

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-62

Property Owner: Wachovia Corporation

Petitioner: Wachovia Corporation

Location: Approximately .22 acres located southwest of the intersection of Central Avenue and The Plaza

Request: B-2, PED, general business pedestrian overlay district to B-2, PED-O, general business pedestrian overlay optional district

Summary

This rezoning is for a PED-O to allow the installation of a new drive-up ATM in the side yard. The property is located in the Central Avenue PED overlay where ATM's are only allowed in the rear yard unless an optional is requested. The existing drive-up ATM machine is a continuing non-conforming use.

Conclusion

The purpose of the Pedestrian Overlay District (PED) is to reestablish a pedestrian urban fabric by promoting a mixture of uses in a **pedestrian-oriented setting**. The standards encourage high quality design, mixed-use development, facilitates the use of public transit, and development, which complements adjacent neighborhoods.

PED standards replace the development standards of the underlying zoning districts including a parking reduction for financial institutions from 1 space per 200 square feet to 1 space per 600 square feet. The intent of this reduction is to promote pedestrian oriented developments, not to allow additional development that is dependent on vehicles (i.e. a drive thru ATM). Therefore, this petition is considered inconsistent with the Central Avenue Land Use and Pedscape plan and is not recommended for approval. The petitioner should install a walk up ATM that would be in keeping with the intent of the PED overlay district.

Existing Zoning and Land Use

The properties surrounding the site are zoned B-2 PED and are used for a variety of commercial purposes including Dish Restaurant, Thomas Street Tavern, and the US Postal Service. Across Central Avenue to the north are the branch library and the new Tuscan Properties Central 27 condominium development. To the east across Central Avenue is the Harris Teeter grocery store.

Rezoning History in Area

The most recent rezoning in the area was in 2003 (2003-065) for ABBA Investments at the corner of Central and Pecan. The property was rezoned from B-2, General Business to MUDD-O, mixed-use development district, optional to allow the addition of a balcony and window boxes for a proposed second floor restaurant.

Public Plans and Policies

The *Plaza-Central Pedscape Plan* was approved by City Council November 10, 2003. The subject property is recommended for Retail Mixed Use Development, to include Retail, Office, and Multi-family development.

The *Central District Plan* (1993) showed the subject property as Commercial. The *Plaza-Central Pedscape Plan* superseded the *Central District Plan*.

Proposed Request Details

The site plan associated with this petition shows the removal of approximately seven parking spaces and the installation of a new drive up ATM in place of the parking.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 410 trips per day as currently zoned and built out. With the proposed addition of one drive-up ATM the site could generate approximately 820 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT had the following specific comments that are critical to their support of the rezoning petition:

- A concrete median must be installed between the proposed drive-up ATM lane and the existing 90 degree parking. This median will prevent vehicles entering the site at the Central Avenue driveway from being able to immediately enter the new drive-up ATM lane. Vehicles entering the site at the Central Avenue driveway should circulate around the existing ATM lane to access the new ATM lane. This issue will be further reviewed during the PED review process.
- The site plan should be updated to illustrate all proposed vehicular and pedestrian connections to adjacent properties. The existing building and parking lot layouts for the adjacent sites should be included on the site plan. Any existing driveways on adjacent sites should be shown on the site plan.

CATS. CATS did not have comments on this petition.

Storm Water. The petitioner shall include the following notes on the petition:

- Storm Water Quantity Control The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.

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

Outstanding Issues

Land Use. The proposed rezoning is not consistent with the *Plaza-Central Pedscape Plan* and conflicts with the principles of the plan.

Site plan. The following site plan issues are outstanding:

- Provide a walk-up ATM that is ADA compliant instead of a drive through.
- Provide streetscape improvements and required screening for parking.
- Provide decorative and pedestrian lighting in the appropriate areas.
- Provide clearly identifiable pedestrian pathways and crosswalks where necessary.
- Add the following note to the rezoning site plan and/or related rezoning documents:
“The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission, the stricter condition or existing requirements shall apply.”
- The site development table should be added back to the site plan.
- CDOT and Stormwater issues should be addressed.