

**ZONING COMMITTEE
RECOMMENDATION
April 28, 2004**

Rezoning Petition No. 2003-100(a)

Property Owner: Gem Custom Homes, LLC

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately 1.4 acres between Neal Drive and Heathway Drive, on the east side of McGill Street

Request: Change from R-12MF(CD) (conditional multi-family residential) to R-4 (single family residential)

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Vote: Yeas: Broome, Chandler, Chiu, B. Johnson, W. Johnson, Loflin, and Ratcliffe

Nays: None

Absent: None

Summary of Petition

This petition seeks to rezone a site that was rezoned in 1990 to allow a day care center. The day care center was never built and Newell Area Plan calls for this property to return to single family residential zoning as the abutting properties are zoned. The petitioned site is undeveloped so no nonconforming uses will be created.

Zoning Committee Discussion/Rationale

The staff reviewed that the zoning currently in place was for a day care center that was approved in 1990 and never built. The Committee inquired if the owner had commented on this petition. Staff replied that they had not had any contact with the property owner. The Committee then asked if staff had attempted to contact the property owner by other than mail. Staff had not. A discussion followed as to whether that type of contact should be attempted in these types of cases. Ultimately, the Committee was comfortable that it was not necessary in this set of circumstances. Staff added this was the type of circumstance where a “three-year review” would likely have had the same recommendation.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.