

**ZONING COMMITTEE  
RECOMMENDATION  
June 27, 2007**

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Rezoning Petition No. 2007-052

**Property Owner:** Tyvola Crossing Associates, Ltd.

**Petitioner:** The Ghazi Company

**Location:** Approximately 13.07 acres located on the northeast corner of S. Tryon Street and W. Tyvola Road.

**Request:** B-1 (CD), neighborhood business conditional to CC (CD), commercial center, conditional and BD (CD), business district, conditional

**Action:** The Zoning Committee recommended a one-month **DEFERRAL** of this petition.

**Vote:**

Yeas:	Chiu, Lipton, Loflin, Ratcliffe, Sheild and Simmons
Nays:	None
Absent:	Rosenburgh

**Summary of Petition**

This petition proposes to rezone approximately 13.072 acres located on the northeast corner of S. Tryon Street and W. Tyvola Road from B-1(CD) to CC and BD (CD) as part of a newly planned retail-oriented mixed use center. The request has been amended with respect to the acreages to be rezoned to CC and BD (CD). The area proposed to be rezoned to CC has been reduced to 9.73 acres from 11.2 acres, and is intended to accommodate to 110,000 square feet of retail uses and up to 30,000 square feet of office. The maximum ground floor area of a single tenant use may be 50,000 square feet with an expansion area of up to 10,000 square feet. The land area to be rezoned to BD (CD) has been increased from 1.8 acres to 3.27 acres, to allow a four-story, mini-storage facility. The mini-storage facility has decreased in size from 110,000 square feet (27,500 square feet per floor) to 100,000 square feet (25,000 square feet per floor) and a Floor Area Ratio (FAR) of 0.7.

The proposed office/retail development is consistent with the *Southwest District Plan* (1991), which recommends retail on the subject property. Adopted land use plans do not specifically support mini-storage facilities. The proposed mini-storage facility may be considered appropriate subject to it being well integrated into the overall development, and ensuring that it does not create functional or visually negative impacts on surrounding properties. The site design of the mini-storage facility should ensure there are no truck entrances and exits, movement or storage on the sides facing residentially zoned properties. This petition can be supported subject to addressing outstanding

issues, mainly conflicts with the required buffer placed in the Duke Power easement, and design of the mini-storage facility. However, the petition cannot be supported in its current form.

### **Zoning Committee Discussion/Rationale**

Keith MacVean recommended that the petition be deferred for one month to address outstanding site plan items. The Zoning Committee moved to suspend the rules to address the petitioner on the recommended deferral. A representative for the project noted concern with a deferral due to the petitioner being out of the country, and requested that the Committee proceed with consideration of the request. Mr. MacVean reviewed the petition and noted outstanding site plan items, specifically the placement of the required buffer within the Duke Power easement, which is prohibited by the City of Charlotte Zoning Code. Subsequently, the representative received word from the petitioner agreeing to a one-month deferral of the petition.

### **Vote**

**Upon a motion made by Sheild and seconded by Loflin, the Zoning Committee voted unanimously to recommend a one-month deferral of this petition.**

### **Staff Opinion**

Staff concurs with the decision to defer the petition for one month.