

REQUEST	Current Zoning: NS, neighborhood services Proposed Zoning: B-1(PED-O), neighborhood business, pedestrian overlay, optional										
LOCATION	Approximately 1.01 acres located at the west corner of the intersection of Scott Avenue and East Boulevard.										
SUMMARY OF PETITION	This petition proposes a stand-alone parking lot for neighborhood businesses.										
Property Owner	JNC Properties, LLC										
Petitioner	JNC Properties, LLC										
Agent/Representative	James L. Walters/Latham-Walters Engineering, Inc.										
Community Meeting	Meeting is required and has been held. Report available online.										
ZONING COMMITTEE ACTION	The Zoning Committee voted 4-1 to DEFER this petition to their October 27, 2010 meeting.										
VOTE	<table> <tr> <td>Motion/Second:</td> <td>Lipton /Dodson</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Fallon, Lipton, and Rosenburgh</td> </tr> <tr> <td>Nays:</td> <td>Firestone</td> </tr> <tr> <td>Absent:</td> <td>Phipps and Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Lipton /Dodson	Yeas:	Dodson, Fallon, Lipton, and Rosenburgh	Nays:	Firestone	Absent:	Phipps and Walker	Recused:	None
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Recused:	None										
ZONING COMMITTEE DISCUSSION	<p>Staff presented this petition to the Zoning Committee and noted that this request had been deferred at the August 4, 2010, in order to allow the petitioner and neighborhood more time to come to an agreement regarding the streetscape treatment along East Boulevard. A recent meeting between the petitioner and the Dilworth Community Development Association (DCDA) resulted in a proposal to install a six-foot planting strip and four-foot sidewalk from back of curb.</p> <p>Staff cited some concerns with this proposal. First, the existing sidewalk is six feet wide and staff feels that if removed, it should be replaced with a six-foot sidewalk. Second, the proposal is in conflict with the approved pedscape plan's identified 54-foot cross-section for this area. Implementation of this cross-section could potentially result in removal of the improvements as proposed by the petitioner. Finally, this proposal offers no screening. Staff noted that the zoning ordinance requires either a five-foot planting screen or a low wall. Staff stated that the screening is beneficial for pedestrians within and outside of the parking area.</p> <p>Staff noted that the site plan had not been revised and that approval of the original request was still being sought by the petitioner. Staff then revisited and described the original site plan layout, indicating that the existing sidewalk would remain, and the proposed screening did meet the zoning ordinance requirements.</p> <p>Zoning Committee members discussed this item, noting that the community remained in opposition to the site plan in its current form, and that the issue was not the use, but the treatment along East Boulevard. A commissioner recommended that this item be placed on the Executive Committee meeting agenda and deferred one month to allow the petitioner, staff, and DCDA to meet to try to come to some resolution. Staff reminded the committee that the petitioner does have the option to request a decision by City Council after thirty days without a recommendation from the Zoning Committee. One commissioner expressed concern about the type of message that another deferral would be sending to the City Council.</p>										

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Construction of an 85-space gravel parking lot (81 standard and four handicap), with proposed setbacks eight feet from back of sidewalks along East Boulevard and Scott Avenue.
- Proposed access from East Boulevard and Scott Avenue, with driveways to be paved to setback.
- The existing five-foot sidewalk to remain.
- Proposed five-foot parking perimeter screening along adjacent property lines where not abutting residential uses or zoning.
- Proposed large maturing trees in interior parking lot islands.
- Existing vegetation located in northwestern portion of subject parcel to be credited towards proposed screening.
- Ten-foot buffer abutting R-22MF zoning.
- Optional request for setbacks and streetscape improvements along East Boulevard and Scott Avenue.

- **Public Plans and Policies**

- The *East Boulevard Pedscape Plan* (2002) recommends mixed use, multi-family and/or retail. This petition is inconsistent with the *East Boulevard Pedscape Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation:** No issues.
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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*.
 - The site meets minimum ordinance requirements.
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OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782