

**ZONING COMMITTEE  
RECOMMENDATION  
March 26, 2008**

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**Rezoning Petition No. 2007-128**

- Property Owner:** Stone-Hunt Development, LLC
- Petitioner:** Stone-Hunt Development, LLC
- Location:** Approximately 6.76 acres located on both sides of Main Street between Baxter Street and Baldwin Avenue
- Center, Corridor or Wedge:** Wedge
- Request:** R-8, single family residential to UR-2 (CD), urban residential conditional district
- Action:** The Zoning Committee voted 4-1 to recommend **APPROVAL** of this petition with the following modifications:
- Large maturing trees at 40-feet on center will be provided in the planting strip along all public ROW.
  - The petitioner has provided details of the screening fence around the dumpsters.
  - Common open spaces and amenities are shown.
  - The maximum number of buildings is limited to 14.
  - The parking space configuration in the parking lot is shown.
  - The development standard notes commit to minimum 10% tree save area as per the tree ordinance and these areas are indicated on the site plan.
  - Buffer and screening abutting the single-family homes is provided with a note that if the developer purchases those properties, the buffer will no longer be required.
  - The minimum 400 square foot private open space sub lot is shown for each townhome unit.
  - Building elevations have been provided with a commitment to materials.
  - The maximum height of the lighting is 15-feet.
  - The trees that are to be saved are labeled.
  - Parking areas will be screened from the public right-of-way and the abutting properties are required by the Zoning Ordinance.
  - The petitioner will put all "new" utilities underground.
  - Note # 9 the first asterisk had been corrected to state "standard 2'-6" curb" not "stand 2'-6" curb";
  - Note #20 has been corrected to state "acquires" not "Aquarius".

**Vote:** Yeas: Loflin, Randolph, Rosenburgh, and Sheild  
Nays: Lipton  
Absent: Johnson  
Recused: Howard

### **Summary of Petition**

This petition proposes to rezone 6.76 acres for the development of 63 multi-family homes for sale. There are several building designs with and without parking. The plan shows the abandonment of a portion of Main Street and a new connection from Main to Luther.

### **Zoning Committee Discussion/Rationale**

Staff reviewed the petition and noted the changes since the public hearing. It was noted that the petitioner submitted an arborist plan. The proposal is consistent with the *Cherry Small Area Plan* and staff is recommending approval.

One Commissioner stated that it was not clear how this petition fit in with the *Cherry Small Area Plan*. Staff indicated that the plan recommends R-8 for the southern part of the site until the time that an appropriate site plan is submitted and reviewed. This is to ensure that the density and scale is appropriate for the area. The plan also calls for a mix of single family and multi-family in the neighborhood. The proposed development adds a mix of duplexes, triplexes, quadrplexes and a five unit building to the single and multi-family mix already existing in Cherry. Staff is comfortable with the petition due to the mix of housing and the design and scale.

Another Commissioner asked staff to address the neighborhood concerns, the tree issues, and the character of the development in relation to the Cherry neighborhood. A group of neighborhood photos taken by staff were provided to show the character of housing and the trees within the neighborhood. Staff reviewed the elevations submitted by the petitioner pointing out the attributes that were common with existing housing in the neighborhood. The petitioner submitted an arborist report but it did not show many of the trees that are in the middle of the site. However, the petitioner has agreed to provide a 10% tree save area, preserve the trees noted on the site plan, and provide buffer trees for the adjoining single-family homes and parking areas. Staff is very comfortable with the tree planting and protection.

The Commission discussed the merits of the development and it was stated that the positive aspects of the project far out weigh the negatives.

Staff noted that the current site plan indicates that all utilities will be underground. The petitioner has not worked with any of the utility companies and they do not know if it is possible. They would like to modify to the note to say that all “new” utilities will be underground. Staff also noted that there is a valid protest petition on this rezoning.

### **Statement of Consistency**

Upon a motion made by Commissioner Sheild and seconded by Commissioner Rosenburgh, the Zoning Committee found this petition to be consistent with the *Cherry Small Area Plan* and reasonable and in the public interest by a vote of 4 to 1.

### **Vote**

**Upon a motion made by Commissioner Randolph, and seconded by Commissioner Sheild, the Zoning Committee voted 4-1 to recommend APPROVAL of this petition as modified.**

### **Minority Opinion**

The minority of the Zoning Committee indicated that there seemed to be a fundamental flaw in the project as there is so much uniformity. The units look too alike and one of the beautiful things about Cherry is the variety of housing types in terms of appearance and density. The site is so central to the community there should have been more done to preserve the historic roots and character of the area and make the development a focus for the community.

### **Staff Opinion**

Staff agrees with the recommendation of the majority of the Zoning Committee.