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<b>REQUEST</b>	Current Zoning: CC, commercial center Proposed Zoning: MUDD(CD), mixed use development district
<b>LOCATION</b>	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.
<b>SUMMARY OF PETITION</b>	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.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. This petition is consistent with the <i>Northeast District Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Mayberry Real Estate Holdings, LLC Darryl Ramjohn Teresa Hawkins
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### 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.

- **Existing Zoning and Land Use**

- The property is currently used for restaurant, retail and office purposes. The properties to the north, east, west and a portion of the property to the south are part of the Pinnacle Point development. They are zoned a combination of CC and B-D(CD) and used for office and retail purposes and a private school. A multi-family development is located to the south/southeast and is zoned R-17MF(CD).

- **Rezoning History in Area**

- The most recent rezoning in the area was petition 2008-087, which modified the overall development rights for Pinnacle Point.

- **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:** The petition will not affect the number of vehicle trips.
    - **Vehicle Trip Generation:**  
Current Zoning: 1900 trips per day.  
Proposed Zoning: 1900 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.
  - **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.

**OUTSTANDING ISSUES**

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

- Application
- Site Plan
- Community Meeting Report
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review

**Planner:** Tammie Keplinger (704) 336-5967