

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-126

Property Owner: Stanley Smith Trustee, et al

Petitioner: DR Horton

Location: Approximately 50.8 acres located between Johnston Oehler Road and Prosperity Church Road

Request: R-3, single family residential to MX-1, mixed-use development

Summary

This petition proposes to rezone approximately 50.8 acres from R-3 single family residential to MX-1, mixed use to allow the development of a 260 lot single-family subdivision with an overall density of 5.1 units per acre.

Consistency and Conclusion

The proposed land use is consistent with the *Prosperity Church Road Villages Plan* however the site plan does not show compliance with the design criteria set forth in the plan. In addition, the minimum lot sizes are inconsistent with the ordinance requirements. This is allowable through an innovative request however the petitioner has not amended the application or the site plan requesting such. Upon resolution of these issues and the other outstanding site plan issues the petition would be consistent with the *Prosperity Church Road Villages Plan* and appropriate for approval.

Existing Zoning and Land Use

The predominant zoning surrounding the petitioned site is R-3 single family residential. Other zoning in the area includes UR-2 (CD) to the north, R-4 to the southwest and NS and Institutional (CD) to the west. The properties are mostly developed as single family residential or are vacant with the exception of the NS which is being developed as a mixed-use center.

Rezoning History in Area

The most recent rezoning in the area was petition 2005-152 for Colson & Colson Construction Co. This petition rezoned approximately 9.51 acres located on the west side of Prosperity Church Road, from R-3, to INST (CD), for the development of a 115-suite dependent care facility.

In 2004 a site plan amendment was approved for the NS development to the west. The petition amended a portion of the existing conditional site plan to allow an approved 12,000 square foot child care facility to be replaced with up to 12,000 square feet of retail and to increase the total amount of office development from 65,000 square feet to 76,000 square feet. The remainder of

the existing plan, which permits up to 191 residential dwelling units and an additional 5,000 square feet of retail, remained unchanged.

Public Plans and Policies

Prosperity Church Road Villages Plan (1999). The *Prosperity Church Road Villages Plan* recommends a mixture of multi-family, townhouse, and single-family residential uses for portions of the subject parcels. According to the land use summary recommendations with in plan, it is envisioned that multi-family (15- 30 units per acre) would be located two to three blocks from I-485, transitioning to lower density townhouses (8- 20 units per acre) then to single family detached at the village edges at a density of 6-8 units per acre.

The *Prosperity Church Road Villages Plan (1999)* offers density guidance Design Guidelines for single-family detached dwellings therefore the residential GDP do not apply.

Proposed Request Details

The petition proposes 260 single-family lots at a density of 5.1 units per acre. Site amenities include a pool house and pool with several green spaces within the development. Access is provided to Prosperity Church Road and Johnston Oehler with stub streets to the west and east.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 1,450 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 2,600 trips per day. This will have a significant impact on the surrounding thoroughfare system because of its access location on Johnston-Oehler Road.

The location of the proposed access on Johnston-Oehler Road is in the future approved alignment of Prosperity Ridge Drive. The realignment of Johnston-Oehler Road and the construction of the portion of Prosperity Ridge Road on new alignment between Johnston-Oehler Road and I-485 is to be completed as part of construction of I-485 through Prosperity Village. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- Because the alignment of the proposed Prosperity Ridge Road is located within an existing short radius horizontal curve on Johnston-Oehler Road, we can only support the petition under the alternatives described in the attached memo.
- Note: The Development Data note that the proposed development is to occur in two phases, but no phasing plan is provided.
- According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte. CDOT has determined

that left-turn lanes are necessary to serve the traffic using the proposed public street connections for this site. The engineering design and construction of the left-turn lanes are the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed public street connections provided that left-turn lanes are constructed on Johnston-Oehler Road and Prosperity Ridge Drive. We recommend the rezoning plan reflect the design of this required left-turn lanes prior to submittal/approval of the public street connections. These roadway improvements are required to meet the traffic demands of the proposed development. The left-turn lanes should be designed with a minimum 150 feet of storage, a 15:1 bay taper and 50:1 through lane tapers on Johnston-Oehler Road/ 40:1 through lane tapers on Prosperity Ridge Drive.

- Prosperity Ridge Drive and Johnston-Oehler Road (the 70-foot right-of-way streets) are the minor thoroughfares in Prosperity Village. These roads need to be designed to the appropriate Prosperity Village cross-section (39 feet face-to-face generally, and 42 feet face-to-face near thoroughfares) and to thoroughfare design standards. In areas where the 42-foot dimension is used, two 2.5-foot sidewalk easements need to be provided outside the right-of-way.
- Additional comments are noted in the attached memo.

CATS. CATS requests that the petitioner provide an easement adjacent to the large open space along the proposed internal thoroughfare for the construction of a bus-stop/waiting pad in the future. Additionally CATS requests that the petitioner construct sidewalks along the entire length of the internal thoroughfare.

Connectivity. The site plan shows four connections to the adjacent property to the east and two connections to the west.

Storm Water. Storm Water Services notes that downstream complaints consist of blockage and erosion. They are requesting water quality improvements and peak/volume controls as well as adherence to the SWIM regulations where applicable.

School Information. Mallard Creek Elementary School, Alexander Middle School, and Vance High School are all over capacity. The development allowed under the existing zoning would generate 77 students, while the development allowed under the proposed zoning will produce 133 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 56.

Outstanding Issues

Land Use. This request is consistent with the *Prosperity Church Road Villages Plan's* (1999) recommendations for an increase in density for single-family detached dwellings in this location. This plan defines single-family development as a density of 6-8 dwelling units per acre with

specific design guidelines. Staff supports this petition so long as it meets the *Prosperity Church Road Villages Plan's* Design Guidelines.

Site plan. The following site plan comments are outstanding:

- It appears that this is an innovative request. Please list all innovative standards in the development data.
- Pedestrian scale lighting should be provided along the public streets.
- Improvements to the opens space should be noted.
- All Storm Water and CDOT comments should be addressed.
- The following design guidelines for single-family detached units from the Prosperity Church plan should be noted.
 - A note requiring porches and balconies should be added to the plan to encourage interaction between residents and people on the street.
 - Porches should be a minimum of 6-feet deep and garage must be setback further than the rest of the structure. The plan indicates a minimum of 4-feet for the porches if they are provided.