

REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: UR-2(CD) urban residential, conditional
LOCATION	Approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road. (District 7 – Cooksey)
SUMMARY OF PETITION	The petition proposes up to 281 multi-family dwelling units at a density of 14.94 units per acre.
PROPERTY OWNER	John R. and Mary L. Hayes
PETITIONER	Childress Klein Properties
AGENT/REPRESENTATIVE	Bailey Patrick, Jr. and Collin W. Brown
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the South District Plan but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Escert seconded by Commissioner Griffith).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Addressed CDOT comments as follows: <ol style="list-style-type: none"> a. The proposed right-of-way on Marvin Road accommodates a future five-foot bike lane, an eight-foot planting strip and a six-foot sidewalk. b. Provided a note committing to the dedication of additional right-of-way necessary to accommodate the required planting strip and sidewalk on Marvin Road. c. Added a prefix to the "Transportation" Section that states "All described transportation improvements below shall be implemented prior to the issuance of the site's first building certificate of occupancy." d. Provided a 150-foot long painted median on Marvin Road between the site's proposed private street connection and Donnington Drive. e. Included a typical cross-section along with a schematic drawing depicting the proposed road improvements on Marvin Road, which include the existing and future right-of-way, Johnston Road's edge of shoulder, Marvin Road's proposed back-of-curb, future travel/turning and bike lanes, painted medians, proposed building setback lines, and proposed curb and gutter. f. Amended Note D under the heading of "Transportation" to state "the petitioner shall construct a southbound directional crossover with a minimum of 150 feet of storage on Johnston Road to provide left-over access to the Site's access point to Johnston Road". 2. Tree save areas have been shown and labeled. 3. Garage building along Lancaster Highway has been relocated out of the setback. 4. Sidewalk along Lancaster Highway has been shown and labeled. 5. Label the proposed private street on Sheet RZ-2 and specify under the heading of "Transportation" on Sheet RZ-3. <u>Staff has rescinded this request.</u>
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6. Specify layout of parking abutting the private street as per the following note: "Required sidewalk width along the private street varies depending upon parking configuration." Staff has rescinded this request.
7. Increase the width of the planting strip along the private street to a minimum eight feet if the planting strip is required for parking per the Tree Ordinance. Staff has rescinded this request.
8. Labeled buildings on Sheet RZ-2 to correspond with elevations and building types shown on Sheet RZ-4.
9. Specified fence type as a precast concrete wall with stone finish and provided an elevation of the fence.
10. Indicated on Sheet RZ-3 that the amenity area shall include a swimming pool, seating areas, and landscaping.
11. Amend the Residential Section on Sheet RZ-2 to include the width of the sidewalk and planting strip. Staff has rescinded this request.
12. Specified maximum building height as a maximum of 75 feet and four stories on Sheet RZ-3 under heading of Development Standards.
13. Labeled height of buildings in feet and stories on Sheet RZ-4.
14. Added note that the 10-foot asphalt greenway trail between Marvin Road and the greenway dedication area will be built, owned, maintained and controlled privately and the trail will be built to the Mecklenburg County Park and Recreation greenway trail standards.
15. Correctly labeled the 14-foot setback along U. S. Highway 521 from "existing right-of-way" instead of from the existing edge of pavement.
16. Amended Note 2b under the heading of "Transportation" to specify that a partial traffic signal will be installed at the intersection of Johnston Road and Marvin Road, which provides signaling for phasing to allow protected and permitted turning movements for southbound left turns from Johnston Road and northbound right turns from Marvin Road.
17. Added Note 3e under heading of "Architectural Standards" to add that for buildings to be constructed within the area currently designated as tax parcel 223-531-06, second and third floor units that face tax parcel 223-531-08 shall incorporate sunrooms in lieu of balconies.
18. Added Note 4b under heading of "Streetscape and Landscaping" to state that abutting tax parcel 223-531-08 and extending south to the northern boundary of the new public street extending from Johnston Road to tax parcel 223-531-09 the petitioner shall install and maintain Chesapeake Holly trees and Japanese Cedars planted twelve feet on center. Such trees shall measure at least six feet in height at the time of installation. Provided an illustration of the buffer plan.
19. Deleted reference to planting strip and sidewalk along a proposed private street.
20. Combined two buildings along U. S. Highway 521.
21. Added Note 2l under the heading of "Transportation" to provide two options for a pedestrian connection from the southern boundary of the new public street connection to Johnston Road to the existing sidewalk on tax parcel 223-531-03. Note specifies that approval of this connection as well as any requirements for signage, lighting, maintenance and confirmation of appropriate easements will be handled through the subdivision review process. Depending on the option chosen, a deadline for installation and a time frame for maintenance have been included.
22. Decreased the maximum height of detached lighting from 25 feet to 20 feet.

VOTE	Motion/Second:	Allen/Labovitz
	Yeas:	Allen, Eschert, Griffith, Johnson, Labovitz, Lathrop and Phipps
	Nays:	None
	Absent:	None
	Recused:	None
ZONING COMMITTEE DISCUSSION	Planning staff presented this item to the Committee, pointing out several new additions and amendments. There are no outstanding issues.	
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:
 - Up to 281 multi-family dwelling units.
 - Surface parking and detached garages.
 - Building height not to exceed three and four stories over a walk-out basement.
 - Transportation improvements:
 - Access to the site from Johnston Road and Marvin Road.
 - Provision of a traffic signal at the intersection of Johnston Road and Marvin Road.
 - Extension of the southbound left-turn lane on Johnston Road.
 - Installation of a left-over and a northbound right-turn lane on Johnston Road.
 - Provision of a new public street from Johnston Road to the southern property boundary.
 - A ten-foot wide greenway trail from Marvin Road west across the site.
 - Dedication and conveyance of a portion of the site to the Mecklenburg County Park and Recreation Department for use as a greenway.
 - A 30-foot wide buffer and six-foot high wooden fence along the southern property boundary abutting R-3 zoning to the south.
 - Building materials consisting of a combination of brick, stone, precast stone, precast concrete, synthetic stone, wood, shake, hardi-plank, or cementitious siding. Vinyl siding prohibited as an exterior building material but may be used as accent materials. However, vinyl elements may be used as architectural accent materials.
 - Minimum 20 percent of the exterior of each building will be constructed of masonry materials.
 - Building and garage elevations.
 - Provision of 34 percent open space.
 - A pedestrian bridge connection across the creek.
 - Detached lighting limited to 20 feet in height.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends single family residential dwellings.
 - The *General Development Policies* (GDP) (2003) support residential densities up to 12 units per acre.

Assessment Criteria	Density Category > 12 up to 17 du/a
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (High)
Connectivity Analysis	2 (Medium Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Total Points Needed: 13	Total Points: 12

- The GDP requires 13 points to qualify for densities between 12 and 17 dwelling units to the acre. If one of the goals of the "Opportunities and Constraints" section of the GDP is met, an increase in the density of a development may be considered. In this case, the petitioner worked with NCDOT to provide for a new public street connection from Johnston Road across a stream to the eastern property edge. Providing for the road connection supports the redevelopment goal of the area; therefore, the density of 15 dwelling units per acre is appropriate.
 - The proposed rezoning is inconsistent with the adopted land use plan but the site meets the criteria set forth in the *General Development Policies* for an increase in density up to 15 dwelling units per acre.
- **Staff Recommendation (Updated)**
- Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The proposed development would generate 63 students. The net change in the number of students generated from existing zoning to the proposed zoning is six students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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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*.
 - Protects/restores environmentally sensitive areas by preserving a portion of an environmentally sensitive area along Clems Branch to be dedicated and conveyed to Mecklenburg County Park and Recreation Department, and building and maintaining a 10-foot asphalt greenway trail from Marvin Road to the greenway corridor.
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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 Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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