

JUSTIFICATION STATEMENT

Capstone Realty, Inc.

9711 Cooper Church Road

Case No. 19ZONE1038

INTRODUCTION

Capstone Realty, Inc. (the "Applicant") proposes to re-zone the property located at 9711 Cooper Church Dr. from R-4 Single-Family Residential to R-7 Multi-Family Residential and re-develop the site into two three-story apartment buildings with a total of 30 dwelling units. For the reasons set out below, the proposed rezoning complies with the applicable Plan Elements of the Plan 2040 Comprehensive Plan.

COMMUNITY FORM

The proposal complies with the intent and applicable policies of the Community Form Plan Element. The subject property is located in the Neighborhood Form District, which the Comprehensive Plan states is a form "characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas ... The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, ...high density multi-family housing. ..." Here, the proposal is consistent with the Neighborhood Form district as it will create 30 units of new medium-density multi-family residential housing. The proposal is also consistent with the pattern of development in the area, which features an adjacent multi-family development and single family subdivisions to the north, west, and across Preston Highway to the east along Cooper Chapel Road. R-5A-zoned multi-family residential uses are found along Cooper Crossings Drive to the east. The site is also near a growing commercial center along Preston Highway and Commerce Crossings Drive.

The proposal is compatible with the scale and site design of the surrounding area as it proposes new multi-family housing, which is consistent with the nearby single-family residential subdivisions and the adjacent multi-family development. Further, it will serve the workplaces located in the nearby Commerce Crossings business park. The subject property has easy access to Preston Highway and Interstate 265.

MOBILITY

The proposed development complies with the intent and applicable policies of the Mobility Plan Element. The proposed development will be accessed via Cooper Church Drive, which provides convenient access to the activity centers along Preston Highway, Commerce

RECEIVED
JUL 19 2019
PLANNING &
DESIGN SERVICES

19-ZONE-0028

Crossings Drive, and Interstates 265 and 65. The proposed development will provide sidewalks that will connect the two proposed apartment buildings and will connect to the adjacent multi-family development.

COMMUNITY FACILITIES

The proposed development complies with the intent and applicable policies of the Community Facilities Plan Element. The subject property is adequately served by all utilities, including water and sewer.

ECONOMIC DEVELOPMENT

The proposed development complies with the intent and applicable policies of the Economic Development Plan Element. A diversity of housing options in the community will serve employers and employees alike. The site is well situated among quickly growing commercial centers along Preston Highway and Commerce Crossings Drive.

LIVABILITY

The proposed development complies with the intent and applicable policies of the Livability Plan Element. The proposed development has convenient access to the nearby commercial centers and neighborhood serving uses along Preston Highway. The proposed development will comply with the tree canopy sections of the LDC. The applicant will provide a sidewalk between the proposed apartment buildings and amply open space along Cooper Church Drive. The proposal will also provide a convenient housing option for those working in the nearby Commerce Crossings business park.

HOUSING

The proposed development complies with the intent and applicable policies of the Housing Plan Element. The proposed development will provide 30 units of new multi-family housing in the area.

15161459v1

RECEIVED

JUL 19 2019

PLANNING &
DESIGN SERVICES

19-ZONE-0028

SIDEWALK WAIVER JUSTIFICATION STATEMENT

Elda Acquisition, LLC

9711 Cooper Church Drive

Case No. 19ZONE1028

The proposed waiver of Section 5.9.2.A.1.a.v to waive the requirement for sidewalks along Preston Highway and Cooper Church Road conforms to the Comprehensive Plan and the intent of the Land Development Code because there are no existing sidewalks along the adjacent portion of Preston Highway, which is classified as an expressway. There is also no existing sidewalk network along Cooper Church Road, and the property is set back from the road such that the owner could not feasibly provide a sidewalk along the road. The applicant will seek approval from nearby property owners to construct sidewalks along Cooper Church Road as mitigation for the lack of sidewalks on the subject property.

Compliance with the regulations is not appropriate, and granting the waiver will result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code. Compliance is not appropriate because, as set forth above, there is no existing sidewalk network along either Preston Highway or Cooper Church Road. The waiver will result in a development more consistent with the Comprehensive Plan and the LDC as it will permit the applicant to provide the required vehicle use areas and parking spaces required by the Code, and will be consistent with the pattern of development in the area, which does not include sidewalks. The applicant will seek to add sidewalk along Cooper Church Road closer to Commerce Crossings Drive in order to fill in the sidewalk network.

Granting the waiver will not have any negative impacts on adjacent property owners. The subject property abuts Preston Highway to the east, the adjacent properties to the south, north and west along Cooper Church Road do not have access to an existing sidewalk network. The proposed waiver will not change the status quo in the area.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as there is no existing sidewalk network along either Preston Highway or Cooper Church Road with which the applicant could connect. Furthermore, the property is set back from Cooper Church Road road such that the owner could not feasibly provide a sidewalk along the road.

15451875v1

RECEIVED
SEP 30 2019
PLANNING &
DESIGN SERVICES