

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2007-19**

**Property Owner:** Etalon, LLC

**Petitioner:** Etalon, LLC

**Location:** Approximately 24.6 acres on the west side of Strawberry Lane, south of Pineville-Matthews Road

**Request:** Change from R-3 (single family residential) to MX-1 (mixed residential)

**NOTE:** This petition relies upon a variance to comply with the standards of the subdivision ordinance. It has been the City Council's policy to either show compliance with ordinances and then get the variance, or to get the variance prior to the rezoning public hearing. In this case, the petitioner has done neither. Therefore, staff is requesting a deferral of this petition.

### **Summary**

This petition seeks to modify a previously approved subdivision by eliminating one access and gating the remaining access. The MX-1 zoning is needed to allow the private streets associated with gated communities. The elimination of the second access road has resulted in block lengths that violate the subdivision ordinance. Fifty-four single family detached homes are proposed, resulting in an overall density of 2.2 dwellings per acre.

### **Consistency and Conclusion**

While the proposed land use is consistent with adopted plans and policies, the elimination of the second access point is a fatal flaw and staff cannot support this petition. There are additional serious site plan deficiencies (see Outstanding Issues – Site Plan).

### **Existing Zoning and Land Use**

There is a school to the north of the petitioned site and a public park to the west, both in the R-3 zoning district. The remainder of the area is a mix of single family and multi-family housing in the R-3 and R-15 PUD districts. The petitioned site is undeveloped.

### **Rezoning History in Area**

In 2000 a rezoning to INST(CD) was approved for a day care facility at the corner of Strawberry Lane and Pineville-Matthews Road.

## **Public Plans and Policies**

The *South District Plan* (1993) shows the subject property as single family residential. The proposed density is less than the existing zoning so only the residential design guidelines of the GDPs apply.

## **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The proposal is for 53 single family homes with a gate and private streets.
- Interior streets will be developed to CDOT standards for public streets.
- Tree save areas totaling 3.56 acres (14.5% of the site) are proposed. An additional common open space area of 2.89 acres is proposed.
- Four-foot sidewalks behind four-foot planting strips are proposed on interior streets.
- Street trees and pedestrian lighting will be installed on internal streets.
- The development will use private sewer maintained by a homeowners association, but built to CMUD standards.
- Each lot is allowed a maximum of 9,000 square feet of impervious area. The minimum lot size is 8,000 square feet.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** A second vehicular access point is needed into the development. Pedestrian connections to the abutting school and park have been provided. CDOT believes Strawberry Lane needs realignment along a portion of this site's frontage. See attached memo for detailed comments.

**CATS.** CATS did not comment on this petition.

**Connectivity.** Section 6.200.3 of the subdivision ordinance requires that, where feasible, more than one access be provided to new development. An additional access to this development is feasible, as evidenced by the approved subdivision for this site. However, the petitioner seeks to eliminate one access as part of making this a gated development.

**Storm Water.** The petitioner believes they have less than 24% impervious area on the site so no provisions for water quality have been made in this site plan. Storm Water Services wants the water quality and peak/volume notes in case they exceed the 24% threshold.

**School Information.** The proposed density is less than that allowed under the existing zoning. Therefore, there is no impact to the school system from the proposed rezoning.

**Parks & Recreation.** Parks and Recreation is requesting an eight-foot wide pedestrian connection to the abutting public park. This request has been satisfied by the petitioner.

## **Outstanding Issues**

**Land Use.** The proposed land use is consistent with adopted plans and policies. Therefore, this petition is appropriate for approval from a land use perspective.

**Site plan.** The site plan accompanying this petition contains the following deficiencies:

- The subdivision ordinance requires a second access point “where feasible”. Since there is already an approved subdivision plan that includes the second access, staff maintains that a second access is feasible and it needs to be added to the site plan.
- The proposed block lengths do not comply with the Subdivision Ordinance and a subdivision variance will be needed.
- The water quality and peak/volume notes requested by Storm Water Services need to be added to the site plan.
- Note #10 needs to be modified to require a **minimum** of 20 feet between sidewalks and garages.
- The site plan needs to state where the front setbacks will be measured from.
- The 9,000 square feet of allowed impervious area per lot will not keep total impervious area below 24%. This note needs to be corrected.
- The 30-foot class “C” buffer along Strawberry Lane needs more detail. Is the buffer undisturbed? Does it include a fence/wall or berm?