

REQUEST	Current Zoning: I-1(CD) (light industrial, conditional) Proposed Zoning: I-1(CD) SPA (light industrial, conditional, site plan amendment)
LOCATION	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)
SUMMARY OF PETITION	The petition seeks a site plan amendment to allow the addition of a telecommunications facility on a vacant site located in the Newell area.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	The McLaughlin Living Trust, James and Shirley McLaughlin American Towers, LLC Thomas H. Johnson, Nexsen Pruet
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Newell Area Plan</i> recommendation for office/business park uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The proposed telecommunications tower is considered a utility use, and future locations for this use type are not typically addressed in area plans. • Area plans and other policy documents do not typically identify future appropriate locations for utility uses or provide specific design guidance. • 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. • 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.
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PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan amendment contains the following changes:

- 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 the proposed 12-foot wide drive from Newell Farm Road that will be used to access the site.

- **Existing Zoning and Land Use**

- 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.
- Surrounding land uses located on the west side of Old Concord Road consist of single family detached residences, an elementary school, a religious institution, a warehouse/garage, gas station/convenience store and a strip retail center in R-3 (single family residential), R-17MF (multi-family residential), INST(CD) (institutional, conditional) and B-1 (neighborhood business) districts.
- Properties on the east side of Old Concord Road contain a mix of uses in various zoning districts including: single family detached dwellings and a warehouse/garage use in R-3 (single family residential), O-1(CD) (office, conditional), B-1(CD) (neighborhood business, conditional), MX-1 (mixed use) and I-1(light industrial) and I-1(CD) (light industrial, conditional) zoning districts.
- See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- Petition 2012-84 rezoned 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 to B-1(CD) (neighborhood business, conditional) to allow retention of 1,300 square feet of existing structures and additional buildings for a total of 8,500 square feet of building area for retail and single family residential uses. Fast food and gas stations with convenience stores, or any drive through service windows are prohibited.

- **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:** Nonresidential 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.

OUTSTANDING ISSUESSite and Building Design

1. Show and label a 38-foot "Class B" buffer abutting the residential zoning to the rear of the site.

REQUESTED TECHNICAL REVISIONS

2. Delete Note 8, which is minimum ordinance standards, and Note 9 that pertain to the number of carriers that can be accommodated.
3. Delete Note 10 or place under Environmental Features.
4. Replace Note 5 with the following: "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."
5. Amend Note 7 to specifically list a cell tower as the sole permitted use.
6. Delete information pertaining to typical signs and specifications.
7. Amend Note 4 to state signage will be allowed per the zoning ordinance.
8. Specify maximum height of detached lights as 30 feet.
9. Organize conditional notes using the appropriate headings and categories.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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 Parks and Recreation Review
 - Transportation Review

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