

**ZONING COMMITTEE
RECOMMENDATION
March 1, 2006**

Rezoning Petition No. 2006-014

Property Owner: Dorothy Carol Gallant

Petitioner: Merrifield Partners LLC

Location: Approximately 12.2 acres located east of Sandy Porter Road and nor of West Arrowood Road

Request: R-3, single family residential, O-1 (CD) office conditional district and B-1 (CD), neighborhood business conditional district **to** B-1 (CD), neighborhood business conditional district, B-1 (CD) SPA, neighborhood business conditional district site plan amendment, and O-1 (CD), SPA, office conditional district site plan amendment.

Action: The Zoning Committee voted 5-2 to recommend **APPROVAL** of this petition as presented by staff.

Vote:

Yeas:	Carter, Cooksey, Hughes, Ratcliffe, and Sheild
Nays:	Farman and Howard
Absent:	None

Summary of Petition

The proposed request is to allow the development of a shopping center with up to 60,000 square feet of office/retail, with a maximum of 25,000 square feet retail, and 130-room hotel/motel. The site plan accompanying this petition indicates that the frontage along Sandy Porter Road will be landscaped with a 100' buffer and may include walking trails etc. The architectural design for the buildings will include pitched roofs and will feature brick exteriors or stucco exteriors with brick accents. The petitioner will dedicate and convey right-of-way (50' from centerline on Arrowood and 35' from centerline on Sandy Porter) prior to the issuance of certificates of occupancy. The site plan accompanying this petition includes restriction on uses, lighting and provides for a conversion of the hotel/motel units to office square footage.

Zoning Committee Discussion/Rationale

Staff noted that the petition is inconsistent with the adopted land use plans because of the amount of retail. However, due to the incremental increase, the amount of office and growing residential uses in the area, staff supports the proposed request.

Statement of Consistency

Commissioner Sheild made a motion indicating that the petition is inconsistent with the Westside Strategic Plan. Commissioner Cooksey seconded the motion.

Staff noted that approval of the petition should be based on a final approval of the TIS by CDOT. Scott Putnam indicated that CDOT just received the final TIS and there were a few minor changes that needed to be made.

Commissioner Howard made a motion, which was seconded by Carter to approve the petition as modified.

The Committee discussed concerns about making a recommendation to the City Council on modifications they had not seen. Staff noted that if major changes were needed, Council would be made aware that the Zoning Committee did not know of the degree of the changes. The City Council could send the petition back to the Committee for further review.

Vote

Commissioner Cooksey made a substitute motion to approve the petition based on the information presented by staff. The motion was approved by a vote of 5-2.

Minority Opinion

The minority of the Zoning Committee indicated it would be appropriate for staff to work out the remaining minor issues associated with the TIS.

Staff Opinion

Staff agrees with the minority of the Zoning Committee.