

**ZONING COMMITTEE
RECOMMENDATION
February 28, 2007**

Rezoning Petition No. 2007-010

Property Owner: Reed Enterprises of Charlotte and Charlotte Northside Church of Christ

Petitioner: Reed Enterprises

Location: Approximately 17.1 acres located east of East W.T. Harris Boulevard at the end of Rockmoore Ridge Road.

Request: R-3, single family residential to MX-2, mixed use district

Action: The Zoning Committee voted 4-3 to recommend **APPROVAL** of this petition.

Vote: Yeas: Loflin, Randolph, Sheild, and Simmons

Nays: Chiu, Carter, Ratcliffe

Absent: None

Summary of Petition

This petition proposes to develop approximately 17.1 acres with up 90 townhomes and 22 single-family homes. As submitted, the number of townhomes could be reduced and replaced with single-family homes as long as the total number of units does not exceed 112.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and noted that the proposed petition was consistent with the Eastside Strategy Plan. Mr. MacVean expressed concern that the plan does not comply with the Subdivision Ordinance street connectivity requirements. He stated that the plan would not receive subdivision approval in its current form if submitted for review. Scott Putnam, of CDOT, also weighed in on the connectivity discussion.

One Commissioner stated that the plan reflected the results of meetings between the petitioner, a City Council member, and the neighbors, and should be considered for approval.

It was noted that a previous version of the plan complied with subdivision connectivity requirement. The compromise plan removed the street connections within the site, effectively separating the single-family and multi-family components.

There was an extensive discussion of how the compromise design agreed to by the petitioner, the Councilperson and the neighborhood could be unraveled by subdivision requirements.

The Subdivision Administrator, Linda Beverly, was asked to speak to the Committee after the vote. She stated that the plan in its current form could not be approved due to lack of street connectivity and street block lengths that exceeded the maximum allowed by the Subdivision Ordinance.

Minority Opinion

Commissioner Chiu emphasized the importance of requiring connectivity on a consistent basis. She expressed concern that, if we agree to remove connectivity that is feasible (connectivity was shown on the original site plan submitted for approval) because of neighborhood opposition, then we will never get connectivity. She stated that whether connectivity is required should be based on objective standards (as set forth in the Subdivision Ordinance), not whether there is organized neighbor opposition.

Commissioner Ratcliffe expressed concern that if the Zoning Committee votes to recommend approval, and the City Council approves the rezoning, the neighbors would have the mistaken belief that what they were shown by the petitioner (without the required connectivity) could be built. However, the Subdivision Administrator had stated that the plan in its current form could not be approved because of the connectivity requirements of the Subdivision Ordinance.

Statement of Consistency

Upon a motion made by Commissioner Sheild and seconded by Commissioner Simmons the Zoning Committee unanimously found this petition to be consistent with the *Eastside Strategy Plan*.

The Committee voted 6-1 to find the plan reasonable and in the public interest. Commissioner Chiu disagreed with the part of the motion affirming the petition to be reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Sheild and seconded by Commissioner Loflin, the Zoning Committee voted 4-3 to recommend approval of this petition.

Staff Opinion

Staff agrees with the minority opinion of the Zoning Committee. Staff believes that the plan should be revised to show compliance with subdivision regulations.