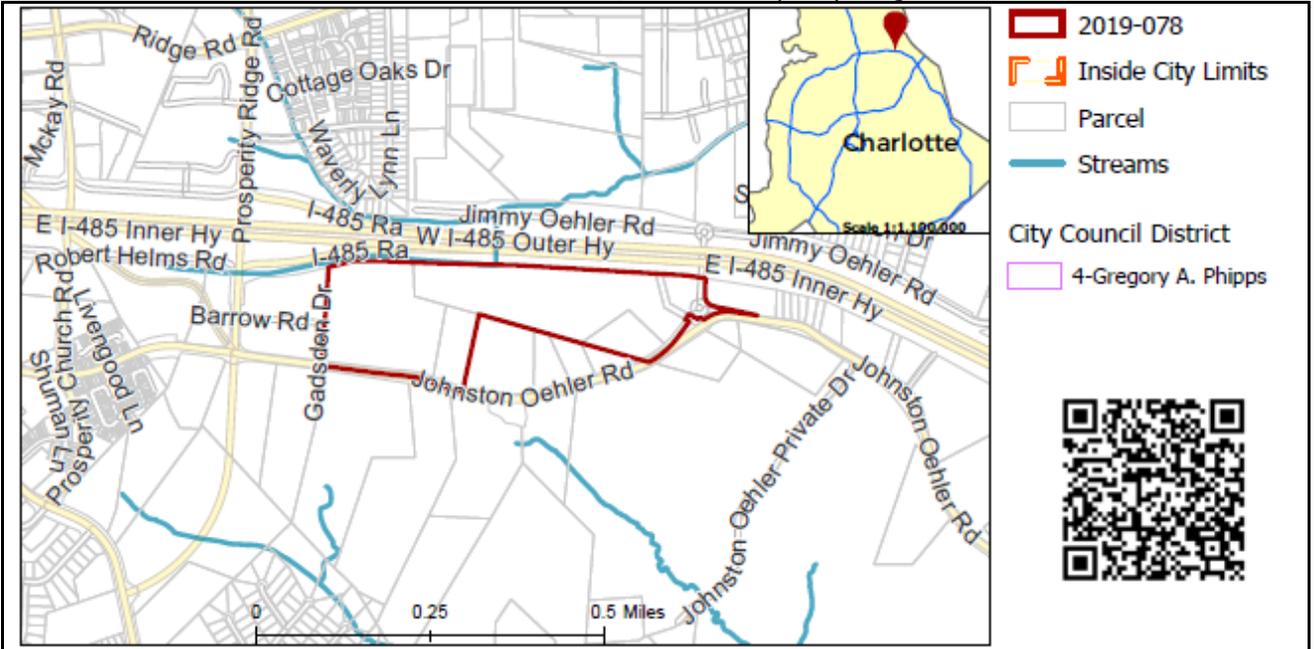


**REQUEST**

Current Zoning: R-3 (single-family residential)  
Proposed Zoning: UR-3(CD) (urban residential, conditional)

**LOCATION**

Approximately 41.9 acres located on the north side of Johnston Oehler Road, east of Prosperity Ridge Road, south of Interstate-485



**SUMMARY OF PETITION**

The petition proposes to allow up to 440 total multi-family units with a minimum of 120 senior housing units, and a child care center.

**PROPERTY OWNER**

Harvey Johnston, Timothy Johnston, Barry Brann, and Orville Thompson

**PETITIONER  
AGENT/REPRESENTATIVE**

Charter Properties, Inc.  
Walter Fields

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 19

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

- The petition is **inconsistent** with the *Prosperity Hucks Area Plan* recommendation for residential uses up to eight dwelling units per acre for parcel 02931108A and residential uses up to four dwelling units per acre for all additional parcels included in this petition.

Rationale for Recommendation

- At 10.5 dwelling units per acre, this petition is slightly denser than what the adopted area plan recommends. However, the plan also recommends that residential uses bordering the activity center include a mix of housing types that serve as a transition from the denser mixed-use development to the surrounding lower density neighborhoods.
- This petition is consistent with the area plan's recommendation by providing a mixture of thoughtfully arranged housing types. At

least 120 senior housing units will be located on the western portion of the site. This area is the closest to the activity center and will increase access and mobility for the senior residents. The remainder of the proposed multifamily development is located on the northern portion of the site, bordering I-485. Townhomes and private streets paired with landscaped buffers provide an appropriate transition from the proposed multifamily development to the abutting single family uses.

- The petition's proposal for a childcare center is also consistent with the area plan's note that neighborhood serving institutional uses may be appropriate if compatible with surrounding uses. A childcare center is considered compatible with the existing and proposed residential uses.
- The petition commits to enhancing the pedestrian environment, particularly through the construction a signalized pedestrian crossing to Mallard Creek High School, which will improve safety and connectivity in the surrounding area.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan (2015)*, from residential uses up to eight dwelling units per acre or residential uses up to four dwelling units per acre to residential uses up to 12 dwelling units per acre for the site.

## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 440 total multi-family units, including a minimum of 120 senior housing units, and a child care center, for a density of 10.5 dwellings per acre.
- Commits to installing left turn lanes, upgrading ramps and pedestrian signals at offsite existing intersections, and installing a signalized pedestrian crossing in front of Johnston Oehler Road.
- Provides a pedestrian connection from the site to Johnston Oehler Road.
- Provides a public street connection to Barrow Road and a public street connection to Johnston Oehler Road
- Commits to a 50-foot Class C buffer adjacent to single-family zoning.
- A combination of building materials that include a minimum of 20% brick, stone, precast stone, synthetic stone, or stucco.
- Vinyl or aluminum only on windows, soffits, handrails and/or railings.
- Limitations on blank walls.
- Façade variations required for any building over 120 feet in length.
- Residential building entrances architecturally treated through various features.
- Buildings oriented to present a front or side façade to all public or private network streets
- Screened rooftop mechanical equipment.
- Variation in roof lines.





The property to the west along Johnston Oehler Road has been rezoned to allow up to 260 multi-family units.

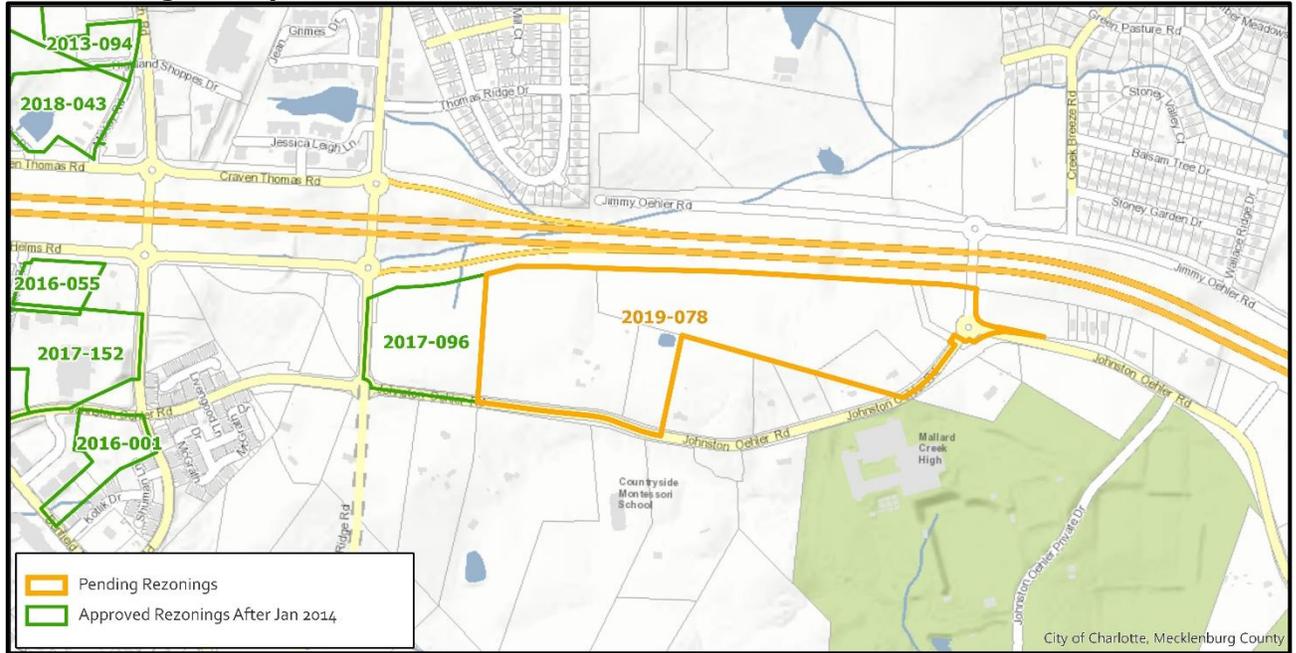


The property to the east along Johnston Oehler Road is undeveloped.



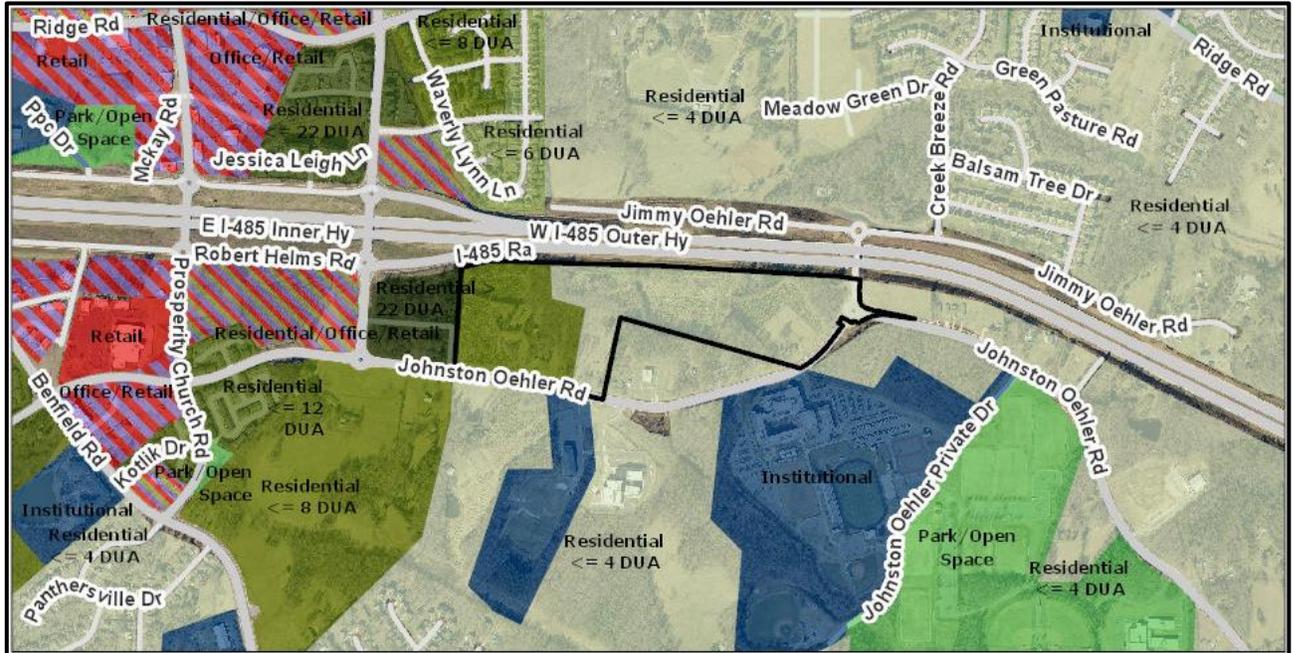
The property to the south along Johnston Oehler Road is developed with Mallard Creek High School.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2013-094	Rezoned 33.84 acres to allow up to 100,000 square feet of office, retail, commercial uses and up to 292 multi-family units.	Approved
2016-001	Rezoned 3.65 acres to allow retail/office uses.	Approved
2016-055	Rezoned 2.52 acres to allow a mixture of retail/office uses with self-storage use in the interior of the site.	Approved
2017-096	Rezoned 8.96 acres to allow up to 260 multi-family units.	Approved
2017-152	Rezoned 8.914 acres to allow the reuse of an existing building for a movies theater or other uses in the MUDD zoning district, and the build out of the previously approved commercial center.	Approved
2018-043	Rezoned 5.85 acres to allow a nursery/greenhouse, other retail, and office uses.	Approved

• **Public Plans and Policies**



- The *Prosperity Hucks Area Plan* (2015) recommends residential uses up to eight dwelling units per acre for parcel 02931108A and residential uses up to four dwelling units per acre for the additional parcels.
- The plan also states that “neighborhood serving institutional uses also may be appropriate if compatible with surrounding uses. Principal concerns in determining compatibility are massing, scale, and buffers in relation to existing properties. Ample site access and street connectivity not dependent on local residential streets also are a significant factor.”

• **TRANSPORTATION CONSIDERATIONS**

- This site is located along a minor thoroughfare. The site commits to installing left turn lanes, upgrading ramps and pedestrian signals at offsite existing intersections, and installing a signaled pedestrian crossing in front of Johnston Oehler Road.
- No outstanding issues.
- **Vehicle Trip Generation:**  
 Current Zoning:  
 Existing Use: 20 trips per day (based on 2 single family dwellings).  
 Entitlement: 1,220 trips per day (based on 119 single family dwellings).  
 Proposed Zoning: 3,158 trips per day (based on 320 apartments, 120 senior apartments, and child care center).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 62 students, while the development allowed under the proposed zoning may produce 51 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 9.
- The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
  - Croft Community School from 86% to 91%
  - Ridge Road Middle to remain at 118%
  - Mallard Creek High to remain at 121%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Johnston Oehler Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Johnston Oehler Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Engineering and Property Management:**
    - **Arborist:** No comments submitted.
    - **Erosion Control:** No outstanding issues.
    - **Land Development:** No outstanding issues.
    - **Storm Water Services:** No outstanding issues.
    - **Urban Forestry:** No outstanding issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Michael Russell (704) 353-0225