

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2008-023**

**Property Owner:** Louis M. Helms, Jr.  
Anita B. Helms  
  
Curlee/Swayne/Cherry, LLC c/o EVCO Construction Co. Inc.

**Petitioner:** Frank T. Ellett  
Charlotte Truck Center

**Location:** Approximately 28.70 acres located on the northwest corner of  
Equipment Drive and Jeremiah Boulevard

**Center, Corridor,  
or Wedge:** Corridor

**Request:** BP, business park to I-1(CD), light industrial, conditional and  
B-2(CD), general business, conditional

### **Summary**

The petitioner is requesting to rezone the subject parcel in order to allow development of limited commercial uses. A portion of the site is currently developed with a 19,895 square-foot commercial building built in 2001 and the remaining acreage is undeveloped.

### **Consistency and Conclusion**

The proposal is inconsistent with the *Northeast District Plan* recommendation for office/business park land use, but can be supported as the petitioner has agreed to limits to the functions of the business and has provided adequate buffers between this site and the adjacent institutional uses. Staff can support this request subject to the petitioner addressing outstanding site plan items.

### **Existing Zoning and Land Use**

The parcel is surrounded by a mix of institutional, commercial and residential land uses and zoning designations. To the east and north is Northside Baptist Church on property zoned Institutional. West are warehouses, hotels, and commercial uses on properties zoned B-2. South are multi-family residences on properties zoned R-17MF and R-6MF(CD).

### **Rezoning History in Area**

There have been no recent rezonings in the area.

## **Public Plans and Policies**

The proposal is inconsistent with the *Northeast District Plan* recommendation for office/business park land use, but can be supported as the petitioner has agreed to limit the functions of the business and has provided adequate buffers between this site and the adjacent institutional uses.

## **Proposed Request Details**

The site plan accompanying the petition provides the following proposed development details on the subject site:

- Creation of Parcel A, consisting of approximately 8.693 acres to be rezoned I-1(CD) and allowing uses in the I-1 zoning district
- Creation Parcel B, consisting of approximately 20.037 acres to be rezoned to B-2(CD), proposing up to 110,000 square feet of gross floor area and allowing sales of truck chassis and parts (prohibiting sales on Sundays), truck repair and servicing, and any accessory uses as permitted in the B-2 zoning district
- Prohibited uses on Parcels A and B to include motels and hotels; fast food restaurants with drive through facilities; convenience stores with gasoline sales; car washes as a principal use; automotive service stations; adult establishments; and nightclubs.
- Minimum 15% tree save area proposed on Parcel B
- Provision of Class C buffer along property lines adjacent and abutting properties zoned Institutional

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT has reviewed the petition and notes site could generate approximately 2,500 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 1,700 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has provided the following comments:

- A more detailed Conditional Plan needs to be submitted for review.
- The site needs to be served internally with only one access driveway onto Equipment Drive. Shared driveways may be considered once a more detailed site plan is submitted and reviewed.
- Cross-access between Parcels A and B via internal driveway connections needs to be provided.
- The petitioner needs to provide 5-foot sidewalks along Equipment Drive, as measured from 2 feet inside the future right-of-way line of Interstate 85.
- The petitioner needs to provide one stub driveway to the parcel adjacent to and southwest of the site.
- The site plan needs provide an internal system of 5-foot or wider sidewalks that connects building entrances to new sidewalks along Equipment Drive.

**CATS.** CATS has no comments on this petition.

**Connectivity.** Connectivity is proposed via an existing driveway and two proposed driveways onto I-85 Service Drive.

**Storm Water.** Storm Water Services (SWS) has reviewed the petition and notes downstream complaints consisting of erosion and blockage, and the site draining to a stream listed as impaired by the NC Division of Water Quality. SWS has provided comments pertaining to storm water quantity control, storm water quality treatment, stream buffers, and volume and peak control.

**School Information.** CMS has not provided comments on this non-residential request.

### **Outstanding Issues**

**Land Use.** The proposal is not consistent with the *Northeast District Plan* recommendation for office/business park land use, but can be supported as the petitioner has agreed to limits to the functions of the business and has provided adequate buffers between this site and the adjacent institutional uses.

**Site plan.** The following site plan items are outstanding and must be addressed for support of this request:

- Petitioner has provided notes under Parcel B that are also relevant, but not noted, under Parcel A. Petitioner must revise site plan to ensure appropriate development notes pertaining to maximum building area, screening, landscaping, lighting, signage, parking and loading, storm water are identified under Parcel A. Or, general development notes relating to both parcels should be provided on the site plan.
- Petitioner must revise site plan to provide a Class B (not Class C) buffer per Section 12.302(a) on Parcel A, as this acreage is being rezoned to industrial.
- Petitioner must provide a note prohibiting parking between the buildings and street (I-85 Service Drive).
- Petitioner must revise site plan to show parking behind the building line.
- The petitioner will need to dedicate or convey any additional right-of-way required for I-85.
- Petitioner should revise site plan note to indicate detached signage will not exceed 30 feet in height.
- Petitioner should revise site plan note to state any wall mounted wall light fixtures will have *full cut off*, not *fully shielded* as stated.
- Petitioner will need to provide the required 6-foot wide sidewalk with large maturing trees along the public right-of-way.
- Address any outstanding Storm Water Services and CDOT site plan items.