

**ZONING COMMITTEE  
RECOMMENDATION  
July 30, 2008**

---

**Rezoning Petition No. 2008-103**

**Property Owner:** Gabriel Rogers

**Petitioner:** Gabriel Rogers

**Location:** Approximately .96 acres located on the north side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue

**Center, Corridor,  
or Wedge:** Wedge

**Request:** R-4, single family residential to O-1 (CD), office conditional district

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

The setbacks have been clearly labeled.  
A note has been added that the existing residential structure is to remain.

The site plan should be drawn to match the indicated 1:20 scale. In particular the driveway does not scale 26-feet as shown.

The details of the proposed wooden fence should be indicated on the site plan.

The existing left-turn lane bay taper along Tuckaseegee Road will need to be restriped as a two-way left-turn lane to provide safe access to the proposed development.

The proposed development will be limited to one access point on Tuckaseegee Road. This will need to be located within the existing striped out area to provide sufficient storage for vehicles turning left into the site.

The proposed right-of-way and setback needs to be labeled and dimensioned on the plans.

The plan notes indicate that the petitioner/developer will construct an 8-foot planting strip and 6-foot sidewalk along Tuckaseegee Road. Any existing utility poles that conflict with the sidewalk location will need to be relocated beyond the new back-of-sidewalk (2-foot minimum).

**Vote:** Yeas: Allen, Griffith, Howard, Lipton, Randolph, and Rosenburgh

Nays: None

Absent: Johnson

## **Summary of Petition**

This petition proposes to rezone approximately .96 acres to allow the existing 3,978 square foot residence to be converted into an office. The site plan associated with this petition shows the existing building with 20 parking spaces. Buffers, bicycle parking, and sidewalks with planting strips are required. The site plan includes the following notes:

- The site will comply with the Post Construction Controls Ordinance;
- Fully shielded lighting will be provided;
- Wall pak lighting will not be permitted; and
- The use will be limited to general office.

## **Zoning Committee Discussion/Rationale**

Staff reviewed the petition noting that setbacks have been labeled and a note has been added that the existing residential structure is to remain. The site plan, in particular, the driveway is not drawn to scale. Scott Putnam with CDOT indicated that all CDOT issues have been resolved. The request is inconsistent with the *North West District Plan* and staff is not recommending approval.

## **Statement of Consistency**

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

One Commissioner asked if the site plan not being to scale merits a deferral. Staff indicated that the driveway does not scale correctly but it can easily be corrected and a deferral would not be needed. The Commission suspended the rules and asked the petitioner's agent if the fence details can be provided. Mr. Brandon indicated that the fence details are on the site plan and this was confirmed by staff. Mr. Brandon also stated that the driveway would be drawn to scale.

Another Commissioner asked Mr. Putnam if it is necessary to remove the circular driveway as it will help to maneuver through the site. Mr. Putnam stated that the parking field is located in the rear and that a circular drive in the front would only be for drop off. Under the circumstances, the circular driveway introduces an unnecessary conflict.

## **Vote**

**Upon a motion made by Commissioner Lipton and seconded by Commissioner Rosenburgh the Zoning Committee voted unanimously to recommend APPROVAL of this petition as modified.**

## **Staff Opinion**

Staff disagrees with the recommendation of the Zoning Committee as the proposed request is inconsistent with the recommended residential land use.