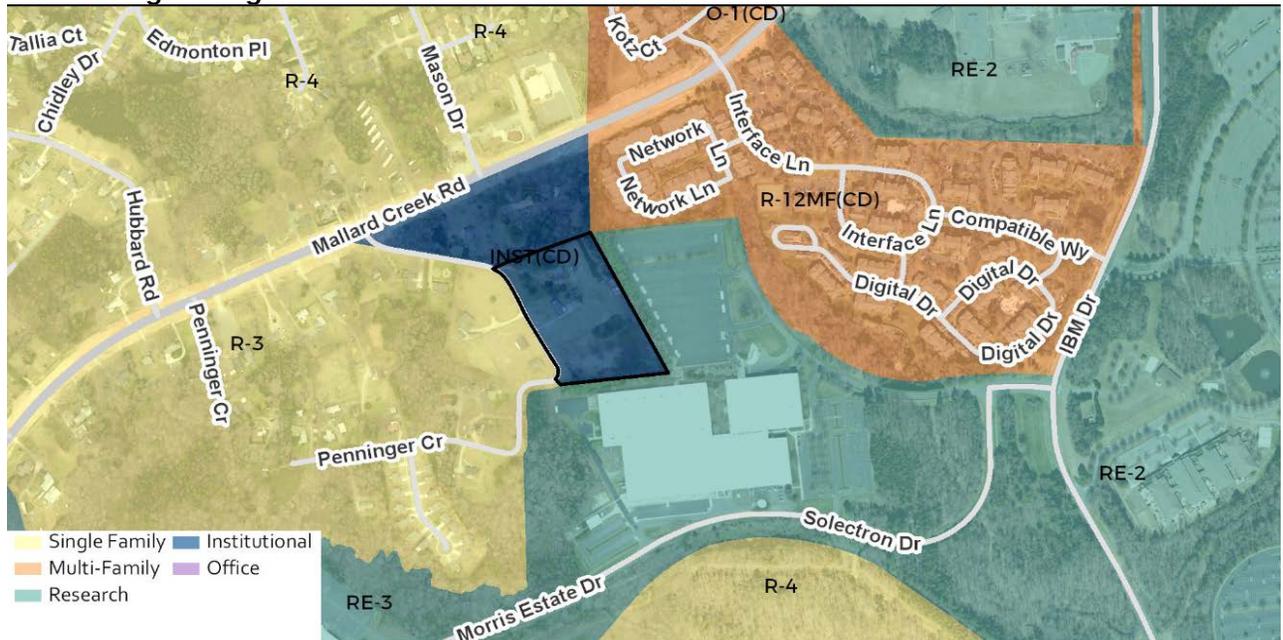
**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes construction of surface parking lot that will serve as accessory parking for an existing office building and uses located on Solectron Drive.
- Provides a 100-foot setback along Penninger Circle.
- ~~Proposes two vehicular connections to Penninger Circle and associated street improvements to accommodate a Local Office/Commercial Narrow Typical Section.~~
- Proposes six-foot sidewalk and eight-foot planting strip along Penninger Circle.
- **Installs curb and gutter along Penninger Circle.**
- Provides pedestrian and vehicular connections to existing parking area immediately to the east.
- **Notes that transportation improvements as defined in the site plan will be approved and constructed prior to the issuance of a certificate of occupancy for the surface parking lot to be constructed on the site.**
- **Allows vehicle connections onto Penninger Circle only in the event that three (3) of the five (5) parcels of land located on the west side of Penninger Circle are redeveloped for multi-family or non-residential uses.**
- Provides a 75-foot wide Class B buffers along the north and west property lines (along Penninger Circle). ~~Buffers may be reduced by 25% with a wall or fence. The Class B Buffer along Penninger Circle may not be reduced or eliminated.~~ **However, the above-referenced vehicle connections onto Penninger Circle may be located within this buffer.**

• **Existing Zoning and Land Use**



- A portion of the site is currently developed with two single family homes, and the remaining acreage is vacant. The site is part of 13.19 acres rezoned from R-3 (single family residential) to INST(CD) (institutional, conditional) via petition 2010-069 in order to allow a 236-unit nursing home consisting of 176 dependent living units and 60 independent living units with associated services and amenities.
- The site is immediately surrounded by single family homes, apartments, office uses, and undeveloped acreage.



The subject property is developed with single family homes.



The property to the west is developed with single family homes.



Single family residential is located to the north of the subject property.



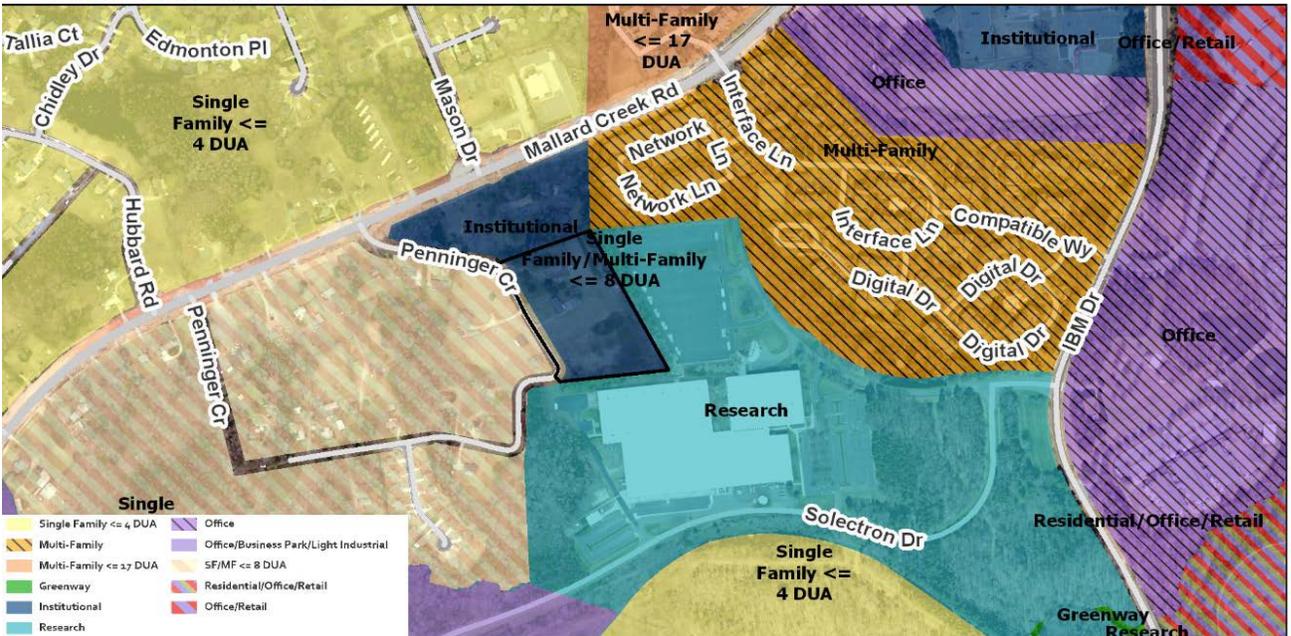
The property to the east of the subject site is a parking facility.

• **Rezoning History in Area**



There have been no recent rezonings in the immediate area.

• **Public Plans and Policies**



- The *Northeast District Plan* (1996), as amended by rezoning petition 2010-069, recommends institutional land use for this site for the development of a nursing home.
- Prior to rezoning petition 2010-069, the *Northeast District Plan* (1996) had recommended residential land uses up to eight dwelling units per acre.

• **TRANSPORTATION CONSIDERATIONS**

- The site is located within University Research Park and currently has limited street network to serve the site.
- See Outstanding Issues, Notes 1-5. Addressed.
- **Vehicle Trip Generation:**  
 Current Zoning:  
 Existing Use: 15 trips per day (based on single family dwelling).  
 Entitlement: 240 trips per day (based on congregate care facility).  
 Proposed Zoning: 0 trips per day (based on parking lot).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of student attending local schools.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along Penninger Circle. Charlotte Water currently does not have sewer system accessibility for the rezoning boundary under review. Group at (704) 432-2854 for further information on reserving capacity up to 24 months.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be planted in the right-of-way of any city maintained street (Penninger Circle) without explicit authorization from the City Arborist.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** ~~See Outstanding Issues, Note 6.~~ **Addressed**
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Transportation

- ~~1. The petitioner should revise the site plan and conditional note(s) to provide eight-foot planting strip and six-foot sidewalk along the site's Penninger Circle frontage and extending north to connecting to the existing sidewalk at Mallard Creek Road. This proposed sidewalk connection will provide pedestrian access to existing CATS bus stops located at Mallard Creek Road and Penninger Circle. **Addressed**~~
- ~~2. The petitioner should revise the site plan and conditional note(s) to provide a conditional note that would dedicate 92 feet of right of way along tax parcel no. 04711203 in fee simple for the construction of the Nevin Road extension to IBM Drive, by others, when requested by the City. **Addressed**~~
- ~~3. The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right of way set at two feet behind back of sidewalk where feasible. **Addressed**~~
- ~~4. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. **Addressed**~~
- ~~5. Petitioner should remove points of vehicular access onto Penninger Circle from the site plan and add note that states vehicular access onto Penninger Circle will be allowed when three or more residential uses on the west side of Penninger Circle redevelop to multi-family use or non-residential use. **Addressed**~~

Environment

- ~~6. Show tree save calculations on plan. Site is in a wedge and will be required to provide 15% tree save area based on gross acreage. 15% of 6.275 acres = 0.941 acres tree save. Show tree save area on site map. Tree save must contain existing healthy tree canopy. Tree save must be a minimum of 30 feet in width. **Addressed**~~

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review

- Charlotte Fire Department Review
- Charlotte Water Review
- Engineering and Property Management Review
  - City Arborist
  - Erosion Control
  - Land Development
  - Storm Water
  - Urban Forestry
- Mecklenburg County Parks and Recreation Review
- Transportation Review

**Planner:** Claire Lyte-Graham (704) 336-3782