

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.
SUMMARY OF PETITION	The petition proposes up to 281 multi-family dwelling units at a density of 14.94 units per acre.
STAFF RECOMMENDATION	Staff recommends approval of the petition upon resolution of outstanding issues. The proposed land use is inconsistent with the land use recommendation in the <i>South District Plan</i> . With the dedication of a greenway easement and provision of a new public street connection that provides future connectivity, the site meets the criteria set forth in the <i>General Development Policies</i> for an increase in density up to 15 dwelling 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.

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 25 feet in height.

- **Existing Zoning and Land Use**

The subject property is developed with one single family dwelling. Properties north of Johnston Road and east of Lancaster Highway are zoned Institutional, MX-2, NS, O-1(CD), R-12MF(CD), and R-3 and developed with a religious institution, multi-family and single family dwellings. Properties on the south side of Johnston Road are zoned R-3, R-4, B-1(CD), NS and MX-2 and are developed with single family dwellings on either side of Marvin Road and commercial uses that front Johnston Road.

- **Rezoning History in Area**

- Petition 2008-93 approved a NS site plan amendment for four acres located at the northeast intersection of Lancaster Highway and Johnston Road to allow two sites providing office and retail uses to be developed as a unified development allowing cross-access, shared signage and a minor increase in building height.
- Petition 2007-117 approved an O-1(CD) site plan amendment for 4.5 acres located on the east side of Lancaster Highway between Springwell Street and Johnston Road to increase the maximum square footage for a health club from 30,000 to 40,000 square feet.

- **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.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments on this petition:
 - The proposed right-of-way on Marvin Road needs to accommodate a future five-foot bike lane, an eight-foot planting strip and a six-foot sidewalk.
 - Provide a note committing to the dedication of the right-of-way necessary to accommodate the required planting strip and sidewalk on Marvin Road.
 - Add 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."

- Provide a 150-foot long painted median to include a raised concrete pedestrian refuge island with accessible ramps on each side of Marvin Road between the site's proposed private street connection and Donnington Drive. This median would occupy the space that would otherwise be unused pavement, shadowing out for the proposed east and westbound left-turn lanes on Marvin Road.
 - Include a typical cross-section along with a schematic drawing depicting the proposed road improvements on Marvin Road, which should include the existing and future right-of-way, Johnston Road's edge of shoulder, Marvin Road's existing and proposed back-of-curb, future travel/turning and bike lanes, painted medians, proposed building setback lines, and proposed curb and gutter.
 - Amend 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 into the proposed site access."

 - **Vehicle Trip Generation:**
Current Zoning: 375 trips per day.
Proposed Zoning: 1,830 trips per day.
 - **Connectivity:** 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.

OUTSTANDING ISSUES

- The petitioner should:
 1. Address CDOT comments.
 2. Show and label tree save areas.
 3. Relocate the garage building along Lancaster Highway as it is located in the setback.
 4. Show and label sidewalk along Lancaster Highway, which should not be located in the right-of-way.
 5. Label the proposed private street on Sheet RZ-2 and specify under the heading of Transportation on Sheet RZ-3.
 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."
 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.
 8. Label buildings on Sheet RZ-2 to correspond with elevations and building types shown on Sheet RZ-4.
 9. Specify fence type and provide cross-section of fence.

10. Indicate on Sheet RZ-3 what the amenity area may include.
 11. Amend the Residential Section on Sheet RZ-2 to include the width of the sidewalk and planting strip.
 12. Specify maximum building height in feet and stories on Sheet RZ-3 under heading of Development Standards.
 13. Label height of buildings in feet and stories on Sheet RZ-4.
 14. Add note that the 10-foot asphalt greenway trail between Marvin Road and the greenway dedication area will be built and maintained privately and the trail will be built to the Mecklenburg County Park and Recreation greenway trail specifications.
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Attachments Online at www.rezoning.org

- Application
- 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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