

REQUEST	Current Zoning: NS (Neighborhood Services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment) and B-D(CD) (distributive business, conditional) with five-year vested rights
LOCATION	Approximately 6.63 acres located on the southeast corner at the intersection of Rocky River Road and East W.T. Harris Boulevard. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to amend current development rights on vacant property located in the Newell area to allow a mix of retail, restaurant, office and climate controlled self-storage uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Harris and Rocky, Inc. Michael Adams Babak Emadi
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>Newell Small Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends office and retail uses, as amended by rezoning petition 2003-055. • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The current zoning allows up to 10,000 square feet of retail uses on this site in addition to up to 30,000 square feet of office uses. Of the total square footage allowed, approximately 4,500 square feet of retail uses has been constructed as a gas station and no office uses have been constructed. Proposed office and retail uses represent minor changes in type and square footage from the uses currently permitted; and • The petition provides retail services to several nearby residences and a direct pedestrian connection as an extension of the established sidewalk from Corriente Court; and • Self-storage uses are only permitted in select zoning districts but have been deemed compatible with surrounding uses of low intensity, such as residential and retail uses; and • Building facades abutting streets are providing a minimum of one entrance, buildings fronting public streets provide 25% glass or windows, and design elements are utilized to break up expanses of solid wall over 20 feet in length; <p>By a 7-0 vote of the Zoning Committee (motion by Wiggins seconded by Majeed).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended the renderings to accurately reflect clear vision glass and spandrel glass that does not exceed 36% as specified in Note 3d. 2. Identified and labeled the 20-foot setback from the back of curb along Rocky River Road. 3. Agreed to amend Rendering 4 on Sheet RZ2.00 to change window note from three feet to 13 feet. 4. Agreed to the installation of up to two pedestrian signals at the proposed crossing from the site to the opposite side of Rocky River Road. As part of this commitment, the petitioner will update the
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	<p>vehicular signal as necessary to accommodate the proposed pedestrian signals. Improvements may also include the construction of two sidewalk ramps and a striped cross walk.</p> <p>5. Agreed to replace "restaurant" with "eating/drinking/entertainment establishment."</p> <p>6. Agreed to define "one level kiosk" as an ATM machine/station/kiosk.</p>
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VOTE

Motion/Second: Labovitz / Majeed
 Yeas: Eschert, Labovitz, Lathrop, Majeed, Spencer, Watkins and Wiggins
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and indicated that all outstanding issues had been resolved. Staff noted that the petition is consistent with the *Newell Small Area Plan*. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 15,000 square feet of retail uses and 5,000 square feet of office uses, and 100,000 square feet of climate controlled self-storage in six buildings. Development consists of Buildings A, B, C, D, E and F as follows:
 - Building A allows up to 5,500 square feet of retail, eating/drinking/entertainment uses in a one level building.
 - Building B allows up to 6,500 square feet of retail, eating/drinking/entertainment uses in a one level building.
 - Buildings A and B may be combined or separate.
 - Building C allows a three-level climate controlled self-storage use with associated offices, up to 100,000 square feet.
 - Building D allows up to 5,000 square feet of office, retail, and eating/drinking/entertainment establishment uses in a one level building.
 - Building E allows up to 500 square feet of office, retail and a one level kiosk, which is defined as an ATM, machine/station/kiosk.
 - Building F allows up to 2,500 square feet of office, retail and eating/drinking/entertainment establishment uses in a one level building.
- Site access is via an existing private shared driveway, Harris Station Boulevard, which connects Rocky River Road and East W.T. Harris Boulevard.
- The petitioner will restripe the eastbound leg of Rocky River Road to activate the dual left-turn lanes.
- Petitioner to install up to two pedestrian signals at the proposed crossing from the site to the opposite side of Rocky River Road. As part of this commitment, the petitioner will update the vehicular signal as necessary to accommodate the proposed pedestrian signals. Improvements may also include the construction of two sidewalk ramps and a striped cross walk.
- Maximum building height is 40 feet.
- Building materials will be a combination of some or all of: brick, concrete, decorative concrete masonry units, EIFS, EIFS brick, architectural metal, metal panels, storefront clear glass, spandrel glass, and architectural metal, and vinyl railings and accessories. Building entrances will have architectural metal or fabric canopies and awnings. The architectural character for all buildings will be harmonious in order to create a cohesive look to the development.
- All storage will be located within the building, and outside storage is prohibited.
- The façade of each floor of the building above the ground floor that fronts a public street must have windows or glass that cover at least 25% of the length of such street facing façade.
- Expanses of solid wall on the façade of any floor of the building located above the ground floor may not exceed 20 feet in length.
- If the building is located on a lot that abuts a public or private street, at least one entrance shall

be provided on each building façade fronting a street. If located on a corner lot, the building may provide one main entrance oriented to the corner or facing either of the streets.

- Signs may not be installed or maintained above the third floor of a building containing a self-storage facility.
- Petitioner is providing an eight-foot planting strip and 12-foot multi-use path along the site's East W.T. Harris Boulevard frontage.
- Trees in the existing setback along East W.T. Harris Boulevard shall be preserved to the extent possible but may be thinned/pruned to improve the health of the trees and provide a clean edge to the streetscape. Some trees may be removed to accommodate the proposed 12-foot multi-use path.
- The existing curb, planting strip and sidewalk will remain along Rocky River Road.
- Petitioner may install a 10-foot pedestrian connection to the adjacent partially completed Back Creek trail from the proposed multi-use trail proposed along East W.T. Harris Boulevard if the connection is deemed viable during coordination with CDOT, Mecklenburg County Parks and Recreation, and other governing agencies. Construction of the trail shall be tied to the final certificate of occupancy for the development.
- Petitioner shall connect to an existing sidewalk located at the northwestern edge of the project to provide a sidewalk network that promotes connectivity within the community.
- The petitioner shall install an ADA accessible crossing of the multi-use path across Harris Houston Boulevard that will be coordinated with CDOT/NCDOT during the permitting process.
- Supplemental landscaping will be provided adjacent to the proposed BMP system that will include a mix of deciduous and evergreen trees and shrubs planted to a 10-foot "Class C" Buffer standard.
- Detached lighting is limited to 22 feet in height.
- **Public Plans and Policies**
 - The *Newell Small Area Plan* (2002) was updated by rezoning petition 2003-055 to allow office and retail uses. Specifically the rezoning allowed 10,000 square feet of retail uses on this site in addition to up to 30,000 square feet of office uses.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the signalized intersection of a major collector and a limited-access (Class II) thoroughfare. The proposed development does not generate a significant increase in trips over the existing entitlements for which a traffic impact study was performed. Additionally, the current site plan commits to pedestrian and bicycle path connections and improvements across Rocky River Road, along the site's East W.T. Harris Boulevard frontage, and to adjacent neighborhoods and greenways.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips (based on vacant property)
 - Entitlement: 1,575 trips per day (based on 5,632 square feet with retail and 30,000 square feet of office use)
 - Proposed Zoning: 2,400 trips per day (based on 15,000 square feet of retail and 5,000 square feet of office use)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability via an existing 12-inch water distribution main located along Rocky River Road, and sewer system availability via an existing eight-inch gravity sewer main located along Rocky River Road.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Transportation Review

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