

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

### **Rezoning Petition No. 2007-18**

**Property Owner:** Robert Spivey

**Petitioner:** Robert Spivey

**Location:** Approximately 5.48 acres located on the northwest corner of Brookshire Boulevard and Oakdale Road

**Request:** R-4, single family residential and I-1, light industrial to B-2(CD), general business, conditional district

### **Summary**

This petition proposes to rezone and combine two parcels of land for the development of a 10,000 square foot commercial building.

### **Consistency and Conclusion**

The *Mt. Holly Road Special Project Plan* and the *Northwest District Plan* recommend commercial uses for the 4.74 acres of the petitioned site.

Both plans recommend residential zoning for the remaining .74 acres. The petition restricts the use of the .74 acre component to a detention pond. Due to the size, the utility easement that separates the property from the other residential properties in the area and the use conditions, staff is comfortable with B-2 (CD) zoning for the smaller tract.

Therefore, staff recommends approval of this petition upon resolution of the outstanding site plan issues.

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

The subject properties are surrounded by industrial zoning with the exception of the properties to the north which are zoned residential, office and distributive business. The predominant land use in the area is industrial with residential and a small amount of warehousing to the north. The property zoned for office uses has not developed.

### **Rezoning History in Area**

No rezonings have occurred in the immediate area in the last five years. The O-2 (CD) to the north was rezoned by petition 1996-12 and the distributive business by petition 1994-91.

## **Public Plans and Policies**

**Mt. Holly Road Special Project Plan** (adopted 1994) recommends retail land uses on the subject site consistent with the requested zoning classification. The exception being the smaller parcel, which is recommend for single-family land uses at 4 dwelling units per acre.

**Northwest District Plan** (adopted 1990) also recommends retail land uses on the subject site with exception of the smaller parcel, which is recommend for single-family land uses at 4 dwelling units per acre.

## **Proposed Request Details**

The site plan accompanying this petition includes the following:

- The R-4 portion of the property will be used only for the purposes of providing a detention basin to serve the proposed development.
- All uses in the B-2 district are permitted except the sale of automobiles and including tractor truck sales.
- Wall-pak lighting will not be permitted on any wall adjacent to the perimeter of the site. Freestanding lighting fixtures are limited to a maximum of 30-feet in height.
- The site plan shows a 10,000 square foot office/retail building, and a one-story block convenience store that is existing.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 2,000 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 2,800 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:

- 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 two left-turn lanes are necessary, one on Brookshire Boulevard at the existing full movement driveway and one on Oakdale Road for traffic using the proposed northernmost driveway. The existing driveway on Oakdale Road needs to be restricted to right-in/right-out movements only by extending the median to the proposed driveway. The engineering design and construction of the left-turn lanes 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 private driveway connections provided that a left-turn lane is constructed on Brookshire Boulevard and on Oakdale Road. We recommend the rezoning plan reflect the design of the required left-turn lanes prior to submittal/approval of the private driveway connection(s). These roadway improvements are required to meet the traffic demands of the proposed development. The left-turn lanes should be designed with a minimum 150 feet of storage, a 15:1 bay taper and 45/35:1 through lane tapers, respectively.

- We have discussed the site's access with the North Carolina Department of Transportation (NCDOT) and they have confirmed their requirement of the right-turn lane shown on the plan.
- Curb and gutter will need to be constructed along the site's Oakdale Road frontage, around the intersection corner radius, and connected with the existing curb on Brookshire Boulevard. The location of this curb and gutter will be determined through the building and driveway permit review process.
- Internal circulation, connectivity, and cross access needs to be provided among the uses within the site. The circulation of traffic for the car wash and the entire site needs to be revised to eliminate conflict points, reduce confusion, and reduce the potential of wrong way movements. The stacking for the car wash must meet the zoning ordinance requirements.

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

**Storm Water.** Storm Water Services is requesting their normal provisions to address storm water quality and peak/volume controls. (See attached memo.) In addition, the petitioner should remove notes #1 and #2 under "Storm Water Management" in their entirety.

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

### **Outstanding Issues**

**Land Use.** This request is to allow for retail land uses is consistent with the adopted plan except for the smaller parcel that is recommended for residential land uses. However, the residential portion is to be used only for storm water detention.

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

- Provide elevations of the retail/office building. The façade should be pedestrian friendly with clear windows and architectural details.
- Blank walls should not span more than 20' if viewable from the public ROW.
- Provide additional trees where possible in landscaped areas.
- If the retail/office building is relocated to Brookshire Boulevard the parking area should be to the side and/or rear of the building. No parking between the building and curb.