

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

### **Rezoning Petition No. 2007-32**

**Property Owner:** Beazer Homes

**Petitioner:** Beazer Homes

**Location:** Approximately 8.85 acres located on the northeast corner of West Mallard Creek Church Road and Senator Royall Drive

**Request:** MUDD-O, mixed use development district, optional to R-12MF (CD), residential multi-family, conditional

### **Summary**

This request proposes to rezone 8.85 acres to 12MF (CD) to allow the construction of up to 70 townhomes at a density of 7.9 dwelling units per acre.

### **Consistency and Conclusion**

The proposal is to rezone approximately 8.85 acres located on the northeast corner of West Mallard Creek Church Road and Senator Royall Drive from MUDD-O (Mixed-Use Development District, Optional) to R-12MF (CD) (Multi-Family Residential, up to 12 dwelling units per acre, Conditional) to accommodate 70 single family attached townhome units at a density of 7.9 dwelling units per acre. The proposal is consistent with the *Northeast Area Plan* land use recommendations and is considered appropriate for approval upon resolution of the outstanding site plan issues.

### **Background**

In 2003 the subject property was part of a rezoning from R-3 and R-3 (CD) MUDD-O and MX-1(Innovative) by petition 2002-142. The conditions restricted the site to 63 town homes. The previous petition restricted buildings to a maximum height of 40 feet. The petitioner hopes to increase the maximum building height to 50 feet and add 7 units.

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

The surrounding properties are zoned MUDD-O, MX-1(Innovative), R-3, R-4, RE-1 and RE-2. Property uses for these parcels include a religious institution, single-family homes, and office uses.

### **Rezoning History in Area**

The property to the south across West Mallard Creek Church Road was rezoned from R-4 to RE-1 under petition 2002-137.

## **Public Plans and Policies**

**Northeast Area Plan (2000).** The *Northeast Area Plan* recommends a mixture of residential (up to 8 dwelling units per acre), retail (limited to 100,000 square feet) and research uses for this and previously developed portions of The Arbors project.

## **Proposed Request Details**

The petitioner is proposing a 70 unit town home subdivision. The project would include:

- Architecture would follow the style submitted along with the site plan.
- Pedestrian scale lighting would be utilized through development.
- Buildings would be up to 3 stories, or 50 feet in height.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT staff determined the site could generate approximately 360 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 410 trips per day. This will have a minor impact on the surrounding thoroughfare system.

CDOT requested a public street should be built through this property, stubbing to the Mallard Creek Presbyterian Church property. The addition of the street stub is important to their support of the rezoning petition.

**CATS.** CATS did not comment on this petition.

**Connectivity.** CDOT and Planning Department staff are requesting a street stub connection to the Mallard Creek Presbyterian Church property to the east.

**Storm Water.** Stormwater Services requested the addition of conditional notes to address storm water quantity control, storm water quality treatment as well as stormwater volume and peak controls.

**School Information.** The development allowed under existing zoning would generate 15 students, while the development allowed under the proposed zoning will produce 16 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 1.

## **Outstanding Issues**

**Land Use.** This plan is consistent with the *Northeast Area Plan* which recommends up to 8 dwelling units per acre.

**Site plan.** The following site plan issues are outstanding:

- The original rezoning committed to attached garages for each unit. Staff would like to clarify whether that commitment still stands.
- Staff is requesting a note that does not allow the reduction or disturbance of the proposed 46 feet class C buffer.
- Staff requests a minimum of 17.5% of the site as a tree save area.
- Staff requests screening the rear of units against Senator Royall Drive
- A buffer adjacent to MX-1 zoned area to north of site is required by the Zoning Ordinance.
- A minimum of 50% of open space is required by the Zoning Ordinance. Staff requests the site data table be revised to reflect compliance with this regulation.
- Staff requests that the petitioner reserve some useable open space for use by the residents.
- 400 square feet of open space per residential unit is required by the Zoning Ordinance. Staff requests that the petitioner revise the plan to show compliance with this regulation.
- A 30 feet building setback along Mallard Creek Church Road is required by the Zoning Ordinance. Staff requests the plan be revised to reflect compliance with this rule.
- A 40 feet minimum rear yard is required by the Zoning Ordinance. Building labeled "Townhome Unit (typ.) encroaches into required rear yard. Staff requests the plan be corrected.
- A 20 feet setback is required from the edge of garage to back of sidewalk. Staff requests the buildings be realigned to comply with this requirement.
- Staff requests that the rear yard along eastern perimeter should be increased to 55 feet due to increased building height, as stipulated by the Zoning Ordinance.
- Staff requests that the petitioner provide 5 feet sidewalk or steps from development to Mallard Creek Church Road, as required by the Zoning Ordinance.
- Planning and Transportation staff request that the petitioner extend a 50 feet public street from Senator Royall Drive to eastern property line as required by the Subdivision Ordinance.
- An 8 foot planting strip and 6 foot sidewalk along Senator Royall Drive and Mallard Creek Church Road is requested by staff.
- Staff requests that the petitioner shows 50 feet of right-of-way is available from centerline along Mallard Creek Church Road.