

**ZONING COMMITTEE
RECOMMENDATION
November 29, 2006**

Rezoning Petition No. 2006-149

Property Owner: McCondichie Properties II, LP

Petitioner: Songbird Development, LLC

Location: Approximately 16 acres located on the east side of S. Tryon Street at the intersection of S. Tryon and Beam Road.

Request: R-3, single family residential to MX-1, mixed-use development

Action: The Zoning Committee unanimously recommended **APPROVAL** of this petition upon the resolution of the Storm Water notes and with the following additions:

- A cedar fence along the southern property boundary.
- A 3-foot evergreen row along the common open space with the existing home will be provided.
- The resolution of CDOT and Storm Water issues.

Vote:

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

Summary of Petition

Songbird Development II, LP proposes to rezone approximately 16 acres for the development of a mixed-use residential development. The site plan associated with this petition show 92 detached and attached residential units on public and private streets with alleys. The existing home place will be used as an amenity area and will include a swimming pool. Another common open space is located in the northeast corner of the property with what appears to be a gazebo. The proposed overall density is 5.8 dwelling units per acre.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and noted that the remaining site plan issues had been resolved with the exception of the Storm Water notes. The petitioner modified the site plan to require a cedar fence along the southern property boundary. In addition, a 3-foot evergreen row along the common open space with the existing house will be provided. The Zoning Committee suspended the rules and asked the petitioner's agent, Bob Young, how they would address the

Storm Water Services issues. Mr. Young stated they believed the note on the plan addressed the issues and if it did not, they would work with Storm Water to assure that it did.

Statement of Consistency

Upon a motion made by Simmons and seconded by Carter the Zoning Committee unanimously found this petition to be consistent with the General Development Policies and to be reasonable and in the public interest.

Vote

Upon a motion made by Carter and seconded by Loflin the Zoning Committee voted unanimously to recommend approval of this petition with the noted modifications and upon the resolution of the Storm Water notes.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.