

**ZONING COMMITTEE
RECOMMENDATION
December 27, 2006**

Rezoning Petition No. 2006-137

Property Owner: William and Martha Brown, Herman and Theresa Mullis

Petitioner: Gulf South Development

Location: 27.3 acres located on the north side of Hucks Road and northwest of the intersection of Hucks Road and Browne Road.

Request: R-3, single family residential, up to three dwelling units per acre to R-4(CD) Cluster, single family residential, up to four dwelling units per acre, cluster development, conditional district.

Action: The Zoning Committee unanimously recommended **APPROVAL** of this petition.

Vote:

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

Summary of Petition

This petition proposes to rezone approximately 27.3 acres from R-3 to R-4(CD) Cluster to allow up to 106 single-family residential dwellings, at a density of 3.88 dwelling units per acre.

- The site plan accompanying this petition contains the following provisions:
- Approximately 2.85 acres of common open space will be provided.
- Approximately 2.69 acres (10.25 percent) of tree save area will be provided.
- An 8-foot planting strip and 6-foot sidewalk will be provided along Browne Road and Hucks Road.
- Minimum 4-foot sidewalks will be provided along both sides of internal streets.
- Any required right-of-way along Browne Road and Hucks Road will be dedicated and conveyed prior to subdivision approval.
- Left-turn lanes into the development will be constructed on Browne Road and Hucks Road.
- The 100-foot SWIM buffer located along the southern portion of the property will be dedicated to Mecklenburg County Park and Recreation.
- Per the cluster provisions, the site proposes the following development standards:
 - Minimum lot area of 6,000 square feet
 - 50-foot minimum lot width

- 20-foot front setback
- 5-foot side yard
- 30-foot rear yard on internal lots; 40-foot rear yard on external lots

Zoning Committee Discussion/Rationale

Keith MacVean noted that the petitioner has submitted 2 plans of development for the property. Plan A does not include a pool area. Plan B includes a pool on the property owned by the adjacent church. This property is zoned institutional CD and will have to be rezoned in order for the pool to be constructed. One commissioner asked if the North East District Plan recommends 8 dwelling units per acre, if this petition considered consistent at 3.8 per acre. Mr. MacVean responded the plan recommends up to 8 dwelling units per acre, so staff considers the petition consistent. Mr. MacVean indicated that all outstanding site plan issues were resolved and the protest petition was removed. Staff recommended approval of this petition.

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 North East District Plan and the General Development Policies and to be reasonable and in the public interest.

Vote

Upon a motion made by Sheild and seconded by Ratcliffe the Zoning Committee voted unanimously to recommend approval of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.