

**REQUEST** Current Zoning: UR-C(CD) PED (urban residential - commercial, conditional, pedestrian overlay) and B-1 PED (neighborhood business, pedestrian overlay)  
Proposed Zoning: B-1(CD) PED (neighborhood business, conditional, pedestrian overlay)

**LOCATION** Approximately 0.30 acres located on the southeast corner at the intersection of South Kings Drive, Metropolitan Avenue, and Baxter Street.  
(Council District 1 - Kinsey)

**SUMMARY OF PETITION** The petition proposes to allow the medical office currently under construction. The petition also proposes signage that is larger than what is allowed in the existing UR-C(CD) (urban residential - commercial, conditional) district.

**PROPERTY OWNER** Midtown Area Partners II, LLC  
**PETITIONER** Royden Goode  
**AGENT/REPRESENTATIVE** Sherri Hartsell

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 10

**STATEMENT OF CONSISTENCY** This petition is found to be consistent with the *Midtown Morehead Cherry Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mixture of residential, office, and retail for the subject property.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because this rezoning will allow:

- A mixed-use development; and
- A pedestrian-friendly environment;

By a 6-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Sullivan).

**ZONING COMMITTEE ACTION** The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. A clear and legible site plan has been submitted.
2. An allowed 5,800 square feet has been labeled on the site plan.
3. Building footprint, yard requirements, setbacks, and parking layout have been shown on the site plan.
4. The proposed sidewalks and widths have been labeled on the site plan.
5. The "Development Summary" table has been updated with the correct information.
6. A note has been added that signage will be allowed per the ordinance.
7. The conditional notes from the previous rezoning in 2005 have been added to the site plan.
8. Staff is working with the petitioner on the administrative request for petition 2005-060.

**VOTE**

Motion/Second: Eschert/Dodson  
Yeas: Dodson, Eschert, Labovitz, Lathrop, Sullivan, and Wiggins  
Nays: None  
Absent: None  
Recused: Nelson

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<b>ZONING COMMITTEE DISCUSSION</b>	Staff presented this item and noted that all the outstanding issues had been addressed. There was no further discussion of the petition.
<b>STAFF OPINION</b>	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**

- **Background**
    - Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) (urban residential - commercial, conditional) to allow up to 12,000 square feet of retail and restaurant uses.
    - Petition 2012-050 established PED (pedestrian overlay district) zoning over a majority of the site along Baxter Street and South Kings Drive including the subject property.
  - **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

    - Allows a 5,800-square foot medical office building which is currently under construction.
    - Allows signage as permitted in the B-1 PED (neighborhood business, pedestrian overlay) zoning district.
    - Allowed uses are office, retail, and Eating Drinking, and Entertainment Establishments Type I.
  - **Public Plans and Policies**
    - The *Midtown Morehead Cherry Area Plan* (2012) recommends, residential, office, and/or retail for the subject parcel.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

**OUTSTANDING ISSUES**

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Transportation Review
  - Charlotte-Douglas International Airport Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** Solomon Fortune (704) 336-8326