

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.
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.
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 Commission Dodson seconded by Commissioner Fallon).

ZONING COMMITTEE ACTION

- The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:
1. The site plan has been modified to reflect compliance with the Tree Ordinance.
 2. A minimum age of 60 has been established for the independent living units in the development.
 3. The setback on Penninger Circle is measured from the existing right-of-way.
 4. The recycling center has been noted.
 5. The buffer class has been noted.
 6. The fence details have been noted.
 7. The colored elevation has been attached and labeled "for illustrative purposes only".
 8. As indicated in the building elevations, exterior building materials shall be a mix of architectural masonry (brick, stone, etc.) and cement fiber board trim, siding and paneling.
 9. The architectural masonry shall be no less than 30% of the building facades.
 10. Stucco may be an alternative to the cement fiberboard however synthetic stucco will not be used.
 11. The building elevations shall be articulated with the façade being periodically forward and/or recessed as depicted in the illustrative elevation.
 12. The buildings will consist of four sided architecture with no expanses of blank walls more than 40-feet.
 13. Windows will be of similar quality, appropriate in size to the interior room use.
 14. Exterior detailing may have vinyl elements such as porch columns and railings, soffits and windows.
 15. Asphalt shingle roofs shall have a minimum pitch of 6:12 and roof shall have periodic decorative vents and/or dormers, etc. to break up the roof line. Metal roofing material or other similar material to be approved by planning staff will be used on entrance roofs (where the copula and chimney are located).
 16. Trim work and general millwork as depicted on the illustrative elevation will include but not be limited to: cupola, decorative gable vents, raised seem metal roofing, fenestration, windows and mullions/mullets, clerestory, lintels, horizontal banding, porches, railings, columns and capitals, and ornamentation.
 17. Lighting should be limited to 25-feet in height.

18. The following note should be added to the detention areas:
 "Potential location for storm water management facility. Actual location of such facilities shall be determined through the site plan review and permitting process".
19. The class "C" buffer will be maintained next to the existing multi-family. As a class "B" buffer is not possible due to a proposed detention location, additional buffer plantings to meet the planting requirements of the class "B" buffer will be installed.

VOTE

Motion/Second: Phipps/Firestone
 Yeas: Dodson, Fallon, Firestone, Lipton, Phipps, Rosenburgh, and Walker
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff summarized the petition noting that it was deferred at the last Zoning Committee meeting to work on outstanding issues. Since that time, the petitioner addressed all of the outstanding issues and agreed to additional notes which explain the details of the submitted color elevations. It was noted that the petition is inconsistent with the *Northeast District Plan* which calls for residential uses. However the land use plans generally do not specify the location of institutional uses.

One Commissioner indicated a concern about the significant concentration of independent/dependent living facilities in the northeast area of the city.

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

- **Proposed Request Details:** The site plan accompanying this petition contains the following provisions:
 - Two phases, each with one three-story building of 118 units
 - 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
 - Color elevations
 - **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 Solid Waste Services:** No issues
- **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 Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

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*.
 - Tree save areas exceed minimum ordinance requirements.
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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 Solid Waste Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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