**REQUEST**

Current Zoning: O-1(CD), office, conditional  
Proposed Zoning: B-1(CD), neighborhood business, conditional

**LOCATION**

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.

**SUMMARY OF PETITION**

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.

**PROPERTY OWNER**

Frank & Nancy Newton

**PETITIONER**

Frank & Nancy Newton

**AGENT/REPRESENTATIVE**

None

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.

**STATEMENT OF CONSISTENCY**

This petition is found to be inconsistent with the Newell Area Plan 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).

**ZONING COMMITTEE ACTION**

The Zoning Committee voted unanimously to recommend APPROVAL 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.

**VOTE**

Motion/Second: Phipps/Allen  
Yeas: Allen, Eschert, Johnson, Labovitz, Lathrop, and Phipps  
Nays: None  
Absent: Griffith  
Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition, noting that all the outstanding issues have been address and the petition is consistent with the Newell Area Plan. There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**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

• 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