Date: November 12, 2024

To: Mayor and Town Council

From: Sean O'Keefe, Town Manager

Re: Consideration and Recommendation: (Second Reading) **Ordinance 2024-011 - Whispering Heights Rezoning to MDR-2**

Objective:
To consider (at second reading) **Ordinance 2024-011**, which seeks to rezone the Whispering Heights property from Medium Density Residential 1 (MDR-1) to Medium Density Residential 2 (MDR-2).

Summary:
The Whispering Heights project dates back to initial approvals in 2007. The current application seeks to confirm rezoning the property to MDR-2. The need for this ordinance arises from procedural issues identified in prior approvals, which were found to lack complete documentation.

1. **Historical Background:** Initially approved under MDR-1 zoning for 107 lots, the developers proposed a rezoning to MDR-2 in 2018, intending to increase lot density and transition to Town sewer connections. However, documentation was incomplete, and MDR-2 was not officially recorded.
2. **Options Proposed by the Town Planner:**
   - **Option 1:** Deny the rezoning, retaining MDR-1 zoning with original lot sizes.
   - **Option 2:** Approve MDR-2 with the current 10,890 sq. ft. lot minimum, allowing increased density but fewer than the originally proposed 156 lots.
   - **Option 3:** Approve MDR-2 under prior rules, permitting the 156-lot design.

At the October P&Z Meeting, the Planning Board recommended **Option 1**, a denial of the rezoning.

Recommended Motions:
The Town Council has the following options:
1. **Motion to Deny Ordinance 2024-011,** maintaining MDR-1 zoning for the property.
2. **Motion to Approve Ordinance 2024-011 under current code.**
3. **Motion to Approve Ordinance 2024-011 under the prior code.**

Fiscal Impact:
There is no direct fiscal impact.

Staff Recommendation:
Staff recommends that the Town Council proceed with motion to approve Ordinance 2024-011 under the prior code (Option 3) to support the development of Whispering Heights under the prior MDR-2 zoning requirements, allowing the 156-lot design to proceed.