



Zoning Committee

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: R-12MF(CD) (multi-family residential) and BD(CD) (distributive business, conditional) with five-year vested rights
LOCATION	Approximately 30 acres located off South Tryon Street, east of Youngblood Road and west of Birnamwood Lane. (Council District 3 - Mayfield)
PETITIONER	Sweetgrass Residential Partners, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 5-2 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be *consistent* with the *Steele Creek Area Plan* in regard to proposed residential land use and *inconsistent* for the proposed density, and *inconsistent* with the adopted plan with respect to the proposed non-residential component, based on information from the staff analysis and the public hearing, and because:

- The portion of the site proposed for multi-family is consistent with the *Steele Creek Area Plan* recommendation for residential land use or a mix of uses, but is inconsistent with the recommended density of four units per acre and eight units per acre. The portion of the site proposed for climate controlled storage is inconsistent with the plan recommendation for residential at four units per acre.

However, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The proposed project is a better utilization of the land due to the impact of the proposed road extension; and
- The non-residential use is in a good location at a busy signalized intersection; and
- School capacity is not an issue; and
- The proposed residential density is consistent with the growth model that the City has put forth.

Motion/Second: McClung/ Samuels

Yeas: Fryday, McClung, McMillan, Samuels, and Watkins

Nays: Gussman and Ham

Absent: None

Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff provided an overview of the petition, noting a major change to the site plan since the public hearing and in response to concerns expressed by an adjacent resident, was a commitment to extend the internal street to within 50 feet of Birnamwood Lane and terminate as a stub with a barricade. Staff stated that additional language also commits to not connecting to Birnamwood until such time at least two adjacent parcels are rezoned to a district other than the current R-3 (single family) district.

Staff noted that as a result of the petitioner's proposed change regarding Birnamwood, CDOT requested that language be added to the site plan. The petitioner should commit to constructing the street to Birnamwood Lane; a barricade could be installed on the new street prior to Birnamwood, and the barricade can be removed in the future once adjacent land redevelops.

Staff noted that the portion of the site proposed for multi-family at 10.6 dwellings per acre is consistent with the *Steele Creek Area Plan* land use recommendation for residential or a mix of uses, but is inconsistent with the recommended density of four units per acre and eight units per acre. The portion of the site proposed for climate controlled storage is inconsistent with the plan recommendation for residential at four units per acre.

Staff also mentioned a comment submitted by Storm Water Services stating that the tree save area adjacent to Birnamwood could potentially be needed for drainage purposes. Staff indicated that that while this is not an outstanding item, Storm Water Services wanted to point this out so as not to be misleading given the tree save area is intended to serve as a buffer for the adjacent residents. A Commissioner clarified that the tree save area intended for buffer purposes could potentially go away to accommodate BMP needs. Staff responded that could potentially happen but it remains uncertain until the permitting stage.

A Commissioner noted that another major change was the reduction in building height from 66 feet to 60 feet. A Commissioner requested confirmation about staff's recommendation. Staff responded that the land use and density are inconsistent with the adopted plan, noting that the self-storage facility is located in the area that is recommended for residential up to four units per acre. A Commissioner asked if staff was not supporting the request because of Storm Water's comment, and staff responded no, that it was because of the inconsistent land use and density.

A Commissioner requested clarification on the proposed land uses as illustrated on the site plan and how it relates with the adopted land use plan recommendation. Another Commissioner asked about affordability and incentives. Staff clarified that affordability may be mentioned but it is not a request, and that inclusion of affordable components is something that should be looked at more closely. There was a request to identify the 100-foot wide area extending south through the site as right-of-way in order to accommodate the future extension of Shopton Road West. Staff noted that the proposed rezoning receives credit for density for the road dedication. It was noted that school deficiencies would be mitigated by bond approval for a new high school in the area.

There was no further discussion of this petition.

MINORITY OPINION

The request is inconsistent with the adopted plan and there are better solutions than the proposed project. For the accommodations being made in density, there should be more public good.

STAFF OPINION

Staff disagrees with the Zoning Committee recommendation because the residential density is too high, the buildings are too tall, and the self-storage use is inconsistent with the plan.

Planner

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