



REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: R-17MF(CD), multi-family residential, conditional
LOCATION	Approximately 13.98 acres on the south side of Mallard Creek Road, across from Mason Drive and beside Penninger Circle.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to rezone 13.19 acres to allow construction of 224 age-restricted multi-family residential units, with a density of 17 units per acre.
Property Owner Petitioner Agent/Representative	Strawberry Corvette, LLC; Jerry T. Caskey; Richard & Linda Caskey David S. Rushing for Apprise Holdings, LLC N/A
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The building in the southeast corner of the site meets the 30-foot setback. 2. The future right-of-way line has been corrected to indicate 30 feet from the centerline of the existing Penninger Circle. 3. The yard for the southwest building has been corrected from a 68-foot setback to a 10-foot side yard. 4. The number of units has been reduced (from 238 to 224) to meet the 17 unit-per-acre limit of the R-17MF district. This also includes reducing the parcel size from 13.98 to 13.19. 5. The dimensions and materials for the proposed decorative fence have been provided. 6. The sidewalk on the parking lot side of the northwest building has been extended out to Penninger Circle. 7. Pedestrian gates will be provided for all sidewalks extending to the public street sidewalk system. 8. Note #4 has been clarified to state that rights-of-way will be dedicated and conveyed. 9. The conflict between Note #1 and the Zoning Information specification that 80 percent of all trees will be saved has been resolved. A note has been added to Note #1 that the certified arborist's plan will be implemented. 10. The site plan will comply with Section 9.303(19) d. ii, which requires all buildings to be within 400 feet of a public or private street. 11. Note #4 has been modified to provide for dedication and conveyance of 55 feet along Mallard Creek Road.
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VOTE	Motion/Second:	Allen/Simmons
	Yeas:	Allen, Dodson, Rosenburgh, Simmons and Walker
	Nays:	Randolph
	Absent:	Griffith
	Recused:	None

ZONING COMMITTEE DISCUSSION	Staff reviewed the petition, noting that the last two site plan issues had been resolved. Therefore, staff was now recommending approval of the petition, as modified.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Northeast District Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Allen, seconded by Commissioner Simmons).
MINORITY OPINION	One member of the Zoning Committee opposed the petition, believing that traffic in the area is bad and this development will make it worse.
STAFF OPINION	Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

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.
- **Public Plans and Policies**
 - The *Northeast District Plan* (1996) recommends residential uses at up to eight units per acre for this site.
 - This petition is inconsistent with the *Northeast District Plan*.
- **STAFF RECOMMENDATION (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **Vehicle Trip Generation:**
Current Zoning: 500 trips per day.
Proposed Zoning: 883 trips per day.
- **CDOT:** No issues.
- **Charlotte Fire Department:** No issues.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Schools:** No issues.
- **Park and Recreation:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** No issues.
 - **Site Design:** No issues.
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OUTSTANDING ISSUES

- All outstanding issues have been addressed.
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Attachments Online at www.rezoning.org

- Application Form
- CDOT Review
- CATS Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Utilities Review
- Community Meeting Report
- CMS Review
- LUESA Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

Planner: Tom Drake (704) 336-8312