



Zoning Committee

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**REQUEST**

Current Zoning: B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 13.01 acres located at the southeast intersection of Rocky River Road and Old Concord Road.  
(Council District 4 - Phipps)

**PETITIONER**

Suncrest Real Estate and Land, Sean Cooney

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Newell Small Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends office and retail land uses.

However we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The site is adjacent to a high-speed railroad corridor and access to Old Concord via Rocky River Road has been severed making it less likely for commercial development to occur on the subject property.
- The commitment to build the University East collector will provide additional connectivity between Newell Hickory Grove Road to University East Drive to better accommodate single family attached development.
- The petition commits to public recreation and mobility options through the dedication of the 100-foot SWIM Buffer of Back Creek located on the site to Mecklenburg County for future greenway development.
- This site was originally rezoned from a residential zoning district to an office district with petition 1995-040(C). The original intent was for this area to develop with residential uses. In fact, much of the site abuts established residential uses or zoning.
- The area directly across Rocky River Road has not developed according to the office land use recommendation; the existing use is residential.
- Due to the transportation constraints and abutting single family development, it is unlikely that this site would ever develop with the intended office or retail uses.

The approval of this petition will revise the adopted future land use as specified by the *Newell Small Area Plan*, from office and retail use to residential use up to 12 dwelling units per acre for the site.

Motion/Second: McClung / Gussman  
Yeas: Gussman, Ham, McClung, Nwasike, Spencer, Watkins, and Wiggins  
Nays: None  
Absent: None  
Recused: None

## ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan; however it is compatible with the existing development in the area.

One of the committee members inquired about the outstanding stormwater issues and whether they are more technical in nature versus an outstanding design issue. Staff responded that the issue was mostly due to labeling of buffers and adding development notes. Staff recommended asking the petitioner for clarification.

The committee suspended the rules to ask the petitioner to confirm that they will address the stormwater issues by the time of decision. The petitioner confirmed that they plan will address the outstanding stormwater issues and stated that they were waiting on more information from the environmental analysis for the overlapping buffers on site. The original site plan used Mecklenburg County GIS information that might not be accurate. The petitioner noted that the request from stormwater occurred after the public hearing.

One of the committee members asked whether or not the development notes would suffice if the petitioner is unable to get the stormwater buffer information in time. The petitioner confirmed that the notes would suffice and plans on resolving the issue prior to City Council decision.

There was no further discussion of this petition.

## PLANNER

Lisa Arnold (704) 336-5967