

**ZONING COMMITTEE  
RECOMMENDATION  
July, 26, 2006**

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**Rezoning Petition No. 2006-87**

**Property Owner:** Cotswold Center Marilyn K. Lennard, LLC and five other Cotswold LLCs

**Petitioner:** Cotswold Center Marilyn K. Lennard, LLC and five other Cotswold LLCs

**Location:** Approximately 21.7 acres on the northwestern corner of Randolph Road and Sharon Amity Road

**Request:** Change from B-1SCD (business, shopping center district) to CC (commercial center)

**Action:** The Zoning Committee voted to recommend **APPROVAL** of this petition **contingent** upon the owners of the adjacent former bank property agreeing to the modifications proposed for that property. The recommendation is based upon the following modifications:

- A note will be added to the site plan prohibiting overnight parking/loading/unloading at the loading dock for the new building.
- Wax myrtles or similar vegetation will be planted within the easternmost 48 feet of the planting strip along Cotswold Condominiums.
- Approximately 246 feet of eight-foot high vinyl fencing will be installed from the western end of the bank parcel. Existing chain link fence will be removed.
- A pedestrian walkway will be installed from the abutting condominiums to the eastern end of the Harris Teeter sidewalk, including a crosswalk of the service drive.
- If a left turn lane from Sharon Amity Road has not been approved and funded prior to the issuance of certificates of occupancy for the proposed building, CDOT may require “pork chops” to be installed at the eastern and western existing access points on Sharon Amity Road prior to the issuance of those certificates of occupancy.

**Vote:**

|         |   |
|---------|---|
| Yeas:   | Carter, Cooksey, Loflin, Ratcliffe, Sheild, and Simmons |
| Nays:   | None  |
| Absent: | None  |

### **Summary of Petition**

While this petition rezones almost all of Cotswold Shopping Center, the gist of the request is to add a multi-tenant building at the entrance to the center from Randolph Road. One tenant would have 6,000 square feet and a smaller tenant would have 2,000 square feet. The petition also attempts to address several concerns of residents at the rear of the shopping center.

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

Staff reviewed the history of the petition, noting that the neighbors have requested a deferral of the petition to continue investigating noise attenuation measures for the service area at the rear of the shopping center. Negotiations among the neighbors, the petitioners, and staff have continued almost up to the time of the Committee meeting. One of the Committee members expressed the opinion that the petitioners and the shopping center have been held hostage somewhat. They have mitigated what they could. The center has been there a long time. This is a good new building that is up on the road and will help with the next generation of redevelopment at the center. Another member asked if the neighbors were satisfied and staff responded by reminding the Committee that the neighbors were requesting deferral of the petition in order to investigate the use of acoustical walls to reduce noise from the shopping center. When asked if that would solve the noise problem staff responded that since the rear of the center is 12-15 below the residences at some points, the associated retaining wall and the height of the center create a “canyon” that transmits noise very well. Staff doubts that the acoustical walls would be much more effective than the eight-foot vinyl fence being proposed.

### **Statement of Consistency**

Upon a motion by Mr. Sheild, seconded by Mr. Ratcliffe, the Committee voted unanimously that the petition was consistent with the South District Plan.

### **Vote**

**Upon a motion by Mr. Sheild, seconded by Ms. Carter, the Committee voted unanimously to recommend approval of this petition, based upon the above modifications and contingent upon the owners of the adjacent former bank property agreeing to the modifications proposed for that property.**

### **Staff Opinion**

Staff agrees with the recommendation (and contingency) of the Zoning Committee.