

REQUEST	Current Zoning: R-3, single-family residential Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes a 22,000-square foot commercial development in two buildings, and allows all uses permitted in the NS (neighborhood services) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Full Moon of Union, LLC Full Moon of Union, LLC Keith MacVean/Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 15
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Northeast Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added that all buildings facing along Eastfield Road will have a minimum of 40% clear vision glass along the façade of the building. If a drug store/pharmacy is constructed the minimum of clear vision glass will be 30% along Eastfield Road; however, additional architectural features such as articulated facades, false windows, decorative-off sets, and water tables will be provided. 2. The distance from the centerline from Prosperity Church Road and Eastfield Road have been labeled and shown as right-of-way to be dedicated. 3. A minimum 20-foot build-to line for both buildings proposed along Eastfield Road has been show on the site plan. 4. An eight-foot planting strip and six-foot sidewalk has been shown on the internal private street on the site. 5. The planting strip and sidewalk width along the internal private street. 6. A note has been added that a public access easement will be provided for the private street. 7. An eight-foot planting strip and six-foot sidewalk has been provided along the 30-foot buffer internal to the site. 8. The plan has been labeled to show a minimum of 6,000 square feet for the landscaped area along Eastfield Road. 9. Note 4 A under Streetscape and Landscaping has been modified to read: "The petitioner will submit plans for the wall encroachment along the adjacent single family property line to the appropriate homeowners and provide a letter of approval from the homeowners to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review. However, if the Homeowners do not agree the wall will be removed." 10. Note 8 "C" under Lighting has been removed. 11. The site layout matches the current CRTPO (formerly MUMPO) approved alignment. 12. The proposed 8,000-square foot building has been adjusted to create an "urban streetscape" along Eastfield Road.
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13. A building edge for the proposed buildings along Eastfield Road has been shown on the plan.
14. The proposed and existing masonry wall along the western edge of the property has been shown on the site.
15. Note B under Streetscape and Landscaping has been removed from the plan.
16. Direct sidewalk connections from the proposed buildings to Eastfield Road have been show on the site plan.
17. Transportation issues have been addressed by providing turn lanes that will be constructed by the petitioner along Eastfield and Prosperity Church Road and also providing additional right-of-way along Eastfield and Prosperity Church Road.

VOTE

Motion/Second:	Walker/Ryan
Yeas:	Allen, Dodson, Labovitz, Nelson, Ryan, Sullivan, and Walker
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee and indicated all outstanding site plan issues have been resolved. One Commissioner stated that they appreciated the large amount of open space being preserved on the development site. There was no further discussion of this 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:
 - Two buildings with a total square footage not to exceed 22,000 square feet.
 - All allowed uses in the NS (neighborhood services) district, except convenience stores with gasoline sales, automobile service stations, pet crematoriums, funeral homes, nightclubs, bars and lounges.
 - Building edges located and architecturally oriented toward Eastfield Road with no parking between the building and the street.
 - All buildings facing along Eastfield Road will have a minimum of 40% clear vision glass along the façade of the building. If a drug store/pharmacy is constructed the minimum of clear vision class will be 30% along Eastfield Road; however, additional architectural features such as articulated facades, false windows, decorative-off sets, and water tables will be provided.
 - A minimum 20-foot build-to line for both buildings proposed along Eastfield Road has been show on the site plan.
 - An eight-foot planting strip and six-foot sidewalk has been shown on the internal private drive on the site.
 - An eight-foot planting strip and six-foot sidewalk has been provided along the 30-foot buffer internal to the site.
 - A note stating "The petitioner will submit plans for the wall encroachment along the adjacent single family property line to the appropriate homeowners and provide a letter of approval from the homeowners to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review. However if the Homeowners do not agree the wall will be removed."
 - A public access easement will be provided for the private road.
 - Both buildings may have accessory drive-through service windows.
 - A 6,000-square foot minimum plaza amenity area.

- 30-foot Class B landscape buffer adjacent to the existing R-3 (single family residential) development.
 - A maximum height of 25 feet for all detached lighting fixtures.
 - Three-foot low masonry screening wall with shrubs to screen parking areas adjacent to the public right-of-way for Eastfield Road and Prosperity Church Road.
 - Building materials consisting of brick, architectural concrete block, and/or stucco.
 - A note stating blank walls over twenty feet will not be permitted for the proposed structures.
 - Two buildings to be developed with similar building materials, architectural style and color.
 - Dedication of 55 and 60 feet from the centerline of right-of-way along the site's frontage for Eastfield Road and Prosperity Church Road.
 - Maximum building height of 60 feet.
 - Access to the site via two limited access driveways on Eastfield Road and a full access driveway on Prosperity Church Road.
 - Transportation improvements that include right-turn lanes that will be constructed by the petitioner along Eastfield and Prosperity Church Road and additional right-of-way along Eastfield and Prosperity Church Road.
- **Public Plans and Policies**
 - The draft *Prosperity Hucks Area Plan* recommends a mixture of uses such as residential, office, and retail on the subject property.
 - The *Northeast District Plan (1996)* recommends residential for the subject property.
 - The proposed petition is consistent with the draft *Prosperity Hucks Area Plan*.
 - The petition is inconsistent with the adopted *Northeast Area Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** 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-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 Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Solomon Fortune (704) 336-8326