

## **\*PRE-HEARING STAFF ANALYSIS\***

### **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

### **Summary**

The purpose of the rezoning is 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. This is the former EXXON site at Kings Drive and Baxter Street.

### **Consistency and Conclusion**

This request is consistent with the *Cherry Small Area Plan* (1993) recommendation for greenway use. This petition is considered appropriate for approval due to the fact that at least 90% of the site is located in a floodplain, and the property is owned by Mecklenburg County.

### **Existing Zoning and Land Use**

The property to the west is zoned B-2, general business, and O-2, office. A church, offices, and a residential building owned by the Housing Authority are located to the west of this site. To the north is property being redeveloped as a mixed-use development adjacent to the greenway. To the south and east of the site is property zoned B-1, neighborhood business. Uses along Kings Drive south of Baxter include offices, restaurants, and retail.

## **Rezoning History in Area**

An 26.6 acre tract to the immediate north of this site was rezoned from B-2 (CD), B-1, and B-2 to MUDD-O and UR-C (CD) in petition #2005-60. Up to 737,000 square feet of non-residential uses (office, retail, restaurants, bank) and up to 256 residential units are being built as part of the Metropolitan development.

Petition 2004-057 rezoned a 1.38 acre tract to the west of the greenway from O-2 to MUDD (CD) to permit a 34,000 square foot building containing a mix of office and residential units.

## **Public Plans and Policies**

*Cherry Small Area Plan (1993)* recommends greenway use for this parcel.

## **Proposed Request Details**

There is no site plan associated with this petition.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** CDOT has the following specific comments that are critical to CDOT's support of the rezoning petition:

- The petitioner needs to dedicate the necessary rights-of-way for Pearl Street, its bridge, and new intersections between Kenilworth Avenue and South Kings Drive.
- All other site issues will be handled during the MUDD review process.

**CATS.** CATS has no outstanding site plan issues regarding this petition.

**Storm Water.** Storm Water Services noted downstream complaints consisting of flooding and erosion. The site drains to a stream listed as impaired by the NC Division of Water Quality.

**School Information.** This rezoning will not impact the school system.

## **Outstanding Issues**

**Land Use.** The proposal is consistent with the *Cherry Small Area Plan*, which recommends greenway uses for the site.