

<b>REQUEST</b>	Current Zoning: Zoning: R-3 (LLWPA), single family, BP (CD) (LLWPA), business park, conditional, CC (LLWPA), commercial center, O-2 (CD) (LLWPA), office, conditional, all in the Lower Lake Wylie Protected Area. Proposed Zoning: : CC (LLWPA), commercial center, CC (SPA) (LLWPA), commercial center, site plan amendment, I-1 (CD) (LLWPA), light industrial, conditional, all in the Lower Lake Wylie Protected Area, and Five-Year Vested Rights
<b>LOCATION</b>	Approximately 82.60 acres located on the south side of Dixie River Road and north of Steele Creek Road.
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	This petition proposes up to 715,000 square feet of office, 70,000 square feet of stand alone retail uses, a 120-room hotel, and 40,000 square feet of light manufacturing with warehouse distribution.
<b>Property Owner Petitioner Agent/Representative</b>	Steele Creek (1997) Limited Partnership Steele Creek (1997) Limited Partnership Jeff Brown, Keith MacVean, Bambi Lohr, King & Spalding, LLP
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition including the following modifications:</p> <ul style="list-style-type: none"> <li>• The internal private roadway has been modified to include a six-foot wide sidewalk, separated from the curb by an eight-foot wide planting strip on both sides of portions of the private roadway that intersects with New Dixie River Road. They will be provided on one side of the remaining private roadways.</li> <li>• The petitioner noted an internal sidewalk network will be constructed that connects each use via a five foot wide sidewalk to the sidewalk along private roadways and public streets.</li> <li>• The petitioner provided through lane transition on New Dixie River Drive at Access "C".</li> <li>• The petitioner added a northbound left turn lane on Trojan Drive with 150 feet storage with appropriate tapers at Access "A".</li> <li>• Petitioner provided two egress lanes exiting the site at the future signalized Access "C" location.</li> <li>• The language in the conditional notes has been modified as follows: "when traffic signal control is justified by CDOT, all associated costs will be either shared between the petitioner and others; or solely the responsibility of the petitioner if others are not ready to develop". The petitioner at their discretion may elect to construct the signal with steel posts and mast arms at no additional costs to others.</li> <li>• The petitioner reduced the construction phasing of New Dixie River to two phases versus three.</li> <li>• A note has been added stating the New Dixie River roadway construction from Berewick Commons Parkway to Sandhaven Way and the installation of a new traffic signal at New Dixie River Road and Sandhaven Way will occur and be in place prior to issuance of a final certificate of occupancy for more than 420,000 square feet of allowed use on Parcel C and D.</li> </ul>
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- A note has been included indicating that when the petitioner designs and constructs the extension of Berewick Commons Parkway through Parcel C, including stubbing the street to tax parcel 199-241-22, the stub street to tax parcel 199-241-22 will be designed and constructed as is customary through the City of Charlotte's subdivision process. The petitioner will design the stub street during the subdivision process in plan and profile using the latest city topography available from Berewick Commons Parkway to Trojan Drive to determine the most cost effective street connection. In addition, the petitioner will cooperate with the City during the final design of the extension of the stub street by others from Parcel C to Trojan Drive.
- A note has been added that the petitioner will construct the westbound approach at Access "F" with one ingress lane and two egress lanes as an exclusive left and right turn lanes.
- A note has been added that the petitioner will construct the northbound approach at Access "I" with one ingress lane and two egress lanes as an exclusive left and right turn lanes.
- The petitioner included the Right of Way Acquisition paragraph to align with the City's current real estate acquisition policy to read as follows: It is possible that the Petitioner will have to acquire off-site right-of-way to complete some of these roadway improvements. If after three reasonable efforts have been made by the Petitioner to acquire such right-of-way on market rate terms, such efforts to be expended for a period of 60 days, the Petitioner has not been successful, the City of Charlotte will assist in the acquisition of right-of-way in accordance with its standard policies. In such event, the Petitioner will reimburse the City for costs associated with this right-of-way acquisition.
- The petitioner will remove the dimensions on street cross-sections that must comply with CDOT and Subdivision standards.
- The petitioner reflected proposed zoning in Parcels A and B as CC.

**VOTE**

Motion/Second:            Randolph/Dodson  
 Yeas:                            Allen, Dobson, Griffith, Randolph, and  
     Rosenburgh  
 Nays:                            None  
 Absent:                        Simmons and Walker  
 Recused:                      None

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition, noting that the outstanding site plan issues had been resolved and a couple of clarifications to CDOT notes were made. Staff indicated the request is consistent with the *Dixie Berryhill Strategic Plan* and staff recommended approval.

**STATEMENT OF CONSISTENCY**

This 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 Griffith seconded by Commissioner Allen).

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))**PLANNING STAFF REVIEW****• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Parcel "A" from R-3 (LLWPA) and O-2 (CD) (LLWPA) to CC (LLWPA) includes the following:
  1. Maximum 20,000 square feet to include retail and/or restaurants and a gas station convenience store.
  2. One or two buildings.
  3. Two uses with drive-through windows, but only one restaurant with a drive-through allowed.
  4. A gas station convenience store may be substituted for one of the drive-through uses.
- Parcel "B" from R-3 (LLWPA) and O-2 (CD) (LLWPA) to CC (LLWPA) includes the following:
  1. Maximum 55,000 square feet to include general and medical office, hotel, civic, bank, and personal services.
  2. Maximum of five stand alone buildings.
  3. One bank with a drive-through window.
  4. A 120-room hotel. If a hotel is constructed, the allowable office square footage for this parcel will be reduced by 25,000.
- Parcel "C" from R-3 (LLWPA), CC (LLWPA), and BP (CD) (LLWPA) to CC (LLWPA) and CC S.P.A (LLWPA) includes the following:
  1. Maximum 620,000 square feet general and medical office, retail, restaurant, personal services, civic, and indoor recreation.
  2. One 10,000 square foot stand alone retail, restaurant, or personal service use.
  3. Maximum of 15 buildings.
  4. Additional retail, restaurant, and personal service uses can be integrated on the ground floor, in office buildings 50,000 square feet or larger.
  5. Drive-through windows prohibited.
- Parcel "D" from BP (CD) (LLWPA) to I-1 (CD) (LLWPA) includes the following:
  1. Maximum 40,000 square feet light manufacturing, warehousing, distribution, retail, restaurant, personal services, and general and medical office.
  2. Maximum of six buildings.
  3. Drive-through windows prohibited.
- **General Development Standards**
  1. Phasing of development contingent upon roadway improvements.
  2. Building materials to include 80 percent brick, stone, simulated stone, pre-cast stone, or pre-cast concrete. No vinyl siding will be used except on soffits, windows, and rails for patios and stairs.
  3. Pedestrian scale lighting provided throughout the site with a maximum height of 25 feet.
  4. A 48.5-foot Class "A" buffer provided on Parcel "D" across Dixie River Road from single family residential.
  5. A 50-foot setback along I-485 provided and landscaped to Class "B" buffer standards.
  6. A 35-foot landscaped setback along Steele Creek Road and New Dixie River Road, and Trojan Drive.
  7. Setbacks along interior roads may be reduced to 16 feet if ordinance requirements are met.
  8. Improved open space containing at least four acres provided on portions of Parcel "C".
  9. Natural areas for tree save have been indicated throughout the site.
  10. Petitioner will work with other property owners along Steele Creek Road and New Dixie River Road to develop uniform landscape and hardscape treatments at intersections.
- **Public Plans and Policies**
  - The *Dixie Berryhill Strategic Plan* (2003) recommends a mixed use employment center (light manufacturing, office and service retail) at this location.

- This petition is consistent with the *Dixie Berryhill Strategic Plan*.
  - **STAFF RECOMMENDATION (Updated)**
    - Staff agrees with the recommendation of the Zoning Committee.
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**PUBLIC INFRASTRUCTURE UPDATES** (see full department reports online)

- **CDOT:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **CATS:** No issues.
  - **Connectivity:** No issues.
  - **Neighborhood and Business Services:** No issues.
  - **Schools:** No issues.
  - **Park and Recreation:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Storm Water:** No issues.
  - **LUESA:** No issues.
  - **Site Design:** No issues.
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**OUTSTANDING ISSUES**

- None.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application Form
- CATS Review
- CDOT Review
- Community Meeting Report
- LUESA Review
- Neighborhood and Business Services Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

**Planner:** Tim Manes (704) 336-8320