

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-047

Property Owner:	South Atlantic Equipment Company
Petitioner:	Dave Ransenberg, Gateway Homes, LLC
Location:	Approximately 2.94 acres located on the northeast corner of N. Tryon Street and Pavilion Boulevard
Center, Corridor or Wedge:	Corridor
Request:	B-1, neighborhood business and R-12 MF, multi-family residential to NS, neighborhood services

Summary

This petition proposes to rezone approximately 2.94 acres to allow the development of a small neighborhood retail service center.

Background

The petitioned site was rezoned from R-3 to B-1 when it was in the County's zoning jurisdiction in 1997 (97-11C). As it was a conventional rezoning there was no associated site plan. The property has never been developed.

Consistency and Conclusion

The request is consistent with the *Northeast Area Plan* for the portion that is currently zoned B-1, however it is not consistent for the portion that is currently zoned R-12MF. However, staff is willing to support the extension of the NS zoning in order to achieve a higher quality development in terms of use and design.

Existing Zoning and Land Use

The zoning of the properties to the west and north of the site are R-3 and R-12 MF and are undeveloped or single family in nature. Across N. Tryon Street the properties are zoned CC (developed as the Regal Cinemas), R-12 MF (CD) and B-1 (CD) (both undeveloped).

Rezoning History in Area

The most recent rezoning in the immediate area was a site plan amendment (2004-72) for a portion of the CC property across N. Tryon Street. The amendment allowed an additional 10,000 square feet to the overall and increased from one to two the number of uses with drive-through windows. A maximum of 27,000 square feet of office, retail and restaurant uses are permitted on the site.

Public Plans and Policies

Northeast Area Plan (2000). The *Northeast Area Plan* recommends retail land uses for the parcel currently zoned B-1 and residential land uses up to 12 dwelling units per acre for the parcel zoned R-12MF. The *Northeast Area Plan* amended this portion of the 1996 *Northeast District Plan*, but the recommendations for these parcels did not change.

Proposed Request Details

The site plan accompanying this petition limits the retail uses to 20,000 square feet and provides 131 parking spaces, 2 bicycle spaces, and one loading space. Convenience stores, gasoline sales, and drive-through windows as an accessory to any use other than a bank or financial institutions are prohibited. Private roads are proposed along the northern edge and western edge of the property. Buildings are pulled to the front of the site with parking located to the rear and side.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 1,400 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 2,400 trips per day. This will have a significant impact on the surrounding thoroughfare system.

Therefore, CDOT requests that the developer submit a Traffic Impact Study (TIS) in order to evaluate the effect that site generated traffic will have on the thoroughfare system in the vicinity. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- The Mecklenburg-Union Thoroughfare Plan shows the realignment of Salome Church Road (major thoroughfare) that connects to North Tryon Street opposite Pavilion Boulevard (minor thoroughfare). The petitioner will be responsible for constructing that section of the thoroughfare realignment located on the western portion of the property that is needed for access as shown on the site plan. Pavilion Boulevard Extension must be constructed to major thoroughfare design standards. The alignment and design of Pavilion Boulevard Extension will not be reviewed during the rezoning process; items related to the design of this road will be addressed during subsequent review processes. Future curblines on Pavilion Boulevard Extension and North Tryon Street (to measure the 14-foot NS setbacks) will be determined during the subdivision process.
- The petitioner will be responsible for all costs associated with traffic signal modifications at the North Tryon Street/Pavilion Boulevard intersection to accommodate the addition of the 4th leg of the intersection and any necessary modification(s) to the reversible lane system on North Tryon Street. Items that may be involved in modifying the traffic signal include, but are not limited to, new/relocated/upgraded poles, wiring, controller or pullbox locations, pedestrian signals, detection equipment, and system interconnect cable.
- A 10-foot planting strip and 6-foot sidewalk need to be constructed along the site's North Tryon Street frontage. An 8-foot planting strip and 6-foot sidewalk need to be constructed along all other abutting public streets.

- Additional right-of-way is needed on North Tryon Street and Pavilion Boulevard Extension beyond the 100-foot minimum requirement for major thoroughfares. The necessary right-of-way is listed below.
 - North Tryon Street
 - 70 feet from centerline for the first 500 feet east of Pavilion Boulevard
 - 20:1 taper to 50 feet from centerline or to existing, whichever is greater
 - Pavilion Boulevard Extension (realigned Salome Church Road)
 - 60 feet from centerline for the first 500 feet north of North Tryon Street
 - 45:1 taper to 50 feet from centerline for the next 450 feet
- Additional comments will follow our review of the TIS.

CATS. CATS did not have comments on this petition.

Connectivity. The site plan provides a public street with connections to the adjacent property to the east and north.

Storm Water. Storm Water Services indicates that all comments have been addressed.

School Information. This petition will not impact the school system.

Outstanding Issues

Land Use. The request is consistent with the *Northeast Area Plan* for the portion that is currently zoned B-1, however it is not consistent for the portion that is currently zoned R-12MF.

Site plan. The following site plan comments are outstanding:

- The amount of retail square footage should be reduced.
- Provide 17.5% tree save area and show location.
- The building setback along Hwy 29 should be 20-feet.
- The road on the western portion of the site should be a major thoroughfare built to major thoroughfare standards. Please indicate when the connection to the adjoining property will be made.
- The parking on the eastern side of the site should be behind the front corner of the building.
- Indicate the minimum amount of required and provided parking.
- Provide 8-foot planting strips connecting to the adjacent parcel along the private internal road.
- The proposed public street along the northern property line should be terminated as a stub street for the future extension and not as a cul-del-sac.