

**ZONING COMMITTEE
RECOMMENDATION
July 25, 2007**

Rezoning Petition No. 2007-052

Property Owner: Tyvola Crossing Associates, Ltd.

Petitioner: The Ghazi Company

Location: Approximately 13.07 acres located on the northeast corner of S. Tryon Street and W. Tyvola Road.

Center, Corridor, or Wedge Wedge

Request: B-1 (CD), neighborhood business conditional to CC, commercial center and BD (CD), business district, conditional

Action: The Zoning Committee recommended **DEFERRAL** of this petition to the September 26, 2007 Zoning Committee meeting.

Vote: Yeas: Howard, Johnson, Lipton, Loflin, Radcliffe and Rosenburgh

Nays: None

Absent: Sheild

Summary of Petition

This petition proposes to rezone approximately 13.072 acres located on the northeast corner of S. Tryon Street and W. Tyvola Road from B-1(CD) to CC and BD (CD) as part of a newly planned retail-oriented mixed use center. The request has been amended with respect to the acreages to be rezoned to CC and BD (CD). The area proposed to be rezoned to CC has been reduced to 9.73 acres from 11.2 acres, and is intended to accommodate up to 110,000 square feet of retail uses and up to 30,000 square feet of office. The maximum ground floor area of a single tenant use may be 50,000 square feet with an expansion area of up to 10,000 square feet. The land area to be rezoned to BD (CD) has been increased from 1.8 acres to 3.27 acres, to allow a four-story, mini-storage facility. The mini-storage facility has decreased in size from 110,000 square feet (27,500 square feet per floor) to 100,000 square feet (25,000 square feet per floor) and a Floor Area Ratio (FAR) of 0.7.

Zoning Committee Discussion/Rationale

Claire Lyte-Graham recommended that the petition be deferred to address outstanding site plan items, notably the resolution of the location and design of the proposed mini-storage component and a required buffer in a Duke Power easement. Ms. Lyte-Graham also noted that another revised site plan for the project was submitted the day before the meeting and staff did not have adequate time to review it. The Zoning Committee moved to suspend the rules to address the

petitioner on the recommended deferral. Mr. Afshin Ghazi concurred with the request for deferral, noting his wish to have the petition considered at the special requested September 4 special committee due to contractual obligations.

Vote

Upon a motion made by Commissioner Rosenburgh and seconded by Commissioner Loflin, the Zoning Committee voted unanimously to recommend deferral of this petition to the regular September 26, 2007 Zoning Committee meeting.

Staff Opinion

Staff concurs with the decision of the Zoning Committee to defer this petition.