



Zoning Committee

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**REQUEST**

Current Zoning: R-3 (single-family residential), R-17MF(CD) (multi-family residential, conditional), and MX-2 (mixed-use)  
Proposed Zoning: R-17MF (multi-family residential)

**LOCATION**

Approximately 14.72 acres located on the northwest side of Highway 29 North, to the east of Caprington Avenue.  
(Outside City Limits)

**PETITIONER**

US Developments, Inc.

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend DENIAL of this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *Northeast Area Plan* based on the information from the staff analysis and the public hearing and because:

- The plan recommends residential land uses up to 8 dwelling units per acre and/or institutional land uses.

Therefore, we find this petition to not be reasonable and not in the public interest based on information from the staff analysis and the public hearing and because:

- The Northeast Area Plan (2000) recommends residential land uses up to 8 dwelling units per acre and/or Institutional land uses for this site.
- The zoning district requested, R-17MF would more than double the density recommended in the adopted land use plan.
- The site abuts a lower density, single family residential neighborhood (4.5 DUA) to the north and east, and does not provide appropriate guarantees for compatibility.
- The R-17MF(CD) zoning adjacent to the west has the uses limited to a day care center, an assisted living facility, and/or a community recreation center, and is not similar to the proposed uses on this site.
- While there are multi-family units on the other side of Caprington Avenue, the units in that project were separated from adjacent single family uses with appropriate site plan conditions. The multi-family in this project is directly adjacent to single-family residential and could create compatibility concerns, particularly without a conditional plan to determine how they will integrate and be designed.

- Context is important, and this conventional petition does not address the important elements of transition, setback, buffers, and other needed site plan conditions.

Motion/Second: McClung / Watkins

Yeas: Fryday, Gussman, McClung, McMillan, Samuel, and Watkins

Nays: None

Absent: Ham

Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

A commissioner asked what are the compatibility concerns to adjacent properties. Staff explained that we would like to see a transition of density from higher density along Highway 29 to lower density and height to the adjacent single-family homes. Without a conditional site plan, it is hard to determine how they would relate to surrounding properties.

A commissioner stated that they would like a better understanding of how to interpret the Charlotte-Mecklenburg Schools memo relating to school capacity issues. They would like to hear from a CMS official and their role in the rezoning process.

A commissioner asked if the petitioner was willing to do a conditional plan. Staff responded that the petitioner wanted to move forward with a conventional plan, but had offered deed restrictions.

There was no further discussion of this petition.

## **PLANNER**

Michael Russell (704) 353-0225