



<b>REQUEST</b>	Current Zoning: O-2, office Proposed Zoning: MUDD-O, mixed-use development district, optional
<b>LOCATION</b>	Approximately .877 acres located along North Sharon Amity Road across from Colwick Road.
<b>CENTER, CORRIDOR OR WEDGE</b>	Center
<b>SUMMARY OF PETITION</b>	This petition proposes to reuse an existing building to accommodate office, retail, restaurant and/or other commercial uses on the property as permitted in MUDD, with optional provisions to allow existing signage, sidewalk, and planting strip to remain.
<b>Property Owner Petitioner Agent/Representative</b>	TMV Partners on Sharon Amity Road, LLC TMV Partners on Sharon Amity Road, LLC John Carmichael, K & L Gates, LLP
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The site plan has been revised to show consistency between the acreages identified under <i>Site Data</i> and <i>General Provisions</i>.</li> <li>2. A new seven-foot wide sidewalk connecting the building to the sidewalk along North Sharon Amity has been added to the site plan.</li> <li>3. The existing CATS bus stop on North Sharon Amity Road has been added to the site plan.</li> <li>4. CDOT comments have been addressed as follows: <ul style="list-style-type: none"> <li>• The petitioner has agreed to seek a right-of-way encroachment agreement for the proposed outdoor dining as it will fall within the proposed right-of-way.</li> <li>• The petitioner will be required to shorten or lengthen the existing median in North Sharon Amity Road (during the driveway permitting process) if deemed necessary.</li> <li>• The petitioner has agreed to convey right-of-way in fee simple title to meet the requirement that North Sharon Amity Road have a minimum 100-foot right-of-way measured from centerline.</li> <li>• The petitioner has agreed to add a note to the site plan stating that the outdoor patio area is located within the future right-of-way of North Sharon Amity Road may be subject to removal at a future time.</li> </ul> </li> </ol>
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<b>VOTE</b>	Motion/Second:	Dodson/Randolph
	Yeas:	Allen, Dodson, Randolph, Rosenburgh, and Simmons
	Nays:	None
	Absent:	Griffith and Walker
	Recused:	None

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee, noting the petitioner had agreed to the two remaining outstanding items identified in the Zoning Committee meeting agenda. Staff stated the petitioner agreed to convey five feet of right-of-way for Sharon Amity Road, the greatest width that could be accommodated given the building location. Staff also indicated that the petitioner agreed to provide a note on the site plan acknowledging the outdoor seating area is located within the right-of-way and may be subject to removal in the future.

One Commissioner asked if the cross section for Sharon Amity Road had been determined or if the ultimate right-of-way was known, to which CDOT staff responded that there is no cross section depicting ultimate right-of-way. CDOT staff stated the Zoning and Subdivision Ordinances are written in such a way that they predict certain rights-of-way associated with certain thoroughfare classifications identified in the *Thoroughfare Plan* prepared by the Mecklenburg-Union Metropolitan Planning Organization (MUMPO). CDOT staff noted that Sharon Amity Road is a major thoroughfare that carries a 100-foot right-of-way.

There was no further discussion of this petition.

**STATEMENT OF CONSISTENCY**

This petition is found to be inconsistent with the *South District Plan* but reasonable and in the public interest, by a 5-0 vote of the Zoning Committee (motion by Commissioner Simmons seconded by Commissioner Dodson).

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Use of existing building for office, retail, restaurant and/or other commercial uses along with accessory uses as permitted in the MUDD zoning district.
- Excludes fast food restaurants with drive through services and bars/nightclubs.
- No building expansions.

This site plan contains the following optional requests:

- Option to allow existing site signage to remain and copy on signage to change according to various tenants' needs.
- Option to allow existing sidewalk and planting strip to remain.

**Public Plans and Policies**

- The *South District Plan* (1993) recommends institutional uses on this property.
- The petition is inconsistent with the *South District Plan*.

**STAFF RECOMMENDATION (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.

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**PUBLIC INFRASTRUCTURE UPDATES** (see full department reports online)

- **CDOT:** No issues.
- **Charlotte Fire Department:** No comments received.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Schools:** CMS does not comment on non-residential proposals.
- **Park and Recreation:** No comments received.

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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Storm Water:** No issues.
  - **LUESA:** No issues.
  - **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
    - Minimizes impacts to the natural environment by the reuse of an existing structure.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application Form
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- CMS Review
- Community Meeting Report
- LUESA Review
- Park and Recreation Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

**Planner:** Claire Lyte-Graham (704) 336-3782