

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2007-53**

**Property Owner:** Little House on the Prairie, LLC

**Petitioner:** The Ghazi Company

**Location:** Approximately 3.0 acres on the northwest corner of Fairview Road and Wintercrest Lane

**Center, Corridor, or Wedge:** Wedge

**Request:** R-3, single family residential, and R-8MF(CD), conditional multi-family residential, to UR-C(CD), conditional urban residential commercial

#### **Summary**

This petition seeks approval for 66 residential units on three acres, with a resulting density of 22 units per acre. The units are contained in two buildings – one single family residence and one multi-family high-rise that steps from ten stories to six to three as it extends away from Fairview Road.

#### **Consistency and Conclusion**

The density of this proposal is inconsistent with adopted plans and policies as the General Development Policies only support 12 units per acre on this site. In addition, the site plan has significant deficiencies, including the high-rise form the project takes in close proximity to an existing single family neighborhood. See Outstanding Issues – Site Plan for the list of the extensive site plan deficiencies. The staff cannot support this petition in its current form.

#### **Existing Zoning and Land Use**

There is an existing condominium development to the west of the site zoned R-12MF(CD). To the north and east is a single family neighborhood zoned R-3. Across Fairview Road to the south is a mixture of single family and multi-family residential.

#### **Rezoning History in Area**

The R-12MF(CD) zoning to the west was approved in 1996. The two multi-family rezonings across Fairview Road were both approved in 1975. There have been a number of rezonings for increased intensity of non-residential development that have been denied over the years. A number of rezonings for increased intensity have been approved along Park South Drive in recent years.

#### **Public Plans and Policies**

The *South District Plan* (1993) shows the subject property as single- or multi-family residential. The *South District Plan* references the residential location criteria of the *General Development Policies* for areas of higher density development.

The subject property is just outside the boundaries of the *South Park Small Area Plan* (2000). That plan anticipated that mixed-use, office, commercial, and dense residential uses would be contained within its plan boundaries, and not spill over into the adjoining existing neighborhoods.

The Residential Location and Design section of the *General Development Policies* (2003) (GDP) provide the criteria for determining appropriate locations for higher density development. The assessment consists of a point system used to evaluate individual sites. Included in the GDP criteria are Residential Design Guidelines for Multi-family and Attached Single family Development. In order to gain the four points from the Design Guidelines item, all of the standards must be met. The site's score is as follows:

Assessment Criteria	Density Category – 12 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium; 3 uses in ½ mile)
Connectivity Analysis	3 (Medium)
Road Network Evaluation	0 (No)
<b>Design Guidelines</b>	4 (Yes, assumed <b>but not yet met</b> )
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 12</b>	<b>Total Points: 12</b>

Based on the score, the site is appropriate for development up to 12 dwelling units per acre, but only under a design that fully complies with the Design Guidelines. The current site plan does not meet those guidelines.

### **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The entrance to the high-rise building is on Fairview Road. Only the single family residence has access from Wintercrest Lane.
- There is a required 22-foot Class “C” buffer between this site and the adjoining single family neighborhood. It is proposed to be reduced to 16.5 feet with a six-foot high solid masonry wall.
- There is an “amenity area” across the parking lot from the high-rise building, approximately 220 feet away. No amenities are specified.
- An eight-foot planting strip and five-foot sidewalk are proposed along Fairview Road. A four-foot planting strip and five-foot sidewalk are proposed along Wintercrest Lane. Both cross-sections violate the Zoning Ordinance and/or the Tree Ordinance, which require a six-foot sidewalk and eight-foot planting strip in this district.

### **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT is requesting the dedication of right-of-way 50 feet from the centerline of Fairview Road. They are also clarifying where the front setback would be measured from.

**CATS.** CATS continues to request the construction of a bus shelter pad so they can later provide the bus shelter.

**Connectivity.** There are no opportunities for additional connectivity from this site.

**Storm Water.** Storm Water Services is requesting water quality improvements and peak/volume controls.

**School Information.** This petition would result in fewer school children than development under the existing zoning. Therefore, this rezoning has no impact on the school system.

### **Outstanding Issues**

**Land Use.** While the proposed land use is consistent with adopted plans and policies, the proposed density is almost twice what is supported by the *General Development Policies*. This petition is not appropriate for approval from a land use perspective.

**Site plan.** The site plan accompanying this petition contains the following deficiencies:

- The high-rise building is out of scale and character for this location.
- The planting strip and sidewalk need to be eight feet and six feet, respectively, to meet minimum ordinance standards. Note 4.3 conflicts with a note on the site plan in this regard.
- The petitioner has declined to dedicate and convey additional right-of-way totaling 50 feet from the centerline of Fairview Road.
- No amenities are specified for the “amenities area” and the location is over 220 feet away from the building, across a surface parking lot. Any amenities need to be more accessible to the residents.
- No internal sidewalk system is shown on the site plan and connections to abutting public streets are a minimum ordinance standard.
- There is no tree save proposed. There is no tree survey of the front setbacks as required by the Tree Ordinance.
- No maximum height for the high-rise is delineated. Using the ordinance allowance of a 10-foot height increase for each one foot additional side or rear yard, a 180-foot building would be permitted. At 12 feet per floor a 10-story building would be 120 feet high.
- Note 1.4 would allow the existing bed and breakfast building to be used as an office. The petitioner is currently under a notice of violation for operating an office in the building. This rezoning should not be used to remedy that violation. Note 1.4 should be removed from the site plan.
- The site plan needs to be modified to provide a 20-foot setback from the future right-of-way.
- The site plan needs to indicate the size of the lot the single family home will be moved onto.
- The site plan’s statements on yards and building height needs to be corrected. The one-foot increase in yard width is for every 10 feet of building height over 40 feet – not 60.
- The requested notes by Engineering and Property Management need to be added to the site. The required tree save needs to be noted on the site plan.
- A note needs to be added to the site plan committing to a solid waste management plan per LUESA’s comments.