

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

### **Rezoning Petition No. 2007-016**

**Property Owner:** Barbara H. Ferrell et al / by Will

**Petitioner:** Linder Industrial Machine Company

**Location:** Approximately 10.56 acres located on the southeast corner of Old Statesville Road and Gibbon Road

**Request:** B-2 (CD), general business conditional district to I-2 (CD), general industrial conditional district

### **Summary**

This petition proposes to rezone approximately 10.56 acres to allow the development of a 50,000 square foot building for the sales, repair and leasing of industrial equipment.

### **Consistency and Conclusion**

The request is inconsistent with the *Northeast District Plan*, which recommends retail uses for this parcel. Staff is recommending denial of this petition.

### **Background**

In 1986-14(c) the petitioned site was rezoned from B-2 to B-2 (CD) eliminating many uses including but not limited to: automobile and truck rentals, “automobile laundries”, automobile repair garages, used automobile sales (new automobile sales were permitted).

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

The properties surrounding the petitioned site contain a mixture of uses and zoning. R-3 and R-17 MF are located generally to the south. Across Gibbon Road the properties are B-2 and across Old Statesville Road the properties are predominately industrial.

### **Rezoning History in Area**

The most recent rezoning in the area was petition 2004-004 for the A. G. Boone Company. The petitioner requested rezoning for the front portion of two parcels (approximately 1.5 acres) from B-1, neighborhood business to I-1, light industrial in order to achieve a 6.4-acre tract with the same zoning.

## **Public Plans and Policies**

***Northeast District Plan (1996).*** The *Northeast District Plan* recommends a retail land use for this parcel. The parcels to the south are recommended for residential land uses.

## **Proposed Request Details**

The site plan accompanying this petition notes the maximum building size as 50,000 square feet with the uses being limited to sales, repair and leasing of industrial equipment. The maximum building height is 45 feet and a 70-foot class B buffer is provided along the southern property line adjacent to the B-2 (CD) and a 94-foot class A buffer next to the R-3 properties.

The site plan shows a future building expansion but does not note if the expansion is included in the maximum 50,000 square foot limit. The main access is shown from Gibbon Road with an optional access from Old Statesville Road. An 8-foot solid wall or fence which changes to a chain link fence is proposed surrounding the paved vehicle parking and storage area. Where the chain link fence abuts Gibbon Road an evergreen screening will be provided. The buffers will be located between the chain link fence and the adjoining properties.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 6,200 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 350 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- The proposed driveway to Gibbon Road needs to be moved to a location towards the southeastern property line.
- According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte. CDOT has determined that a left-turn lane is necessary to serve the traffic using the proposed public street/private driveway connection(s) for this site. The engineering design and construction of the left-turn lane is the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed public street/private driveway connection(s) provided that a left-turn lane is constructed on Gibbon Road. We recommend the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the public street/private driveway connection(s). This roadway improvement is required to meet the traffic demands of the proposed development. The left-turn lane should be designed with a minimum 150 feet of storage, a 15:1 bay taper and 50:1 through lane tapers.
- The correct roadway geometry/cross-section for NC 115 (4-lane median divided with bike lanes, curb and gutter, sidewalk, etc.) needs to be shown on the plans.
- An 8-foot planting strip and a 6-foot sidewalk (8+6) need to be constructed along the site's Gibbon Road frontage. For completeness and consistency, 8+6 should be constructed along

NC 115 as well, but CDOT acknowledges that the sidewalk and planting strip presently there was constructed as part of a recent city project.

- Internal drive aisles need to align.
- At the intersection of major and minor thoroughfares, additional right-of-way is necessary.
  - Gibbon Road. For the first 300 feet southeast of NC 115, right-of-way measuring 45 feet from centerline is necessary, with a 45:1 taper transitioning over 450 feet to the typical 35 feet from centerline.
  - NC 115. For the first 300 feet southwest of Gibbon Road, right-of-way measuring 65 feet from centerline is necessary, with a 20:1 taper transitioning over 300 feet to the typical 50 feet from centerline.

**CATS.** CATS did not comment on this petition.

**Storm Water.** All Storm Water Services comments have been addressed.

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

## **Outstanding Issues**

**Land Use.** The request is inconsistent with the 1996 *Northeast District Plan*, which recommends retail uses for this parcel with industrial uses limited to the west side of this portion of Old Statesville Road. There are no adopted design guidelines for this area.

**Site plan.** The following site plan issues are outstanding:

- A detail of the wall should be provided. The wall should be used instead of the chain link fence at the entrance beside the B-2 property.
- The security fence should meet the provisions proposed by the industrial study.
- The driveway on Gibbon Road should be shifted to save the 35" oak on the west side.
- The parking that is parallel with Gibbon Road should be removed to allow for a larger tree save area. Based on the aerial photos, there are several trees just outside the setback that should be preserved.
- The percentage of tree save area should be noted on the site plan.
- The existing trees within the Class A and Class B buffers should be preserved and supplement to meet the ordinance requirements.
- Provide clear windows along the front and side elevations.