

COMMUNITY MEETING REPORT  
**Petitioner: Childress Klein Properties**  
Rezoning Petition No. 2012-085

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to the provisions of the City of Charlotte Zoning Ordinance.

**PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:**

A representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on August 28, 2012. A copy of the written notice is attached hereto as Exhibit B.

**DATE, TIME AND LOCATION OF MEETING:**

The Community Meeting was held on Wednesday, September 12, 2012 at 6:00 p.m. at Sports Connection located at 11611 Ardrey Kell Road, Charlotte, North Carolina.

**PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):**

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit C. The Petitioner was represented at the Community Meeting by Kelly Dunbar and Fred Klein, III with Childress Klein. The Petitioner's agent, Collin Brown with K&L Gates, Rhett Crocker with Land Design, Johnathan Guy with Kimley-Horn, and Mark Ward with Cline Design also attended on behalf of the Petitioner.

**SUMMARY OF PRESENTATION/DISCUSSION:**

Kelly Dunbar, welcomed the attendees and introduced the Petitioner's team. Mr. Dunbar also introduced the property owners, John and Mary Hayes.

Collin Brown explained that the purpose of the meeting was to discuss the rezoning request and the conditional site plan and to respond to questions and concerns from nearby residents and property owners.

The Petitioner's team used a PowerPoint presentation throughout the meeting, a copy of the presentation is attached as Exhibit D.

Mr. Dunbar and Fred Klein provided an overview of Childress Klein and described several of the company's notable development projects.

Mr. Brown displayed several aerial photographs of the Site and explained its orientation to surrounding neighborhoods. Mr. Brown then explained the Site's existing R-3 zoning and

explained the Petitioner's proposal to change the zoning to Urban Residential (UR-2). He showed a zoning map and identified several projects developed under the UR-2 zoning in close proximity to the Site. He then reviewed key dates related to the rezoning.

Rhett Crocker presented the proposed rezoning plan and explained the conceptual layout of the proposed development. He responded to an attendee's question related to the type of development and number of units proposed. Mr. Crocker explained several land planning issues and responded to comments related to the location the proposed public street connection to US-521. Mr. Brown and Mr. Crocker acknowledged that the Planning Department Staff did not designate a specific location for the proposed public street. They said that the Site's topography and the distance from the Marvin Road intersection dictated the placement of the street.

Mark Ward shared conceptual architectural renderings of proposed buildings and described the architectural vision for the project. He also shared interior and exterior photographs of existing projects designed by his firm in order to give attendees examples of the types of design, materials and palettes being considered.

Johnathan Guy explained the Traffic Impact Analysis that was prepared by Kimley-Horn. He then described in detail the traffic improvements proposed by the Petitioner. Mr. Guy explained the process that the Petitioner had undertaken in order to obtain NCDOT approval for a new access point to US-521. Mr. Guy told attendees that he believed that the majority of drivers entering or leaving the site will use the new access point on US-521 and avoid Marvin Road whenever possible. There was some discussion between Mr. Guy and several attendees regarding preferred routes to particular destinations.

Mr. Guy acknowledged the significant traffic delays that are currently observed at the intersection of Marvin Road and US-521. He then explained the Petitioner's proposal to add a partial traffic signal at that intersection. He told attendees that the partial signal would provide a red light at Marvin Road to stop north-bound traffic on US-521. This partial signal will allow protected right turns from Marvin Road onto US-521 and will provide a green left-turn arrow on southbound US-521 to provide for safe turning movements onto Marvin Road. Mr. Guy then explained how those traffic signal improvements would help alleviate the existing congestion problems on Marvin Road. Mr. Guy also explained the proposal to extend the existing left-turn lane on southbound US-521. He said that the existing left-turn lane on US-521 is inadequate to accommodate the number of vehicles making that turn during peak hours. Therefore, the queue of vehicles trying to enter the turn lane often extends into southbound travel lanes which creates a dangerous situation. He explained that the proposed left-turn signal and the additional storage capacity in the southbound left-turn lane would improve safety on US-521.

Mr. Brown then told the attendees that the Petitioner's formal presentation was complete and he invited questions from attendees. The vast majority of questions related to traffic issues and were addressed by Mr. Guy.

In response to a question, Mr. Guy explained that the Petitioner initially requested approval of a full traffic signal to serve the Marvin Road/NC-521 intersection. Attendees indicated that they

believe that a full traffic signal is warranted and would provide relief on both sides of Marvin Road.

In response to questions, Mr. Guy explained that the traffic impact analysis accounted for traffic that would be generated by the proposed development as well as general growth trends in the area. He reviewed the results of the traffic impact analysis and explained the significance of peak hour trips.

Attendees expressed concerns about the timing of the proposed red-light on northbound NC-521. Mr. Guy explained how traffic signals might be coordinated and how the signals would improve traffic platooning along US-521.

Attendees acknowledged that the left-turn signal on southbound US-521 would improve safety when turning onto Marvin Road. However, several attendees pointed out that a dangerous situation exists when traffic on Marvin Road backs up into US-521. Attendees indicated that this situation is caused by cars that turn onto Marvin Road and become bottled-up behind vehicles that are waiting to make a left-turn onto Donnington Drive. Attendees said that the problem is particularly bad during peak hours as drivers access Donnington Drive to reach the existing daycare center at that location. Mr. Guy said that he understood these concerns and that he would review the issue with the Petitioner and CDOT.

Several attendees expressed concerns with the speed limit and current conditions of Marvin Road. Mr. Guy pointed out that those issues are already present and are not likely to be exacerbated by the proposed development. He noted that the Petitioner's proposed improvements will greatly relieve existing congestion. He told attendees that the Petitioner would discuss the Marvin Road speed limit with CDOT.

Mr. Crocker and Mr. Guy responded to questions regarding proposed bicycle lanes and sidewalks along the Site's frontages. There was some discussion among attendees regarding City projects proposed along other portions of Marvin Road.

An attendee acknowledged that the proposed traffic signal improvements make it easier to turn onto US-521 from Marvin Road. However, he said that he believed that this improvement would cause more commuters to use Marvin Road which would increase congestion.

Mr. Brown and Mr. Crocker responded to questions regarding stormwater runoff.

Several attendees expressed concerns with cut-through traffic on Donnington Drive. They indicated that the proposed development would generate more traffic which would cause more drivers to use Donnington Drive as a cut-through to Providence Road West.

Mr. Dunbar and Mr. Klein responded to questions about the quality of the development and projected rental rates. They also responded to questions about noise and the hours of operation of the pool and amenity areas.

Attendees asked additional questions about the location of the proposed public street connection to US-521. They expressed concerns that the street connection could lead to more development on the properties west of the Site. Mr. Brown acknowledged that possibility and explained that the City's Urban Street Design Guidelines mandate that public street connections be provided to undeveloped land in an effort to provide multiple access options for future development.

An attendee said that her overall concern is related to the density of the project. She said that she would not be opposed to a plan to develop single-family homes at three units per acre because a lower density would generate less traffic. Other attendees said that they would prefer retail or office uses over the proposed apartments. Mr. Brown explained that the Petitioner carefully evaluated adopted land use plans and the City's General Development Policies when developing the proposed site plan. He explained that the proposed density was relatively low for a multi-family development and that this level of density would be necessary in order to support the proposed traffic improvements being discussed.

Attendees reiterated their interest in a full traffic signal at the intersection of Marvin Road and US-521 and for more modifications to Marvin Road. Mr. Brown indicated that the Petitioner was still working with CDOT on several issues. He offered to hold a follow-up community meeting to update attendees on the outcome of those discussions.

Mr. Brown thanked attendees for their time and invited them to contact the Petitioner if they had additional questions. Councilmember Patrick Cannon introduced himself and thanked everyone for attending. He said that he lives very near the Site and that he is familiar with traffic issues mentioned by the attendees. He encouraged attendees to continue working with the Petitioner in an effort to resolve as many issues as possible.

Following the formal question and answer session, the Petitioner's representatives continued conversations with attendees individually.

### **Changes Made in Response to Community Meeting and Follow-Up Community Meeting**

The Petitioner mailed notices of a follow-up community meeting to those persons that attended the September 12, Community Meeting and provided their addresses on Exhibit D. The follow-up community meeting was held on October 2, 2012. At this meeting the Petitioner and its representatives shared a number of additional zoning commitments being proposed in response to concerns expressed at the initial community meeting. Specifically those improvements include:

- A left-turn lane on Marvin Road serving Donnington Drive with at least 100 feet of storage capacity.
- A left-turn lane on Marvin Road serving the Site's private drive connection to Marvin Road.

Johnathan Guy explained that the Petitioner has proposed a left-turn lane on Marvin Road to serve Donnington Drive. An attendee thanked the Petitioner for accommodating that request.

Several attendees and Mr. Guy discussed how the proposed turn lane would function and how many cars the turn lane would accommodate.

Mr. Guy also explained that the Petitioner has proposed another left-turn lane on Marvin Road to serve the Site. He explained how this turn-lane would mitigate congestion on Marvin Road caused by vehicles turning into the Site from Marvin Road.

Mr. Guy also indicated that he had initiated a conversation with CDOT regarding the possibility of lowering the speed limit on Marvin Road from 45 mph to 35 mph.

While generally appreciative of the Petitioner's additional commitments, attendees continued to raise concerns about the traffic situation in the area and the potential that the proposed development could exacerbate those problems. Attendees and the Petitioner's representatives discussed a variety of issues including: density, future development in the area, cut-through traffic on Donnington Drive, school impacts, and the project's impact on nearby property values.

The Petitioner's representatives agreed that traffic would continue to be a concern in such a fast-growing location. They acknowledged that the Petitioner's plan cannot possibly mitigate area-wide traffic problems. However, they shared their belief that the proposed improvements would benefit the community and improve traffic conditions in the area.

Petitioner's representatives continued conversations with attendees individually.

Respectfully submitted, this 5<sup>th</sup> day of October, 2012.

cc: Ms. Tammie Keplinger, Charlotte-Mecklenburg Planning Department  
Ms. Sonja Sanders, Charlotte-Mecklenburg Planning Department  
The Honorable Patrick Cannon, Charlotte City Council  
The Honorable Warren Cooksey, Charlotte City Council  
Clerk to Charlotte City Council

COMMUNITY MEETING SIGN-IN SHEET  
 PETITIONER: CHILDRESS KLEIN PROPERTIES  
 REZONING PETITION NO.: 2012-085  
 September 12, 2012

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Collins R	214 N. Taylor	704-331-7531
Fred Klein	301 S. College St.	704 342 9000
Kelly Dunbar	" " "	704 342 9000
Jonathan Gault	2000 South Blvd	704-333-5131
MARY + JOHN HAYES	16014 MARVIN RD	704-363-8933
Bill + Jean Ritchie	14525 MARVIN Rd	704 542 6880
Sarah Rhyne	11715 Royal Castle Ct	704-341-6270
PHILIP CROCKER	223 N. GRAMM ST. CH. NC	704-333-0325
Carol + Jon Eaker	16300 Marvin Rd	704-617-0791
Cathy Wilder	15720 Kensington <sup>Palace Ln.</sup>	(704) 340-8016
Ralph Brasche	16216 Marvin Rd	704-542-1862
Rona Brasche	16216 Marvin Rd	704-542-1862
DAVID + JENNE ECKER	16248 MARVIN RD	704-542-0080
DAN SANTILLI	15631 DONNINGTON	414 688 6196
Doug Lozner	16008 Sunninghill Park Rd.	704-540-4321
Gina Siracusa	15881 Wayland Dr	704-341-1240
JOHN CLARITY	10906 WILKLEE DR.	704 562-0871
Denise Hammond	16202 Marvin Rd.	704 996-2847 / 3048
Rollie + Wendy Grano	16204 Marvin	704-342-1847

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
Dale Carpenter	16017 Marvin Rd	704-995-1160
Lena Mylona		609-315-4749
Maulix Infurway	15811 Cattle Watch	704-469-1866
Douyotas → Lynne Douglas	10501 Salt Box Ct	704-542-7429
Kathy Curtin	16300 Farmchase Ct. Charlotte, NC	704-458-0560
Kim HomBS	16303 Farmchase Ct. Charlotte, NC 28277	704-408-7216
Michael O'Sullivan	10425 Sutherby Drive Charlotte 28277	704 989 5456
Barbara Cooper	15921 Wayland Dr. Charlotte NC 28277	704-607-1241





K&L|GATES

# Childress Klein Properties Marvin Road Rezoning 2012-085

[www.klgates.com](http://www.klgates.com)



## Rezoning Team

Childress Klein  
Properties -

Developer

LandDesign -

Site Design/Engineering

Cline Design-

Architecture

Kimley-Horn-

Traffic

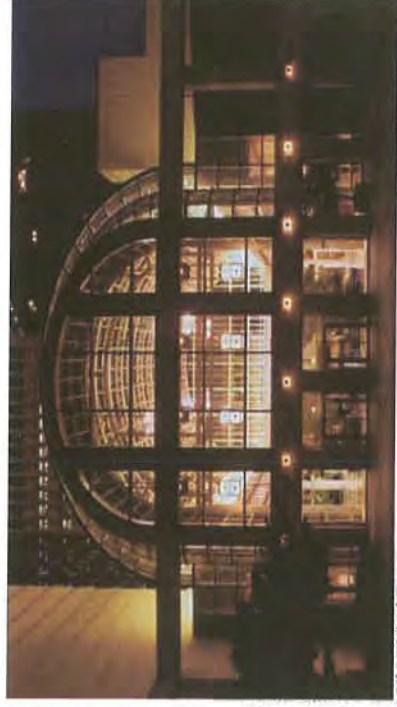
K&L Gates-

Legal

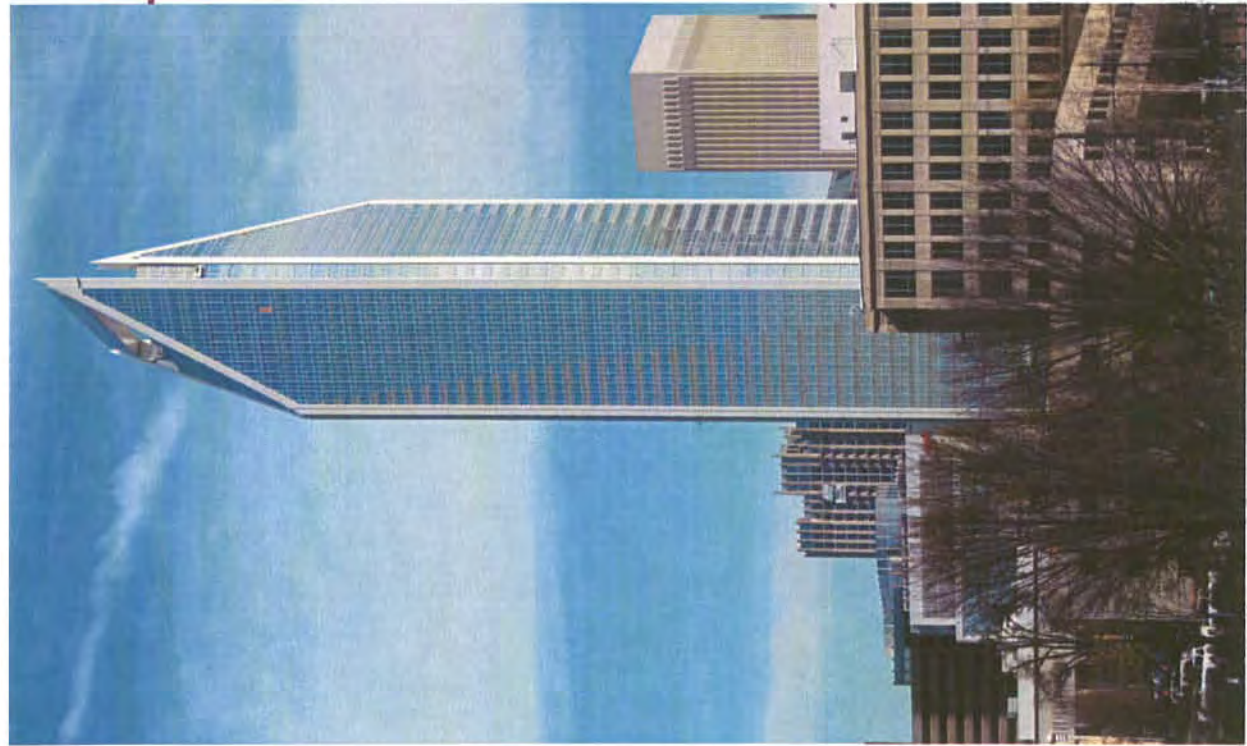


# CHILDRESS KLEIN

## PROPERTIES







# CHILDRESS KLEIN

## PROPERTIES



# Background



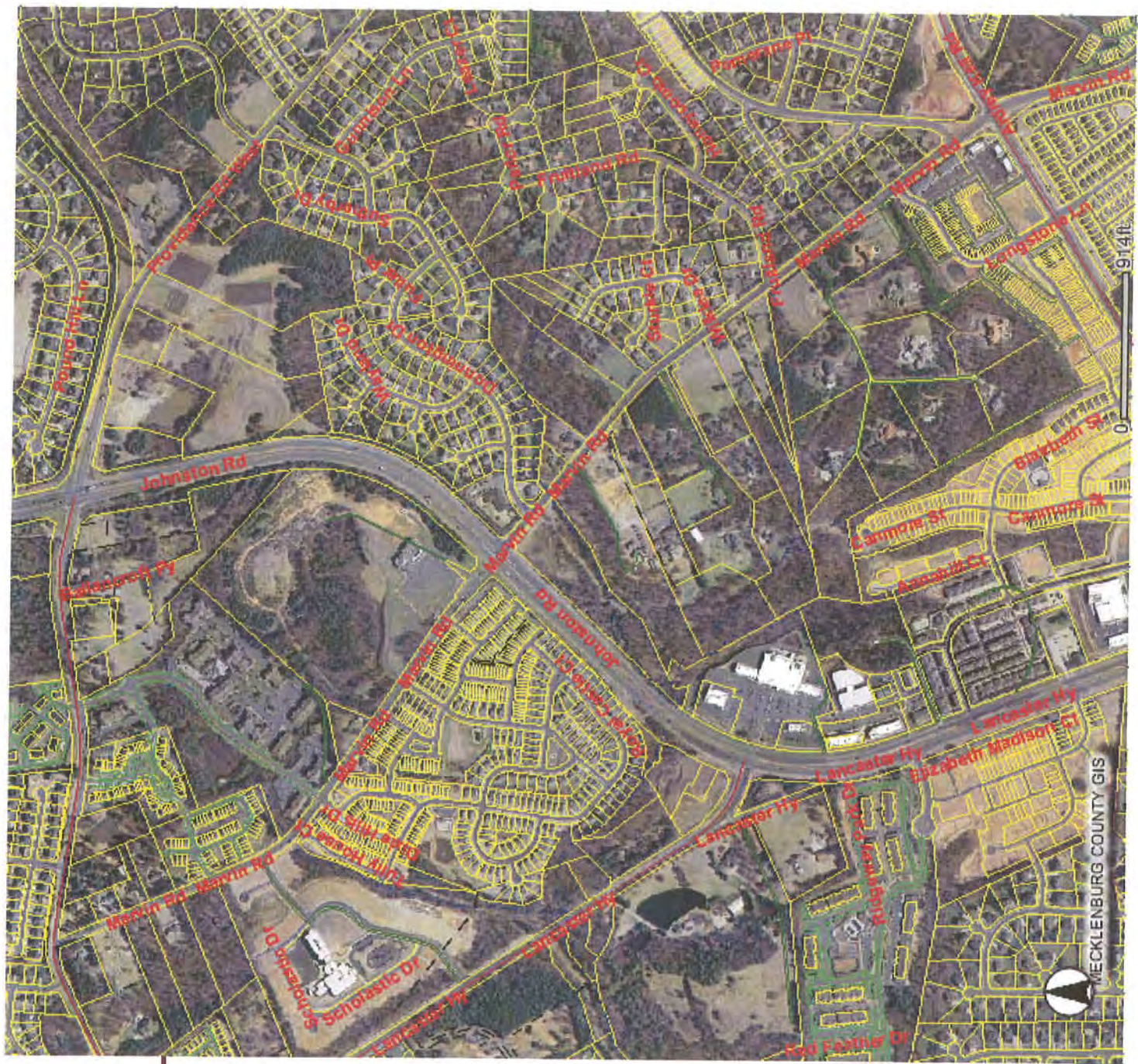
K&L | GATES

# Hayes Property

K&L Gates LLP













## Key Dates

Public Hearing

October 15

Zoning Committee

October 24

City Council Decision

November 12

# Site Design





# Building Design













