

**ZONING COMMITTEE  
RECOMMENDATION  
October 25, 2006**

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**Rezoning Petition No. 2006-128**

**Property Owner:** Edward and Christine Keller

**Petitioner:** Blue Sky Partners, LLC

**Location:** Approximately 0.8 acres located on Ideal Way between Euclid Avenue and Marshall Place.

**Request:** R-5, single-family to MUDD(CD), mixed use development district conditional.

**Action:** The Zoning Committee voted 5-2 to recommend **APPROVAL** of this petition with the following modifications:

- The proposed requested zoning district has been corrected to MUDD(CD).
- The setbacks lines have been corrected to reflect the minimum setbacks.
- Sheet RZ-4 has been removed.
- The TOD zoning height restrictions shown on the street sections on sheet RZ-5 have been removed.
- A note has been added noting that all lighting will be fully shielded.
- All outstanding CDOT issues have been addressed.

**Vote:** Yeas: Carter, Loflin, Randolph, Ratcliffe, and Sheild

Nays: Cooksey and Simmons

Absent: None

**Summary of Petition**

This petition proposes to rezone to MUDD(CD) to allow twenty-four for-sale town homes at an overall density of thirty dwelling units per acre.

**Zoning Committee Discussion/Rationale**

Mr. MacVean reviewed the petition and noted that the proposed petition is inconsistent with the recently adopted Dilworth Land Use and Streetscape Plan, which recommends single-family development with up to four dwelling units per acre at this location. Mr. Sheild asked why The

Dilworth Land Use and Streetscape Plan only recommends four dwelling units per acre so close to the transit line. Mr. MacVean responded that the Plan reflects the transition from higher densities to single-family development. A lengthy discussion followed regarding the best point to start this transition. Some members felt this transition should start at Marshall Place rather than Euclid Ave. The Committee also felt that this would be a good transitional project if the adjoining petition 2006-129 is part of the mix.

The Committee struggled with recommending this request with the Dilworth Plan's recent adoption, but felt the redevelopment of this site and the need to support the transit line were bigger considerations.

### **Minority Opinion**

The minority of the Zoning Committee although not disagreeing with the majority on most issues thought that this request should take the appropriate avenue and amend The Dilworth Land Use and Streetscape Plan to reflect higher density prior to seeking a rezoning.

### **Statement of Consistency**

Upon a motion made by Carter and seconded by Randolph, the Zoning Committee voted 5:2 to find the petition to be inconsistent with the Dilworth Land Use and Streetscape Plan, but to be reasonable and in the public interest.

### **Vote**

**Upon a motion made by Carter and seconded by Randolph, the Zoning Committee voted 5-2 to recommend approval of this petition.**

### **Staff Opinion**

Staff agrees with the minority opinion of the Zoning Committee. The recently adopted Dilworth Land Use and Streetscape Plan took a comprehensive look at future land uses in Dilworth and recommends that the existing low-density character of this portion of Dilworth be preserved.