



Zoning Committee

REQUEST

Current Zoning: B-2 (general business)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 2.11 acres located on the north side of Independence Boulevard bounded by Pierson Drive, Bamboo Street and Wilshire Place.
(Council District 5 - Newton)

PETITIONER

Beaver Creek CRE, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *Independence Boulevard Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends transit oriented residential development.

However, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The site is located on Independence Boulevard, which is one of the heaviest travelled corridors in the city; and
- The existing buildings are in a deteriorated condition and reuse/redevelopment of the site is a priority.
- Proposal allows for reuse of a building vacant for over ten years, and is supported by the Eastway Sheffield residents, and will benefit the broader community; and
- Potential office and retail uses that will be allowed in the district are appropriate uses, as opposed to residential, along the transit line projected for the corridor.
- Petitioner has committed to exploration of alternative energy sources for LED signs.

Motion/Second: Nelson / Sullivan

Yeas: Fryday, Majeed, McClung, McMillan, Nelson, Spencer, and Sullivan

Nays: None

Absent: None

Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff noted that this petition had previously been heard by the Zoning Committee and a recommendation had been made. The petitioner made changes after the Zoning Committee recommendation and the changes are being brought back for review.

A summary of the petition was provided and the additional changes were as listed below:

1. Confirmed that the existing Ervin building (Area A) will be renovated, which deletes the possibility of a new building due to structural/environmental problems. Because of the much smaller than normal by today's standards footprint of the existing building, however, if the existing building is destroyed by casualty, the petitioner must be able to rebuild with a new building within the same limitations on height (no more than 106 feet) and location (closer to Independence Boulevard) provided earlier.
2. Addition of an alternative approach that involves adding a small scale building addition at the base of the existing Ervin building upon which the LED Specialty Signage could be located, which would be a permissible alternative if NCDOT regulations apply, thereby creating complications in locating the signage near the top of the building as initially planned.
 - As shown on the attached, the building addition would not exceed 55 feet in height, and contain no more than 12,000 square feet. If built, the square footage of Development Area B would be reduced by 12,000 square feet to account for increase in Development Area A.
 - If the building addition occurs, the retail/EDEE uses on Ervin building site (Development Area A) may be increased by 3,000 square feet but this would come with a corresponding reduction in such uses on Development Area B.
 - The same current restrictions on the signs shall apply such as: (i) the limits on size of sign faces (no more than 725 square feet per sign face); (ii) the LED nature of the signs; (iii) that no sign surface may face to the east opposite Independence Boulevard as well as the additional ones noted above as to (iv) pursue alternative energy; and (iv) and not operating the signage until certificate of occupancy for the renovated Ervin building is issued. [See Section 2 & 3 of Notes].
3. Added the following commitment under Transportation:
"Petitioner will submit a Technical Transportation Memo (TTM) to NCDOT and CDOT during permitting (or such other time acceptable to NCDOT) and any transportation improvements specifically identified will be undertaken by petitioner at such time acceptable to NCDOT."

Staff confirmed that all other optional provisions remain. The committee discussed the two outstanding issues that remained after the Zoning Committee voted to recommend approval of the

petition at the January 30, 2018 meeting, which are the requests for building height up to a total height of 123 feet, and 725 feet of specialty signage that will be digital/LED in nature or similar technology but not a standard static billboard, and panels will be dimmable to adjust for ambient conditions. Staff noted that there has been no resolution of the two outstanding issues. Committee members discussed that the size of the proposed signage remains the same but the location of the signage may change, and also that the Ervin building has been found structurally sound to remain. The petitioner's agent, Jeff Brown, was asked to clarify two of the changes. Mr. Brown explained that the existing Ervin building will be reused, and the existing building height of 110 will be increased by 13 feet to 123 feet in height, to allow rooftop activities. He added that the proposed attached signage will be located under the rooftop activities being added and/or will be located on the building addition of the new building depending on NCDOT regulations.

There was no further discussion of this petition.

Planner

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