

**ZONING COMMITTEE
RECOMMENDATION
December 19, 2007**

Rezoning Petition No. 2007-085

Property Owner: Ronald and Patricia Thomas

Petitioner: Matthew Browder

Location: Approximately 2.57 acres located on the southeast corner of East Westinghouse Boulevard, China Grove Church Road and Crump Road.

Center, Corridor or Wedge: Corridor

Request: I-1, light industrial and I-2, general industrial to TOD-M, transit oriented development mixed-use

Action: The Zoning Committee's vote resulted in a 3-3 tie. This petition is automatically **DEFERRED for ONE-MONTH**.

Vote:

Yeas:	Howard, Johnson, and Loflin
Nays:	Lipton, Randolph, and Rosenburgh
Absent:	Sheild
Recused:	None

Summary of Petition

This request would allow transit oriented development mixed-use along the south rail line.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed this request and noted that it is consistent with the draft *I-485 Transit Station Area Plan*, which recommends transit oriented development mixed-use at this location. Staff is recommending approval.

Storm Water Services requested that the petition be converted to a conditional request and include the storm water quality and peak/volume controls notes indicated in their memo. Mr. MacVean explained that the Post Construction Ordinance goes into effect on July 1, 2008. Any property for which a permit is applied for after that date will have to comply with the ordinance. Traditionally staff has not requested a conversion to a conditional district when the property is in the

transit corridor. The ordinance will provide for different options for compliance in distressed and transit station areas and staff does not want to do that through the conditional use process.

Statement of Consistency

Upon a motion made by Commissioner Loflin and seconded by Commissioner Johnson the Zoning Committee unanimously found this petition to be consistent with the draft *I-485 Transit Station Area Plan* and reasonable and in the public interest.

The Commission suspended the rules and asked the petitioner's agent, Tracy Finch, if there is a proposed use for the site. Ms. Finch said that they do not have an intended use at this point. One Commissioner asked if the petition were deferred, would the applicant know the intended use at the next meeting. It was further explained that the property is located in a critical area and it is not conditional. Ms. Finch responded that she would not know the use by the next meeting.

Mr. MacVean stated that the property is currently zoned I-2 and there are many intense uses that can go on the property now. The Commission continued to discuss the potential use of the property. Mr. MacVean stated that once the transit station areas are approved the normal process is to actually rezone properties to TOD and remove the B-2 and I-1 zoning. Staff is more comfortable with the TOD than the existing industrial zoning.

One Commissioner noted that if this industrial property were developable it would have occurred. There are five asphalt plants around this site and a trucking company. The heavy industrial in the area is not going away and seeing what will go on the property is crucial.

Vote

Upon a motion made by Commissioner Loflin and seconded by Commissioner Johnson the Zoning Committee's vote resulted in a 3-3 tie. This petition is automatically deferred for one-month.