

**Planning Commissioner's Written Comments
September 13, 2011**

Cardinal Oaks (Z1000014)

Ms. Beechwood. I reluctantly voted not to approve this request.

Overall, the applicant presents a good solution to the parcel's current zoning limitations, has put together a well-considered project, and has attempted to address many of the communities' concerns. However, the fact that the site is an interior parcel with no existing points of egress is the most outstanding feature of this proposal. The resolution of this condition cannot be an afterthought, or contingent upon the actions of the Planning Commission or City Council. Confidence in this proposal can be restored when the applicant has worked out the details of the egress scenarios in such a way that the existing community does not suffer egregious side effects.

Over the years, the Planning Commission has seen many egress challenges met by determined and patient developers who are committed to "getting it right" rather than "getting it done". This is a good project and deserves a well-considered access solution that the entire community can be proud of and benefit from. With this denial, I would like to signal the applicant to return to negotiations with the community to work out a more equitable access solution before continuing with the zoning change.

Ms. Board. The problem with the zoning request is not what the owner wants to do with the property, but with the important details which are omitted from his proposal. There are several issues with the proposed neighborhood entrances, and no committed elements to satisfy these questions. I do understand why the Freeman property was excluded from the development plan. But since the plan includes text commitments for the Freeman property, then it surely possible to also make commitments that address the following concerns.

- What is the exact location and size of the road proposed to run through the Freeman property?
- Will adequate buffers be provided between the Cheek Road entrance road and the neighboring properties?
- How will the Cheek Road entrance and turn lanes affect the driveway access of the neighboring properties?
- Where is the traffic analysis of Cardinal Lakes Road and the effect of the proposed secondary entrance onto it?
- If the Cardinal Lakes playground in the path of this secondary entrance road needs to be moved or fenced to remain a safe play area for children, then who will be paying for that? And will the playground changes be completed before road construction begins?

Ms. Brown. I voted to deny.

The Planning Commission asked the developer to take a one cycle deferral to make some changes to his development plan and meet with neighbors one more time and try to resolve some of the concerns. He refused.

There are already developments within the area that are not built out. Panther Creek, Stillwood, Cardinal Woods and Cardinal Lake have not finished out their development. Neal School is at 126% capacity. The developer made no proffer for the 48 students generated. The proposed road at Freeman property is a concern because there is a resident living next door to the proposed road. Access to the property also comes very close to the Cardinal Lakes playground. Even if the developer fenced in the playground kids would still be in danger of the traffic as cars can have accidents and go through fences.

Medallion Drive is a very narrow road. Residents state that if a school bus is on the road, oncoming cars have to pull over to let the school bus pass by.

Storm water commitments have not been proffered.(page 9 of 13 in report) also see BPAC attachment at end of the report

A PDR of 2.980 is west of the site, PDR 2.980 is on the south and Rural Residential is to the north and east around the site. It is my opinion this request should be under 3.0 to be consistent with the surrounding neighborhoods.

I think we should all be thinking about the loss of our RR land in the county,

Mr. Harris. Voted, No.

Mr. Martin. No, developer needs to improve access to development.

Ms. Mitchell-Allen. I voted to approve.

Mr. Monds. I voted against the rezoning because of the impact on the schools, impact on traffic and opposition from the community.

Mr. Whitley. I vote to not approve.

Mr. Winders. Traffic: Unsafe conditions on Cardinal Lakes Drive and Medallion Drive will be made worse by development. Speed humps on Cardinal Lakes would help, but details are not adequately worked out for approval at this time. Inconsistent Land Uses: Predominant development pattern is very low density (half acre lots) Opposition from the community: We received many emails in opposition. Only a few neighbors attended planning meeting Impact on school facilities: Merrick Moore School is at 127% capacity.