

**ZONING COMMITTEE  
RECOMMENDATION  
July 25, 2007**

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**Rezoning Petition No. 2007-092**

**Property Owner:** Michael A. Davis

**Petitioner:** Meeting Street Companies

**Location:** Approximately 11.98 acres located on the west side of West Sugar Creek Road between W. W. T. Harris Boulevard and David Cox Road

**Center, Corridor or Wedge:** Wedge

**Request:** R-3, single family residential up to 3 dwelling units per acre, to UR-2(CD), urban residential, conditional

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

**Vote:**

Yeas:	Lipton, Loflin, Johnson, Radcliffe and Rosenburgh
Nays:	Howard
Absent:	Sheild

**Summary of Petition**

The request is to rezone approximately 11.98 acres from R-3 to UR-2(CD) in order to allow the construction of up to 149 townhomes and condominium units, at a density of 12.44 dwelling units per acre. The proposal is inconsistent with the *Northeast District Plan*. In addition, the project does not provide a second point of access from David Cox Road, as requested by staff. Therefore, staff recommends denial of this request.

**Zoning Committee Discussion/Rationale**

Claire Lyte-Graham presented the petition to the Zoning Committee. Ms. Lyte-Graham stated that staff is recommending denial of the petition due to its inconsistency with the approved Plan and failure to provide access to David Cox Road, as requested by CDOT. Ms. Lyte-Graham noted that the property owner had recently deeded an adjoining parcel fronting David Cox Road to an adjacent property owner. This lot could have served to accommodate the requested ingress/egress onto David Cox Road.

The Zoning Committee discussed the issue of the second entrance from David Cox Road and asked CDOT staff persons Rick Grochoske and Matt Magnasco about the possibility of a second

entrance onto Briar Creek Road. Mr. Grochoske and Mr. Magnasco stated that they would be willing to work with the petitioner on looking into the possibility of a second ingress/egress on Briar Creek Road.

### **Statement of Consistency**

Commissioner Rosenburgh made a motion and Commissioner Randolph seconded the motion finding the request inconsistent with the Northeast District Plan but reasonable and in the public interest. Commissioner Lipton offered a substitute motion and Commissioner Johnson seconded the substitute motion finding the request inconsistent with the Northeast District Plan and not in the public interest. The substitute consistency motion failed 2-4, with Commissioners Lipton and Johnson yeas. The first consistency motion passed 4-2, with Commissioners Lipton and Johnson dissenting.

### **Vote**

**Commissioner Rosenburgh made a motion and Commissioner Randolph seconded the motion to deny the request, which passed on a 5-1 vote.**

### **Minority Opinion**

The minority of the Zoning Committee felt that given additional time for a deferral, the issue of the second entrance could be resolve between the petitioner and staff.

### **Staff Opinion**

Staff agrees with the decision of the Zoning Committee to deny the request.