

**ZONING COMMITTEE
RECOMMENDATION
July 25, 2007**

Rezoning Petition No. 2007-98

Property Owner: Etalon, LLC

Petitioner: Etalon, LLC

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

Center, Corridor, or Wedge: Wedge

Request: R-3 (single family residential) to MX-2 (mixed residential)

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

- The water quality notes have been modified to clarify that the tree save at the rear of the lots is a 30-foot undisturbed tree save and that level spreaders will direct runoff from the lots into the tree save area.
- An independent third party will oversee implementation of the proposed nutrient management program.
- The unapproved dissipation device has been removed from the site plan.

Vote: Yeas: Howard, Johnson, Lipton, Loflin, and Randolph
Nays: None
Absent: Rosenburgh and Sheild

Summary of Petition

This petition is essentially a re-submittal of petition 2007-19, which was denied by the City Council earlier this year. The two-year rule has been avoided by requesting a more intense zoning district. The petition seeks MX-2 zoning to allow 54 lots at a density of 2.2 homes per acre with gated private streets. Differences from the previous petition include less proposed tree save and less open space.

Zoning Committee Discussion/Rationale

Staff reviewed the outstanding issues as being water quality improvements and the need for a second vehicular access. Staff noted that additional improvements had been offered by the petitioner and Storm Water Services was now comfortable with the water quality commitments. A Committee member asked the Storm Water staff if they were now satisfied with the water quality proposals. Staff responded that they are comfortable. Another Committee member asked the Planning staff if they were now okay with this petition. Planning staff responded that they still oppose the petition due to the failure to provide a second vehicular access when it is clearly feasible. A Committee member commented that the existing neighborhood had opposed the second access.

Statement of Consistency

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

Staff Opinion

Staff disagrees with the recommendation of the Zoning Committee. A second vehicular access is needed to provide alternate and emergency access. The second access would not preclude gated private streets.