

REQUEST	Current Zoning: B-1SCD, business shopping center district Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 1.04 acres located on the south side of Milton Road between Barrington Drive and North Sharon Amity Road. (Council District 1 – Kinsey)
SUMMARY OF PETITION	The petition proposes to allow up to 10,000 square feet of retail/business, personal and recreation services, excluding nightclubs, bars and lounges.
PROPERTY OWNER	Emad and Aida Maroun
PETITIONER	William L. Allen, Durban Development, LLC
AGENT/REPRESENTATIVE	Robert L. Brandon, R. L. Brandon Planning & Zoning Consultants
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Eastside Strategy Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Allen).

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. Amended notes to follow the note standards for conditional rezoning site plans. 2. Provided consistency between building square footage and maximum allowed square footage. Reflected maximum building square footage as 10,000 square feet. 3. Amended Note 6 to limit maximum height of detached lighting to 25 feet. 4. Added a note that the 14-foot buffer may not be reduced by a fence or wall. 5. Removed the first paragraph under Note 4 Architectural Standards and replaced with a note that states any changes to the site plan will be as per Section 6.207. 6. Removed Notes 5, 7 and 8 as they are required by the ordinance. 7. Removed the "Exterior Finish Schedule" and other exterior notes from Sheet RZ-2 of the site plan. 8. Provided revised building elevations reflecting a corner entry building. 9. Provided color renderings of the elevations.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Labovitz/Walker</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Eschert, Johnson, Labovitz, Nealon and Walker</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Lathrop</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Labovitz/Walker	Yeas:	Allen, Eschert, Johnson, Labovitz, Nealon and Walker	Nays:	None	Absent:	Lathrop	Recused:	None
Motion/Second:	Labovitz/Walker										
Yeas:	Allen, Eschert, Johnson, Labovitz, Nealon and Walker										
Nays:	None										
Absent:	Lathrop										
Recused:	None										

ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and noted that there are no outstanding issues. Staff pointed out that the petitioner revised the building layout to provide a corner entry, and provided color renderings of the proposed building. A committee member noted that the petitioner has been very accommodating, as requested by the Zoning Committee, in amending the building layout to provide a corner entry and architectural details. It was further stated that while crime and the retail store type are subjective and not within the purview of land use, the repositioning of the entry and provision of lighting may help alleviate some of the issues mentioned at the public hearing.
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The rules were suspended to allow the petitioner to explain how neighborhood concerns were addressed. The petitioner noted that a meeting with the CMPD crime prevention unit and all speakers from the public hearing was held to address what can be done to alleviate crime in the area. The police noted at the meeting that the provision of cameras and lighting on site are helpful. It was added that an abutting convenience store, from which many of the problems in the area stem, may be on the market for sale but in the meantime CMPD has made arrangements for routine site visits.

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

- **Background**
 - The site was part of a larger 4.88-acre rezoning approved in 1972 under petition 1972-037, which allowed 34,000 square feet of retail uses. The associated site plan showed a strip center with approximately 12 buildings.
 - **Proposed Request Details**
 - The site plan accompanying this petition contains the following provisions:
 - An 8,320 square foot building.
 - A maximum of 10,000 square feet of retail/business, personal and recreation uses.
 - Nightclubs, bars and lounges are prohibited.
 - Construction of a driveway at rear of site, as reflected on the 1997 site plan, that continues off-site and ties in to Milton Road.
 - A 14-foot Class C buffer abutting residential zoning and land uses to the south.
 - Detached lighting limited to 25 feet in height.
 - Relocation of a bus waiting pad along Milton Road.
 - Provision of a pedestrian refuge island on Milton Road.
 - Building elevations with building materials consisting of brick, architectural concrete block, and/or stucco, and clear vision glass along the street front.
 - An administrative amendment to the previous rezoning that amends the allowable square footage.
 - **Public Plans and Policies**
 - *Eastside Strategy Plan* (2001) recommends retail land uses.
 - The land use is consistent with the *Eastside Strategy 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.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Police Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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*.
 - Minimizes impacts to the City's tree canopy by exceeding the minimum required tree save area.
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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
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Police Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327