

**ZONING COMMITTEE
RECOMMENDATION
April 26, 2006**

Rezoning Petition No. 2006-050

Property Owner: FCD-Development, LLC

Petitioner: FCD-Development, LLC

Location: Approximately 18.8 acres located southwest of the intersection of E. Independence Boulevard and Pierson Drive

Request: B-2, general business and R-5, single family residential to CC, commercial center

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The petition will provide \$25,000 toward traffic calming measures in the adjoining neighborhoods.
- The petitioner will provide \$75,000 toward the construction of sidewalks in the adjoining neighborhood within ¼ mile of the site.
- The petitioner has agreed to provide water quality treatments and storm water detention measures for the perimeter of the site.

Vote: Yeas: Carter, Cooksey, Farman, Howard, Hughes, Ratcliffe, and Sheild

Nays: None

Absent: None

Summary of Petition

The site plan accompanying this petition needs further refinement. The site plan has the following conditions:

- Maximum 155,000 square feet for retail, shops, office, and restaurants.
- No restaurants with drive-through facilities and no gasoline sales are permitted.
- Outdoor seasonal sales on sidewalks or parking areas are not permitted with the exception of the location of the enclosed pallet and bale storage area.
- The petitioner reserved the right to reduce the setback from 35 feet to 14 feet.
- The maximum height of light pole is 42 feet and they will be capped and downwardly directed.

- Vacancy mitigations procedures are provided.
- Signs will be allowed per the zoning regulations.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the proposed request and stated that the request is consistent with the transit station area principals. Staff recommends approval of the petition if the three outstanding site plan issues are addressed.

1. CDOT asked the petitioner to provide 1/4 (or \$150,000) of the cost of four segments of sidewalk within ¼ mile of the subject property. The petitioner has agreed to pay \$75,000 plus \$25,000 in traffic calming devices within the adjacent neighborhoods. CDOT and the petitioner are continuing to work toward a resolution of this issue.
2. Storm Water Services asked the petitioner to provide volume control and water quality measures for the site. Mr. MacVean noted that the current ordinance does not require detention if additional impervious surface is not being added. Therefore, anything the petitioner provides is more than what is currently required. The post construction ordinance, currently being developed, will require detention and water quality measures for redevelopment. The developer has agreed to provide volume control and water quality measures only treating the perimeter of the site. Storm Water Services is requesting that the petitioner provided the measures over the entire site and is working with the petitioner to resolve this issue.
3. Planning staff gave the petitioner multiple design suggestions on the building elevations. The petitioner has agreed to work with staff to achieve the desired architectural enhancements for the store.

Statement of Consistency

A motion was made by Sheild and seconded by Cooksey finding this petition consistent with the East District Plan and the transit station area plan. The Zoning Committee unanimously approved this motion.

Vote

Upon a motion made by Howard and seconded by Carter, the Zoning Committee unanimously to recommend approval of this petition.

Staff Opinion

Staff disagrees with the recommendation of the Zoning Committee due to the fact the remaining issues have not been resolved. Upon resolution of the three remaining unresolved issues mentioned above, staff recommends approval of this petition.