

REQUEST	Current Zoning: B-1(CD) (neighborhood business, conditional) Proposed Zoning: O-1 (office)
LOCATION	Approximately 4.27 acres located on the east side of Old Concord Road, north of Rocky River Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to rezone the subject property located in the Newell area to allow all uses permitted in the O-1 (office) district, which include residential, general and medical office, civic, personal service, and eating/drinking/entertainment establishments in multi-family and office buildings.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	BMO Properties Group LLC Profile Homes Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be inconsistent with the <i>Newell Small Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends retail use on the site, as recognized from previous rezoning petition 1980-035(C) that allowed a retail greenhouse/nursery on the site. • 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: <ul style="list-style-type: none"> • The subject property is located in a partially developed business park abutting the rail line which runs parallel to Old Concord Road; and • The site is accessible only from a cul-de-sac street, University East Drive, which serves as the principal street for the business park; and • The adopted area plan recognizes rezoning petition 1980-035(C), which allowed a retail greenhouse/nursery on the site in B-1(CD) zoning; and • The subject property is part of a 5.02-acre parcel with split zoning. While the subject site is zoned B-1(CD), the remainder of the parcel is zoned O-1. The proposed zoning change will provide consistent zoning on the entire tax parcel; and • In addition, nearby properties located to the north and east, and accessed off of University East Drive, are planned and zoned for office use. The proposed rezoning will result in office zoning for all properties in this part of the office park, and will remove the isolated B-1(CD) zoning; <p>By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Nelson).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Sullivan / Majeed Yeas: Majeed, McClung, McMillan, Nelson, Spencer and Sullivan Nays: None Absent: Fryday Recused: None
ZONING COMMITTEE DISCUSSION	Staff provided an overview of the conventional petition and noted that it is inconsistent with the <i>Newell Small Area Plan's</i> recommendation for retail use, which recognized previous rezoning petition 1980-035(C) allowing a retail greenhouse/nursery on the site.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
 - The *Newell Small Area Plan* (2002) recognizes previous rezoning petition 1980-035(C) on the site and recommends retail uses. Surrounding uses to the north, east, and west are recommended for office and business park use.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the end of a major collector that is envisioned to extend to Rocky River Road in the future. Currently, the only street frontage is the site driveway on University East Drive; access to Old Concord Road is blocked by the railroad line.
 - **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 10 trips per day (based on one single family detached dwelling).
Entitlement: 1,970 trips per day (based on a 28,857-square foot nursery/garden center).
Proposed Zoning: 790 trips per day (based on 51,000 square feet of office uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 19 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 19 students.
 - The proposed development is projected to increase the school utilization (without mobile classroom units) over current conditions as follows:
 - Newell Elementary from 163% to 164%;
 - Martin Luther King, Jr. Middle from 93% to 94%; and
 - Vance High remains the same at 109%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along University East Drive. There is sewer system availability for the zoning boundary via an existing eight-inch gravity sewer main located along University East Drive.
- **Engineering and Property Management:**
 - **Arborist:** No comments received.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** Site must comply with the Tree Ordinance.

- **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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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