

**ZONING COMMITTEE
RECOMMENDATION
April 25, 2007**

Rezoning Petition No. 2007-38

Property Owner: Brookdale GP Limited Partnership and APS Investments LLC

Petitioner: Rocky River Deacon Devilcat, LLC

Location: Approximately 6.3 acres on the west side of Plaza Road Extension, south of Rocky River Road

Center, Corridor, Or Wedge Wedge

Request: CC, Commercial Center, to BD(CD), condition distributive business, and CC (site plan amendment)

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, based upon the following modifications:

- The 35-foot landscape and setback will be installed prior to the issuance of any certificates of occupancy.
- The developer will provide drainage calculations per Storm Water Services request.
- The contact information for jurisdictional streams and wetlands has been added to the site plan.
- Architectural elevations and additional details have been provided.

Vote: Yeas: Carter, Chiu, Ratcliffe, Sheild, and Simmons

Nays: None

Excused: Randolph

Absent: Loflin

Summary of Petition

This petition seeks to modify a previously approved site plan to accommodate an enclosed self storage facility (101,400 square feet) and two retail/office buildings (totaling 44,000 square feet).

It deletes a previously approved hotel. Approximately 13,000 square feet of retail has already been built per the approved site plan. The site is split by the Mecklenburg/Cabarrus county line. The currently approved site plan allows 50,000 square feet of retail plus a 120-room hotel.

Zoning Committee Discussion/Rationale

Staff reviewed the petition. A Zoning Committee member inquired as to the status of the project on the Cabarrus County portion of the site. Staff responded that the shopping center was largely built.

Statement of Consistency

Upon a motion made by Commissioner Sheild and seconded by Commissioner Ratcliffe the Zoning Committee unanimously found this petition to be consistent with the Rocky River Road Area Plan and to be reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Sheild and seconded by Commissioner Ratcliffe the Zoning Committee voted unanimously to recommend approval of this petition with the noted modifications.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.