

**ZONING COMMITTEE
RECOMMENDATION
June 27, 2007**

Rezoning Petition No. 2007-053

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

Action: The Zoning Committee voted unanimously to recommend **DENIAL** of this petition, including consideration of the following modifications:

- A commitment to tree save “along the rear property line” was added to the site plan.
- With staff agreeing to a 14-foot setback from the future curblin, the petitioner agreed to dedicate right-of-way 50 feet from the centerline of Fairview Road.
- The site plan was clarified to provide “landscaping, garden, sitting, and outdoor grilling” as amenities for the Residential Open Area.
- An eight-foot planting strip and six-foot sidewalk on Wintercrest Lane.
- Water quality improvements and peak/volume controls have been added to the site plan.
- Petitioner agreed to submit a solid waste management plan for the development.

Vote: Yeas: (to deny) Chiu, Lipton, Loflin, Ratcliffe, Sheild and Simmons

Nays: None

Absent: Rosenburgh

Summary of Petition

This petition seeks approval for 65 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.

Zoning Committee Discussion/Rationale

Staff reviewed the petition and noted modifications that had been submitted since the public hearing. Staff noted that their opposition to the petition was based on the excessive density compared to adopted plans and policies and to the inappropriate height of the building in relation to the abutting single family residences. The Zoning Committee was reminded that the South Park Small Area Plan addressed the question of transitioning to existing neighborhoods and three stories with additional separation was the standard. Staff fears the precedent this scale of building might set for what was acceptable on the Fairview Road corridor.

A Committee member asked what the setback was proposed to be and staff responded that by staff agreeing to a 14-foot setback instead of the 20 they had been requesting, the petitioner was now willing to dedicate right-of-way on Fairview Road. The next question from the Committee was whether the existing house/bed & breakfast was a violation. Staff responded that a notice of violation was in effect for using the building for an office use. Staff was then asked if there were any commitments as to exterior materials for the larger building. Staff replied that there were no commitments as to exterior materials.

One Committee member stated that his concern was all about density. He noted that there are higher density zoning districts in place surrounding the site. He thought that other rezoning petitions had been approved by negotiating larger than standard buffers. Staff was asked if these other high density projects were appropriate. Staff replied that the other projects were done under “by-right” zoning districts that had been in place for over 20 years. The site next door was rezoned 10 years ago but it was only 12 units per acre. Another Committee member expressed concern over the height of the proposed building. He compared it to the review for historic designation and noted that context should be important. Whatever is built here will be there forever and will set a precedent for this area. He thought a building elevation done to scale would make this issue clear. Staff agreed but said they cannot require scaled schematics. Another question was asked traffic impacts from this project. One Committee member was particularly concerned about turning movements. Staff responded that an additional 65 units on a thoroughfare like Fairview Road would not have a significant impact.

Statement of Consistency

Upon a motion made by Commissioner Ratcliffe and seconded by Commissioner Sheild the Zoning Committee unanimously found this petition to be inconsistent with the General Development Policies and not to be reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Simmons and seconded by Commissioner Loflin the Zoning Committee voted unanimously to recommend denial of this petition as modified.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.