

**ZONING COMMITTEE
RECOMMENDATION
March 28, 2007**

Rezoning Petition No. 2007-032

Property Owner: Beazer Homes

Petitioner: Beazer Homes

Location: Approximately 8.85 acres located on the northeast corner of W. Mallard Creek Church Rd and Senator Royall Drive

Request: MUDD-O, mixed use development district optional, to R-12MF (CD), residential multi-family, conditional.

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modifications:

- Petitioner will add note to plan stating that fence may be installed within the buffer, but buffer width may not be reduced.
- Petitioner will add private street off Senator Royall Drive for use by the development and the adjacent church.
- Petitioner will designate all of the 30 setback from Mallard Creek Church Road as a tree save area, except for those portions of the 30 foot setback that would have to be disturbed or graded to install the sidewalk and stairs.

Vote:

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

Summary of Petition

This request proposes to rezone 8.85 acres to 12MF (CD) to allow the construction of up to 70 town homes at a density of 7.9 dwelling units per acre.

Zoning Committee Discussion/Rationale

Mr. MacVean reviewed the petition and noted that the Northeast Area Plan called for residential density of 12 dwelling units per acre on this site. Mr. MacVean stated that staff is requesting modifications to the landscape notes on the plan so that the buffer may not be reduced 25% with a fence or wall. The petitioner agreed to add this noted. All other site plan issues had been addressed by the petitioner.

Statement of Consistency

Upon a motion made by Commissioner Ratcliffe and seconded by Commissioner Simmons the Zoning Committee unanimously found this petition to be consistent with the Northeast Area Plan and to be reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Randolph and seconded by Commissioner Loflin, the Zoning Committee voted unanimously to recommend approval of this petition with the noted modifications.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.