

REQUEST	Current Zoning: R-3, single-family residential Proposed Zoning: B-1(CD), neighborhood business, conditional
LOCATION	Approximately 1.54 acres located on the south side of The Plaza near the intersection of East W.T. Harris Boulevard and The Plaza. (Council District 5 - Autry)
SUMMARY OF PETITION	The petition proposes to allow the development of a 9,055-square foot retail building.
PROPERTY OWNER	Charles and Gloria Davis, Marvin and Randy Hagler, and Donna McGraw
PETITIONER	Charles C. Davis Jr.
AGENT/REPRESENTATIVE	Ronnie Walsh
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> but not to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 5-2 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-2 to recommend DENIAL of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> 1. The site plan data and notes have been reformatted as requested. 2. The required buffer has been labeled as a 30-foot Class B Buffer. 3. A note has been added that any attached building lighting "will be downwardly directed and will be a full cut-off fixture." 4. A note that expanses of building wall 20 feet or more in length will be broken up by various materials, clear glass, architectural features, and masonry brick has been added to the site plan. 5. Added windows and architectural features, such as decorative masonry patterns and grill work, to break up the left side of the proposed structure. 6. A note has been added that landscaping and screening trees will be provided along the front edge of the parking area. 7. Glass windows have been added to the front of the building to break up long expanses of blank walls. 8. A note has been added that detached identification signage will be limited to a ground mounted sign. 9. The "eight-foot planting strip" along The Plaza has been labeled.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Ryan/Labovitz</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Dodson, Labovitz, Low, and Ryan</td> </tr> <tr> <td>Nays:</td> <td>Eschert and Walker</td> </tr> <tr> <td>Absent:</td> <td>None</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Ryan/Labovitz	Yeas:	Allen, Dodson, Labovitz, Low, and Ryan	Nays:	Eschert and Walker	Absent:	None	Recused:	None
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Yeas:	Allen, Dodson, Labovitz, Low, and Ryan										
Nays:	Eschert and Walker										
Absent:	None										
Recused:	None										

ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and noted the outstanding issues had been addressed. Several Commissioners had questions about the elevations, design, parking layout of the site and if the building could be pulled closer to the street. Staff noted that they discussed those options with the petitioner but due to site constraints, it was not possible to modify parking and building layout. Several Commissioners stated that they felt the site design could be enhanced and could not support the petition in its current form. There was no further discussion of this petition.
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MINORITY OPINION	The minority of the Commissioners supported staff's recommendation on this petition.
STAFF OPINION	Staff recommends approval of this petition.

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:
 - Proposed 9,055-square foot building for a retail use.
 - 30-foot Class B buffer adjacent to the residentially zoned property.
 - Eight-foot planting strip and six-foot sidewalk along The Plaza.
 - Building elevations for the proposed structure consisting of brick veneer, brick soldier course, metal roof and metal parapet.
 - Eight-foot planting strip along the western edge of the site adjacent to the existing shopping center.
 - Building height limited to 30 feet.
 - Detached site lighting limited to 25 feet in height.
 - Drive-thru accessory service windows will not be allowed.
 - Remaining R-3 (single family residential) portion located at the rear of the subject site will be recombined with abutting R-3 (single family residential) zoned parcel to the east (identified as tax parcel 1070910).
 - A note that landscaping and screening trees will be provided along the front edge of the parking area.
 - A note that detached identification signage will be limited to a ground mounted sign.
 - A note that any attached building lighting "will be downwardly directed and will be a full cut-off fixture."
 - A note that expanses of building walls 20 feet or more in length will be broken up by various materials, clear glass, architectural features, and masonry brick.
 - **Public Plans and Policies**
 - The *Eastside Strategy Plan* (2001) recommends single family, multi-family, office, and retail land uses for the subject parcel.
 - The petition is consistent with the *Eastside Strategy 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.
 - **Urban Forestry:** 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
- Urban Forestry Review

Planner: Solomon Fortune (704) 336-8326