

**ZONING COMMITTEE
RECOMMENDATION
March 1, 2006**

Rezoning Petition No. 2006-024

Property Owner: Margaret, Elizabeth, and Virginia Hawfield

Petitioner: Pulte Homes

Location: Approximately 37.5 acres north of Ardrey Kell Road and east of Lancaster Hwy (US 521)

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

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition

Vote:

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

Summary of Petition

This petition seeks approval for single-family attached homes at up to six dwellings per acre or 224 units. The site plan accompanying this petition contains these additional provisions:

- There are vehicular access points to the site; one from the approved development to the east, one from the approved development to the west, one directly from Ardrey Kell Road, and one stub extension in the northwest portion of the site.
- Photographs of the proposed buildings have been submitted in lieu of elevations.
- The petitioner has agreed to provide detention but not the water quality improvements requested by LUESA and Storm Water Services.
- Innovative standards are being requested for right-of-way widths, street types, dimensions and construction standards, and setbacks.
- There is a pedestrian connection to the approved shopping center to the west.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and noted that it is consistent the South District Plan and the GDP. It was noted that staff asked the petitioner to modify the notes concerning the cul-de-sacs to say that whether the streets are cul-de-sacs or stub will be determined through the

subdivision process. There are some environmental issues and a five-acre parcel that may be deed restricted that will prohibit future subdivision and will prohibit future connections. It is more appropriate for the decision on the cul-de-sacs versus the stub streets to be made at the subdivision level and not the rezoning level. The petitioner has worked with CDOT and Stormwater Services and resolved all of their issues. CDOT is trying to coordinate a road improvement project that would start at 521 and go to Marvin to widen Ardrey Kell Road to four lane divided section with sidewalks, etc.

Statement of Consistency

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

A motion was made by Howard and seconded by Cooksey to recommended approval of this petition.

One of the Commissioners asked staff to go over the conditions. The site plan shows a minimum 10% common open space and tree save area, public streets versus private streets, the water quality notes, additional recreational amenities with a pool and clubhouse, walking trails, townhouses, architectural conditions, and construction material. The MX district gives the petitioner the flexibility to put in the public streets and adjust setbacks if necessary. Mr. MacVean noted there are no outstanding issues. The petitioner agreed to provide the storm water notes, a cross section of Ardrey Kell and show the minimum berm size. One Commissioner asked about the stub streets. Mr. MacVean noted that the petitioner had agreed to put the requested note on the site plan.

The Commission suspended the rules to ask the petitioner's agent if all the issues were addressed. Walter Fields said that he felt that the issue related to the cul-de-sac street was decided by the fact that the large lot deed restriction will not allow the property to be subdivided and because of the location of two streams. The subdivision ordinance allows exemptions for the cul-de-sacs due to topographic and environmental issues. The petitioner believes that what is shown on the site plan complies with ordinance and that the note is not necessary.

Staff reiterated that this type of decision is not decided through the rezoning and if the note is not on the site plan staff will contend that the cul-de-sacs are not approved and the determination will be made in the subdivision process. Much discussion ensued and resulted in the petitioner agreeing to add the note to the site plan.

Vote

The Committee voted unanimously to recommend approval of this petition as amended.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.