

**ZONING COMMITTEE
RECOMMENDATION
March 1, 2006**

Rezoning Petition No. 2006-022

Property Owner: Live Oak Development Partnership, LLC

Petitioner: Live Oak Development Partnership, LLC

Location: Approximately 4.9 acres east of Sharon Road and south of Fairview Road

Request: Change from R-15MF(CD) (conditional multi-family residential) to MUDD-O (mixed-use development district with optional provisions)

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition. (Commissioners Carter and Howard were excused due to a conflict of interest)

Vote:

Yeas:	Cooksey, Farman, Hughes, Ratcliffe, Sheild
Nays:	None
Absent:	None

Summary of Petition

This petition seeks approval for 235 multi-family residential units and 12,000 square feet of retail space. One building would contain up to 50 residential units while the second building would contain up to 185 residential units and the retail space. The overall residential density would be approximately 48 units per acre.

Zoning Committee Discussion/Rationale

Staff reviewed the petition and noted the changes as follows:

- The site may include up to 235 multi-family residential units with 12,000 square feet of retail, associated parking, parking structures and ancillary facilities such as marketing and leasing offices
- The 12,000 square feet of retail may be increased up to a total of an additional 6,000 square feet through the transfer of entitlement rights for any retail square footage permitted pursuant to Petition 2006-042.
- Development zone A will consist of up to 50 multi family residential units, parking and ancillary service and access areas.
- Development zone B will consist of up to 185 multi family residential units and up to 12,000 square feet of retail, parking and ancillary services and access areas.

- The petitioner reserves the right to modify maximum square footage and residential units indicated within the respective development zones through the administrative approval process.
- Up to three independent disconnected buildings may be developed on the site however, the primary use of any building developed on the site will be residential.
- Retail uses will be located primarily along the ground floor street or drive frontage of the development.
- The petition will provide a vehicular access stub to the eastern property line adjacent to the property of Phillips Place Partners, LLC.
- The petition will provide a walking path (concrete or gravel) four feet in width along the eastern boundary of the site and running in a southerly direction from the vehicular access stub described above to the existing pedestrian access located in the southeastern corner of the site and just east of Mecklenburg County tax parcel #183-135-18

Mr. MacVean noted that the South Park Plan recommend residential uses with densities based on the GDP. The GDP's for the property call for 12 dwelling units per acre and the proposed request is for 48 units per acre. Staff is supporting the petition based on the opportunities and constraints section of the GDP. One Commissioner pointed out that the GDP map indicates that the GDP's do not apply in the South Park area. Staff noted that is a redevelopment / revitalization project with an affordable senior citizen housing component in an area of significantly higher intensity. Using the Opportunities and Constraints portion of the GDPs, staff believes this petition to be consistent with publicly adopted policies.

Staff believed that the protest petition submitted for this petition was inadequate. Upon review, an error determining the buffer area was discovered and the protest is valid.

Statement of Consistency

Commissioner Cooksey made a motion to find this petition consistent with the South Park Area Plan. Commissioner Sheild seconded the motion, which was approved unanimously.

Vote

Upon a motion made by Ratcliffe and seconded by Sheild, the Zoning Committee unanimously recommended approval of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.