

**ZONING COMMITTEE
RECOMMENDATION
January 30, 2008**

Rezoning Petition No. 2007-113

Property Owner: John Campbell, et al

Petitioner: Budget Development Partners, LLC

Location: Approximately 1.85 acres located on the south side of W. Morehead Street, just west of I-77

Center, Corridor or Wedge: Corridor

Request: B-1 (PED), neighborhood business, pedestrian overlay district to B-D (CD) (PED-O) distributive business, pedestrian overlay district, optional.

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of the Alternative Site Plan presented with this petition.

Vote:

Yeas:	Howard, Lipton, Loflin, Randolph, Rosenburgh, and Sheild
Nays:	None
Absent:	Johnson
Recused:	None

Summary of Petition

This petition seeks to rezone 1.88 acres to B-D (CD) (PED-O) to allow a self-storage facility with a gross square floor area of 190,000 to 200,000 square feet of self-storage, and 10,000 to 20,000 square feet of office uses, for a total of 210,000 square feet along W. Morehead Street, near I-77. The office uses are proposed on the first and sixth floor of the building.

Zoning Committee Discussion/Rationale

Mr. MacVean summarized the rezoning and stated that this use is consistent from a land use perspective. He noted that the site has a number of challenges: 1) it is located in a floodplain, and the site is constrained by I-77, 2) more intense uses would require a higher number of required parking spaces, 3) filling the parking area to elevate the parking would create a rise in the flood level, 4) residential uses would not be appropriate because more cars would be on the

site more of the time, than for a storage facility, 5) part of the site is located in the 175' transitional setback area from I-77.

Mr. MacVean stated that the petitioner is comfortable with moving forward with the "Alternative Site Plan", which provides two loading docks at the rear of the property, accessed from the parking lot and out of the future right-of-way for Interstate 77. Mr. MacVean reviewed the site plan details of this site plan.

The Commission suspended the rule to ask the petitioners agent what conditions were associated with the variance approved for this site by the Board of Adjustment. Mr. Carmichael read the Variance Order conditions: 1) a certification letter for the cable design system for the railing along the floodplain would be sent to the Zoning Administrator and Floodplain Administrator to ensure that the cable system will reasonably prevent vehicles from floating downstream when a significant flooding event occurs; 2) signs will be posted at all entrances to the parking lot that state the parking lot is subject to flooding; 3) future uses on the site will not include any residential uses.

There was concern expressed about liability. The Board of Adjustment may not have gone far enough. Should there be a mechanism were a device of some sort would keep people out of the parking lot, and a warning light that would flash when a significant flood was occurring?

Another Commissioner was concerned about the fact that the use is not consistent with adopted policies for parcels near the future streetcar line. Plus, a storage facility is not the type of use which is recommended near transit areas. Mr. MacVean stated that the property is unique because it is in a floodplain, and more intense uses would require more parking, and this site is challenged to provide sufficient parking, plus the parking is located in the floodplain. The question was raised if CATS was comfortable with this use at this location? Mr. MacVean responded that he couldn't speak for CATS, but that Planning staff is comfortable.

Consistency Statement

Upon a motion made by Commissioner Sheild, seconded by Commissioner Lipton, the Zoning Committee found this proposal to be consistent with the *West Morehead Land Use and Pedscape Plan*, and reasonable and in the public interest.

Vote

Upon a motion by Commissioner Sheild, seconded by Commissioner Randolph, the Zoning Committee voted unanimously to recommend APPROVAL of the Alternate Site Plan associated with this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.