

<b>REQUEST</b>	Current Zoning: R-3, single family residential Proposed Zoning: MX-1, mixed use
<b>LOCATION</b>	Approximately 11.38 acres located on the north side of Marvin Road, east of Johnston Road, between Donnington Drive and Wilkie Drive. (Council District 7 – Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 52 single family homes at a density of 4.59 dwelling units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Shea Anniston, LLC Shea Anniston, LLC c/o Mike Shea Collin Brown/Bailey Patrick, Jr.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>South District Plan</i> and the <i>General Development Policies</i> , and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Allen).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The zoning of abutting parcels are now noted on the site plan.</li> <li>2. Streetscape and Landscaping Note B has been clarified to indicate a minimum a 30-foot rear yard along the site's eastern property boundary.</li> <li>3. Cross-section for the proposed local residential street has been amended to provide a six-foot sidewalk (instead of five feet wide as previously shown) and a 2'-6" standard curb and gutter. Other items requested as related to parking width, thru lanes, right-of-way width, and sidewalk/utility easement have been rescinded as the cross-section provided meets the overall intent.</li> <li>4. The location and width of sidewalks, planting strips and setbacks for new internal public streets are noted on Rezoning Sheet 2 on the typical cluster plan and the local residential street cross-section.</li> <li>5. The local residential street cross section and the Typical Cluster Plan both shown on Sheet RZ-2 have been modified to reflect consistency with respect to location and width of proposed improvements within the 50-foot right-of-way.</li> <li>6. Architectural Standards Note 4b has been modified to state that vinyl elements may be used for soffits, windows and other architectural accent materials.</li> <li>7. Neighborhood and Business Services and Transportation comments have been addressed by providing the following:             <ol style="list-style-type: none"> <li>a. Provided a note on the site plan that states that typical front yard is where building front entry is located, and referring to typical cluster plan on Sheet RZ-2 for typical yard classification. In addition, petitioner modified Innovative Development Standards Item 1b regarding minimum internal rear yard (five feet from back of curb) to now read as minimum front yard (five feet) (<i>Neighborhood and Business Services</i>).</li> <li>b. Eliminated the first recessed on-street parking space closest to the proposed traffic circle on the west side of the proposed public street (<i>Transportation</i>).</li> <li>c. Removed each of the proposed splitter islands on either approach to the proposed traffic circle (<i>Transportation</i>).</li> </ol> </li> </ol>
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8. Modification to Innovative Development Standard 1(b) from minimum internal rear yard (five feet from back of curb) to minimum front yard (five feet).
9. An undisturbed buffer ranging in width from 35 feet to 50 feet is now identified along portions of the east and west property lines, and along the northern property line.
10. Development notes have been added to Parks, Greenways and Open Space as follows:
  - a. Petitioner shall provide at least four acres of open space and tree save areas as generally depicted on the proposed site plan.
  - b. An undisturbed buffer shall be provided along the perimeter of the northern portion of the site. The location and width is depicted on RZ-1. "Undisturbed" shall mean that the existing vegetation is allowed to remain, and no grading or other improvements shall be allowed. Routine maintenance such as trash removal, removal of vines and invasive plant species or dead or dangerous trees will be allowed.
  - c. Areas of common open space not included within the undisturbed buffer area may be used for passive recreational activities and may include walking trails, benches, picnic tables, bridges, and a gazebo or picnic shelter. However, no lighting or other permanent structures shall be permitted in open space areas.
  - d. Water quality area shall be screened and fenced as generally depicted on RZ-1. Fencing shall be at least four (4) feet in height and screening plantings shall be evergreens planted six (6) feet on center and shall be expected to reach five (5) feet in height within three (3) years of planting.
  - e. All common areas shall be maintained by a homeowners association which will also be responsible for monitoring and controlling mosquito activity within the water quality feature.
11. In regards to new Parks, Greenways and Open Space development notes identified above, the site plan has been modified to show the following:
  - a. An undisturbed buffer ranging in width from 35 feet to 50 feet along portions of the east and west property lines, and along the northern property line in its entirety.
  - b. Evergreen shrubs on berm around water quality area with safety fence.
  - c. Common open space to be developed with passive amenities, including possible gazebo and trail.

**VOTE**

Motion/Second:	Ryan/Allen
Yeas:	Allen, Dodson, Eschert, Labovitz, Low, Ryan, and Walker
Nays:	None
Absent:	None
Recused:	None

**ZONING COMMITTEE DISCUSSION**

Staff reviewed this petition with the Committee, in particular noting additional items added since the public hearing as related to additional buffers, common open space design and intent, modification to the public street cross-section, and screening and fencing of the water quality area.

Staff reviewed the innovative provision requests being considered for approval by the Zoning Committee. They are:

- Waiver of the requirement that every lot must abut a public street.
- Allowing minimum front yard to be five feet.
- Allowing minimum side yard to be five feet.
- Allow minimum rear yard to be five feet.
- Allowing minimum lot area to be 3,200 square feet.
- Allowing minimum spacing between buildings to be 10 feet.

- Homes will be permitted to front common open space, tree save areas, amenity areas, parking areas and water quality features.
- Allowing street design and streetscape treatments as generally depicted on Sheet RZ-2.

The Committee voted 7-0 (motion by Commissioner Ryan seconded by Commissioner Allen) to approve the innovative provision requests.

A Commissioner noted that traffic was identified as a concern by residents at the public hearing and inquired if this proposal would generate too many vehicular trips. CDOT staff responded that the proposed 52 single family residential development was not too intense for the road network.

A Committee member asked about the utilization of the MX (mixed use) district. Staff responded that the MX (mixed use) district is intended to accommodate planned communities with a mix of housing types, and that this district was a good fit for this type of proposal.

Another Committee member inquired about the Innovative process. Staff responded by noting that the MX (mixed use) district is a conditional district, with innovative provisions identified in the Zoning Ordinance. Staff noted that the approval of the innovative provisions may be done via a separate process, but that in this instance the petitioner requested that the innovative provisions be approved as part of the rezoning process.

A Commissioner commended the introduction of a different type of development into the community.

There was no further discussion of this petition.

#### **STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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### **FINAL STAFF ANALYSIS** (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

#### **PLANNING STAFF REVIEW**

##### **• Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
  - Cluster form of single family detached residential development, with up to 52 homes at a density of 4.59 units per acre.
  - Typical cluster form includes six homes with shared driveway, resulting in a reduction in driveway connections and street-facing garages.
  - Enhanced/decorative paving applications to the driveway sections in order to soften appearance.
  - Transition to cluster form by situating three single family lots without shared drives, at the entrance where the proposed street connects to existing Wilklee Drive.
  - Internal public street network with roundabout, dedicated guest parking, and parallel parking along proposed public streets.
  - Primary access off Marvin Road, with future public street connections to Wilklee Drive and the property to the west.
  - Maximum building height of 35 feet and two stories.
  - Dedicate right-of-way, 38 feet from the existing Marvin Road center line.
  - Left-turn lane with 150 feet of storage on Marvin Road to provide access into new development. Petitioner will provide left-turn lane prior to the issuance of the first certificate of occupancy for any structure on the site.
  - Six-foot sidewalk, eight-foot planting strip, curb and gutter, and five-foot bike lane along the project frontage on Marvin Road.

- Primary exterior building materials for homes to be constructed on the site will be a combination of shake, hardi-plank, or cementitious siding material. Vinyl siding will not be permitted as an exterior building material. However, vinyl elements may be used for soffits, windows, and other architectural accent materials.
- At least 25% of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of masonry materials, including but not limited to, stone, synthetic stone, brick, precast concrete, or cementitious siding material.
- Open space areas consisting of 35 percent, and 25 percent tree save area.
- Common open space area at rear of development to retain existing trees and provide passive amenities. A pedestrian trail will provide access to natural areas.
- An undisturbed buffer ranging in width from 35 feet to 50 feet along portions of the east and west property lines, and along the northern property line. "Undisturbed" shall mean that the existing vegetation is allowed to remain, and no grading or other improvements shall be allowed. Routine maintenance such as trash removal, removal of vines and invasive plant species or dead or dangerous trees will be allowed.
- Provide at least four acres of open space and tree save areas as generally depicted on the proposed site plan.
- Areas of common open space not included within the undisturbed buffer area may be used for passive recreational activities and may include walking trails, benches, picnic tables, bridges, and a gazebo or picnic shelter. However, no lighting or other permanent structures shall be permitted in open space areas.
- Water quality area with screening and fence as generally depicted on site plan. Fencing shall be at least four (4) feet in height and screening plantings shall be evergreens planted six (6) feet on center and shall be expected to reach five (5) feet in height within three (3) years of planting.
- All common areas to be maintained by a homeowners association, which will also be responsible for monitoring and controlling mosquito activity within the water quality feature.
- Building elevations provided.
- Innovative provision requests (which are considered for approval by the Zoning Committee) include:
  - Waiver of the requirement that every lot must abut a public street.
  - Allowing minimum front yard to be five feet.
  - Allowing minimum side yard to be five feet.
  - Allow minimum rear yard to be five feet.
  - Allowing minimum lot area to be 3,200 square feet.
  - Allowing minimum spacing between buildings to be 10 feet.
  - Homes will be permitted to front common open space, tree save areas, amenity areas, parking areas and water quality features.
  - Allowing street design and streetscape treatments as generally depicted on Sheet RZ-2.
- **Public Plans and Policies**
  - The proposed development is consistent with the single family residential use recommended by the *South District Plan* and it meets the *General Development Policies* at the requested density of 4.59 dwelling units per acre.

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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:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **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*.
    - This site meets minimum ordinance standards.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Claire Lyte-Graham (704) 336-3782