

**ZONING COMMITTEE
RECOMMENDATION
March 28, 2007**

Rezoning Petition No. 2007-022

Property Owner: Diamond Point Properties

Petitioner: Diamond Point Properties

Location: Approximately 1.27 acres located on the west side of S. Tryon Street between Yancey Road and Orchard Circle

Request: I-1 (CD) SPA, light industrial conditional district site plan amendment.

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

- All Storm Water comments will be addressed.

Vote:

Yeas:	Chiu, Loflin, Randolph, Ratcliffe, and Simmons
Nays:	None
Absent:	Carter and Sheild

Summary of Petition

This petition proposes to rezone approximately 1.27 acres to allow restaurants as a permitted use. The site plan accompanying this petition indicates the following:

- The 82-foot buffer has been reduced to 61.5 feet with the installation of a solid screen fence.
- Lighting will be limited to a maximum of 35-feet.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and noted that the Central District Plan does not support retail at this location however due to the restrictions on the use and size of the proposed restaurant, staff is comfortable recommending approval of the petition. He continued that the buffer fencing location on the site plan does not meet the zoning ordinance requirements and must be adjusted. In addition, the petitioner has not made the changes to the site plan as requested by Storm Water Services.

The Commission discussed a deferral of the petition and Randolph made a motion to defer the request for one-month and Loflin seconded.

The Commission discussed the petition and suspended the rules to ask the petitioner's agent if they are willing to address the Storm Water comments. Mr. Patrick Watkins from the Isaac's Group stated that they are willing to address all of the comments.

Statement of Consistency

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

Vote

Upon a motion made by Simmons and seconded by Loflin 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.