

**ZONING COMMITTEE
RECOMMENDATION
April 25, 2007**

Rezoning Petition No. 2007 - 024

Property Owner: Alberta H. Boyd (heirs)

Petitioner: York Development Group, Inc.

Location: Approximately 3.72 acres located on the southwest corner of South Tryon Street and Moss Road.

**Center, Corridor
Or Wedge:** Wedge

Request: R-3, single-family to NS, neighborhood services

Action: The Zoning Committee voted 4 to 1 to recommend **APPROVAL** of this petition.

Vote:

Yeas:	Carter, Chiu, Ratcliffe, and Sheild
Nays:	Simmons
Excused:	Randolph
Absent:	Loflin

Summary of Petition

This request proposes to rezone 3.72 acres to NS to allow up to 34,000 square feet of office uses in two buildings, one of which is a 5,000 square foot bank with a drive-thru window.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and noted that the request is inconsistent with the *Southwest District Plan* and noted that staff felt this was not a neighborhood services request and that the petitioner has not addressed the outstanding site plan issues.

The Zoning Committee asked Mr. MacVean why staff felt this was an inappropriate location for the NS district. Mr. MacVean responded that the uses were strictly office with a drive-thru bank and that the NS district recommends a retail/office mix with a more pedestrian layout and encourages residential over retail.

The Zoning Committee also discussed staff's concerns regarding setbacks along the roadways and asked Mr. MacVean why this was a concern? Mr. MacVean responded that existing setbacks

along Highway 49, in the area, ranged from 30-feet for multi-family development to 40 and 50-feet for office and retail.

The Zoning Committee ultimately felt that the uses were appropriate in the NS district and that the setbacks were not an issue.

Minority Opinion

The minority of the Zoning Committee noted that the request is inconsistent with the *Southwest District Plan*.

Statement of Consistency

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

Vote

Upon a motion made by Commissioner Sheild and seconded by Commissioner Carter the Zoning Committee voted 4 to 1 to recommend approval of this petition.

Staff Opinion

Staff agrees with the minority opinion of the Zoning Committee. Staff also believes that this is an inappropriate use of the NS zoning category, which is intended for mixed use development that includes retail and office with residential encouraged above retail uses. This request proposes office development only with a drive-thru bank and parking field. The following site plan issues remain outstanding:

- The proposed zoning should be amended to the office district which is the appropriate zoning category for this request.
- The petitioner should maintain a 50-foot landscaped setback along South Tryon Street and Moss Road.
- The petitioner should include a 6-foot wide sidewalk with an 8-foot wide planting strip along South Tryon Street.
- The petitioner should show sidewalk connections from both buildings to the sidewalks along South Tryon Street and Moss Road.
- The petitioner should add a note limiting the signage to one sign with a maximum height of 4-feet and sign area of 32 square feet.
- A 17.5% tree save area should be shown.
- The parking calculation under the “site data table” should be corrected.
- The petitioner should show vehicle stacking at the bank drive-thru windows.
- The petitioner should label the perimeter buffer as a class “C” and increase the width to 19.5-feet with a fence to meet the office district requirements.
- All CDOT issues should be addressed.