

**ZONING COMMITTEE
RECOMMENDATION
April 30, 2008**

Rezoning Petition No. 2008-011

Property Owner:	Steven D. Israel
Petitioner:	Eastern Pride, Inc. – Charles Thomas & Barnes Boykin
Location:	Approximately .91 acres located between W. Trade Street and W. 5 th Street, north of N. Bruns Avenue.
Center, Corridor, or Wedge:	Wedge
Request:	MUDD (CD), mixed-use development conditional district to B-1 PED-O, neighborhood business pedestrian overlay district, with optional provisions
Action:	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none">• A tan color brick with a weave pattern will be added from the base to the soldier course, in order to add interest to the building.• A pedestrian promenade located at the main entrance and approximately 20 feet in width will connect to the public sidewalk along West Trade Street. This area will also include two rows of street trees flanking both sides of the sidewalk. The pedestrian promenade also extends along the entire length of the building over to the public sidewalk along West Fifth Street.• The front of the building has been enhanced with additional height and a more defined and inviting entrance.• The new renderings and the elevations depict four-sided architecture with additional articulation.• The required detention pond and the water quality area will be located in the open space. The detention will be placed underground and the water quality area will be screened. Landscape elements including street trees and plantings for parking lot screening purposes will be located along West Fifth Street, the northerly property line and West Trade Street.• Vegetative material will be planted in accordance with the ordinance at five-foot spacing around the parking lot.• The site plan notes that if it is feasible, the detention facility will not disturb the oak tree located along West Fifth Street and the determination as to the feasibility will be made during the permitting process.• The required detention pond will be underground and the water quality feature will be screened.

- The windows in the front entranceway area will be clear. Two out of the three sets of windows along West Trade Street will be clear. The other windows will be opaque so that the back of the fixtures are not visible from the outside.
- Down lighting will be provided on the exterior of the building.
- No temporary signs will be placed in the windows.
- Shopping carts left in the parking area will be gathered by store personnel and returned to the interior of the store.
- The building will be built with oversize brick; however, as depicted in the new rendering and the elevations, the brick pattern is broken up with a series of windows, canopies, and soldier courses.
- The HVAC units will be screened and any ductwork associated with them will go directly into the building and not up the wall. No ductwork, wires, or pipes will be exposed. In addition, the dumpster or trash handling areas will be screened.

Vote: Yeas: Howard, Johnson, Lipton, Loflin, Randolph, Rosenburgh, and Sheild

Nays: None

Absent: None

Summary of Petition

This petition proposes a stand-alone retail use of up to 9,200 square feet. The site plan accompanying this petition contains the following provisions:

- The optional provision being requested is to allow more than 35 percent of the frontage to be used for parking.
- The site has vehicular access to both West Fifth Street and West Trade Street.
- Permitted uses are those in the neighborhood business district, excepting auto parts stores, gas station/convenience stores, and tire sales and service.
- The proposed building is set back 24 feet from the back of the existing curb, on West Trade Street. It appears that the 24 feet will consist of a 16-foot planting strip and eight-foot sidewalk.
- A total of 20 parking spaces are provided, which equates to a rate of one space per 460 square feet of floor area.
- A solid waste management plan will be filed with LUESA.

The subject property is located in the Commercial Node of the Urban/Cultural/Arts District identified by the *West End Land Use and Pedscape Plan*. The plan recommends neighborhood convenience retail such as a grocer, general retail, and drug stores for the property.

Zoning Committee Discussion/Rationale

Tammie Keplinger explained that the petition was previously heard by the Committee in May, which resulted in a 3-3 tie vote. The petition was deferred to the June Zoning Committee meeting for a recommendation. The Committee suspended the rules to ask a question of the petitioner's agent,

Laura Simmons. Commissioner Randolph asked if any changes have been made to the brick pattern on the building. Ms. Simmons responded that the plan has been amended to reflect tan brick in a weave pattern from the base of the building to the soldier course to break up and add interest to the building. She noted that previous changes also apply. Commissioner Howard stated that, in his opinion, the Committee has gone too far in dictating the design of the building.

Tammie Keplinger indicated that staff has seen the latest brick modifications and is in support of the changes. Ms. Keplinger stated that since the public hearing, in addition to this change, the petitioner has amended the site plan as noted above.

The petition is consistent with the *West End Land Use and Pedscape Plan* and staff recommends approval of the petition.

Statement of Consistency

Upon a motion made by Commissioner Loflin and seconded by Commissioner Sheild, the Zoning Committee unanimously found this petition to be consistent with the *West End Land Use and Pedscape Plan* and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Sheild and seconded by Commissioner Loflin, the Zoning Committee voted unanimously to recommend APPROVAL of this petition as modified.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.