



STAFF REPORT

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| CASE: | ZC14-2 |
| EXISTING ZONING | B-G DO-B (CD) |
| REQUEST: | B-G DO-B (CD) |
| APPLICANT: | GEMCAP PROPERTIES, LLC |
| PROPERTY OWNER | MINT HILL OUTPARCELS, LLC (ASTON PROPERTIES) |
| LOCATION | VACANT PARCEL LOCATED BETWEEN JIMMIES AND WENDY'S (CORNER OF EVANS AND MATTHEWS-MINT HILL ROAD) |
| TAX MAP NUMBER | 135-381-73 |

BACKGROUND:

- Property was rezoned as part of a larger development plan (Pavilion) on January 24, 2002
- Conditional Use Permit was issued on January 9, 2003 for the shopping center and outparcels (outparcels were shown as future development requiring separate conditional approval)
- The final plat was recorded on January 5, 2004

APPLICATION SUMMARY:

The applicant is seeking Conditional Zoning approval to allow construction of a commercial building as described in the attached zoning plan and architectural renderings.

Conditional District decisions shall be made in consideration of identified relevant adopted land use plan. Conditional District rezoning is a legislative procedure under which the Board of Commissioners has the authority to increase, tighten, add, vary, modify or waive specific conditions or standards. In approving a petition for the rezoning of property to a Conditional District the Board of Commissioners may request reasonable and appropriate conditions.

PLAN CONSISTENCY:

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|---|-------------|
| Mint Hill Land Use Plan | Yes |
| Downtown Master Plan | Yes |
| Mint Hill Comprehensive Transportation Plan | (c/g issue) |
| MUMPO Thoroughfare Plan | Yes |
| Pedestrian Plan | Yes |

RECOMMENDATION:

Staff recommends approval contingent on resolution of the curb and gutter issue.

Curb and gutter for Matthews-Mint Hill Road was originally waived in 2003 as part of a larger development plan approval (Pavilion). In 2011, with the adoption of the Unified Development Ordinance, curb and gutter became mandatory along NCDOT roads within the Downtown.

If curb and gutter is required, staff suggests the applicant pay into an infrastructure account to be used for the purpose of installing curb and gutter in the general vicinity. The formula for calculating the cost has been shared with the applicant.

STAFF CONTACT:

Planning Staff
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