

REQUEST	Current Zoning: B-2 (PED), general business, pedestrian overlay Proposed Zoning: B-2 (PED-O), general business, pedestrian overlay, optional
LOCATION	Approximately 3.2 acres located along Central Avenue and bounded by The Plaza, McClintock Road, and Nandina Street.
SUMMARY OF PETITION	The petition proposes to allow redevelopment of the site of an existing 29,736 square foot grocery store. Proposed changes include construction of a new building not to exceed 51,000 square feet for a grocery store or any use permitted in the B-2 district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	HTP Plaza, LLC Harris Teeter, Inc. Keith MacVean and Jeff Brown, King and Spalding, LLP
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the <i>Plaza-Central Pedscape Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion Commissioner Zoutewelle by seconded Commissioner Fallon.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Use has been specified as a grocery store/retail sales, in addition to uses allowed by-right and under prescribed conditions in the B-2 PED district. 2. Automotive sales and automotive service stations listed as uses not permitted. 3. Amended "Site Summary" to label existing zoning as B-2PED. 4. A detail and written description of the proposed "green screen" has been provided. 5. Added Note K under "Architectural Standards" to state that the building wall along McClintock Road will be designed to either have vines or murals. 6. Added Note F under "Environmental Features" to state that portions of the building will incorporate clear story windows to promote passive day lighting to help minimize load on electricity and HVAC systems. 7. Amended Note 4(a) to state that the petitioner reserves the right, in its sole discretion, to not construct the left-turn lane on Central Avenue if the design of the left-turn lane does not fit within the ultimate right-of-way upon the dedication of such additional right-of-way. 8. Petitioner agreed to add to Sheet RZ-1 a reference to Note 4(a) regarding the proposed left-turn lane on Central Avenue.
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VOTE	Motion/Second:	Griffith/Zoutewelle
	Yeas:	Green, Griffith, Johnson, Lipton, and Zoutwelle
	Nays:	None
	Absent:	Phipps
	Recused:	Allen

ZONING COMMITTEE DISCUSSION	Staff reviewed the petition noting that the outstanding issues had been addressed and that additional items had been added to the site plan.
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A commissioner questioned the contingency to not construct the left-turn lane extension that is shown on Sheet RZ-1. CDOT staff responded that the proposed left-turn lane extension on Central Avenue was offered by the petitioner and was not requested by CDOT. CDOT staff added that the turn lane extension may require the acquisition of additional right-of-way, and may have impacts on other properties, in addition to the subject property, thus requiring the need for flexibility in terms of the notes.

The agent for the petitioner, Jeff Brown, was asked if the petitioner intends to install the left-turn lane extension. Mr. Brown responded that while the proposed turn lane extension is desired it is not critical to the development. He added that the petitioner expects to be able to accommodate the turn lane within the existing right-of-way but the design and development drawings have not been finalized. The agent offered to reference the development note on the site plan (Sheet RZ-1).

A commissioner questioned the addition of the contingency option and the note regarding right-of-way acquisition to the site plan after the public hearing. The agent stated that as further design work was completed the possibility of additional right-of-way acquisition for a nonessential turn-lane was made known. CDOT noted that review of the transportation technical memorandum indicates that the site can operate without the turn lane extension.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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:
 - Maximum 51,000 square feet of building area.
 - Up to two principal buildings.
 - Maximum building height of 60 feet.
 - Construction of a west bound left-turn lane on Central Avenue into the site.
 - Construction of a 60-foot southbound left turn lane on The Plaza to McClintock Road.
 - Recessed parallel parking spaces along Central Avenue and The Plaza.
 - Access via driveways from Central Avenue, Nandina Street, and McClintock Road.
 - Installation of a speed table at or near the entrance to the store from the parking area.
 - Building materials consisting of brick, stone, stucco, metal and glass.
 - Modular green roof system to enhance a minimum 10,000 square foot portion of the roof.
 - Four-sided architecture.
 - Conceptual elevations.
 - A 16-foot sidewalk constructed of concrete pavers along Central Avenue with street trees in planters.
 - A 10-foot sidewalk and planting strip along The Plaza.
 - Outdoor seating at the intersection of Central Avenue and The Plaza.
 - On-site detached lighting limited to 20 feet in height.
 - A CATS passenger waiting pad along Central Avenue.
 - Optional provisions to allow:
 - Surface parking and vehicular maneuvering between Nandina Street and the proposed buildings.
 - Surface parking located to the side of the buildings along McClintock Road and Central Avenue to exceed 35 percent of the lot width along these streets.

- Use of a green screen to meet the screening requirements for surface parking areas along Central Avenue, Nandina Street and McClintock Road.
 - Substitute eight-foot planting strips for curbed planters along Nandina Street and McClintock Road.
 - **Public Plans and Policies**
 - The *Plaza-Central Pedscape Plan* (2003) recommends a mixture of retail, office and multi-family uses for this portion of the plan area.
 - The site plan is consistent with the *Plaza-Central Pedscape Plan*.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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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 Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **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*.
 - Reduces ground level temperatures by providing a green roof.
 - Minimizes impacts to the natural environment by building on an infill lot.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- 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 Schools
- Charlotte-Mecklenburg Storm Water Services Review

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