

REQUEST	Current 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
LOCATION	Approximately 82.60 acres located on the south side of Dixie River Road and north of Steele Creek Road.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	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.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding site plan issues. This petition is consistent with the <i>Dixie Berryhill Strategic Plan</i> .
Property Owner	Steele Creek (1997) Limited Partnership
Petitioner	Steele Creek (1997) Limited Partnership
Agent/Representative	Jeff Brown, Keith MacVean, Bambi Lohr, King & Spalding, LLP
Community Meeting	Meeting is required and has been held. Report available online.

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.
 - **Existing Zoning and Land Use**

The subject site is currently vacant. The properties to the north are zoned CC, R-3, and BP(CD) and are occupied by single family dwellings or are vacant. I-485 adjoins the site to the east. The properties to the south are zoned R-3 and occupied by single family dwellings. The properties to the west across New Dixie River Road are zoned CC and MX-1 and are within the Berewick Development, which is under construction.
 - **Rezoning History of Subject Site**

The BP(CD), CC, and O-2(CD) portions of the site were part of the rezoning for the Berewick Development (rezoning petition 2006-78). The BP(CD) portion allowed up to 375,000 square feet of building area in conjunction with a BP(CD) parcel on the northern side of Dixie River Road. The O-2(CD) portion allowed 50,000 square feet of office or a 150-room hotel and 20,000 square feet of office. The CC portion of the site was created when the alignment of New Dixie River Road shifted to the east and has no development rights.
 - **Rezoning History in Area**

Recent rezonings in the area include:

 - Petition 2009-37, located to the west across New Dixie River Road, rezoned a 5.0 acre site from R-3 to CC to allow 250,000 square feet of retail and 300,000 square feet of office in the Berewick Town Center.
 - Petition 2007-121, located to the north across Dixie River Road and part of the Berewick development, rezoned a 1.8 acre site from R-3 to BP (CD) in order to develop as part of the Berewick Development.
 - **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*.
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PUBLIC INFRASTRUCTURE (see full department reports online)

- **Vehicle Trip Generation:**

Current Zoning: 5,310 trips per day.
Proposed Zoning: 13,150 trips per day.

- **CDOT:**
 - Road section AA should show on-street parking located on both sides of the public street, reflecting an office/commercial street wide section with 13-foot wide lanes with an additional seven feet to face of curb for parking.
 - Internal private roadways should include a six-foot wide sidewalk, separated from the curb by an eight-foot wide planting strip on both sides of the roadway.
 - The conditional rezoning transportation improvement notes for this petition need to be revised to include the most recent mitigation requirements as discussed in the meeting with the petitioner held on January 19, 2010. A summary of CDOT's comments are as follows, however additional comments may be necessary after a scheduled meeting February 8, 2010 with the petitioner:
 - a) Provide through lane transition on New Dixie River Drive at Access "C".
 - b) Add a northbound left turn lane on Trojan Drive with 150 feet storage with appropriate tapers at Access "A".
 - c) Provide for three egress lanes exiting the site at the future signalized Access "C" location. This improvement would facilitate traffic to exit the site at this location and therefore eliminate many of the projected u-turn movements on the public street system identified in the TIS.
 - d) Modify language in the conditional notes relative to all three new traffic signal locations required to be installed by the petitioner: "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.
 - e) Reduce the construction phasing of New Dixie River to only two phases vs. three.
 - f) Add note stating that 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 shall occur and be in place prior to issuance of a final certificate of occupancy for more than 20,000 square feet of allowed uses on Parcel D or more than 420,000 square feet of allowed use on Parcel C.
 - g) Provide preliminary engineering construction plans (horizontal and vertical control, to determine the most cost effective roadway alignment) for a street connection between the future Berewick Commons Parkway extension (currently shown as a stub street on the current site plan) across tax parcel #199-241-22 and connecting to Trojan Drive. These engineering plans will be required prior to the approval of commercial subdivision plans east of the proposed N/S public street (type #1). The right-of-way for the stub street (at the end of Parcel C) shall be dedicated and conveyed to the property line for the future public street connection to existing Trojan Drive.
 - h) Construct the westbound approach at Access "F" with one ingress lane and two egress lanes as an exclusive left and right turn lanes.
 - i) Construct the northbound approach at Access "I" with one ingress lane and two egress lanes as an exclusive left and right turn lanes.
 - j) Redraft 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.
- **Charlotte Fire Department:** No comments received.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Neighborhood and Business Services:** No issues.
- **Schools:** CMS does not comment on non-residential petitions.
- **Park and Recreation:** No comments received.

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*.
 - Protects/restores environmentally sensitive areas by preserving an existing stream and by preserving existing trees located in natural areas.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Address CDOT issues.
 2. Reflect proposed zoning in Parcels A and B as CC.
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Attachments Online at www.rezoning.org

- Application
- CATS Review
- CDOT Review
- Community Meeting Report
- LUESA Review
- Neighborhood and Business Services Review
- Site Plan
- Storm Water Review

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