

**ZONING COMMITTEE
RECOMMENDATION
September 26, 2007**

Rezoning Petition No. 2007-079

Property Owner: Construction Brick & Tile Company
Carpenter Investment Properties, LLC

Petitioner: Cambridge Properties and Charter Properties

Location: Approximately 74.4 acres located on the south side of North Tryon Street
and the east side of Pavilion Boulevard

**Center, Corridor
or Wedge:** Corridor

Request: B-1, neighborhood business, B-1(CD), neighborhood business,
conditional, and R-3, single family residential, up to 3 dwelling units per
acre to NS, neighborhood services

Action: The Zoning Committee recommended **APPROVAL** of this petition.

Vote:

| | |
|----------|---|
| Yeas: | Howard, Johnson, Lipton, Loflin, Randolph, Rosenburgh |
| Recused: | Sheild |
| Nays: | None |
| Absent: | None |

Summary of Petition

This petition proposes to rezone approximately 74.4 acres to accommodate up to 304 multi-family residential units at a density of 5.54 units per acre, and a maximum 100,000 square foot neighborhood center containing retail and service uses. The proposal is consistent with the *Northeast Area Plan* (2000), which recommends retail and residential (up to 8 dwelling units per acre) land uses for this site.

Zoning Committee Discussion/Rationale

Keith MacVean summarized the request, noting the surrounding land uses and zoning categories and the *Northeast Area Plan's* recognition of retail and residential uses at this location. Mr. MacVean indicated that the transportation issues have been resolved. Commissioner Randolph asked for further explanation regarding the greenway request and inquired if the petitioner not constructing a portion of the greenway trail was a deal breaker. Mr. MacVean responded by stating that the petitioner not constructing a portion of the greenway was not a deal breaker. Mr. MacVean did note that the petitioner agreeing to build a portion of the greenway would expedite its construction and establishment. Mr. MacVean further acknowledged the greenway as an amenity and noted that at times during the rezoning process some petitioners do agree to construction of a portion of greenway.

Statement of Consistency

Upon a motion made by Commissioner Johnson and seconded by Commissioner Loflin, the Zoning Committee voted unanimously 6-0 to find that the proposed rezoning was consistent with the Northeast Area Plan and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Johnson and seconded by Commissioner Loflin, the Zoning Committee voted unanimously 6-0 to approve this petition.

Staff Opinion

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