

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2005-151

Property Owner: Paul B. and Jean B. Stewart

Petitioner: TALCO Express

Location: Approximately .75 acres located east of Statesville Road and north of Winslow Drive.

Request: R-4, single family residential to B-1 (CD), neighborhood business conditional district

Summary

This petition proposes to rezone approximately .75 acres from R-4, single family residential to B-1 (CD), neighborhood business in order to build a 2,400 square foot convenience/gas store.

Conclusion

Staff is recommending denial of this petition as it is inconsistent with the adopted land use plans. If the petition is considered for approval, the outstanding site plan issues should be addressed.

Existing Zoning and Land Use

The petitioned site is surrounded by properties which are zoned R-4, single family residential. Statesville Road Baptist Church is located immediately across Statesville Road. A small store, a warehouse, and single-family homes are located diagonally across Statesville Road.

Rezoning History in Area

There have been no rezonings in the immediate area in the last five years.

Public Plans and Policies

The *Northeast District Plan* (1996) is the recent land use policy for this petition that recommends single-family residential land uses up to 4 DUA.

The *General Development Policies* (2003) do not apply to this petition.

Proposed Request Details

The site plan associated with this petition indicates a 2,400 square foot convenience store with three-pump stations covered by a 28' x 83' canopy. A class B buffer is shown along the northern and eastern property boundaries.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 30 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 1,000 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to CDOT's support of the rezoning petition:

- The site plan does not contain sufficient information for us to complete our review. The site plan must be revised to provide the following minimum information:
 - Rights-of-way for Statesville Road and Winslow Drive
 - All edges of pavement or location(s) of curb, gutter, and/or sidewalk on Statesville Road and Winslow Drive
 - Locations of all adjacent or opposing driveways on Statesville Road and Winslow Drive
- At least 50 feet of internal channelization is required on each driveway.
- No maneuvering is allowed in the right-of-way or in the required setback.
- Sidewalk located adjacent to 90° head-in parking needs to be at least 7 feet wide in order to accommodate vehicle overhang.
- The proposed driveway to Winslow Drive must be relocated to the east and farther away from Statesville Road.
- The City has a future project to widen Statesville Road to a 4-lane, median-divided cross-section when funding is available. Please contact the project manager for the Statesville Road widening project, Kruti Desai, at 704-353-1795 for more information including (but not limited to) proposed curblines and necessary right-of-way/easements.
- The petitioner needs to commit to constructing 8-foot planting strips and 6-foot sidewalks along both Statesville Road and Winslow Drive.

CATS. CATS did not comment on this petition.

Storm Water. The petitioner shall include the following notes on the petition:

The petitioner shall control and treat the difference in storm water runoff volume leaving the project site between the pre and post development runoff conditions for the 1-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours. Peak storm water release rates should match pre-development rates for the 2-year and 10-year 6-hour storm events.

The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) shall be incorporated into the site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development according to specifications in the N.C. Department of Environment and Natural Resources Best Management Practices Manual, April 1999.

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

Outstanding Issues

Land Use. The petition is not consistent with the adopted single-family residential land use up to 4 DUA recommendations as outlined in the *Northeast District Plan*. Therefore, from a land use perspective this petition is not considered appropriate for approval.

Site plan. The following site plan issues are outstanding:

- The site plan should include a site data table with the following information:
 - Existing zoning, proposed zoning, acreage, maximum square footage, allowed uses, required number of parking spaces, provided number of parking spaces, and maximum building height.
- Limit the sign to 4-feet in height and 32 square feet in size.
- A note indicating that no signs are permitted on Winslow Drive should be added to the site plan.
- The dumpster should be moved as far as possible away from the adjoining residential properties.
- A lighting plan should be shown with no more than 24-foot candles at ground level and no wall pak lighting.
- No loud speakers should be allowed.
- The location of the storm water detention pond should be shown and should not be in the setbacks or buffer areas.
- Show the church driveway across Statesville.
- The driveway should be lined up with the church driveway across Statesville Road.
- The site plan calls for 21-foot buffer/setback. Please show the required 10-foot setback and the required buffer separately.
- Details of the proposed buffer fence should be shown on the plan.
- Provide 6-foot sidewalk and 8-foot planting strip along Statesville Road and Winslow Drive.
- Note that parking and maneuvering are not allowed in the setbacks.