

**ZONING COMMITTEE
RECOMMENDATION
March 28, 2007**

Rezoning Petition No. 2007-018

Property Owner: Robert Spivey

Petitioner: Robert Spivey

Location: Approximately 5.48 acres located on the northwest corner of Brookshire Boulevard and Oakdale Road

Request: R-4, single family residential and I-1, light industrial to B-2(CD), general business, conditional district

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The buffer fence note should be modified to say that the finished side of the fence will face the adjoining property line.

Vote: Yeas: Chiu, Loflin, Randolph, Ratcliffe, and Simmons

 Nays: None

 Absent: Carter and Sheild

Summary of Petition

This petition proposes to rezone and combine two parcels of land for the development of a 10,000 square foot commercial building. The site plan accompanying this petition includes the following:

- The R-4 portion of the property will be used only for the purposes of providing a detention basin to serve the proposed development.
- All uses in the B-2 district are permitted except the sale of automobiles and including tractor truck sales.
- Wall-pak lighting will not be permitted on any wall adjacent to the perimeter of the site. Freestanding lighting fixtures are limited to a maximum of 30-feet in height.
- The site plan shows the a 10,000 square foot office/retail building, and the existing one-story block convenience store.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and noted part of the request is technically inconsistent with the North West District Plan however due to the location of the power lines staff is recommending approval of the entire petition. Mr. MacVean noted that all outstanding site plan issues had been addresses however one note on the site plan pertaining to the buffer fence needed to be corrected.

The note states that the finished side of the fence will face inwards. This conflicts with the Zoning Ordinance and should be modified to say that the finished side of the fence will face the adjoining property line.

Statement of Consistency

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

Vote

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

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.