



Zoning Committee

REQUEST

Current Zoning: INST(CD) (Institutional, Conditional)

LOCATION

Proposed Zoning: N2-A(CD) (Neighborhood 2-A, Conditional)

Approximately 5.24 acres on the northwest corner of Mallard Creek Road and Hubbard Road, and to the east of Garrison Drive.

(Council District 2 – Graham)

PETITIONER

Penmith Holdings, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map (2022)* recommends the Neighborhood 1 Place Type.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- While the site is designated as a Neighborhood 1 (N-1) Place Type by the *2040 Policy Map*, the property is zoned INST(CD) (Institutional, conditional) and has development rights for a residential independent living facility with up to 107 units.
- The site is adjacent to a recently developed multi-family attached project located on the south side of Mallard Creek Road designated as the Neighborhood 2 (N-2) Place Type.
- The site is within 1-mile walk of a node of Neighborhood Center Place Type at Derita Ave and West Sugar Creek Rd and a node of Campus and Commercial Place Types at Mallard Creek Rd and W.T. Harris Blvd.
- The proposed development would fill a need for housing in an area that has been identified as lacking Access to Housing Opportunity by the *2040 Comprehensive Plan*.

- The site is served by transit, the number 22 CATS local bus, providing service between the JW Clay park and ride at the Lynx Blue Line and the Charlotte Transportation Center (CTC).
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10-Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion

The approval of this petition will revise the recommended Place Type as specified by the *2040 Policy Map*, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Motion/Second: McDonald / Neeley

Yeas: McDonald, Neeley, Sealey, Shaw, Winiker, Stuart, Blumenthal

Nays: None

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner McDonald stated that the activity center located 1 mile from the site at the intersection of West Sugar Creek Road and Derita Avenue is known as Downtown Derita. She stated that the petitioner went further than the minimum requirements of the rezoning process, engaging with the community to gain support for the project and incorporating design elements such as stoops. Commissioner McDonald noted that the site is a great location for housing and is near Theresa C. Elder Park and has convenient access to Mallard Creek Greenway.

There was no further discussion of this petition.

PLANNER

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