

REQUEST	Current Zoning: B-1(PED), neighborhood business, pedestrian overlay Proposed Zoning: B-1(PED-O), neighborhood business, pedestrian overlay, optional
LOCATION	Approximately 3.92 acres bounded by Scott Avenue, East Boulevard, and Floral Avenue.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition seeks approval for multiple optional provisions to allow the reconstruction of up to 50 percent of an existing shopping center, as well as a minor expansion of up to 5,000 square feet.
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with the <i>East Boulevard Land Use and Pedscape Plan</i> land use recommendations but is inconsistent with the urban design standards. However, because the proposal includes rebuilding portions of the existing shopping center in its current location staff feels this petition is appropriate for approval.
Property Owner	Dilworth Gardens, LLC
Petitioner	The Carolina Group Partner, LLC
Agent/Representative	Jeff Brown, Keith MacVean, King & Spalding, LLP
Community Meeting	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Reconstruction of up to 26,571 square feet (50%) of the allowable 53,142 square feet, as well as a future 5,000-square foot expansion, developed under optional provisions listed below.
- Additional sidewalk connections from the building to sidewalks along Scott Avenue, East Boulevard and Floral Avenue.
- Prohibition on new wall "pak" type lighting.
- Replacement of existing detached lighting fixtures in the service area along the southern property line with full cut-off fixtures.
- Additional parking lot screening along Scott Avenue.
- Optional Requests:
 1. Utilize the existing planting strips, landscaping, and sidewalks along Scott Avenue, East Boulevard, and Floral Avenue.
 2. Allow existing utility vaults, signs, retaining walls, fences, dumpsters, parking, and service areas to remain within the required setbacks along Scott Avenue, East Boulevard, and Floral Avenue.
 3. Allow existing parking, loading, and maneuvering areas between the existing building and the required setbacks from roadways.
 4. Allow synthetic wood fencing, instead of solid masonry, to screen new dumpsters, compactors, and service areas along Floral Avenue.
 5. Meet the ten-foot wide buffer requirement with the existing wall and vegetation along the southern property line.
 6. Exempt the new and existing walls along Floral Avenue from the PED street wall design requirements. The new walls will be screened with a variety of landscaping materials to soften their appearance.
 7. Allow blank walls up to 30 feet in length for single tenants over 15,000 square feet along East Boulevard and Scott Avenue.
 8. Exempt the building frontage along Floral Avenue from the requirement to provide operable recessed pedestrian entrances.
 9. Allow the three existing detached and wall signs to remain and allow wall signs up to 200 square feet for new tenants over 5,000 square feet.

- **Existing Zoning and Land Use**

The subject property is currently occupied by a retail shopping center. The properties to the north are zoned B-1 and are occupied by restaurant and retail uses. The property to the west is zoned B-1(PED-O) and is occupied by an office use. The properties to the east and south are zoned R-5 and are occupied by single family residences.

- **Rezoning History in Area**

Recent rezonings approved in the area include:

- Petition 2005-169, located to the west across Scott Avenue, rezoned 3.07 acre site from R-22MF (PED) and B-1(PED) to R-22MF (PED-O) and B-1(PED-O) to allow optional provisions to park between the setback and Scott Avenue, utilize an existing eight-foot planting strip instead of tree pits or raised planters along Scott and Kenilworth Avenues, and exceed the height limit for the R-22MF portion of the site by two feet, ten inches.

- **Public Plans and Policies**

- The *East Boulevard Land Use and Pedscape Plan (2002)* recommends commercial land uses on this site.
- This petition is consistent with the *East Boulevard Land Use and Pedscape Plan* land use recommendations but is inconsistent with the urban design standards.

PUBLIC INFRASTRUCTURE (see full department reports online)

- **Vehicle Trip Generation:**

Current Zoning: 4,220 trips per day.

Proposed Zoning: 4,600 trips per day.

- **CDOT:** No issues.
- **Charlotte Fire Department:** No comments received.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Neighborhood and Business Services:** No issues.
- **Schools:** CMS does not comment on non-residential petitions.
- **Park and Recreation:** No comments received.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
- **LUESA:** No issues.
- **Urban Forestry:** No issues.
- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - Protects/restores environmentally sensitive areas by preserving existing street trees.
 - Minimizes impacts to the natural environment by reusing existing buildings.

OUTSTANDING ISSUES

No issues.

Attachments Online at www.rezoning.org

- Application
- CATS Review
- CDOT Review
- Community Meeting Report
- LUESA Review
- Neighborhood and Business Services Review
- Site Plan
- Storm Water Review
- Urban Forestry

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