



Zoning Committee Recommendation

Rezoning Petition 2022-142

March 7, 2023

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 1.57 acres located at the northeast intersection of Albemarle Road and Mallard Drive, south of Rainbow Drive. (Council District 5 - Molina)

PETITIONER

EC Legacy Properties, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* recommends the Neighborhood 1 Place Type.

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

- While inconsistent with the 2040 Policy Map recommendation for Neighborhood 1 uses, the petition is proposing residential uses that add to the housing options in the area.
- The petition commits to an age restrictive product.
- The petition proposes sidewalk connection to the sidewalk systems along Albemarle and Mallard Roads.
- The petition commits to a 12-foot multi-use path (MUP) along Albemarle Road, and a six-foot sidewalk and an eight-foot planting strip along Mallard Drive.
- The petition lies in close proximity to the 46X Harrisburg Express bus route.
- Neighborhood 2 at this site helps to achieve the Place Type goal of providing a variety of housing types such as townhomes and apartments.
- The petition could facilitate the following 2040 Comprehensive Plan Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion

- 3: Housing Access for All
- 5: Safe & Equitable Mobility

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 to the Neighborhood 2 for the site.

Motion/Second: Rhodes / Harvey
Yeas: Gussman, Harvey, Lansdell, Rhodes, and Welton
Nays: None
Absent: Gaston and Russell
Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition, and noted remaining outstanding issues pertained to the location of fence and confirmation of it being opaque, and height of the building. Staff noted the outstanding height item may be rescinded upon further discussions with the petitioner. Staff noted the request is inconsistent with the *2040 Policy Map*.

Commissioner Gussman asked about the building height, and staff responded upon further discussions with the petitioner and preference for a pitched roof versus a flat roof, the outstanding issue related to height may be rescinded.

Commissioner Lansdell inquired about the location and height of the fence. Staff responded that it is currently shown around the perimeter and noted as opaque, needing adjusting in some areas and clarification of height. Staff noted the understandable safety measures, stating fence placement behind the street trees along Albemarle Road and Mallard Drive were the main focus. Commissioner Lansdell inquired about fence materials and asked if identification was possible. Staff responded that fence materials are not specified on the plan. Staff stated the fence would need ordinance requirements, but it may be feasible to identify materials on the plan. Staff noted the understanding There was no further discussion of this petition.

PLANNER

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