

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

### **Rezoning Petition No. 2008-87**

<b>Property Owner:</b>	Pinnacle Point Development, LLC and Pinnacle Point ATE, LLC
<b>Petitioner:</b>	Pinnacle Point Development, LLC and Pinnacle Point ATE, LLC
<b>Location:</b>	Approximately 27.2 acres on the northwest corner of W. Mallard Creek Church Road and Berkeley Place Drive
<b>Center, Corridor, or Wedge:</b>	Corridor
<b>Request:</b>	CC, commercial center, to B-D(CD), conditional distributive business, and CC site plan amendment

### **Summary**

This petition seeks approval for up to 58,000 square feet of retail space, up to 200,000 square feet of office space and a self-storage facility of up to 130,000 square feet. Existing development rights consist of 75,000 square feet of retail and up to 255,000 square feet of office space.

### **Consistency and Conclusion**

While the climate controlled storage is not specifically supported by adopted plans this is a sizable mixed-use center with a large amount of multi-family housing in the immediate area. Therefore, staff believes this land use is reasonable and in the public interest. This petition would be appropriate for approval upon correction of the site plan deficiencies noted below.

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

To the north are single family homes in a low density pattern in R-3 zoning. To the east across Mallard Creek Church Road is a veterinary's office surrounded by vacant land in R-17MF(CD) zoning. There is a small college and a multi-family complex to the south, in CC and R-17MF(CD) zoning, respectively. The land to the west is the multi-family residential component of the earlier rezoning and is developed.

### **Rezoning History in Area**

The petitioned site was included as part of two earlier rezonings – 1999-67(c) and 2002-127. There have been numerous rezonings to the commercial center district and to various multi-family residential districts in this vicinity.

### **Public Plans and Policies**

The *Northeast District Plan* (1996) recommended research here but was amended by rezonings in 1999 and 2002 to provide for a mix of retail, office, and residential uses in this area.

***Northeast LRT Transit Station Area Concepts.*** A small portion of the parcel is within a half-mile of a proposed Northeast Light Rail Transit (LRT) station at Mallard Creek Church Road and North Tryon Street. However, the station area concept for this proposed station does not address land use recommendations for this parcel.

### **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

Two private drives provide vehicular connections to the property to the north.

The majority of the site includes a Class “B” buffer reduced with a fence or berm to 56.25 feet.

Due to topography, buildings I & II may have retail on both first and second floors, with an optional third floor. Other buildings are limited to retail on the first floor only.

Elevations of the climate-controlled storage building are included in the site plan.

Maximum tenant size is limited to 25,000 square feet.

### **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT estimates that this proposal will result in a decline in generated trips from 8380 to 7350. No additional improvements are being sought.

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

**Connectivity.** The site provides adequate connectivity to surrounding parcels.

**Storm Water.** Petitioners agree to comply with the adopted Post Construction Controls Ordinance.

**School Information.** This non-residential petition will not negatively impact the school system.

### **Outstanding Issues**

**Land Use.** While the climate controlled storage is not specifically supported by adopted plans this is a sizable mixed-use center with a large amount of multi-family housing in the immediate area. Therefore, staff believes this rezoning is reasonable and in the public interest. This petition is considered to be appropriate for approval from a land use perspective.

#### **Site plan.**

The site plan accompanying this petition contains the following deficiencies:

Note III.B. needs to include a commitment to provide public access easements for the two private streets extending to the north. Those streets need to be constructed to the property line and barricaded.

Note IV.10(G) needs to eliminate drive-thru windows except for a financial institution at the corner of Berkeley Place Drive and Mallard Creek Church Road.