

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

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition 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.</p> <p><u>Rationale for Recommendation</u></p> <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. • The site is accessible only from a cul-de-sac street, University East Drive, which serves as the principal street for the business park. • The adopted area plan recognizes rezoning petition 1980-035(C), which allowed a retail greenhouse/nursery on the site in B-1(CD) zoning. • 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. • 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, and will remove the isolated B-1(CD) zoning.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan. The conventional O-1 (office) zoning allows nonresidential uses such as general and medical, civic, personal service uses, and eating/drinking/entertainment establishments in multi-family and office buildings.
- **Existing Zoning and Land Use**
 - The subject property is part of a larger tract that was rezoned to B-1(CD) (neighborhood business, conditional) via Petition 1980-035(C) to allow a greenhouse/nursery with associated retail sales and office facilities. Most of the original parcel has since been rezoned for office use, including a portion of the tax parcel of which the subject is a part.
 - The subject property is currently developed with one single family dwelling. It is separated from Old Concord Road by a railroad right of way, and has independent access only from University East Drive, a cul-de-sac at the northeast corner of the site.
 - Surrounding uses on the west side of Old Concord Road include single family detached and

attached dwellings, a gas station, strip shopping center and warehouse uses, and vacant parcels in R-3 (single family residential), MX-1 (mixed use), B-1 (neighborhood business), and B-D(CD) (distributive business, conditional) zoning.

- Parcels on the east side of Old Concord Road are developed with single family detached dwellings, general and medical office, retail and warehouse uses in R-3 (single family residential), O-1 (office), O-15(CD) (office, conditional), B-1(CD) (neighborhood business, conditional), and I-2(CD) (general 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 Road at the intersection of Rocky River Road and Newell Farm Road near Old Concord Road from O-1(CD) (office, conditional) to B-1(CD) (neighborhood business, conditional) to allow use of existing single family structures and a maximum 8,500-square foot building for retail and single family residential uses.
- **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 Park and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

- Application
- Locator Map
- Department Comments

- Charlotte Area Transit System Review
- Charlotte Department of Housing and Neighborhood Services
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte Water Review
- Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
- Mecklenburg County Park and Recreation Review
- Transportation Review

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