

**ZONING COMMITTEE
RECOMMENDATION
February 28, 2007**

Rezoning Petition No. 2007-016

Property Owner:	Barbara H. Ferrell et al / by Will
Petitioner:	Linder Industrial Machine Company
Location:	Approximately 10.56 acres located on the southeast corner of Old Statesville Road and Gibbon Road
Request:	B-2 (CD), general business conditional district to I-2 (CD), general industrial conditional district
Action:	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none">• The second driveway on Gibbon Road has been moved to the east• The chain link fence at the gate opening on the B-2 side of the site will be replaced with a wall treatment like those in other specific areas. The new wall will run from the building to the interior edge of the buffer. The wall design will be a precast and/or masonry wall with materials, colors, etc that match and/or compliment the proposed building design.• The chain link fence will be an 8-foot vinyl coated security fence with no barbed wire and it will be placed in the middle of the buffer areas per the industrial study guidelines.• The driveway on Gibbon Road has been moved about 50-60 feet from its original location per CDOT's request to have it located farther from the Old Statesville Road intersection.• The petitioner has agreed to preserve 2% of the total as tree save area.• All trees in the Class A and Class B buffer will be preserved and will be supplemented per the ordinance.• A note has been added that if the abutting properties are rezoned such that the required buffer areas may be reduced, the buffers shown on the site plan may be reduced accordingly.

- The 4-foot berm will be increase to 6-feet where the property abuts residential zoning.

Vote: Yeas: Carter, Chiu, Loflin, Ratcliffe, Sheild and Simmons

 Nays: None

 Excused: Randolph

Summary of Petition

This petition proposes to rezone approximately 10.56 acres to allow the development of a 50,000 square foot building for the sales, repair and leasing of industrial equipment. The maximum building height is 45 feet and a 70-foot class B buffer is provided along the southern property line adjacent to the B-2 (CD) and a 94-foot class “A” buffer next to the R-3 properties.

The main access is shown from Gibbon Road with an optional access from Old Statesville Road. An 8-foot solid wall or fence which changes to a chain link fence is proposed surrounding the paved vehicle parking and storage area. Where the chain link fence abuts Gibbon Road an evergreen screening will be provided. The buffers will be located between the chain link fence and the adjoining properties.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and noted that a revised site plan was submitted to staff. The request is inconsistent with the North East District Plan which recommends retail for the site. Staff would prefer to see industrial development on the west side of Statesville Road. The site plan proposed to reduce the buffer requirements by the use of a 4-foot berm. This is inconsistent with the proposed industrial text amendments and staff is not recommending the reduction. However, if the reduction is considered, staff would recommend that the height of the buffer be increased to a minimum of six feet. In addition, the petitioner agreed to preserve only 2% of the existing 7% tree cover. Staff would like to see this number increased.

A Commissioner asked if staff is comfortable departing from the recommendations of the North East District Plan. Mr. MacVean replied, “No.” The Commissioner asked if the technical issues or the land use issues are more important. Mr. MacVean responded that they are both important. If the City Council would approve the rezoning, staff would want to have the best site plan possible.

The Commission suspended the rules to ask Bob Young if it would be a problem to defer the petition for one-month to work toward a resolution on the site plan issues and what issues could be addressed. Mr. Bob Young explained that the area where staff is requesting more tree save is too close to an existing drive way and the driveway would have to shift. This would impact the location of the building and storage area.

Mr. MacVean reviewed the changes to the plan as noted above.

Statement of Consistency

Upon a motion made by Carter and seconded by Ratcliffe the Zoning Committee unanimously found this petition to be **inconsistent** with the North East District Plan but reasonable and in the public interest.

Vote

Upon a motion made by Ratcliffe and seconded by Carter the Zoning Committee voted unanimously to recommend approval of this petition with the noted modifications.

Staff Opinion

The request is inconsistent with the *Northeast District Plan*, which recommends retail uses for this parcel. In addition, the tree save area should be increased and the buffer reduction should be eliminated. For these reasons staff disagrees with the recommendation of the Zoning Committee.