

**ZONING COMMITTEE  
RECOMMENDATION  
July 30, 2008**

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**Rezoning Petition No. 2008-081**

**Property Owner:** Jimmie R. Reitzel and wife, Barbara Reitzel  
The Gullede Family, LLC

**Petitioner:** Raley Miller Properties

**Location:** Approximately 9.26 acres located on the northeast corner of Ridge Road and Prosperity Church Road

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

**Request:** R-3, single-family residential to NS, neighborhood services and UR-2(CD), urban residential, conditional

**Action:** The Zoning Committee unanimously recommended **APPROVAL** of this petition with the following modifications:

The petitioner will provide a left-turn lane into the northernmost east-west street concurrent with development of the residential portion of the project.

The petitioner will stub the northernmost east-west street to the eastern property line.

The petitioner will amend the conditional note on the site plan to state that first floor windows on non-residential buildings will not be internally obstructed.

The petitioner will amend the conditional note on the plan to state that vinyl will be used only for trim on residential units.

The petitioner will amend the site plan to indicate a portion of the site is to be rezoned to UR-2(CD), not UR-2.

The petitioner will either align Prosperity Church and Ridge Roads; or, make the proposed entrance from Ridge Road right-in/right-out, thereby eliminating the need for a median (creating the mis-alignment).

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

Nays: None

Absent: Johnson

**Summary of Petition**

The purpose of the request is to allow the construction of 19,320 square feet of retail and up to 43 townhomes. The non-residential component of this request is inconsistent with the *Prosperity Church Road Villages Plan*, which recommends multi-family and townhouse residential land uses and does not contemplate non-residential uses at this location.

## **Zoning Committee Discussion/Rationale**

Staff presented this rezoning request to the Committee, noting the development proposal and the existing surrounding land uses. Staff stated that they do not support this request because the non-residential portion of the project is inconsistent with the *Prosperity Church Road Villages Plan*, which recommends residential development on the entire site.

Staff identified the outstanding site plan items that had been addressed since distribution of the agenda, including: resolution of the recommendation to incorporate a “main street” treatment to the drive aisle connecting to Ridge Road; provision of tree save area; provision of pedestrian scale lighting; and abandonment of Old Ridge Road. Staff noted that the petitioner had agreed to the modifications noted above.

The CDOT representative stated that the proposed median requires adjustments on the west side of Prosperity Church Road, noting that Ridge Road is a state maintained right-of-way. The Committee asked CDOT if not making the improvements would stop the entire development or a phase of the project, and CDOT responded by saying that the driveway accessing Ridge Road would then have to be eliminated. The Committee asked if the elimination of the driveway would require another site plan approval. Staff responded that the driveway elimination would more than likely require a site plan amendment or administrative approval. The Committee questioned the likelihood of resolving this issue prior to City Council final action, and approved the site plan as currently presented.

The Committee suspended the rules to allow the agent, Mr. David Miller, speak about the left turn lane. Mr. Miller indicated he was receptive to the left turn lane into the residential portion, and that there was no issue with making the necessary improvements related to the proposed median and lane alignment based upon the outcome of the consultant’s design. The Committee discussed the inconsistency of the non-residential component, and asked Mr. Miller if the project could continue without the non-residential. Mr. Miller responded by stating there would be no project.

The Committee further discussed the non-residential component and its relationship to the surrounding land uses, the surrounding road network and associated improvements. The Committee felt that the project as presented provided for a transition to lower residential density, and that the petition worked to help install the recommended and needed road network in the area. The Committee felt it would be helpful to show the future I-485 in relationship to the rezoning site.

## **Statement of Consistency**

Upon a motion made by Commissioner Randolph and seconded by Commissioner Lipton the Zoning Committee unanimously found this petition to be inconsistent with the *Prosperity Church Road Villages Plan* but reasonable and in the public interest.

## **Vote**

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

## **Staff Opinion**

Staff maintains its non-support for the non-residential component of the project as it is inconsistent with the *Prosperity Church Road Villages Plan*.

