

**ZONING COMMITTEE  
RECOMMENDATION  
June 28, 2006**

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**Rezoning Petition No. 2006-005**

- Property Owner:** Dorothy Carol Gallant, Moody Lake Office Park Development, LP,  
Service Retail at Whitehall, LLC
- Petitioner:** Paul L. Herndon
- Location:** Approximately 18.7 acres is located on the east side of Sandy Porter Road  
and south of West Arrowood Road.
- Request:** R-3, single family residential and B-1 (CD), neighborhood business  
conditional district to B-1 (CD) SPA neighborhood business conditional  
district site plan amendment, B-1 (CD), neighborhood business  
conditional district and O-2(CD), office conditional district.
- Action:** The Zoning Committee voted unanimously to recommend **APPROVAL**  
of this petition with the following modifications:
- The site will be limited to 45,000 square feet of retail square footage  
and 290,000 square feet of office.
  - A note will be added stating that Planning staff will review and  
comment on the final design.
  - Buffers will be supplemented as needed to meet ordinance  
requirements.
- Vote:** Yeas: Carter, Cooksey, Farman, Howard, Ratcliffe and Sheild
- Nays: None
- Absent: Hughes

**Summary of Petition**

The requested rezoning will allow retail uses (not permitted in the current zoning) and office uses. The site plan associated with this petition does not permit convenience stores, car washes, automobile service stations, detached or multi-family dwellings, boarding houses, or funeral homes. Restaurants with drive through facilities are not permitted however accessory drive in window services are permitted and limited to two tenants within the development. The site plan provides two alternate designs showing how the drive-thrus may be accommodated. Eight buildings are shown with a walking trail in the lower left corner.

### **Zoning Committee Discussion/Rationale**

Keith MacVean reviewed the petition and noted that the petitioner reduced the amount of retail square footage to 45,000; will add a note giving Planning staff review and comment of the final design; and will add a note indicating that buffers will be supplemented to meet ordinance requirements. The request is consistent with the South West District Plan and staff is recommending approval.

### **Statement of Consistency**

Commissioner Howard made a motion to find this petition consistent with the Southwest District Plan (1991) Commissioner Carter seconded the motion, which was approved unanimously.

### **Vote**

**Upon a motion made by Howard and seconded by Ratcliffe, the Zoning Committee unanimously recommended approval of this petition as modified.**

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.