

**ZONING COMMITTEE  
RECOMMENDATION  
July 30, 2008**

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**Rezoning Petition No. 2008-113**

**Property Owner:** Mecklenburg County

**Petitioner:** Jay Higginbotham, Mecklenburg County Real Estate Services

**Location:** Approximately 1.92 acres located on the west side of South Kings Drive between Baxter Street and South Torrence Street

**Center, Corridor, or Wedge:** Wedge

**Request:** B-1, neighborhood business to MUDD, mixed use development district

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

**Vote:**     Yeas:           Allen, Griffith, Howard, Lipton, Randolph, and Rosenburgh

              Nays:           None

              Absent:       Johnson

**Summary of Petition**

This petition seeks to rezone 1.92 acres from B-1 to MUDD. Allowable uses would include, but are not limited to: automotive service stations, residential, business and general office uses, retail sales, restaurants, institutional uses, and social, fraternal, social service, union and civic organizations.

The majority of this site is located in the Sugar Creek FEMA floodplain, with the exception of a small corner of the lot.

**Zoning Committee Discussion/Rationale**

Tammie Keplinger summarized the zoning request by Mecklenburg County Real Estate. There is no site plan associated with this plan, as it is a straight-up rezoning. It is consistent with the Cherry Small Area Plan.

The Committee asked why this was not submitted as a conditional district. Ms. Keplinger noted that the site is quite constrained with the floodplain. The reason the petitioner is requesting to be rezoned to MUDD is that MUDD offers reduced setbacks of 16 feet measured from the curb, which will assist in the development of this constrained site.

### **Statement of Consistency**

Upon a motion made by Commissioner Lipton and seconded by Commissioner Griffith, the Zoning Committee unanimously found this petition to be consistent with the Cherry Small Area Plan and reasonable and in the public interest.

### **Vote**

**Upon a motion made by Commissioner Griffith and seconded by Commissioner Lipton the Zoning Committee voted unanimously to recommend approval of this petition.**

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.