

**ZONING COMMITTEE
RECOMMENDATION
March 29, 2006**

Rezoning Petition No. 2006-26

Property Owner: Morningside Apartments III, LLC et al

Petitioner: Graham Development, Inc.

Location: Approximately 33.15 acres north of Independence Boulevard and west of Morningside Drive

Request: Change from R-22MF (multi-family residential) and R-4 (single family residential) to MUDD-O (mixed-use development district – optional)

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modifications:

- Water quality improvements will be constructed for all blocks in the development.
- The proposed street connection across the creek to Lyons Court will be analyzed during subdivision review.
- Mecklenburg County Parks & Recreation will need to be satisfied as to their remaining concerns.
- The remainder of the modifications are contained in a letter from the petitioner's agent dated March 17, 2006.

Vote:

Yeas:	Carter, Howard, Hughes, and Ratcliffe
Nays:	None
Absent:	Farman and Sheild
NOTE:	Cooksey excused for potential conflict of interest.

Summary of Petition

This petition seeks approval for a mixed-use development up to 1,000 residential units of various types from single family detached to apartment and condominium multi-family. This results in an overall density of 30 units per acre. Up to 30,000 square feet of retail/restaurant/office space is also allowed.

Zoning Committee Discussion/Rationale

Staff reviewed modifications to the petition. A second run of the General Development Policies found that the proposed density was consistent with the GDPs. The issue of the connection over the creek to Lyons Court is to be addressed during subdivision review. The last remaining issue is that Parks and Recreation has not signed off on an agreement with the petitioner over connecting a trail to the Briar Creek greenway and the compensation for the 0.45 acre parcel of parkland to be transferred to the petition has not been finalized. One Committee member expressed the view that this was a great in-fill project. Another stated that this should be an example for other in-fill developments.

Statement of Consistency

Upon a motion by Ms. Carter, seconded by Mr. Howard, the Zoning Committee voted unanimously that this petition was consistent with the General Development Policies.

Vote

Upon a motion by Ms. Carter, seconded by Mr. Howard, The Zoning Committee voted unanimously to recommend approval of this petition as modified.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.