

REQUEST	Current Zoning: CC, commercial center Proposed Zoning: MUDD(CD), mixed use development district
LOCATION	Approximately .326 acres located on the north side of Berkeley Place Drive and near the intersection of West Mallard Creek Church Road and Berkeley Place Drive.
SUMMARY OF PETITION	The petition proposes to rezone one existing building within the Pinnacle Point Development to allow all uses permitted in the MUDD district, including one nightclub/bar/lounge use.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Mayberry Real Estate Holdings, LLC Darryl Ramjohn Teresa Hawkins
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to DEFER this petition to the January 4, 2012 Zoning Committee meeting.
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VOTE	Motion/Second: Griffith/Firestone Yeas: Allen, Firestone, Griffith, Phipps, Rosenburgh and Zoutewelle Nays: None Absent: Dodson Recused: None
ZONING COMMITTEE DISCUSSION	Staff stated that the petitioner requested a deferral to the January 4, 2012 Zoning Committee meeting. There was no further discussion.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - The property is located in the Pinnacle Point Development and was a part of three previous rezonings, which resulted in the following development rights for the entire center:
 - 58,000 square feet of retail space;
 - 200,000 square feet of office space;
 - a 130,000 square foot self-storage facility; and,
 - 915 multi-family units.
 - The Zoning Administrator determined that the existing Twilight Caribbean restaurant falls into the use category of a nightclub/bar/lounge. The approved site plan does not allow nightclub/bar/lounge, therefore a site plan amendment to allow this use is needed.
- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Use of the existing building which complies with MUDD standards.
 - All uses in the MUDD district will be permitted; however, only one nightclub will be allowed.

- No building expansions are permitted.
 - Signs will be in accordance with the ordinance.
 - **Public Plans and Policies**
 - The *Northeast District Plan* (1996), as amended by numerous rezoning petitions and site plan amendments, recommends a mix of retail and office land uses for this and surrounding parcels.
 - This petition is consistent with the *Northeast District 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 comments received.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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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 Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review

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