

**ZONING COMMITTEE
RECOMMENDATION
October 25, 2006**

Rezoning Petition No. 2006-129

Property Owner: Edward and Christine Keller

Petitioner: Blue Sky Partners, LLC

Location: Approximately 1.2 acres located on the north side of Ideal Way between South Boulevard and Euclid Avenue.

Request: B-2, general business to MUDD-O, mixed use development district optional.

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modification:

- Sheet RZ-5 has been removed since it does not reflect height being measured from the average grade.
- The note regarding encroachment into the setback has been clarified to indicate the encroachment is only along South Boulevard.
- Signage will meet the MUDD requirements.
- The parking calculation has been clarified to only include the parking on site.
- No “wall pak” type lighting will be allowed and all lighting will be fully shielded.
- The TOD zoning height restriction lines shown on street sections on sheet RZ-6 have been removed.
- All outstanding Storm Water Services issues will be addressed prior to approval of this petition by City Council.
- CDOT issues have been addressed.

Vote:

Yeas:	Carter, Cooksey, Loflin, Randolph, Ratcliffe, Sheild and Simmons
Nays:	None
Absent:	None

Summary of Petition

This petition proposes to rezone to the MUDD-O district to allow 175 residential units at an overall density of 146 dwelling units per acre and 15,000 square feet of retail uses. The petitioner is seeking the optional provision to allow balconies to project up to four feet into the twenty-four foot setback along South Boulevard.

Zoning Committee Discussion/Rationale

Mr. MacVean reviewed the petition and noted that the proposed petition is consistent with the recommended uses identified in the draft New Bern Station Area Plan, Central District Plan, and General Development Policies – Transit Station Area Principles.

However, staff feels that the height proposed adjoining single-family is not appropriate. Staff would support this request if the height was reduced to comply with the TOD district which recommends heights over forty feet with appropriate separation from single-family development.

The Zoning Committee discussed how the TOD building height restriction could limit transit supportive development while recommending higher densities. The Committee noted that this request would enhance the character of South Boulevard and presented a good opportunity to redevelop this site.

Statement of Consistency

Upon a motion made by Sheild and seconded by Simmons, the Zoning Committee unanimously found this petition to be consistent with the Central District Plan and the General Development Policies – Transit Station Area Principles and to be reasonable and in the public interest.

Vote

Upon a motion made by Loflin and seconded by Randolph, the Zoning Committee unanimously recommended approval of this petition.

Staff Opinion

Staff disagrees with the recommendation of the Zoning Committee. Staff cannot support this petition until the heights of the proposed buildings are reduced to create a better transition to the adjoining single-family residential uses.