

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

### **Rezoning Petition No. 2006-65**

**Property Owner:** Sarah Malinda Wallace

**Petitioner:** Sarah Malinda Wallace

**Location:** Approximately 2.7 acres west of the intersection of Carmel Road and Shadowlake Drive

**Request:** Change from R-3 (single family residential up to three homes per acre) to R-8(CD)(conditional residential up to eight homes per acre)

### **Summary**

This petition seeks approval for eight single family attached homes in the form of four duplexes. The overall density is 3.0 homes per acre.

### **Consistency and Conclusion**

This petition is consistent with adopted plans and policies. It generally meets the residential design guidelines of the GDPs.

Upon correction of the site plan deficiencies noted below this petition would be appropriate for approval.

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

The property borders single family residential in R-3 zoning on the south and west, and an institutionally zoned assisted living facility to the north. Across Carmel Road to the east is more R-3 single-family residential, and a church.

### **Rezoning History in Area**

There haven't been any recent rezonings in the immediate vicinity.

### **Public Plans and Policies**

The *South District Plan* (1993) shows the subject property as single family residential. The *South District Plan* references the residential location criteria of the General Development Policies for areas of higher density development.

## **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The access drive is a private street, with all lots having frontage on Carmel Road.
- Some trees are indicated to be preserved, but no overall tree save area is defined or calculated.
- A 15-foot Class “C” buffer is provided on the exterior boundaries that abut residential property. That buffer is not undisturbed but some trees are to be preserved.
- A six-foot brick wall with columns is shown on three sides of the site, with a four-foot wrought iron fence along Carmel Road.
- An eight-foot planting strip and six-foot sidewalk are proposed to replace the existing sidewalk along Carmel Road. A five-foot sidewalk and four-foot planting strip are proposed along the internal street.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT estimates that this proposal will generate less traffic than the existing zoning. They have requested dedication of 50 feet of right-of-way from the centerline of the existing road. It is unclear if that dedication is being made. All other CDOT requests have been satisfied.

**CATS.** CATS had not submitted comments as of the preparation of this report.

**Connectivity.** There are no opportunities for additional connectivity from this site.

**Storm Water.** Storm Water Services has requested both detention and water quality improvements. While the site plan indicates a location for a detention and water quality BMP, there are no specifics provided.

**School Information.** CMS estimates that there would be no increase in students due to this rezoning and development.

## **Outstanding Issues**

**Land Use.** This proposed density is consistent with the South District Plan but the duplex form is not consistent with the single family detached form called for by the plan. In all new land use plans staff is not differentiating residential by form, just by density. In this case, the requested density is low enough that the GDP density criteria do not apply. However, the GDP residential design criteria do apply in reviewing the site plan accompanying this petition. From a land use perspective this petition is considered appropriate for approval.

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

- The driveway for the fourth unit on the right side of the development is not deep enough to allow parking in front of the garage without blocking the shared driveway with the neighbor. The unit needs to slide to the rear.
- A note needs to be added to the site plan that commits to “dedicate and convey” right-of-way to 50 feet from the centerline of the existing Carmel Road. That dedication and conveyance will occur prior to the issuance of the first building permit.
- Non-zoning information needs to be deleted from the site plan. The present representation of construction information such as water & sewer lines, street borings, fire hydrants, etc. only clutters this zoning site plan.
- A note needs to be added that tree save areas totaling 17.5% of the site will be preserved. Those tree save areas need to be shown on the site plan.
- While a detention/water quality BMP is illustrated on the site plan, a note needs to be added agreeing to the specific detention and water quality BMPs sought by Storm Water Services. See attached memo.
- The lighting note needs to be modified to commit to pedestrian lighting but no more than 15 feet in height.
- Add the following note to the rezoning site plan and/or related rezoning documents:  
*“The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission, the stricter condition or existing requirements shall apply.”*
- The Fire Department has noted that there does not appear to be adequate fire flow without additional life safety measures. This will need to be addressed during construction review. See attached memo.