



**REZ 01-18
CD Nantz**

Conditional Zoning Request

**Planning Board Meeting
October 29, 2018**

OWNER/APPLICANT: Evan Walton
Convenience Development Partners
15141 Hugh McAulet Rd.
Huntersville, NC 28078

AGENT: Charles A Garcia
Freeland & Kauffman, Inc.
209 West Stone Ave.
Greenville, SC 29609

PROPERTY LOCATION: 18830 W. Catawba Ave. (PID#: 00524319 & 00524320)

PROPERTY SIZE: 9.02 acres total

CURRENT LAND USE: Two homes used as commercial

PROPOSED LAND USE: Convenience store, commercial retail, and office

EXISTING ZONING: NMX (Neighborhood Mixed Use)

PROPOSED ZONING: CZ (Conditional Zoning)

EXISTING CONDITIONS:

1. Description of Adjoining Zoning and Land Uses – This property has road frontage along West Catawba Avenue. To the north, this parcel directly touches existing businesses on West Catawba Avenue as well as other vacant properties all zoned VC (Village Center). To the south and west, properties are zoned and NMX (Neighborhood Mixed Use) and include existing office buildings and vacant properties. Directly east, this projects borders an NMX zoned vacant property. It also is within close proximity to NR zoned multi-family properties.
2. Topography – The property is mostly flat toward West Catawba Avenue but has a considerable slope towards the center of the property.
3. Vegetation – Of the 9.02 acres, about 1/3 of the property fronting West Catawba Avenue is covered with grass and the other 2/3 toward the rear is covered with trees.

4. Infrastructure – Currently, water and sewer access and capacity is available. This development includes the extension of Nantz Road east of West Catawba Avenue. The development will have two access drives off of Nantz Road Extension. One driveway will be constructed allowing traffic to enter and exit (right in, right out) the site directly off of West Catawba Avenue. Until the construction of R-2555B (West Catawba Phase II Widening), Nantz Road will remain a full access signal and will allow full movement in and out of the new Nantz Road Extension. After R-2555B is complete, the Nantz Road intersection will become a superstreet design.

STAFF COMMENTS:

1. Project Overview – Convenience Development Partners, LLC is requesting to rezone the property located at 18808 and 18830 West Catawba Avenue to develop a convenience store with gas pump and car wash, two commercial buildings totaling 9,400 square feet fronting West Catawba Avenue, and an office building housing 45,000 square feet of office space. Also included with this proposal is the extension of Nantz Road east of West Catawba Avenue.
2. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6th, 2014 designates this property as “Village Center,” which allows for a mix of community serving commercial uses and professional office developments. The proposed uses are consistent with the 2014 Land Use Plan.
3. Pre-Development Review Committee – The sketch plan was presented to the PDRC on February 2, 2018. The PDRC was supportive of the proposed development.
4. Community Meeting – The applicant held the required community meeting on Wednesday, May 9, 2018. The attendance was mainly by property owners nearby who were interested in the proposal. Concerns raised at the meeting were about traffic already on West Catawba Avenue and how this project would affect the proposed road design. There were also concerns about the existing vegetation between the site and the neighboring properties. The initial proposal included a Petsuites facility. This raised concerns from the neighbors regarding noise from animals. This has now been removed from the plan and replaced with an office building thus eliminating those concerns.
5. Town Board Public Hearing #1 – The meeting was held on May 21, 2018. No significant issues were raised.
6. Architectural Review – The project went before the ARB on May 25, 2018. There were concerns that the proposed buildings would not create a walkable feel and they also had concerns about the building height. ARB asked the applicant to address the minimum height requirement of 26 feet and modify the front elevations to create a more walkable feel. The applicant has submitted modified elevations and they will be presented to the ARB on October 29th for review.
7. Project Phasing – The developer has proposed to phase the project in conjunction with the R-2555B widening project. Phase I of the project will include the convenience store and two commercial buildings fronting West Catawba Avenue. Phase II of the project will include the office building in the rear of the site. A Certificate of Occupancy hold will be issued until commencement of R-2555B and will be included as a condition.

STAFF RECOMMENDATIONS:

Staff anticipates recommending approval. At this time, staff has not received the final approved TIA. We anticipate receiving this prior to Monday evening. Please note the following conditions for potential approval. Once the final TIA has been submitted, staff will update the recommendation.

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. The US Postal Service has notified the Town that all future subdivision approvals must utilize a community mail delivery system. Locations and details of the proposed community mailboxes must be included in the Construction Documents, and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. A convenience store with fuel station and car wash shall be allowed in the building at the corner of West Catawba Avenue and Nantz Road. Commercial, retail, service, office and restaurant uses shall be permitted within the two non-residential buildings fronting West Catawba Avenue. Professional office uses shall be permitted in the rear building.
6. Final CO will be held for the rear office building until 2020 in order to properly phase and coordinate with the West Catawba Avenue widening project.
7. Applicant shall coordinate with NCDOT on constructing the multi-purpose path, additional right-of-way and all other required improvements on West Catawba Avenue for widening project R-2555B.
8. TIA mitigation items will be added as conditions once staff receives the final wording for the traffic engineer.
9. Final concept approval is required by the Architectural Review Board. This final concept approval must be obtained prior to Town Board final consideration.
10. Due to utility lines, low ornamental shade trees and shrub landscaping should be shown fronting West Catawba Avenue.