

**ZONING COMMITTEE
RECOMMENDATION
September 27, 2006**

Rezoning Petition No. 2006-45

- Property Owner:** Greyson Ridge Development, LLC
- Petitioner:** George Sheild and Trevi Partners, LLC
- Location:** Approximately 68.9 acres located south of the intersection of North Tryon (US 29) and Caprington Avenue
- Request:** Change from R-3, single family residential, and O-1(CD), conditional office, to CC, commercial center
- Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition based upon the following modifications:
- Any health/ indoor recreation facility will be limited to 10,000 square feet.
 - The pedestrian/bike trail along the creek and bike path in the Duke right-of-way will be constructed.
 - Access easements will be provided for CATS busses and roads will be constructed to carry the busses.
 - 50% of the cost of bridging the creek with the two public streets will be contributed to the City prior to issuance of any certificates of occupancy for multi-family residences.
 - BMPs will be constructed in accordance with design standards in place at the time of construction.
 - Internal buffers will be provided between residential areas and commercial service areas. Parapet walls will also be utilized.
 - The setback along US 29 will maintain existing trees and plant a double row of trees where none currently exist.
 - Several architectural commitments, as detailed in a letter from petitioner's agent, dated September 18, 2006, are incorporated into the site plan.
 - The storm water note will be modified to conform to Storm Water Services requested language.
 - The multi-family residential will be owner occupied, not rental apartments.
 - The petitioner will continue to work with CDOT to determine development phasing based upon transportation improvements. If the phasing is not agreed upon by October 11th, petitioners will request a one-month deferral of the decision.

Vote: Yeas: Carter, Cooksey, Randolph, Ratcliffe, and Simmons
Nays: None
Absent: Loflin
NOTE: Mr. Sheild excused for potential conflict of interest

Summary of Petition

This petition seeks approval for a multi-use development consisting of 110,000 square feet of retail uses, up to 30,000 square feet of office space, a 90-room hotel, 141 townhomes, and 339 multi-family units. The overall residential density is about 11.3 units per acre.

Zoning Committee Discussion/Rationale

The staff reviewed the petition and noted that all site plan issues except transportation issues had been resolved. The transportation issues included potential sight distance problems and phasing requirements. CDOT noted that they would review sight distance as part of the subdivision/permit review but that the phasing issue needed to be resolved as part of the rezoning. A Committee member asked if there were revised school system data. Staff determined that the numbers reflecting the latest number of proposed dwelling units but not the prohibition of rental multi-family. Staff suggested that any additional changes would be minor. Another Committee member asked if this was the appropriate level of retail for the area. Staff pointed out the additional retail nearby and expressed the opinion that the proposed retail was both appropriate and consistent with adopted plans.

Statement of Consistency: Mr. Simmons made a motion that the petition was consistent with adopted plans and was reasonable and in the public interest. The motion was seconded by Mr. Randolph and passed unanimously.

Vote: Upon a motion by Ms. Carter, seconded by Mr. Randolph, the Zoning Committee voted unanimously to recommend approval of the petition, based upon the modifications noted above.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.