

**ZONING COMMITTEE  
RECOMMENDATION  
September 26, 2007**

---

**Rezoning Petition No. 2004-095**

**Property Owner:** Christ Lutheran Church

**Petitioner:** Christ Lutheran Church

**Location:** Approximately 9.84 acres located on the east side of Providence Road between Mammoth Oaks Drive and Shelton Street

**Request:** R-3, single family residential to INST (CD), institutional conditional district.

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

- The transitional setbacks will be shown on the site plan where applicable.
- A total tree save area of 15% including some areas that will be re-vegetated to tree ordinance standards will be provided and indicated on the site plan.
- A five foot sidewalk behind a 6' planting strip along the boundaries of the site that public streets that do not presently have sidewalk already in place and will coordinate that sidewalk placement and construction with the City's storm water project scheduled for the area.
- The proposed zoning will be noted as Inst (CD) not "I."
- The correct acreage will be shown on the site plan and application.

**Vote:** Yeas: Howard, Johnson, Lipton, Loflin, Randolph, and Sheild

Nays: None

Absent: Rosenburgh

**Summary of Petition**

This petition proposes to rezone the subject property to allow the new development on the church property including the addition of a new sanctuary. The existing church is located on land zoned R-3. A church is a permissible use under prescribed conditions for religious

institutions with 750 seats or fewer in this district. The church proposes an expansion to 1,190 seats, which will require rezoning to institutional use.

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

Keith MacVean stated that this petition was put on hold by the petitioner. The church purchased lots on Mamolakes Road and there were issues with the deed restrictions that have now been resolved. At one point in time the attorney for the neighborhood as him not to work on this case as he was a member of the church. He stated that he has not been a member for five years.

Mr. MacVean reviewed the petition and noted that all of the outstanding site plan issues had been resolved as follows:

- The transitional setbacks will be shown on the site plan where applicable.
- A total tree save area of 15% a including some areas that will be re-vegetated to tree ordinance standards will be provided and indicated on the site plan.
- A five foot sidewalk behind a 6' planting strip along the boundaries of the site that public streets that do not presently have sidewalk already in place and will coordinate that sidewalk placement and construction with the City's storm water project scheduled for the area.
- The proposed zoning will be noted as Inst (CD) not "I."
- The correct acreage will be shown on the site plan and application.

The request is consistent with the South District Plan and staff is recommending approval.

### **Statement of Consistency**

Upon a motion made by Commissioner Johnson and seconded by Commissioner Sheild the Zoning Committee unanimously found this petition to be consistent with the *South District Plan* and reasonable and in the public interest.

### **Vote**

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

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.