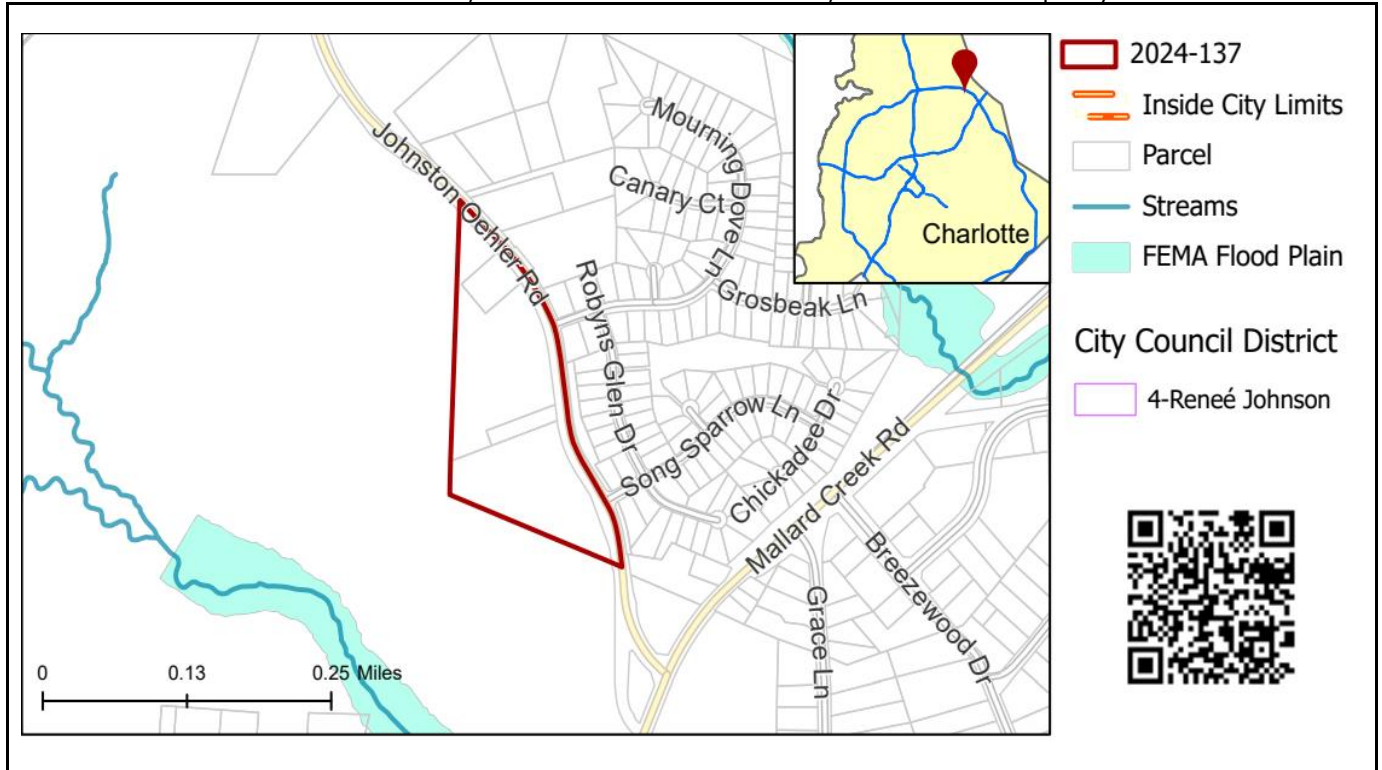


**REQUEST**

Current Zoning: N1-A (Neighborhood 1-A)  
Proposed Zoning: N2-A(CD) (Neighborhood 2-A, Conditional)

**LOCATION**

Approximately 13.29 acres located along the west side of Johnston Oehler Road, north of Mallard Creek Road, and east of Prosperity Church Road.



**SUMMARY OF PETITION**

The petition proposes a residential development with up to 145 dwelling units which may include a combination of duplex, triplex, quadraplex and/or multifamily dwelling units together with accessory uses. The site is currently developed with 4 single family homes.

**PROPERTY OWNER  
PETITIONER  
AGENT/REPRESENTATIVE**

Jeffrey Raborn and Jay Raborn et al  
Wilkes Asset Management  
Bridget Grant, Moore & Van Allen, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 5

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of an outstanding issue related to transportation.

Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type.

Rationale for Recommendation

- The proposed development would fill a need for housing in an area that has been identified as lacking Access to Housing Opportunity by the 2040 Comprehensive Plan.

- The site is a thoughtful transition between the existing single family neighborhood across Johnston Oehler Road to Mallard Creek Park and Parkside Elementary School. Johnston Oehler Road is an appropriate buffer separating the single-family neighborhood from the site.
- The site is adjacent to Mallard Creek Park, its Recreation Center, and schools with existing sidewalk, planting strip, and bike infrastructure accessible to future residents.
- The site is within a 1/2 mile of a future Mecklenburg County greenway.
- The petition could facilitate the following 2040 Comprehensive Plan Goals:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion

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

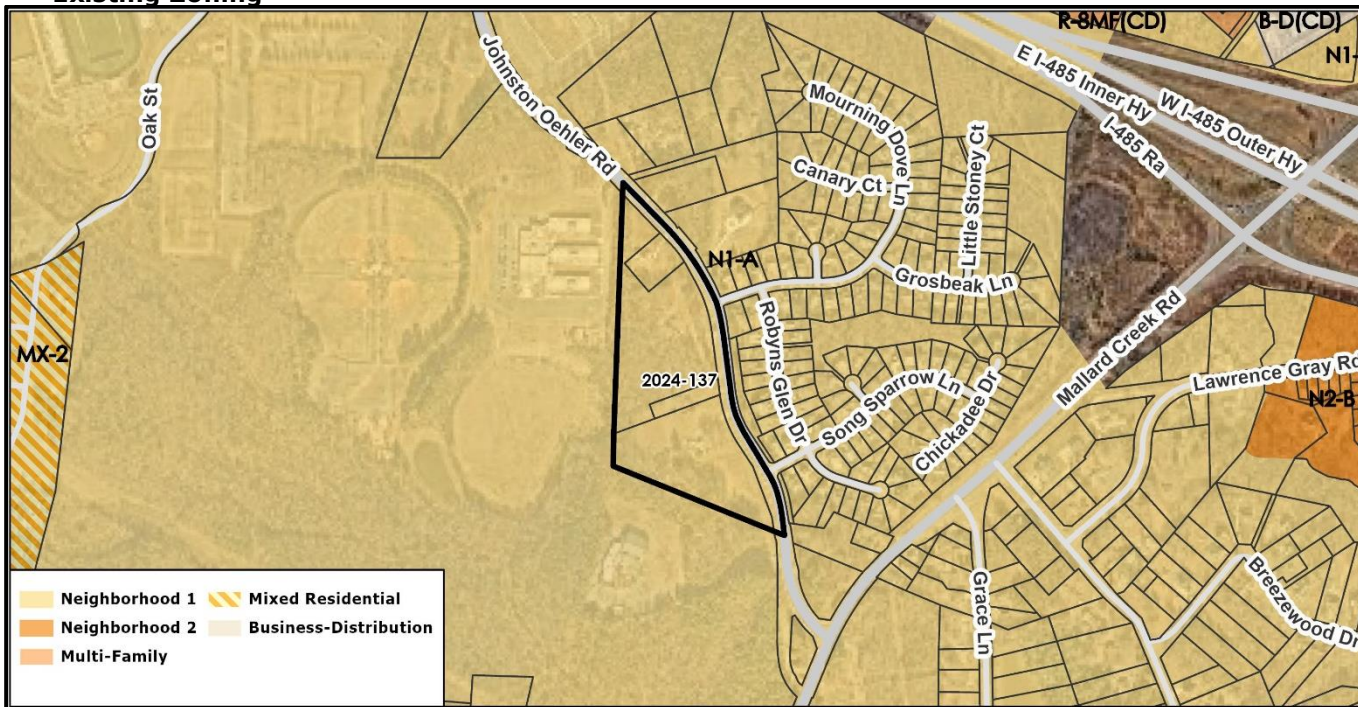
**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 145 dwelling units in a combination of duplex, triplex, quadraplex and/or multifamily dwelling units.
- Access to the site will be provided by a new public local street off Johnston Oehler Road at the existing intersections of Mourning Dove Land and Song Sparrow Lane.
- Provides a pedestrian crossing with rapid flashing beacons and striping across Johnston Oehler Road.
- Provides a dedicated left turn lane into the site.
- Commits to a 30-foot setback along Johnston Oehler Road.
- Commits to a 25-foot-wide buffer to the school and the park.
- Common open space shall have a minimum width of 50-feet and a maximum length of 500-feet.
- Provides preferred design guidelines including all buildings adjacent to Johnston Oehler Road will orient to Johnston Oehler Road with no more than 6 units in a building that has its primary frontage on Johnston Oehler Road.

• **Existing Zoning**



- The site is zoned Neighborhood 1. The surrounding zoning is Neighborhood 1. The surrounding land uses include single family, several schools, parks, and recreation center.



A red star denotes the subject property.



The property to the east along Johnston Oehler Road is the single family neighborhood of Robyn's Glen.



The property to the south along Johnston Oehler Road is the Mallard Creek Recreation Center.



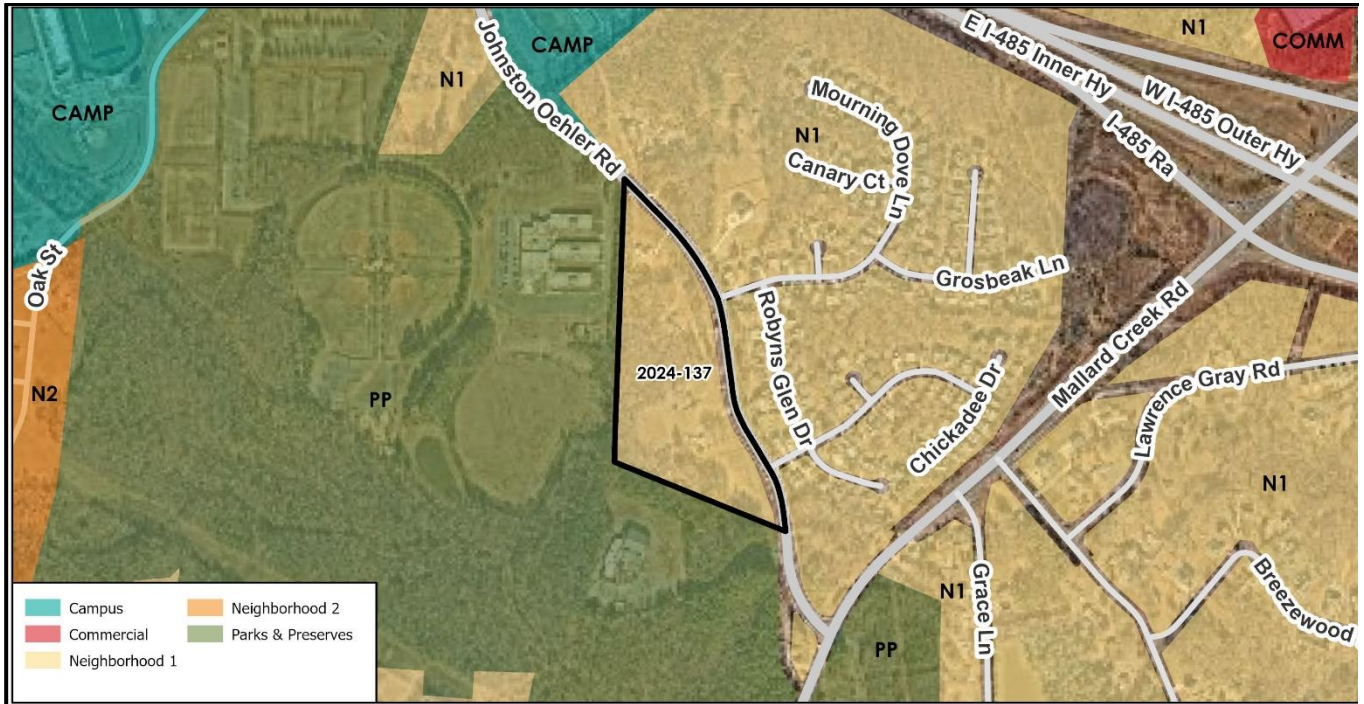
The property to the west along Johnston Oehler Road is Parkside Elementary School.

**Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-075	Rezoned 19.6 acres from R-3 to R-8MF(CD) to allow up to 139 single family attached dwelling units.	Approved
2021-114	Rezoned 3.5 acres from R-3 to B-D(CD) to develop a 120,000 square-foot indoor climate-controlled storage facility.	Approved
2022-018	Rezoned 72.2 acres from R-3 to MX-2 to allow up to 268 townhouse style dwelling units.	Approved

**Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type.

• **TRANSPORTATION SUMMARY**

- The site is located on a City-maintained, arterial road Johnston-Oehler Rd. A Traffic Impact Study (TIS) is not required for the site due to the development generating site trips under ordinance thresholds and not meeting additional TIS triggers. Based on the 1,005 daily trips, the petitioner is required to satisfy a Tier 1 Multimodal assessment and has proposed a pedestrian crossing with rectangular rapid flashing beacon to satisfy requirements. Revise site plan and conditional note(s) to commit to installing streetscape per UDO on all internal roadways see.

○ **Active Projects:**

- N/A

• **Transportation Considerations**

- See Outstanding Issues, Note 2

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 40 trips per day (based on 3 single family dwelling units).

Entitlement: 424 trips per day (based on 39 single family dwelling units).

Proposed Zoning: 1,005 trips per day (based on 145 multi-family dwelling units).

**DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** This development may add 26 students to the schools in this area.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Parkside Elementary from 74% to 77%.
    - Ridge Road Middle remains at 94%.
    - Mallard Creek High remains at 111%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main along Johnston Oehler Road. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located Johnston Oehler Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **Long Range Planning:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **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.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

**OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING**

Transportation

1. ~~There are no development areas identified on site plan, or improvements phasing provided. Internal roadway and transportation improvements may be phased according to standard subdivision plat procedures. However, CDOT requires that additional rezoning transportation improvements, including turn lane construction and pedestrian crossing improvements, are required prior to the first C/O unless otherwise identified and approved by CDOT. Add note / phasing.~~ **Addressed**

**OUTSTANDING ISSUES AFTER PUBLIC HEARING**

Transportation

2. Revise site plan and conditional note(s) to commit to installing an 8-foot planting strip and 8-foot sidewalk along all public roadway frontages on the internal roadways. Revise callout to say 8-foot sidewalk.

**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org) Planner:** Michael Russell (704) 353-0225