

**ZONING COMMITTEE
RECOMMENDATION
April 25, 2007**

Rezoning Petition No. 2007-17

Property Owner: Warren N. Ferguson, J.L. & Martha Quick, Aaron M. Prakin, Carolina Volunteer Fire Department, LLC,

Petitioner: The McAlpine Group, LLC

Location: Approximately 18.43 acres on the southeast corner of Providence Road West and Old Ardrey Kell Road

**Center, Corridor,
Or Wedge** Wedge

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

Action: The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition based upon the following modifications:

- The pedestrian trail has been widened to five feet and raised crosswalks have been added where the trail crosses streets.
- A note has been added that the City will not be responsible for maintenance of the water quality BMPs.
- Tree save areas and open space have been clearly identified.

Vote: Yeas: Carter, Randolph, Ratcliffe, Sheild, and Simmons

Nays: Chiu

Absent: Loflin

Summary of Petition

This petition seeks approval for 116 townhomes with 20% of the site in common open space. This results in a potential overall density of 6.3 units per acre.

Zoning Committee Discussion/Rationale

Staff described the modifications that have been made to the plan since the public hearing and noted that all staff issues have been resolved and staff is supporting the petition. One Committee member asked CDOT if they were OK with the traffic impacts. CDOT suggested that the increased traffic would not be noticeable to the average person. There was also a discussion of the future completion of Bryant Farms Road and that would actually remove traffic from this section of Providence Road West. The intersection of Old Ardrey Kell Road and Providence Road West was discussed, with CDOT suggesting that a future roundabout or signalized

intersection may be warranted. It was noted that the surrounding land uses are almost exclusively single family residential. It was also noted that the proposal met the GDPs. One Committee member could not understand why the staff was OK with 6.3 units per acre when the GDPs only supported 6.0 and in the past staff has felt that kind of increment was important. Staff responded that they were OK with the additional units since the petitioner had done a good job with site plan, including providing 20% open space and satisfying the request for water quality BMPs. There was discussion regarding use of the MX-2 district when this is just a multi-family development with no “mix” of uses. Staff responded that the MX districts were often used in these circumstances to get the needed density and often to use the “innovative” provisions of the district. The only innovative provision in this petition is the 20-foot setback instead of the normal 30-foot setback along Providence Road West and Old Ardrey Kell Road.

Statement of Consistency

Upon a motion made by Commissioner Ratcliffe and seconded by Commissioner Sheild 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 Commissioner Ratcliffe and seconded by Commissioner Sheild, a majority of the Zoning Committee voted to recommend approval of this petition with the noted modifications.

Minority Opinion

A minority of the Zoning Committee felt philosophically that a petitioner has the burden to show that a proposal will be better than development under the existing zoning. In this case, the minority couldn't see how this density and housing type was appropriate in this location. It appears that it is being “dropped in the middle of a single family area” and just doesn't fit.

Staff Opinion

The General Development Policies provide the policy guidance for residential densities and this proposal meets the GDPs for the requested density. Staff agrees with the majority of the Zoning Committee.