



Zoning Committee

Zoning Committee Recommendation

Rezoning Petition 2024-024

September 4, 2024

REQUEST

Current Zoning: MX-2 (mixed use district-2)
Proposed Zoning: N2-A(CD) (neighborhood 2-A, conditional)

LOCATION

Approximately 9.13 acres located along the north side of
Interstate 485, south of University City Boulevard.

Adjacent to City Council District 4-Renee Johnson

County Commission District 3-George Dunlap

PETITIONER

Orissa Holdings, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of
this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* (2022) recommends a Neighborhood 1 Place Type.

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

- The prime consideration of road connectivity has been satisfied by the petitioner.

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

Motion/Second: Winiker / McDonald

Yeas: Neeley, Winiker, Blumenthal, McDonald, Shaw, Stuart

Nays: None

Absent: Sealey

Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner McDonald asked if the greenway would connect to any other commercial areas or roads. Staff clarified that the petitioner would dedicate the 100-foot SWIM buffer as a

greenway easement to Mecklenburg County but currently it does not connect to commercial areas or other greenways.

Commissioner Shaw asked for clarification of why staff was not supporting the petition. Staff responded that the location of the site on a dead-end street did not support the higher density development. It is not located within ¼ or ½ mile of Activity Centers, Campus, or Innovation Mixed Use place types. It is not located within ½ mile walkshed of a high-capacity transit station or major transportation corridor. The site does not have frontage along an arterial or major road and lacks adequate connectivity to arterials, major roadways, transit, or nearby destinations.

Chairperson Blumenthal asked if Abercromby Street would be extended through the adjacent industrial property to the north which was recently rezoned for a 2.5 million data center to connect to University City Boulevard. Staff responded that this petition is required to stub the street to the adjacent property but would not construct the road to University City Boulevard.

The Zoning Committee suspended the rules to ask the petitioner's agent if and when Abercromby Street would be extended. The petitioner's agent responded that they were involved in rezoning petition 2023-030 and have aligned the stub street to connect where the data center is supposed to extend the roadway across the creek to Caldwell Park Drive. It was the agent's understanding that the project is moving forward. CDOT added that ultimately these roadways would connect but noted that this particular rezoning petition is not committing to making that full connection and the timeline is unknown. Chairperson Blumenthal noted that from an enforceability standpoint we have done everything that we can to ensure that this gets connected through, but we just don't know exactly when it will happen.

Staff noted that there are some flood plane issues so there may be some constructability discussions in the future.

Commissioner Winiker asked if there were other compelling reasons aside from the lack of infrastructure that staff has to deny the petition. Staff responded that it was also a policy issue in that under what circumstances do we say that an area is right to add more density via the N2 Place Type. So, from staff's perspective the UDO has a lot of zoning districts that can be accommodated in the N1 Place Type that would achieve some additional density but would not change the Place Type to N2. We have talked with the petitioner to see if they can explore those options to get some additional density.

There was no further discussion of this petition.

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