

<b>REQUEST</b>	Current Zoning: O-1(CD), office, conditional Proposed Zoning: B-1(CD), neighborhood business, conditional
<b>LOCATION</b>	Approximately 2.72 acres located on the south side of Rocky River at the intersection of Rocky River Road and Newell Farm Road near Old Concord Road.
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the use of the existing structures and a possible maximum 8,500 building square footage for retail and single family residential uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Frank & Nancy Newton Frank & Nancy Newton None
<b>COMMUNITY MEETING STATEMENT OF CONSISTENCY</b>	Meeting is required and has been held. Report available online. This petition is found to be inconsistent with the <i>Newell Area Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Escert seconded by Commissioner Allen).

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:  1. A note has been added stating the following uses will not be permitted on the Site: gasoline service stations with convenience facilities, restaurants, and drive-in or drive-through lanes/windows as an accessory use.
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<b>VOTE</b>	Motion/Second: Phipps/Allen Yeas: Allen, Eschert, Johnson, Labovitz, Lathrop, and Phipps Nays: None Absent: Griffith Recused: None
<b>ZONING COMMITTEE DISCUSSION</b>	Staff reviewed the petition, noting that all the outstanding issues have been address and the petition is consistent with the <i>Newell Area Plan</i> . There was no further discussion of this petition.
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Background**
  - The subject property was a portion of an overall 14.88 acre site that was rezoned under petition 1995-040(C) to O-1(CD).
  - The approved plan allowed for a total of 115,000 square feet for office development. All uses in the office district are allowed.
- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - A total of 1,300 square feet for several existing structures on site to be retained.
    - A possible total building square footage of 8,500 square feet for parcels A and B.
    - Permitted uses include all uses allowed in the B-1 district except fast food and gas stations with convenience stores, or any drive through service windows.

- **Public Plans and Policies**
    - The *Newell Area Plan* (2002) recommends office for the subject parcel as amended by the previously approved rezoning.
    - The request is inconsistent with the *Newell Area Plan*.
  - **Staff Recommendation (Updated)**
    - Staff agrees with the recommendation of the Zoning Committee.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - This site meets minimum ordinance standards.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Transportation Review
- Charlotte-Douglas International Airport Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Solomon Fortune (704) 336-8326