

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-132

Property Owner: Ballantyne Real Estate Holdings, LLC

Petitioner: Pete Lang

Location: Approximately 7.0 acres on the southwest corner of Johnston Road (US 521) and Providence Road West

Center, Corridor, or Wedge: Wedge

Request: O-1(CD) (conditional office district) site plan amendment

Summary

This petition seeks approval for a bank, an office building, and a fitness center. The total proposed size is 72,500 square feet.

Consistency and Conclusion

From a land use perspective this proposal is consistent with the South District Plan. Upon resolution of outstanding site plan issues, this petition would be considered appropriate for approval.

Existing Zoning and Land Use

The parcels located to the east are single family residential in the R-3 zoning district; the parcel to the south is currently undeveloped and zoned O-1; the parcels to the west are single family lots that border some multi-family housing on their respective western boundaries; and directly to the north is a mix of commercial and multifamily uses.

Rezoning History in Area

In the late 1990's there were two rezonings to the south of this site to allow a religious facility and two rezonings to allow multi-family residential generally west of the petitioned site. Another rezoning was approved in 1999 for a shopping center across Providence Road West from the site. The petitioned site was rezoned in 2002 for office uses.

Public Plans and Policies

The *South District Plan* (1993) shows the proposed land use for the subject property as office as amended through a rezoning in 2002. Planning staff did not recommend the approval of the rezoning at that time due to a desire to keep the area residential.

Proposed Request Details

The site plan accompanying this petition contains these additional provisions:

- Access is via a new public street from Providence Road West. This street will also provide access to the property on the west and south sides of the petitioned site. A left turn lane from Providence Road West will be installed by the petitioner.
- It appears that wetlands exist on the site and will be impacted by the development.
- A 35-foot setback is proposed along Johnston Road (US 521) and a 30-foot setback along Providence Road West.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT estimates that as currently zoned the site would generate approximately 1100 trips per day. That would increase to 2700 trips per day under the proposed rezoning and will have a minor impact on the surrounding thoroughfare system. CDOT also believes that proposed land use is not supportive of the Transportation Action Plan. See attached memo for additional detailed comments.

CATS. CATS did not comment on this petition. The nearest transit service is an express bus line to the Ballantyne Corporate center.

Connectivity. The current site plan does not provide usable connectivity to the parcel to the south and west. Connectivity is provided to the parcel to the west at the north end of the site.

Storm Water. Storm Water Services and LUESA are both requesting water quality and peak/volume improvements for the site.

School Information. This non-residential petition will not impact the school system.

Outstanding Issues

Land Use. There are no land use issues associated with this petition. The proposed uses are similar to those approved in the previous rezoning for this site.

Site plan. The site plan accompanying this petition contains the following deficiencies:

- The proposed public street does not exit the site in such a way as to provide usable access to the abutting parcel. The proposed right-of-way needs to be revised.

- The 35-foot setback along Johnston Road needs to be a landscaped setback with approximately the standards of a Class “C” buffer. The existing trees need to be surveyed and preserved as part of this landscaped setback.
- There is no proposed tree save for the site. Preservation of appropriate existing trees should be undertaken and additional trees planted to achieve a future tree canopy on the site.
- The bank drive-thrus need to be screened. It appears that there is insufficient stacking for the drive-thrus.
- “Commercial” needs to be removed from the allowed uses since the bank is a permitted office use.
- Note #7 needs to reference section 6.207 of the Zoning Ordinance.
- A note needs to be added that wetlands have been identified on the site and provides the contact information for both NCDENR and the Army Corps of Engineers.
- An eight-foot sidewalk and eight-foot planting strip need to be added parallel to US 521. The sidewalk must be outside the right-of-way. It may be in the setback or along the interior roads/drives. A public access and maintenance easement may be needed. The additional width is needed to accommodate the proposed greenway overland connector. See attached memo.
- Proposed zoning needs to be in the Development Summary.
- Note #8 needs to be deleted since access is being provided via public streets.
- Add a note that solid waste and recycling containers must be screened by a solid fence/wall with a solid gate.
- A note needs to be added that satisfies the requests of LUESA and Storm Water Services.
- Elevations of the fitness center need to be provided, along with a note that clear glass windows need to be provided along public street frontages.
- The notes requested by the Engineering Property Management Department need to be added to the site plan. See attached memo.