

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

### **Rezoning Petition No. 2005-159**

**Property Owner:** Jack Everett and Betty F. Young

**Petitioner:** Marvel Investments, LLC (James A. Coates)

**Location:** Approximately 11.48 acres located north of Mallard Creek Road and west of Interstate 85

**Request:** R-3, single family residential to R-8 (CD), single-family residential conditional district

### **Summary**

This petition proposes to rezone approximately 11.48 acres from R-3, single family residential to R-8 (CD), single family residential conditional district in order to construct up to 55 single family homes at an overall density of 4.8 units per acre.

### **Consistency and Conclusion**

This petition is consistent with the Northeast Area Plan. Therefore, upon resolution of the outstanding site plan issues, this petition is considered appropriate for approval.

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

A single-family residential structure is located on the conventionally zoned subject property. The properties to the north and northwest of the subject property are zoned CC, commercial center. The properties to the west, east and south are zoned R-3, single family residential. All properties are either vacant or used for residential purposes.

### **Rezoning History in Area**

The most recent zoning change in the immediate area was for the property to the north and north west of the petitioned site. The commercial center (CC) site plan for the property was amended in 2003 (petition 2003-76) to allow a mixed-use development of up to 700,000 square feet of retail, up to 1,000,000 square feet of office space, 2100 residential units, and up to 30,000 square feet of "support retail".

### **Public Plans and Policies**

**Northeast Area Plan (2000):** The Northeast Area Plan recommends residential land uses at a density of up to 8 dwelling units per acre (dwelling units per acre) for this parcel.

**General Development Policies (2003):** The GDP do not apply to this parcel since the Northeast Area Plan specifies appropriate locations and densities for multi-family development.

**Northeast District Plan (1996):** The Northeast District Plan recommends single-family land uses at a density of 4 dwelling units per acre. The plan for this area was amended by Northeast Area Plan in 2000 updated the plan for this area.

### **Proposed Request Details**

The site plan associated with this petition shows a single-family residential development with up to 55 lots and a maximum density of 4.8 dwelling units per acre. Access is on Mallard Creek Road with stub streets to the adjoining property to the east and west and a pedestrian connection to the adjoining property to the north.

### **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 330 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 530 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- A 10-foot-wide paved shared-use pedestrian/bicycle trail (located inside a 20-foot-wide or larger easement) needs to be provided from what is currently shown on the site plan as a cul-de-sac bulb to the adjacent King's Grant property. The portion of King's Grant located due north of this site is proposed to be a new school site. The trail needs to be constructed as part of subdivision development, even if the school is not built at the time.
- Multiple street stubs need to be provided to adjoining parcels. At a minimum, stubs must be made to the William Merow parcel (PID #029-581-03) and Norman Penninger parcel (PID #029-581-07).

**CATS.** CATS is requesting sidewalks along Mallard Creek Rd.

**Connectivity.** The site plan indicates vehicular connections to the properties to the east and west and a pedestrian connection to the north.

**Storm Water.** Storm Water Services indicates no additional requirements are needed at this time.

**School Information.** Adequacy of existing school capacity in this area is a significant problem. We are particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development will exacerbate this situation. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at Mallard Creek Elementary School, Alexander Middle School and Vance High School.

<i>Schools Affected</i>	<i>Capacity Without Mobiles</i>	<i>20<sup>th</sup> Day, 2005-06 Enrollment</i>	<i>Additional Students As a result of this development</i>	<i>Total Enrollment As a result of this development</i>	<i>20<sup>th</sup> Day, 2005-06 Utilization (Without Mobiles)</i>	<i>Utilization As a result of this development (Without Mobiles)</i>	<i>Number of Mobiles</i>
MALLARD CREEK ES	748	947	17	964	127%	129%	0
ALEXANDER MS	924	1743	6	1749	189%	189%	37
VANCE HS	1360	2275	8	2283	167%	168%	32

CMS recommends the petitioner schedule a meeting with staff to discuss any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development. See the attached memo for additional information.

### **Outstanding Issues**

**Land Use.** The proposal is to rezone approximately 11.48 acres located north of Mallard Creek Road and west of Interstate 85 from R-3 (Single-family Residential, up to 3 dwelling units per acre) to R-8(CD) (Single-family Residential up to 8 dwelling units per acre, Conditional). The proposal is consistent with the Northeast Area Plan recommendation of residential land uses up to 8 dwelling units per acre.

**Site plan.** The following site plan issues are outstanding:

- Consider adding the Norman Penninger and Wendy Copenhaver property to the rezoning petition.
- The stub street to the Phyllis Dalton property should be eliminated and replaced with two stub streets so as to decrease the block length.
- The proposed 8-foot wide all weather bike/pedestrian path at the end of the street should be built as part of the common open space improvements. The trail should allow for the extension to the north when the adjoining property develops. In the interim, the petitioner should provide a secondary access to the common open space.