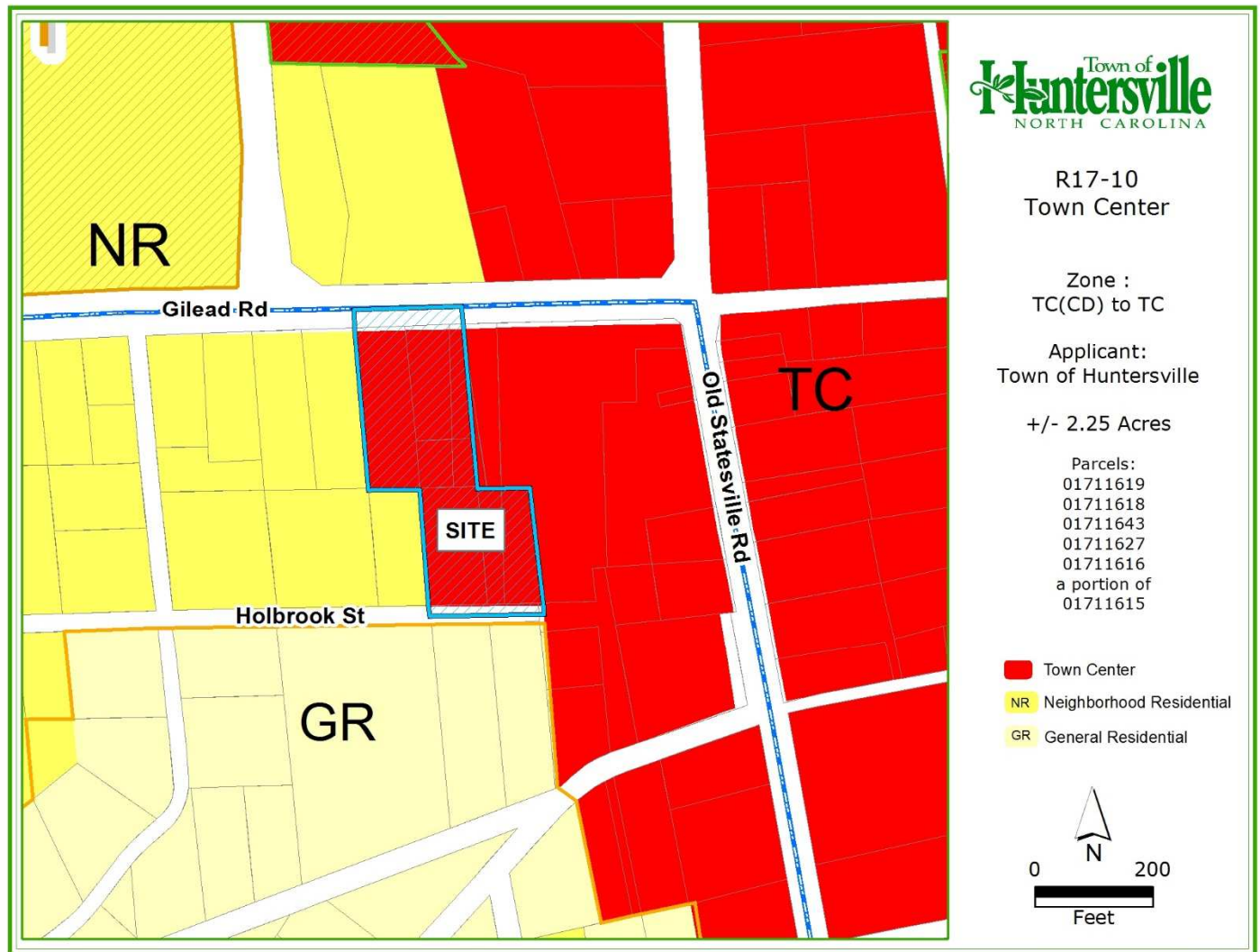


## Petition R17-10 Town Center

### PART 1: SUMMARY



1. On June 16, 2008 the Board of Commissioners approved a request by HTCP Development One, LLC. to rezone 2.25 Acres from Neighborhood Residential to Town Center Conditional District (R08-05) with the requirement that the rezoning plan be amended and approved by the Town Board before any development would occur.
2. The R08-05 Rezoning plan excluded the following uses:  
“The following uses shall be prohibited on the properties to be rezoned:
  1. nightclubs, music clubs, bars and similar entertainment facilities, further provided that such prohibition of bars shall not apply to restaurants with a bar located therein;
  2. automobile service and repair uses;
  3. automobile and/or motorcycle sales;
  4. cemeteries;
  5. neighborhood gasoline stations, including major service and repair of motor vehicles;
  6. drive through windows, including those associated with restaurants.”
3. In 2009 the plan was amended (R09-02) to allow for a portion of the Town Center parking deck.

4. Adjoining Zoning and Land Uses.  
North: *Neighborhood Residential (NR)*: Single Family Home  
South: *General Residential (GR)*: Vacant  
East: *Town Center (TC)*: Huntersville Town Center Building  
West: *Neighborhood Residential (NR)*: Single Family Home
5. Notice for this rezoning petition was sent to adjoin property owners (via letters), a legal ad placed in the Charlotte Observer and posted rezoning signs on the property in one location.

## PART 2: TRANSPORTATION ISSUES

None

## PART 3: REZONING CRITERIA

**Current Zoning:** Town Center Conditional District (TC-CD) allows for the uses allowed in the Town Center district except:

“The following uses shall be prohibited on the properties to be rezoned:

1. nightclubs, music clubs, bars and similar entertainment facilities, further provided that such prohibition of bars shall not apply to restaurants with a bar located therein;
2. automobile service and repair uses;
3. automobile and/or motorcycle sales;
4. cemeteries;
5. neighborhood gasoline stations, including major service and repair of motor vehicles;
6. drive through windows, including those associated with restaurants.”

**Proposed Zoning:** Town Center to allow for all uses in the district. Subsequent subdivision plans will need to go through the standard development processes.

### Future Land Use:

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

STAFF COMMENT – The request to rezone the property from TC (CD) to TC is consistent with the following policies of the **2030 Huntersville Community Plan**:

- **Downtown Development Policy & Action Item: DT-1 Downtown Development.**

Staff comment: The subject parcel is zoned Town Center Conditional District (TC-CD) and is located within the Down Town Area. Removing the Conditional District will encourage development by not requiring potential projects to go through the rezoning process. Therefore the request is consistent with the future land use plan.

**Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:**

1. **Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

STAFF COMMENT:

The existing land is vacant except for a portion of the Town Center Parking Deck and is zoned Town Center Conditional District. The proposed zoning of Town Center is consistent with adopted area plans and development

surrounding the property (Commercial, Office, and Single Family Homes); therefore the request to rezone the property is consistent with the existing development of adjacent parcels.

2. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

There is no development site plan proposal associated with the general rezoning request. Public facilities will not be impacted.

3. **Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”**

STAFF COMMENT: There are no known resources located on the property.

**Article 11 Section 11.4.7(f) of the Zoning Ordinance states that: “When considering a petition to reclassify property to a general district, the Planning Board and the Town Board shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.”**

STAFF COMMENT: There is no development site plan proposal associated with the general rezoning request.

#### **PART 4: STAFF RECOMMENDATION**

The request to rezone the parcels from Town Center Conditional District to Town Center is consistent with the 2030 Community Plan and the surrounding development; therefore staff recommends approval.

#### **PART 5: PUBLIC HEARING COMMENTS**

Public Hearing scheduled for December 4, 2017.

#### **PART 6: PLANNING BOARD RECOMMENDATION**

TBD

#### **PART 7: ATTACHMENTS/ENCLOSURES**

##### Attachments

- A – Rezoning Application
- B – Town Center Zoning Districts
- C - Site Plan
- D – R08-05 & R09-02

**PART 8: CONSISTENCY STATEMENT - R 17-07 503 S. Old Statesville Rd.**

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R17-10, the Planning staff recommends approval as it is consistent with Downtown Development Policy D-1 of the 2030 Community Plan. The property is also located within the high intensity development area and the proposed density would be consistent with surrounding developments (see Part 3).</p> <p>With those provision, it is reasonable and in the public interest to approve the General Rezoning Plan because the request is consistent with the 2030 Community Plan and is in keeping with the surrounding development.</p>	<p>APPROVAL: In considering the proposed rezoning application R17-10, the Planning Board recommends approval based on the Plan being consistent with the 2030 Community Plan, and is reasonable and in the public interest to approve the rezoning, because it is in line with the adjoining properties.</p>	<p>APPROVAL: In considering the proposed rezoning application R17-10, the Town Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>
		<p>DENIAL: In considering the proposed rezoning application R17-10, the Town Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>