



Zoning Committee Recommendation

Rezoning Petition 2021-284

November 1, 2022

REQUEST

Current Zoning: I-1, 1-2(CD), R-3 LLWPA (light industrial, general industrial, conditional, single family residential, Lower Lake Wylie Protected Area)
Proposed Zoning: I-1(CD) LLWPA (light industrial, Lower Lake Wylie Protected Area)

LOCATION

Approximately 146.9 acres located on the west side of Rhyne Road south of Mount Holly Road and north of Belmeade Drive.
(Outside City Limits)

PETITIONER

Beacon Acquisitions LLC & Crescent Communities

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 4-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

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

- The petition is consistent with the part of the site recommended for Manufacturing & Logistics place type.
- The petition is inconsistent with the part of the site recommended for Neighborhood 1 place type.

Therefore, 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:

- While a portion of the site is inconsistent with the recommended Neighborhood 1 Place Type, the remainder is consistent with the Manufacturing & Logistics recommendation.
- The site is adjacent to railroad and other industrially zoned and developed properties. Also, it provides quick access to Interstate 485 via Rhyne Road and Mount Holly Road.
- The proposed site plan will provide adequate buffers from adjacent residential uses in the form of a minimum 75' buffer with a berm.

- The petition commits to several transportation improvements including an 8' planting strip and 12' multi-use path along the site's Rhyne Rd frontage and a \$250,000 contribution towards intersection improvements at Mount Holly Rd & Rhyne Rd / Sonoma Valley Dr.
- The petition commits to dedicating to Mecklenburg County 3 acres for a public park and a minimum 90' wide trail easement along the western property boundary.
- The petition could facilitate the following 2040 Comprehensive Plan Goals:
 - 5: Safe & Equitable Mobility
 - 7: Integrated Natural & Built Environments
 - 8: Diverse & Resilient Economic Opportunity

The approval of this petition will revise the adopted Place Type as specified by the *2040 Policy Map*, for a portion of the site from current recommended Neighborhood 1 Place Type to Manufacturing & Logistics for the entire site.

Motion/Second: Welton / Rhodes
 Yeas: Gussman, Harvey, Russell, Welton
 Nays: Rhodes
 Absent: Barbee, Gaston
 Recused: None

ZONING COMMITTEE DISCUSSION

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

Commissioner Harvey asked if the outstanding issue had been resolved since it remains on the post hearing staff analysis. Staff explained that CDOT asked for a change in the wording of the note to specify the required right-of-way width. The petitioner provided another revised site plan prior to the meeting that CDOT has confirmed addresses the issue.

Commissioner Welton asked about the timeline for traffic signal installation at Rhyne Rd & Mt Holly Rd. CDOT staff responded that the improvements are currently in design and CDOT is coordinating with the railroad company. There is no firm timeline for installation and it will be largely dictated by the railroad company.

Commissioner Rhodes asked if there would be any improvements for Moores Chapel Rd. CDOT staff replied that there were none tied to this petition.

Commissioner Rhodes asked if there had been any additional conversations with the community regarding noise and traffic concerns. Staff replied that they were not aware of any further discussion.

Commissioner Russell asked if the buffer shown on the plan meant that the existing trees would stay in place. Staff replied that the petitioner has the option to keep the existing vegetation or replant. Commissioner Russell then asked who would be responsible for maintaining the buffer. Staff replied that the developer would be responsible.

Chairperson Gussman asked if there is any update on the brownfield on the site. The committee then voted to suspend the rules and ask questions of the petitioner. The petitioner replied that the developer had entered a voluntary brownfield monitoring and remediation process with the NC Department of Environmental Quality. The petitioner's consultant then gave a detailed report of their findings including a record of contaminated wells dating back to the 1990's. Commissioner Welton inquired how any additional contamination caused by an adjacent property owner would be handled. The petitioner's consultant stated that the brownfield remediation would address any existing contamination and measures would be taken to ensure that the proposed development would not be impacted by any future contamination.

Chairperson Gussman asked for the definition of a footcandle. Staff replied that it is a measurement of light.

MINORITY OPINION

Commissioner Rhodes stated that while she appreciates the value of the project and environmental efforts made by the petitioner, she recommends that the petitioner continue to work with the neighbors to keep them informed and hear their concerns.

PLANNER

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