

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-22

Property Owner: Diamond Point Properties

Petitioner: Diamond Point Properties

Location: Approximately 1.27 acres located on the west side of S. Tryon Street between Yancey Road and Orchard Circle

Request: I-1 (CD) SPA, light industrial conditional district site plan amendment.

Summary

This petition proposes to rezone approximately 1.27 acres to allow restaurants as a permitted use.

Consistency and Conclusion

The request is inconsistent with the *Central District Plan* (1993); however, this parcel is in close proximity to a mix of office, industrial, residential, and commercial land uses, and zoning designations. This request will complement the existing land use and zoning in the area and therefore, can be supported upon resolution of the outstanding site plan issues.

Existing Zoning and Land Use

The petitioned parcel is currently zoned I-1 (CD) and is vacant. The western portion abuts I-77 and the northern side lies behind a row of single-family homes currently zoned R-22MF. To the north and along North Tryon Street the property is zoned B-2 and includes a gas station, a day care, a tackle shop and a vacant nightclub. To the east in I-2 zoning are various industrial uses, including office and distributive businesses.

Rezoning History in Area

The last rezoning in the immediate area was 2001-075. The subject property was included in that rezoning. The intent was to allow the development of up to 85,000 square feet of building area for office/warehouse/distribution/light manufacturing/accessory retail within an enclosed building. Across South Tryon Street and adjacent to I-77, a large area was rezoned from I-2 (heavy industrial) to B-2 (general business) in 1993 in implementation of the *Central District Plan*. Areas to the north were rezoned to R-5 and R-8 at the same time.

Public Plans and Policies

The *Central District Plan* (adopted in 1993) recommends light industrial uses on this site. This property is located within the South Transit Corridor, but lies outside and between the Scaleybark and Woodlawn station areas.

Proposed Request Details

The site plan accompanying this petition indicates the following

- The 82-foot buffer may be reduced to 61.5 feet with the installation of a solid screen fence.
- Lighting will be limited to a maximum of 35-feet.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 500 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 650 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 circulation/operation of the drive-through lane and any by-pass lane needs to be better defined. Also, the location of the drive-through window(s) needs to be identified.
- The site plan is not designed well for pedestrians walking from the larger parking area to the proposed restaurant. The current plan requires customers to walk through the driveway and dumpster areas. The vehicle and pedestrian circulation system needs to be revised to provide a better plan and to minimize the number of pedestrian-vehicular conflict points.
- The site plan does not indicate access to South Tryon Street. The existing driveway will be required to be removed and replaced with curb and gutter during the building/driveway permit review process.
- The placement of the dumpsters on site requires waste collection vehicles to back out onto Jeremiah Avenue to access them. While we recognize that Jeremiah Avenue is a private street, we recommend that this function occur within the site.

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.)

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

Outstanding Issues

Land Use. The request is inconsistent with the *Central District Plan* (1993), which recommends light industrial uses on the subject parcel. However, this parcel is in close proximity to the I-77/Woodlawn Avenue interchange and will service nearby properties, which are a mix of office, industrial, residential, and commercial land uses and zoning designations. Therefore, this request can be supported subject to adherence to all applicable development and design requirements.

Site plan. Staff is working with the petitioner on the following site plan issues:

- Brick columns should be provided every 24-feet within the screen fence. The fence should be constructed of a low maintenance material such as cedar or vinyl.
- The fence must be located in the outer half of the buffer. The required buffer needs to be shown on the site plan.
- Vehicular access to S. Tryon is not permitted and should be noted on the site plan.
- Parking should be located behind the building (as noted in conditional note 19) or at least behind the building line.
- Enhanced landscaping should be provided in the 20-foot setback along S. Tryon Street as well as an 8-foot planting strip and a 6-foot sidewalk.
- The aisle width between the building and S. Tryon Street should be reduced to 20-feet.
- A 10-foot landscape area should be provided along the private drive. Landscaping should be noted on the site plan and 5-foot internal sidewalks should be shown.
- Building elevations should be provided.
- Permitted uses other than a restaurant with drive-through services should be noted on the site plan. Does note 24 apply?
- Bicycle parking should be provided as required by the Zoning Ordinance.
- The maximum square footage should be noted on the site plan.
- A status update of the public sidewalk project in relation to the subject property should be provided.
- Notes not associated with this property should be removed (#17, and possibly #18, #19 and #12).