

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-98

Property Owner: Etalon, LLC

Petitioner: Etalon, LLC

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

Center, Corridor, or Wedge: Wedge

Request: R-3 (single family residential) to MX-2 (mixed residential)

Summary

This petition is essentially a re-submittal of petition 2007-19, which was denied by the City Council earlier this year. The two-year rule has been avoided by requesting a more intense zoning district. The petition seeks MX-2 zoning to allow 54 lots at a density of 2.2 homes per acre with gated private streets. Differences from the previous petition include less proposed tree save and less open space.

Consistency and Conclusion

While the proposed land use is consistent with *South District Plan and the General Development Policies*, the elimination of the second access point is a fatal flaw and staff cannot support this petition. Staff believes the proposed water quality improvements will be ineffective and their approval through this petition would be a dangerous precedent. See Storm Water Services memo. Staff again recommends denial of this petition.

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

Earlier in 2007, an almost identical version of this petition was denied by City Council. 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 *General Development Policies* apply.

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- The proposal is for 54 single family homes with a gate and private streets.
- Interior streets will be developed to CDOT standards for public streets.
- Tree save areas totaling 2.95 acres (12.0% of the site) are proposed. A partially overlapping common open space area of 2.6 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 8,500 square feet of impervious area. The minimum lot size is 11,000 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 has proposed a non-standard system to address water quality concerns. Staff has evaluated the proposal and found it inadequate to achieve the desired results.

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 water quality and peak/volume notes requested by Storm Water Services need to be added to the site plan.
- The 8,500 square feet of allowed impervious area per lot will allow 10.5 acres of impervious cover – not including the streets. This far exceeds the 24% limit petitioners are seeking.
- The 30-foot class “C” buffer along Strawberry Lane needs more detail. Is the buffer undisturbed? Does it include a fence/wall or berm?
- The proposed water quality improvements are unproven and unapproved. See Storm Water Services memo.