

**ZONING COMMITTEE
RECOMMENDATION
February 28, 2007**

Rezoning Petition No. 2007-19

Property Owner: Etalon, LLC

Petitioner: Etalon, LLC

Location: Approximately 24.6 acres on the west side of Strawberry Lane, south of Pineville-Matthews Road

Request: Change from R-3 (single family residential) to MX-1 (mixed residential)

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

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

Nays: None

Absent: None

Summary of Petition

This petition seeks to modify a previously approved subdivision by converting the proposed public streets to private streets and gating the neighborhood. The MX-1 zoning is needed to allow the private streets associated with gated communities. The elimination of the second access road would result in block lengths that violate the subdivision ordinance. Therefore, this petition shows compliance with the subdivision ordinance but will be requesting a variance for excessive block length. Approval of that variance would allow the subdivision to have only one entrance. Fifty-three single family detached homes are proposed, resulting in an overall density of 2.1 dwellings per acre.

Zoning Committee Discussion/Rationale

Mr. Mac Vean reviewed the site plan and noted that the site plan submitted to the subdivision review process had two entrances on the approved site plan. Mr. Mac Vean expressed concern that the petitioner had on the site plan reserved the right to seek a variance to remove one of the entrances to the subdivision. Mr. Mac Vean stated that the petitioner was asked to comply with the draft post construction storm water ordinance to mitigate the impacts of the development on down stream water quality and water quantity.

One Commissioner stated that the plan they were voting on had two entrances and they felt the petitioner had the right to seek a variance and leave the note on the conditional plan. One Commissioner stated that the plan they were voting on had two entrances and they felt the

petitioner had the right to seek a variance and leave the note on the conditional plan. However, that Commissioner felt it was appropriate to require two entrances, since if there is only one entrance, and that entrance is blocked for any reason, then none of the residents would be able to get in or leave. Another Commissioner stated asking for the two entrances was splitting hairs with petitioner. It is only fifty-four lots and the volume is not larger enough to warrant a second entrance. It was also stated that the second entrance would take away one lot in the subdivision, is it worth the lost of tax revenue over several years from that lot to ask the petitioner to have a second entrance.

Statement of Consistency

Upon a motion made by Commissioner Sheild and seconded by Commissioner Randolph the Zoning Committee unanimously found this petition to be consistent with the South District Plan and 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 unanimously to recommend approval of this petition.

Staff Opinion

Although the proposed request is consistent with the adopted plans, staff cannot support this petition without the second entrance to the subdivision. The subdivision ordinance requires a second access point “where feasible.” Since there is already an approved subdivision plan that includes the second access, staff maintains that a second access is feasible and the note reserving the right to seek a variance to remove the access should be removed from the site plan. The petitioner should also continue to work with Storm Water Services to address water quality and water quantity concerns.