

<b>REQUEST</b>	Current Zoning: I-1(CD) (light industrial, conditional) Proposed Zoning: I-1(CD) SPA (light industrial, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 2.8 acres located on the east side of Newell Farm Road near Old Concord Road and Newell Farm Road. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition seeks a site plan amendment to allow the addition of a telecommunications facility on a vacant site located in the Newell area.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	The McLaughlin Living Trust, James and Shirley McLaughlin American Towers, LLC Thomas H. Johnson, Nexsen Pruet
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
<b>STATEMENT OF CONSISTENCY</b>	The Zoning Committee found this petition to be inconsistent with the <i>Newell Area Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends office/business park uses.</li> </ul> <p>However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed telecommunications tower is considered a utility use, and future locations for this use type are not typically addressed in area plans; and</li> <li>• Area plans and other policy documents do not typically identify future appropriate locations for utility uses or provide specific design guidance; and</li> <li>• The adopted future land use of the surrounding parcels is office/business park, and a telecommunications tower would be generally compatible with the future land uses in the immediate vicinity; and</li> <li>• The proposal also accommodates an area for a future street connection that will serve as a parallel route to Old Concord Road and W.T. Harris Boulevard;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Majeed seconded by Eschert).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. A 38-foot "Class B" buffer abutting the residential zoning to the rear of the site has been shown and labeled.</li> </ol> <p><u>Requested Technical Revisions</u></p> <ol style="list-style-type: none"> <li>2. Deleted Note 8, which provided minimum ordinance standards, and Note 9 that pertained to the number of carriers that can be accommodated.</li> <li>3. Placed Note 10 under Environmental Features.</li> <li>4. Amended Note 3 under General Provisions as follows: "The petitioner will submit an application for an administrative site plan amendment that will adjust the remaining original site plan to account for the development of the property included in this rezoning application. The administrative application will be submitted and reviewed so that it is ready for final approval upon the approval of this rezoning application."</li> <li>5. Amended Note 1 under Permitted Uses to specifically list a cell</li> </ol>
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	<p>tower as the sole permitted use.</p> <ol style="list-style-type: none"> <li>6. Deleted information pertaining to typical signs and specifications.</li> <li>7. Amended Note 1 under Signage to state signage will be allowed per the zoning ordinance.</li> <li>8. Specified maximum height of detached lights as 25 feet.</li> <li>9. Organized conditional notes using the appropriate headings and categories.</li> <li>10. Deleted Note 2 under Permitted Uses, which quotes ordinance standards and refers to a use that was permitted on the site per the previous rezoning petition 1997-36C.</li> </ol>
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**VOTE**

Motion/Second: Labovitz / Majeed  
 Yeas: Dodson, Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition, and noted that this petition is inconsistent with the *Newell Area Plan*. Staff noted that there are not outstanding issues associated with the petition. There was no further discussion.

**STAFF OPINION**

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 part of 5.6 acres rezoned via Petition 1997-36C to allow indoor and outdoor recreation. The subject property is currently vacant.
- **Proposed Request Details**  
 The site plan amendment contains the following changes:
  - Permitted use limited to a cell tower.
  - Replacement of prior approved but unbuilt indoor and outdoor recreation uses with a cell tower as a permitted use.
  - Addition of cross-section of proposed 195-foot tall monopine telecommunications tower reflecting five-foot landscaping buffer, six-foot tall chain link fence, and one parking space specified for service vehicles.
  - Deletion of note requiring all buffers to remain undisturbed.
  - Elimination of 30-foot maximum height limitation for detached lighting.
  - Elimination of note allowing request for variance from required buffer along rear of the site.
  - Addition of a note that site will comply with PCCO.
  - Specification of 0.42 acres of tree save area that will be provided based on the reduced acreage.
  - Indication of right-of-way for a realignment of Newell Farm Road proposed since the previous rezoning.
  - Addition of detail for proposed 12-foot wide drive from Newell Farm Road that will be used to access the site.
- **Public Plans and Policies**
  - The *Newell Area Plan* (2002) recommends an office or business park for this area.
- **TRANSPORTATION CONSIDERATIONS**
  - This petition will create virtually no daily traffic since the proposed use is a cellular tower. CDOT has no concerns or outstanding issues with this petition.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.

- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** Charlotte Water does not currently have water system availability to this site.
  - **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.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327