



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-061

October 5, 2021

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**REQUEST**

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

**LOCATION**

Approximately 3.05 acres located on the east side of Prosperity Church Road, south of Interstate 485, and west of Mallard Creek Road.  
(Council District 4 - Johnson)

**PETITIONER**

Sunny Investments, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Prosperity Hucks Area Plan* (2015) recommendation of residential use, but inconsistent with the plan's recommended density of up to 4 DUA based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential up to 4 dwelling 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:

- While the proposed density for this petition is inconsistent with the area plan's recommendation of up to 4 DUA, the area plan does say that small clusters of slightly higher density residential are appropriate at strategic locations as elements of a larger development.
- The recently approved rezoning (2020-088) to the northwest of the site will be constructed as a mixed-use, slightly higher density development, so this lower-density proposal will be an appropriate transition to the single-family neighborhoods to the southeast of the site.
- This petition helps fulfill the area plan's goals to build a network of local streets in this location by proposing to have a full access driveway to the future Prosperity Ridge Road Extension, which was approved in Rezoning 2020-088.
- This petition proposes a minimum of a 6-foot sidewalk and 8-foot planting strip along the site's frontages on Prosperity

Road Extension as well as internal sidewalks and pedestrian connections, which will ensure safety for pedestrians.

- The single family attached dwelling units that front Prosperity Ridge Road Extension or Prosperity Church Road shall be rear loaded, enhancing the pedestrian experience.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan* (2015), from Residential up to 4 DUA to Residential up to 8 DUA for the site.

Motion/Second: Ham / Chirinos

Yeas: Chirinos, Ham, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: Blumenthal

Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with adopted area plan's recommendation of residential use, but inconsistent with the plan's recommended density of up to 4 DUA.

A committee member stated that the petition was doubling the plan's recommended density, but the CMS data did not seem to reflect this increase in their data. The committee member did note there is a difference between how CMS calculates differences between single-family developments and multi-family developments.

A committee member asked about the proposed stormwater control measure. Staff responded that it will likely be a dry detention/sand filter and that it would not be a retention pond.

There was no further discussion of this petition.

## **PLANNER**

Michael Russell (704) 353-0225