



Zoning Committee Recommendation

Rezoning Petition 2022-018

November 1, 2022

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: MX-2 (mixed use district)

LOCATION

Approximately 72.20 acres located south of Johnston Oehler Road, east of Prosperity Church Road, and west of Mallard Creek Road.
(Council District 4 - Johnson)

PETITIONER

MCRT SFR Investments, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 4-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map* based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* recommends Neighborhood 1 Place Type.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The petition adds to the variety of housing options in the area.
- The petition is compatible with the existing residential uses and the Campus place type uses adjacent to the site.
- The petition proposes 268 units at less than 4 units per acre, which is compatible with the surrounding Neighborhood 1 place type.
- The existing environmental features, including tributaries, wetlands, and streams, serve as a natural buffer between the existing single-family neighborhoods to the south of the site.
- The petition commits to enhanced building design features such as usable porches and/or stoops when possible.
- The petition commits to providing a sidewalk and a crosswalk network that links all the principal buildings on the site.

- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities
 - 7: Integrated & Natural Built Environments

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from the Neighborhood 1 recommended Place Type to the Neighborhood 2 Place Type for the site

Motion/Second: Rhodes / Harvey
 Yeas: Gussman, Harvey, Rhodes, Welton
 Nays: Russell
 Absent: Barbee, Gaston
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner Russell stated that the site was located between two school campuses and noted the conversion of Johnston Oehler Private Drive into a full-blown street that would have people driving through a high school campus because that is the only way in and out from the north of the site. He noted the only other access was the connection to Oak Street in the south. He noted the site is bisected by the Duke utility easement. He stated the petition does not fit in with the *Prosperity Hucks Area Plan* for diversity of housing and pedestrian connectivity. Staff clarified that the *Prosperity Hucks Area Plan* has been retired with the adoption of the 2040 Plan and can not be used for land use policy.

Commissioner Welton asked what improvements are proposed to Johnston Oehler Private Drive. CDOT responded that Johnston Oehler Private Drive would be converted to a local public collector road (CLDSM U-07) with a planting strip and sidewalk and connect to Oak Street. Staff also noted transportation improvements on Mallard Creek Road and Johnston Oehler Road including pedestrian signals, improved curb ramps and flashing beacons and provides 8-foot planting strip and 6-foot sidewalks along all public roads within the site.

There was no further discussion of this petition.

MINORITY OPINION

The petition is not consistent with the pedestrian connectivity that already exists in the area.

PLANNER

Michael Russell (704) 353-0225