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<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 Wilklee 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>STAFF RECOMMENDATION</b>	Staff recommends approval of the petition upon resolution of the outstanding issues. The petition is consistent with the <i>South District Plan</i> and the <i>General Development Policies</i> .
<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.

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#### **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 building materials to be a combination of shake, hardi-plank, or cementitious siding material. Vinyl siding will not be permitted as an exterior building material. Vinyl elements may be used as 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.

- Building elevations.
- 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 internal rear yard from back of curb to be five feet.
  - Allowing minimum side yard to be five feet.
  - Allowing minimum rear yard from back of curb 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.
- **Existing Zoning and Land Use**
  - The rezoning site is currently developed with single family homes and vacant acreage and is immediately surrounded by single family and townhome communities, institutional uses, and vacant properties zoned R-3 (single family residential), R-4 (single family residential), UR-2(CD)(urban residential, conditional), MX-2 (mixed use), and INST(institutional).
- **Rezoning History in Area**
  - Rezoning petition 2012-085, approved by City Council on October 15, 2012, rezoned approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road from R-3 (single family residential) to UR-2(CD)(urban residential, conditional), in order to allow up to 281 multi-family dwellings at a density of 14.94 dwelling units per acre.
- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends single family residential at three dwelling units per acre. The *South District Plan* references the residential location criteria contained in the *General Development Policies* for areas of higher density development.
  - The *General Development Policies* (GDP) (2003) support residential densities up to 6 units per acre.

Assessment Criteria	Density Category - up to 6 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	1 (Low)
Road Network Evaluation	0 (No)
<b>Design Guidelines</b>	<b>4 (Yes)</b>
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 10</b>	<b>Total Points: 10</b>

- 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.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** The Code Enforcement Division requests identification of the “front yards” on the site plan and in the development notes for permitting purposes.

- **Transportation:** CDOT has the following comments:
    - Eliminate the first recessed on-street parking space closest to the proposed traffic circle on the west side of the proposed public street.
    - Remove each of the proposed splitter islands on either approach to the proposed traffic circle.
    - **Vehicle Trip Generation:**  
Current Zoning: 390 trips per day.  
Proposed Zoning: 590 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** CMS notes that the development allowed under the existing zoning would generate 24 students, while the development allowed under the proposed zoning will produce 37 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 13 students.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities Review:** 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*.
  - Minimizes impacts to the City's tree canopy by exceeding the minimum Tree Ordinance requirements for tree save area.
  - Minimizes impacts to the natural environment by exceeding the minimum open space requirements.
  - Protects/restores environmentally sensitive areas by providing a cluster form of housing.

#### **OUTSTANDING ISSUES**

- The petitioner should:
  1. Label the zoning of abutting parcels on the site plan.
  2. Streetscape and Landscaping Note B indicates a 30-foot rear yard. This rear yard appears to be a minimum as the rear yard along this property line varies from 30 feet to 45 feet. This should be clarified on the plan.
  3. Amend the cross-section for the proposed local residential street as follows:
    - a. Provide 2'-6" standard curb and gutter;
    - b. Provide seven-foot parking width (measured from the face of curb);
    - c. Provide 11-foot thru lanes;
    - d. Provide six-foot sidewalk at back of curb;
    - e. Proposed 50-foot dedicated right-of-way should remain; and,
    - f. Provide two-foot sidewalk/utility easement.
  4. Show and label the location and width of sidewalks, planting strips and setbacks for new internal public streets.
  5. Clarify the cross section for the proposed local residential street as it is inconsistent with the "typical cluster plan" drawing and the site plan.
  6. The cross section for the local residential street does not

7. Architectural Standards note 4(c) indicates that vinyl elements may be used as architectural accent materials. Petitioner should provide language on the site plan that clearly states that vinyl soffits and windows will be allowed.
  8. Address Neighborhood and Business Services and Transportation comments.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Park and Recreation Review
- Urban Forestry Review

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