

REQUEST	Current Zoning: R-5, single family residential and B-1, neighborhood business Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 0.91 acres located on the southwest corner of Central Avenue and Westover Street.
SUMMARY OF PETITION	The petition proposes to remodel and reconfigure an existing gas station/convenience store with a non-conforming drive thru car wash to accommodate a new convenience store facility, and to bring the overall site into compliance with zoning requirements.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	OTN Investments c/o Sam's Mart, LLC Sami Nafisi J. Dean Prevette, PE
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the retail land use recommendation and inconsistent with the residential land use recommendation in the <i>Central District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Firestone seconded by Commissioner Zoutewelle).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 4-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. An 8-foot planting strip for street trees, a 6-foot sidewalk, 5-foot strips to accommodate shrubbery, and curb and gutter are shown along Central Avenue and Westover Street, and are now labeled on the site plan. 2. Screening in the form of a 10-foot landscape strip along abutting B-1 properties is shown and labeled on the site plan. 3. The zoning of surrounding properties are now shown on site plan. 4. Language is now provided on the site plan limiting detached lighting to 25 feet in height including the base. 5. Language is now provided on the site plan stating all lighting shall be fully shielded with full cut-off fixtures. 6. Language is now provided that states no "wall pak" type lighting shall be allowed. 7. The sheet showing only the existing site layout has been removed. 8. Notes in standard conditional form, including the language relating to lighting, are now provided on the site plan. 9. A detail/elevation of the fence that is part of the proposed 10-foot landscape strip abutting B-1 zoned properties is now shown on the site plan. 10. The proposed Class "B" buffer along the property lines abutting lots zoned R-5 (portion along west property line and along entire south property line) has been amended to reflect 20.25 feet wide on the site plan. 11. A note specifying building materials is now provided on the site plan. 12. The petitioner has addressed the following CDOT issues: <ol style="list-style-type: none"> a. The site plan shows eight-foot planting strips and six-foot sidewalks along Central Avenue and Westover Street. b. The site plan now shows a proposed right-of-way line along Central Avenue, reflecting dedication of 10' of additional right-of-way to accommodate the required 80' along this roadway.
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VOTE

Motion/Second: Firestone/Zoutewelle
 Yeas: Dodson, Firestone, Johnson, Rosenburgh and Zoutewelle
 Nays: None
 Absent: Allen, Griffith and Phipps
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this item and indicated that the update provided to the Committee on Monday, January 23, 2012 reflects resolution of all outstanding issues.

A Commissioner noted a resident's concern with activities behind the existing car wash. Staff responded the proposal involves removal of the car wash, and that proposed 20.25 buffer with fence would provide separation from the existing facility and the resident's abutting property.

A Commissioner mentioned City Council's request that another community meeting be held because the previous meeting was held at an early time (5:00 p.m.). Staff responded that while the meeting was held at an early time, the petitioner had complied with all requirements. The Committee suspended the rules to allow the agent for the petition, J. Dean Prevette, an opportunity respond to this inquiry. Mr. Prevette stated that his understanding was City Council made a request that the petitioner consider conducting another community meeting. The Committee briefly discussed what its action should be, and determined that the request about the community meeting was a City Council issue to be dealt with at that level.

There was no further discussion of the petition.

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:
 - Removal of existing one-story, 1,234 square-foot brick convenience store and renovate area containing existing canopy with gas pumps.
 - Removal of existing non-conforming car wash in the rear of property and construct new 3,010 square-foot convenience store.
 - Closure of one of two access points onto Central Avenue, and close one of two access points onto Westover Street.
 - Provision of a total of 12 parking spaces (including one handicap).
 - Provision of eight-foot planting strip for trees, six-foot sidewalk, and five-foot planting strip for shrubs behind sidewalk along Central Avenue and Westover Street.
 - Provision of a 20.25-foot Class "B" buffer with six-foot wood fence along property lines abutting R-5 zoning.
 - Provision of a ten-foot landscape strip along property lines abutting B-1 zoning.
 - Installation of five-foot sidewalks connecting new building to Central Avenue and Westover Street.

- **Public Plans and Policies**

- The *Central District Plan* (1993) recommends retail uses on the portion of the parcel upon which the existing convenience store is currently situated, and residential uses on the portion upon which the non-conforming car wash is located.

- The request is consistent with the retail recommendation and inconsistent with the residential recommendation in the *Central District Pla.*
 - 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.
 - **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 issues.
 - **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.*
 - This site meets minimum ordinance standards.
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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 Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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