



Zoning Committee Recommendation

Rezoning Petition 2022-053

March 7, 2023

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: R-17MF(CD) (multi-family residential, conditional)

LOCATION

Approximately 5.63 acres located on the west side of Prosperity Church Road, northeast of Mallard Creek Road, and south of Prosperity Point Lane.
(Council District 4 - Johnson)

PETITIONER

Rayna Properties, 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* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* (2022) recommends the Neighborhood 1 Place Type for this site.

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:

- This petition proposes to add to the variety of housing options in the area.
- The petition serves as an appropriate infill project on a major road and as a buffer to the adjacent neighborhood.
- While the zoning district isn't consistent with the Neighborhood 1 place type, the duplex buildings proposed are an appropriate and compatible form at this location adjacent to the single-family neighborhood.
- The petition commits to enhanced building design features such as porches, stoops or corner windows at all building corners facing a public street.
- The petition proposes streetscape improvements along Prosperity Church Road including an 8-foot planting strip and 8-foot sidewalk.
- The proposed site would be well served by transit via the existing bus route and proposed CATs bus stop

adjacent to the site.

- The petition commits to a 20-foot-wide Class C buffer around the whole property, reduced by 25% on the north and south sides of the site where a fence will be included.
- 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.

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.

Motion/Second: Welton / Harvey

Yeas: Gussman, Harvey, Rhodes, Welton

Nays: Lansdell

Absent: Gaston, Russell

Recused: None

ZONING COMMITTEE DISCUSSION

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

Commissioner Lansdell asked if the ingress/egress on Pinewood Lane is a type 2 commercial driveway. CDOT confirmed that was correct. Commissioner Lansdell had concerns about the proximity of the driveway being so close to Prosperity Church Road. CDOT responded that they are working with the petitioner to explore relocating the driveway.

Commissioner Welton asked what the exact land use inconsistency was. Staff responded that the building form was consistent with the neighborhood 1 place type but was inconsistent because it was a planned multi-family project. Commissioner Welton stated there was retail/commercial nearby but was there a reasonable way to safely walk there in keeping with the 10-minute neighborhood. Staff responded there was sidewalk and crosswalks along the southern portion of Prosperity Church Road to access the shopping area bounded by Driwood Court, Prosperity Church Road and Mallard Creek Road and a crosswalk at Prosperity Church Road and Mallard Creek to access the Mallard Crossing Shopping Center.

Commissioner Rhodes asked if there were any plans to widen Prosperity Church Road. CDOT responded there is a NCDOT TIP project planned to the south of this project.

Commissioner Harvey noted there was a new bus pad associated with this project but wanted to know if there was a bus stop across Prosperity Church Road from the site. Staff responded there was not a bus stop across the street. Commissioner Harvey

asked if there would be a crosswalk. Staff stated there wasn't a crosswalk planned across Prosperity Church Road.

There was no further discussion of this petition.

MINORITY OPINION

Safety concerns due to the proximity of the ingress/egress driveway being so close to Prosperity Church Road.

PLANNER

Michael Russell (704) 353-0225