

**ZONING COMMITTEE
RECOMMENDATION
May 28, 2008**

Rezoning Petition No. 2008-078

- Property Owner:** Once in a Lifetime Investments, LLC, MGB-Mallard Creek Church LLC, and Lester Herlocker & Associates Inc.
- Petitioner:** W.P. East Acquisitions LLC
- Location:** Approximately 8.12 acres located on the north side of E. Mallard Creek Church Road.
- Center, Corridor, or Wedge:** Corridor
- Request:** INST, institutional to R-17MF (CD), multi-family residential, conditional
- Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, based on the following modifications:
- Provide and stripe opposing left turn lanes on Bonnie Cone Lane and Mary Alexander Road onto East Mallard Creek Church Road that meet CDOT and NCDOT requirements. If additional right-of-way is needed, it shall be dedicated (along Bonnie Cone Lane), or purchased if the City needs to condemn property along Mary Alexander Road. Show on site plan and modify the notes.
 - In addition to providing the small maturing trees 20' on center in front of Building #1, provide shrubbery that will reach 6' at maturity, along the front face of Building #1 where CMU block is used, and modify the notes.
 - Provide ornamental grillwork in the CMU block openings to partially screen the parking deck under Building #1 (northwest side), and modify the notes.
 - There are dual designations for side and rear yards along Stone Quarry Road and Bonnie Cone Lane. Remove the "rear yard" designations and keep the "10' side yard" designation. The rear yard of 40' should be labeled at the northern tip of the property.

Vote: Yeas: Howard, Johnson, Lipton, Loflin, Randolph, Rosenburgh, and Sheild
Nays: None
Absent: None

Summary of Petition

This petition seeks to rezone 8.12 acres to R-17MF to allow 136 apartments for rent at a density of 16.75 dwelling units per acre.

Zoning Committee Discussion/Rationale

Commissioner Sheild stated that he had a business relationship with the petitioner, but no conflict. The Commission agreed.

Mr. Tom Drake summarized the petition, and noted the modifications the petitioner was willing to make regarding opposing left turn lanes, shrubbery, and ornamental grillwork. Additional right-of-way may be needed to provide the opposing left turn lanes, and the petitioner is willing to donate additional right-of-way, and/or purchase additional right-of-way along Mary Alexander Road if the City condemns the property. In addition, the petitioner will realign the sidewalk in front of Building #1 to be seamless.

Statement of Consistency

Upon a motion made by Commissioner Lipton and seconded by Commissioner Sheild the Zoning Committee unanimously found this petition to be inconsistent with the *Northeast District Plan*, but reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Loflin and seconded by Commissioner Rosenburgh, the Zoning Committee voted unanimously to recommend approval of this petition, as modified.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.