

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: BD(CD) (distributive business, conditional)
<b>LOCATION</b>	Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of a climate controlled storage building and general/medical office uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Robert D. Ross and Claudia T. Ross Taylor/Theus Development Holdings, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 51
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends residential use up to three dwelling units per acre.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The site is not conducive to residential development due to its size and location adjacent to athletic facilities for Ardrey Kell High School; and</li> <li>• The petition restricts the site to a climate controlled self-storage facility and medical and general office uses; and</li> <li>• Self-storage facilities have low traffic volumes; and</li> <li>• The petition limits maximum building heights, and provides building and site design commitments that reduce the impacts on residential uses in the area;</li> </ul> <p>By a 5-1 vote of the Zoning Committee (motion by Wiggins seconded by Commissioner Sullivan).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications and the petitioner's commitment to address one outstanding issue:</p> <ol style="list-style-type: none"> <li>1. Staff rescinded the request for the petition to consider a different site layout because the petitioner provided staff with several layout options and it staff determined that the layout as proposed was the best option for internal pedestrian and vehicular circulation, efficient use of the site, and buffering and screening.</li> <li>2. Deleted note C. IV. and amended note C. IV. to reflect the addition of the building envelope.</li> <li>3. Provided a rear elevation of the building located in Area B showing the view from Community House Road.</li> <li>4. Provided a note committing to the provision of supplemental plantings, in addition to the tree save area, within the 40-foot setback along Community House Road within Area B to meet or exceed the planting requirements of a "Class C" buffer to ensure that the building is completely screened from Purchase Street.</li> <li>5. Removed the phrase "(including, without limitation, financial institution uses)" from note 1. A.</li> <li>6. Specified that windows facing Ardrey Kell and Community House Road will be clear glass within development Area A.</li> </ol>
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7. Replaced the existing five-foot sidewalk and two-foot planting strip along Ardrey Kell Road with an eight-foot planting strip (width of planting strip may vary to avoid existing utility poles) and six-foot sidewalk from the intersection of Community House Road and Ardrey Kell Road to the driveway into the site. The existing five-foot sidewalk and six-foot planting strip from the driveway to the western property is sufficient in width and shall remain.
8. Provided a pedestrian connection, across the private driveway from the building in Area B, to the sidewalk network in Area A.
9. Amended Note 9. C. to read, "Wall pak lighting will not be allowed. However, other lighting fixtures that are decorative capped and downwardly directed will be allow on the proposed buildings walls.
10. Reduced the sign height and area specified in Note 8.c. to limit the height of ground mounted signs on Community House Road to four feet and not to exceed 32 square feet in area.
11. Committed to amending the language of note 5.g. to say the width of the planting strip may be increased to avoid existing utility poles.

**VOTE**

Motion/Second: Wiggins/Sullivan  
 Yeas: Dodson, Eschert, Nelson, Sullivan and Wiggins  
 Nays: Labovitz  
 Absent: None  
 Recused: Lathrop

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the rezoning request and the changes made since the public hearing. The petitioner has committed to address the final outstanding issue. Staff pointed out that the opposition provided an example of how a single family development of the site could look. A commissioner asked how the uses on the site related to Ardrey Kell High School. Staff described the site layout and the location of high school facilities. The commissioner asked about comments from Charlotte Mecklenburg Schools (CMS). Staff explained that typically with petitions that do not have residential components CMS does not provide comments. Planning is working with CMS on the issue to determine when they do need to comment. The commissioner suggested that irrespective of the outcome of the Zoning Committee's vote a specific request for comments be asked for this petition. A commissioner asked what other permitted uses would be allowed by the current zoning versus what is proposed. Staff explained that the proposed site plan restricts the uses to an enclosed self-storage facility and general and medical offices. The site is currently zoned R-3 (single family residential) so uses permitted in that district could be developed on the site. These include single family homes, religious institutions, and schools, police stations, and fire stations. Retail would not be permitted.

A commissioner stated that the biggest issue that makes the site not appropriate for residential use in their opinion is the property fronts on two major thoroughfares that will likely be widened in the future. Another commissioner asked CDOT to provide more details on the traffic generation. CDOT staff explained that if the site were developed for single family use there would be about 150 trips versus the proposed use would generate about 1,400 daily trips. Staff pointed out the staff analysis showed a larger proposed trip generation because the petitioner was proposing a financial institution with a drive-through but since the hearing, the petitioner removed that proposed use.

A commissioner asked what other commercial developments there are along Community House Road between Ardrey Kell Road and Ballantyne Commons Parkway. Staff responded that they were not sure but could provide an answer at a future meeting. The commissioner was concerned that this section of Community House Road has a residential feel and this rezoning could start to change that feel. A

commissioner asked if CDOT would allow a cul-de-sac with one way in and out. Staff responded that other standards such as the Subdivision Ordinance requirements would be a factor. A commissioner stated that they felt that a single family developer would have a hard time making a viable project on the site.

Another commissioner said that self-storage facilities are becoming more prevalent and the market has changed the way these uses operate. A commissioner asked what zoning districts allow self-storage. Staff responded that the use is allowed in B-D, I-1, I-2, and UMUD. The commissioner replied that the use in some cases is not monitored. The commissioners suspended the rules to ask the petitioner how the particular facility operates. Bill Theus stated that the use of the facility is restricted by the lease, each person has a key pad entry so you know who comes and goes, there are cameras on every hallway that are on at all times. The site is managed with employees during normal business hours and entry is restricted from six am to ten pm. Loading occurs in rear and left side of the building. There is not a loading dock; vehicles will drive up to the marked loading zone near sliding doors. Lighting is motion sensor inside and on a timer or photocell outside. There are restrictions on the height and type of lighting outside.

A commissioner explained their biggest concern is that this rezoning may set a precedent for additional commercial uses in the primarily residential area. A commissioner replied they compare the mass of the building and facility to that of the high school.

A commissioner asked about the staff's conclusion regarding single family use. Staff responded that it is possible that someone could develop the site for residential use but staff feels that it would be difficult for a single family developer to make a viable project on the site due to the sites location abutting the athletic fields of the high school. The area plan, which recommends residential, was adopted prior to the construction of Ardrey Kell High School. A commissioner asked if at one time the land for the high school was zoned R-3. Staff stated that the property is still zoned R-3. A commissioner asked for clarity on the turning movements along Ardrey Kell Road and the driveway access. CDOT staff explained there is a turn lane and the proposed driveway is full movement.

#### **MINORITY OPINION**

The commissioner feels the site is not appropriate for the proposed use and zoning because there is no area zoned non-residential nearby. They are also concerned about safety for vehicles and pedestrians, especially school children. The proposal is inconsistent with the adopted area plan.

#### **STAFF OPINION**

Staff agrees with the recommendation of the majority of the Zoning Committee.

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### **FINAL STAFF ANALYSIS** (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes two development areas (Area A, along Ardrey Kell Road, and Area B, along Community House Road).
- Allows up to 32,500 square feet of gross floor area for medical and general office uses within Area A and up to 105,000 square feet of gross floor area of climate controlled storage uses within Area B.
- Allows up to four principal buildings on the site.
- Prohibits outdoor storage and truck rental associated with the climate controlled storage facility.

- Limits the maximum building height in Area A to two stories not to exceed 40 feet and the maximum building height in Area B to three stories not to exceed 40 feet.
- Specifies the climate controlled storage use must be located within development Area B.
- Provides access to the site via a driveway off Community House Road, north of Purchase Street, and a driveway off Ardrey Kell Road between Wade Ardrey and Community House Roads.
- Commits to the extension of the east bound left-turn lane on Ardrey Kell Road and restriping of the southbound left-turn lane on Community House Road.
- Maintains the planting strips and sidewalks along Community House Road and a portion of Ardrey Kell Road, replaces the portion of the planting strip and sidewalk along Ardrey Kell Road between the proposed driveway and the intersection with Community House Road with a minimum eight-foot planting strip, six-foot sidewalk, and provides an internal sidewalk network linking buildings and parking areas to the public streets.
- Specifies that loading for the storage facility will not be located facing Community House and Ardrey Kell Roads. Prohibits parking between the buildings in Area A and the public streets.
- Provides a 40-foot setback along Community House Road and 15-foot setback along Ardrey Kell Road.
- Specifies that the majority of the existing trees within the 40-foot setback on Community House Road within Area B will be preserved and provides a landscaping screen for the parking in Area B. Commits to supplemental plantings, in addition to the tree save area, within the 40-foot setback along Community House Road within Area B to meet or exceed the planting requirements of a "Class C" buffer to ensure that the building is completely screened from Purchase Street. Screens the parking in Area A with a low wall and accent plantings.
- Commits to landscaping at the corner of Community House Road and Ardrey Kell Road.
- Provides buffers along the north and west property lines adjacent to the athletic fields.
- Specifies building materials and provides elevations of the proposed storage facility.
- Limits the size of wall signs within Area B to 100 square feet of sign surface per wall or 5% of the wall area to which they are attached, whichever is less. The size may be increased by 10% if individual letters are used. Allows two detached signs per street front. Limits detached, ground mounted signs along Community House Road to four feet in height and 32 square feet in area and along Ardrey Kell Road to seven feet in height and 64 square feet in area.
- Prohibits signs on clear glass windows. Specifies that buildings within Area A will have clear glass windows facing Community House and Ardrey Kell Roads.
- Limits the height of detached lighting to 20 feet.
- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends residential up to three dwelling units per acre.
  - The petition is inconsistent with the *South District Plan*.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.  
The existing zoning allows for a variety of uses that could generate significantly different volumes of trips per day and the rezoning proposal has changed since the original filing of the petition. The following is a summary of the trip generation potential under the various possible development scenarios:

Existing zoning: R-3 (single family residential)

Use	Trips per day
Existing (vacant)	0
Community college building	3,400
17 single family dwellings	170

Proposed zoning: BD(CD) (business distributive, conditional)

Use	Trips per day
32,500 square feet of medical office and 105,000 square feet of climate controlled storage	1,440

- **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - Minimizes impacts to the natural environment by developing an infill site.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** John Kinley (704) 336-8311