

**ZONING COMMITTEE
RECOMMENDATION
March 1, 2006**

Rezoning Petition No. 2005-85

Property Owner: Patricia K. and James W. Sack

Petitioner: Patricia K. and James W. Sack

Location: Approximately 0.086 of an acre (3,741 square feet) to the southeast of Charles Avenue and north of E. 35th Street

Request: Change from R-5 (single family residential) to UR-1 (conventional urban residential)

Action: A majority of the Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 5-2.

Vote: Yeas: Carter, Cooksey, Farman, Ratcliffe, and Sheild

Nays: Howard and Hughes

Absent: None

Summary of Petition

This petition seeks to rezone a portion of an existing single-family lot to allow subdivision and the creation of an additional lot. This petition originally sought a conventional UR-1 rezoning for the entire existing lot. When the petition received a negative recommendation from the Zoning Committee, the petitioners expressed a desire to convert the petition to a conditional district request. The site plan accompanying this petition contains these additional provisions:

- A 50'X 75' lot will be created at the rear of the existing single-family lot.
- Allowed uses are limited to a single-family residence not more than two stories in height.
- An elevation is included for a variation of a bungalow style building 1½ story high.

Zoning Committee Discussion/Rationale

A Committee member noted that the petitioner provided a list of other small lot subdivision within close proximity to the subject property. Staffs pointed out that most of the other subdivided lots in the area were created when the zoning was actually multi-family residential.

Commissioner Howard made a motion declaring the petition inconsistent with the adopted plans. Commissioner Cooksey seconded the motion.

Staff reviewed the history of rezoning cases in the immediate area and noted that incremental rezonings such as this one breeds request for more of the same types of request. One

Commissioner noted that the property falls within a proposed transit station location and the transit station area principals would support the increase density. Staff countered that even if properties are located within ½ mile of the proposed station support for higher density is not a given. The development of the North Davidson Station Area Plan is approximately two years and the plan may not recommend higher density. One Commissioner noted that the Zoning Committee should not decide what the station area plan is going to say before it is developed.

Statement of Consistency

Commissioner Ratcliffe made a substitute motion affirming that the petition is consistent with transit station area principals. Sheild seconded the motion and the Zoning Committee voted 5-2 to adopt the consistency statement.

Vote

Upon a motion made by Ratcliffe and seconded by Farman, a majority of the Zoning Committee recommended this petition for approval by a vote of 5-2.

Minority Opinion

The minority felt this proposal would inappropriately increase the intensity in the area prior to the development of the station area plan.

Staff Opinion

Staff agrees with the recommendation of the minority of the Zoning Committee. While intensification has occurred in this area, it has generally been limited to the thoroughfares and near the commercial center of NoDa. The goal of the Central District Plan was to preserve existing neighborhood character.