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Residents' concerns win out

Developer of proposed shopping center must meet conditions sought by those living nearby.
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The Avon Town Council proved local government can be responsive this week when it listened to residents' concerns and voted in their favor.

Gable Drive residents had worked with the Avon Plan Commission to establish a compromise regarding development of a proposed shopping center on adjacent property.

D.S. Development of Greenwood won approval Thursday night to rezone the area south of U.S. 36 where the Avon Recreation Center is located.

The approval was contingent upon conditions designed to shield neighbors from the full effect of having a bustling shopping center built next door.

Gable Drive resident Deloris Wuertley, who has acted as a neighborhood representative, said she was pleased the council retained the conditions set by the Plan Commission.

They include landscape buffering between the development and homes, a limit to the number of entrances along Gable Drive and a prohibition on gasoline stations in the center.

Last month, the developer asked the council to consider modifying those conditions.

Town Attorney Kevin Dogan advised the council that making changes Thursday night would negate the planners' favorable recommendation. If the council did not vote on the rezoning that night, he said, it would go back to the Plan Commission. The proposal would be killed if the planners refused to hear it.

"What he (general counsel Robert Wildman) decided was that he could live with the Plan Commission's original findings," Dogan said.

But Wildman asked the council and town staff repeatedly how to go about getting the conditions modified after approval. He was told any future changes would have to be approved by the Plan Commission.

Wildman withdrew the request for changes and accepted the conditions to allow an immediate vote. The council approved the rezoning 3-2, with President Greg Zusan and member Eva Yackey voting against.

Wuertley said she plans to monitor the development's progress to ensure that all conditions are followed.

The developer must now finance a traffic study to determine the best location for a traffic signal and entrances along the highway.

Zusan said his concern about unresolved traffic issues motivated his vote against rezoning.

Wildman said after the meeting that the developer would wait for the study results before exercising its option to buy the land.

In other business, the council approved a recommendation by Steve Eisenbarth of Traffic Engineering to change the traffic signal timing at two congested intersections along Dan Jones Road.

The signal at County Road 100 North will be altered to allow more time during each traffic light rotation to clear eastbound and westbound traffic.

Signal timing at the Lowes Road intersection will be changed to let more northbound and southbound traffic clear during each rotation.

Both will take effect within a month.

At the end of the five-hour meeting, the council also approved a revised zoning ordinance that will take effect Jan. 1.

It is a needed update that reflects the community's growth, said Planning Director Bill Peebles.

Council member Mike Rogers, who also sits on the Plan Commission, said, "I think it is going to help develop this community into what we (the town) wanted."

The updated ordinance features new architectural standards for residential and commercial development. It also prohibits chain link fences in residential areas.