



## Zoning Committee Recommendation

Rezoning Petition 2022-119

August 1, 2023

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### REQUEST

Current Zoning: N1-A (neighborhood 1-A)  
Proposed Zoning: UR-3(CD) (urban residential, conditional)

### LOCATION

Approximately 9.2 acres located on the north and south side of Johnston Oehler Road and south side of Robert Helms Road, east of Prosperity Church Road.  
(Council District 4 - Johnson)

### PETITIONER

Blackburn Communities, LLC

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

#### To Approve:

This petition is found to be **consistent** 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 Community Activity Center Place Type.

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 is appropriate and compatible with the Community Activity Center Place Type as it increases the amount and variety of housing in an area within a 15-minute walk to elementary, middle, and high schools, multiple grocery stores and other retail opportunities.
- Approval of this petition would result in zoning that is better aligned to the Community Activity Center Place Type than the existing single-family zoning district.
- The petitioner commits to coordinating with the appropriate agencies regarding a proposed overland connector as part of the Clark Creek Greenway Project.
- The site is within a half mile walk of the CATS number 53x express bus providing transit access to Northlake and Uptown and the 59 local bus providing a connection between Huntersville and the JW Clay Park and Ride, adjacent to UNC Charlotte with transfers to the Lynx Blue Line.

- The petition could facilitate the following 2040 Comprehensive Plan Goals:
  - 1: 10 Minute Neighborhoods
  - 4: Trail & Transit Oriented Development
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities
  - 7: Integrated Natural & Built Environments

Motion/Second: Whilden / Neeley

Yeas: Whilden, Neeley, Lansdell, Russell, Sealey, Winiker, and Welton

Nays: None

Absent: None

Recused: None

## **ZONING COMMITTEE DISCUSSION**

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

Commissioner Neeley asked if there was any additional detail provided regarding the proposed carriage units. Staff stated that carriage units were typically dwellings located above freestanding garages and gave an example of carriage units located at Alpha Mill on North Brevard Street.

Commissioner Lansdell stated that he had concerns about on-street parking being provided on the new public street proposed through the site.

Commissioner Lansdell also asked a question regarding tree canopy preservation. Staff stated that the site will have to comply with the tree ordinance but that the site plan simply states that the site will comply with the tree ordinance. Review and enforcement of the tree ordinance will be handled during the Land Development review process. Staff stated that the portion of the site south of Johnston Oehler Road is designated as tree save.

Chairman Welton asked about use of tree save areas and preservation of existing trees. Staff stated that trees would have to be replanted if they were removed. The tree save areas shown on the conditional plan would have to remain tree save areas.

There was no further discussion of this petition.

## **PLANNER**

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