

**ZONING COMMITTEE  
RECOMMENDATION  
July 30, 2008**

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**Rezoning Petition No. 2008 - 111**

**Property Owner:** James and Elizabeth Greer and William and Patricia Gordon

**Petitioner:** RWB Properties

**Location:** Approximately 7.8 acres located on the southwest corner of Brown-Grier Road and Sandy Porter Road.

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

**Request:** R-3, single family to Institutional (CD), institutional conditional district and R-8MF(CD), multi-family conditional district

**Action:** The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition, with the following modifications:

- The petitioner has added another access point to the site from Sandy Porter Road. This access will be a public street through the site that provides a future connection to the property to the west.
- The petitioner has added a public street running north to south through the site with a future connection to the property to the south.
- This site now complies with the design guidelines of the *General Development Policies*, which recommend more than one functional vehicular access point and the *Urban Street Design Guidelines*, which recommend maximum block lengths of 600 feet.
- A note has been added to indicate that a 10 percent tree save area will be provided to comply with the design guidelines of the *General Development Policies*.
- Elevations for the proposed child care center have been included.
- A note has been added indicating the residential units will be all brick.
- The petitioner has revised the note regarding the CATS bus waiting pad proposed on Brown Grier Road and committed to constructing this pad to CATS standard 60.02.
- A note regarding future 5-foot wide bike lanes along Brown Grier Road and Sandy Porter Road has been added to the plan.
- The number of proposed multi-family units has been corrected on the plan.
- The detention area has been removed from the buffer on the Institutional (CD) site.
- Labeled buffers that have been reduced.
- A note has been added indicating the fence along the southern portion of the site will be constructed of materials that are architecturally similar to the materials used on the proposed residential buildings.

• A note has been added that the petitioner will dedicate and convey additional right-of-way along both Brown Grier and Sandy Porters Roads

if sufficient right-of-way does not exist. The right-of-way for Brown Grier Road requires 50 feet from the centerline while Sandy Porter Road requires 35 feet from the centerline.

- The petitioner has noted that they reserve the option to disturb the interior 10 feet of buffers.

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

### **Summary of Petition**

This request proposes to rezone 7.80 acres to Institutional (CD) and R-8MF(CD). The proposed Institutional (CD) portion of the request includes 2.7 acres to allow a child care center with a maximum 19,500 square feet of building area. The remaining R-8MF(CD) portion of the site includes 5.1 acres that would develop with a maximum of 31 attached single family dwellings at a site density of 6.08 dwelling units to the acre.

### **Zoning Committee Discussion/Rationale**

Tom Drake reviewed the petition and noted that with the changes made since the public hearing, the proposed residential request now meets the design guidelines of the *General Development Policies*. It was also noted that the bike lanes along Sandy Porter Road and Brown Grier Road and the types of building materials to be used on the residential units were the only outstanding issues. Mr. Drake also noted that staff was recommending approval upon resolution of the remaining site plan issues.

The petitioner's agent was asked by the Committee if they will provide bike lanes and what types of building materials are being proposed for the residential units. Walter Fields responded that bike lanes will be provided and that the residential units will be constructed of all brick. Mr. Fields was then asked about the type of fence that would be constructed along the southern portion of the site. He noted that it would be a solid fence that is architecturally similar to the residential units.

### **Statement of Consistency**

Upon a motion made by Commissioner Griffith and seconded by Commissioner Allen, the Zoning Committee, by a vote of 5-1, found this petition to be consistent with the *Southwest District Plan* and *General Development Policies* and reasonable and in the public interest.

### **Vote**

**Upon a motion made by Commissioner Allen and seconded by Commissioner Rosenburgh, the Zoning Committee voted 5-1 to recommend APPROVAL of this petition as modified.**

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.

### **Minority Opinion**

The minority of the Committee felt that this was a challenging intersection for a child care center and felt the highest and best use of the property would be a retail/gas station. The minority also felt a better buffer was needed adjoining the residentially zoned property to the south.