

REQUEST	Current Zoning: MX-1(LLWPA), mixed use development, CC(LLWPA), commercial center and R-3(LLWPA), single family residential, all in the Lower Lake Wylie Protected Area Proposed Zoning: R-17MF(CD)(LLWPA) multi-family residential, conditional and CC (LLWPA), commercial center, all in the Lower Lake Wylie Protected Area
LOCATION	Approximately 8.3 acres (Parcel A) located north of Dixie River Road near I-485 and approximately 5.0 acres (Parcel B) along Steele Creek Road near Trojan Drive.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to rezone 8.3 acres (Parcel A) to allow the development of 108 multi-family units at a density of 13.01 units per acre and 5.0 acres (Parcel B) to allow commercial development.
Property Owner Petitioner Agent/Representative	Various Dixie River Land Company Ashlie Hood
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications.</p> <ol style="list-style-type: none"> 1. The pedestrian access to County Park north of multi-family development on Parcel A will be provided via a crosswalk connection to the sidewalk on the adjoining school property. 2. The petitioner has added a note stating that they will seek an administrative approval to Petition 2006-078 to reduce the allowable square footage and number of outparcels to reflect development to occur on Parcel B. 3. The following note has been added for the commercial center: "Being Part of the Berewick Unified Development, Parcel B will comply with a maximum of five outparcels accommodating auto-oriented uses such as gas stations, restaurants, pharmacies, and will count towards the overall five outparcels approved on petition 2006-078. Of the five, three may be independent uses". 4. A note has been added specifying recycling service per Section 12.403 of the Zoning Ordinance will be provided. 5. The request for a five-foot sidewalk along the private road along Parcel A has been eliminated as the petitioner has agreed to provide a crosswalk to the sidewalk on the adjoining school property. 6. The request for a 50-foot buffer on the western edge of Parcel A has been eliminated as it is not required by the ordinance. 7. Note 13 has been amended to reference dumpsters and recycling areas. 8. Access points for Parcel B have been adjusted and corrected, as per CDOT's request.
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9. A note has been added agreeing to dedicate and convey 50 feet of right of way from the centerline along Dixie River Road along Tract A before the issuance of certificates of occupancy for any building on the site.
10. The petitioner has committed to provide a Solid Waste Management Plan prior to initiating land clearing, demolition, and/or construction.
11. The petitioner will comply with the PCCO and natural areas and open space that have been planned for the overall Berewick community will be taken into consideration.

VOTE

Motion/Second: Rosenburgh/Locher
 Yeas: Allen, Griffith, Locher, Rosenburgh, Simmons, and Walker
 Nays: None
 Absent: None
 Recused: Howard

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that Parcel A of the petition is inconsistent with adopted plans but Parcel B is consistent with adopted plans. Staff noted that all outstanding site plan issues had been addressed.

STATEMENT OF CONSISTENCY

Part A of the petition is found to be inconsistent with the *Dixie Berryhill Strategic Plan* but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Rosenburgh seconded by Commissioner Walker).

Part B of the petition is found to be consistent with the *Dixie Berryhill Strategic Plan* and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Rosenburgh seconded by Commissioner Walker).

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**

The site plan accompanying this petition contains the following provisions:

- Up to 108 multi-family residential units at a density of 13.01 units per acre proposed on Parcel A.
- Total of 3.33 acres of open space provided on Parcel A.
- Minimum requirement of ten percent tree save provided on Parcel A.
- A maximum building height of 40 feet for Parcel A.
- A Class "C" buffer abutting the proposed R-17MF(CD) zoning for Parcel A.
- Commercial development on Parcel B.
- Pedestrian and vehicular connections from Parcel B to the existing town center.
- Eight-foot planting strip and six-foot sidewalk along public streets.

- **Public Plans and Policies**

- The *Dixie Berryhill Strategic Plan* (2003) recommends park and open space for Parcel A. The plan recommends a mixture of office, retail and light industrial uses for Parcel B.
- The zoning requested for Parcel A of this petition is inconsistent with the *Dixie Berryhill Strategic Plan* and does not meet the *General Development Policies (GDP)* for the density requested as shown in the table below. However, because there are no longer park plans for the site and because 3.5 acres of the parcel is already zoned for multi-family residential up to 22 units per acre (the maximum density allowed by CC zoning), staff supports development of the entire parcel at a lower density of 13.01 acres units per acre.

Assessment Criteria	Density Category - > 12 up to 17 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	1 (Low)
Connectivity Analysis	1 (Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	Provides multi-family affordable housing adjacent to proposed mixed-use center
Minimum Points Needed: 13	Total Points: 9

- The zoning request for Parcel B of this petition is consistent with The *Dixie Berryhill Strategic Plan*.
- **STAFF RECOMMENDATION (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** No issues.
- **Charlotte Fire Department:** No issues.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Schools:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
- **LUESA:** No issues.
- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - Multi-family portion will have a tree save of ten percent.
 - Pedestrian connection will be provided to town center from Parcel B.

OUTSTANDING ISSUES

No issues.

Attachments Online at www.rezoning.org

- Application Form
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- CMS Review
- Community Meeting Report
- LUESA Review
- Pre-Hearing Staff Analysis
- Site Plan
- Solid Waste
- Storm Water Review

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