

<b>REQUEST</b>	Current Zoning: R-17MF(CD), multi-family residential, conditional Proposed Zoning: CC, commercial center
<b>LOCATION</b>	Approximately 22.0 acres located on the south side of the intersection of Steele Creek Road and Walker Branch Drive.
<b>SUMMARY OF PETITION</b>	The petition proposes a 155,000 square foot shopping center adjacent to the existing RiverGate Shopping Center to include a mix of nonresidential uses.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of the outstanding issues. The petition is consistent with the draft Steele Creek Area Plan.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Steele Creek 1997 Limited Partnership Steele Creek 1997 Limited Partnership Jeff Brown and Keith MacVean, King and Spalding, LLP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

#### **PLANNING STAFF REVIEW**

- **Background**

The subject site was part of a larger 525-acre rezoning approved in 1992 (rezoning petition 1992-014c) that included all four quadrants of the South Tryon Street and Steele Creek Road intersection. The portion of the previous rezoning that included this site and the property included in rezoning petition 2011-082, requested for hearing in January 2012, allowed for 70,850 square feet of office space and 495 multi-family units. The majority of the remaining balance of the 1992 petition has been modified through various rezoning petitions since the original rezoning approval.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 155,000 square feet of all uses permitted within the CC zoning district excluding residential dwellings, hotels, motels, and movie theaters.
- Minimum of one medical or general office building.
- Limit of one use with an accessory drive through window.
- "Building Edges" identified at certain intersections to indicate where building footprints must be located.
- Building height limited to four stories.
- Building materials, colors, and architectural style to be similar to the existing RiverGate Shopping Center. Building materials will be a combination of brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, EFIS or wood.
- Two internal private streets. One street with 10-foot planting strips and six-foot sidewalks on both sides of the street. The other street containing one side of on-street parking, an eight-foot planting strip and six-foot sidewalk and the other side with a 12-foot wide pedestrian zone which includes a sidewalk with trees in planters or tree pits.
- A 35-foot landscaped setback along Steele Creek Road and a 14-foot setback along Walker Branch Road.
- An eight-foot planting strip and six-foot sidewalk along Steele Creek Road and the existing streetscape along Walker Branch Road of an eight-foot planting strip and six-foot sidewalk to remain.
- Dedication of the 100-foot SWIM buffer along Hoover Creek to Mecklenburg County Parks and Recreation.
- Two plaza/open space areas improved with seating areas and landscaping.

- An 8-foot wide asphalt multi-use trail, within the greenway, extending from the Steele Creek Road sidewalk to the two internal plaza/open space areas.
- Full cut-off lighting fixtures limited to 30 feet in height, excluding lower decorative lighting.
- No “wall pak” type lighting shall be allowed. Wall mounted decorative lighting fixtures such as sconces are permitted.
- Preferred parking spaces for “clean commuters” (i.e. carpool, vanpool, hybrid vehicles, or electric vehicles) will be provided at an amount equal to five percent of the total number of required parking spaces.
- 25 non-exclusive parking spaces for CATS transit customers.
- **Existing Zoning and Land Use**

The subject property is currently vacant. Properties northeast of the subject site are zoned CC and occupied with the approximately 600,000 square foot RiverGate Shopping Center. East of the site is a large vacant tract zoned R-3(CD). South of the subject rezoning is both R-4(CD) and R-3 zoned properties occupied by single family residential uses and a future greenway. The CMC Steele Creek healthcare facility is located west of the site and is zoned O-2(CD). Northwest of the subject property are vacant parcels zoned R-17MF(CD) and CC which are currently included within rezoning petition 2011-082.
- **Rezoning History in Area**

There have been numerous rezonings in this area, within recent years, to allow for modifications to previously approved conditional nonresidential and multi-family rezoning districts.
- **Public Plans and Policies**
  - The draft *Steele Creek Area Plan*, currently in the review and adoption process, recommends a mix of land uses including residential, office and/or retail, for this parcel. Two or any combination of these land uses is appropriate per the draft plan recommendation. Horizontally integrated land uses should be interconnected so the buildings function collectively with common pedestrian connections and open space. Buildings should make use of the greenways and open space amenities, and front Walker Branch Drive and Steele Creek Road.
  - The *Lower Steele Creek Mixed-Use Development Center Special Project Plan* (1992) recommends multi-family for this site.
  - The petition is consistent with draft *Steele Creek Area Plan* land use recommendation for a mix of land uses. While there is no residential component included in this petition, there are a number of multi-family residential developments located within the RiverGate Mixed Use Activity Center. The community design recommendations of the draft plan will be achieved once the outstanding issue regarding the commitment to maintain the “Building Edge” locations identified on the Technical Data Sheet and the Schematic Site Plan has been addressed.

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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Department of Transportation:** The proposed uses associated with this petition will have a significant impact on the surrounding thoroughfare system. CDOT recommends the following transportation improvements be added to this conditional zoning plan along with the conditional zoning plan for rezoning petition 2011-082 to mitigate the impacts of the proposed development:
  - Convert the intersection of NC 49 and Steelescroft Parkway from a directional crossover to a full-movement, signal-controlled intersection. This will require modifying the access to the existing volunteer fire station to include a mountable median and signal preemption for emergency response. This improvement should provide significant relief to the existing NC 160 / NC 49 intersection. The petitioner needs to fund the proposed intersection improvements at NC 49 / Steelescroft Parkway and existing median modifications at the NC 49 / Grandifora Drive (Volunteer Fire Station #79) intersection. CDOT has contacted Carolinas Medical Center (CMC) to discuss their obligation to construct the proposed traffic signal improvements associated with signaling NC 49 and Steelescroft Pkwy and signal modifications at Volunteer Fire Station #79.

CMC is aware of their obligations and plan to fund these traffic signal improvements.

- The existing NC 49 / Rivergate Parkway intersection experiences queuing problems in the southbound direction. The petitioner needs to add a conditional note indicating they will design and construct geometric and traffic signal improvements to add an additional southbound NC 49 left turn lane to provide dual lefts with a total 700 feet of storage, including an appropriate eastbound receiving lane into the existing development.
- At a December 20, 2011 meeting with the petitioner, a traffic mitigation plan was agreed upon at Steele Creek Road and Steelecroft Parkway/Walker Branch to implement a westbound approach lane configuration consisting of dual left turn lanes (with as much storage as possible +/- 300 feet) and a shared through-right lane. CDOT expressed concerns with the distance between private street "A", identified on petition 2011-083, aligning with an existing private street only 350 feet from Steele Creek Road. CDOT believes as the overall retail development matures this intersection will become congested and exiting traffic turning left to access the traffic signal at Steele Creek will experience increased vehicle delays. To that end, CDOT recommends mitigating this traffic concern by implementing a southbound Steele Creek at Steelecroft Parkway curb bulb-out to provide sufficient pavement width for northbound site development traffic exiting private street "B", identified on petition 2011-083, to u-turn easily onto southbound Steele Creek. A conditional note describing the petitioner's commitment at this location should be added to the plan.
- It was agreed at the December 20, 2011 meeting to increase the storage for the southbound NC 49 left-turn lanes at Steele Creek from 275' to 350' as per the TIA. A conditional note reflecting this commitment should be added to the plan.
- The petitioner needs to supply CDOT a scaled schematic drawing on Steele Creek Road between NC 49 and the Petition 2011-083's southern property line (existing culvert crossing) indicating Steele Creek's future curblineline and necessary pavement widening, including five-foot bike lanes. This schematic drawing needs to correspond with the petitioner's engineering cost estimate to determine funding responsibilities between the petitioner and CDOT along Steele Creek.
- Delete the reference to a "Full Movement Access" at the intersection of Steele Creek Road and private street "B", identified on petition 2011-083, and replace with "Directional Crossover " per the TIA.
- The petitioner needs to make the following revisions to both site plans (rezoning petition 2011-082 & 083) in the Transportation Improvements and Phasing Section:
  - Item a., 1st paragraph –Sheet R-4 is missing
  - Item b., 3rd paragraph –Replace "\$65,000" with "implementing all improvements at NC 49/ Steelecroft and NC 49/Grandiflora Drive (Volunteer Fire Station #79) intersections shall be completed before the first building permit is issued in Petition 2011-082 Building Envelopes B, C, D or Petition 2011-083 Building Envelopes." Remove "...upon evidence of project funding by CDOT/NCDOT (with or without the support of third parties)".
  - Item e., remove the following: "...by way of private/public partnership effort or other public sector project support".
  - Item f., replace "first space" with "first building". CDOT is currently reviewing the previous \$150,000 rezoning contribution towards a future creek crossing. As of this date, CDOT could return the previous contribution only if the petitioner provided a \$150,000 construction bond to fund the future creek crossing.
- **Vehicle Trip Generation:**  
Current Zoning: 1,687 trips per day.  
Proposed Zoning: 9,029 trips per day.
- **Connectivity:** See comments above.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

- **Mecklenburg County Parks and Recreation Department:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Facilitates the use of alternative modes of transportation by providing preferred parking spaces for “clean commuters” (i.e. carpool, vanpool, hybrid vehicles, or electric vehicles) and also allocating 25 non-exclusive parking spaces for CATS transit customers.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Increase the height of the screen wall shown on Cross-Section D on Sheet RZ-2 and indicate the minimum height to be 2 to 2.5 feet high.
    2. Provide a note under “Streetscape and Landscaping” on Sheet RZ-3 that walls and/or plantings will be used to screen the loading dock/service areas from the open space/plaza areas.
    3. Modify Note 2e on Sheet RZ-3 as follows: “...the drive-through window and its associated drive lane may be located between the building and Steele Creek Road *and/or* between the building and Private Street B. In such event, the Petitioner will provide a low wall (~~1.5 to 2~~ to 2.5 feet high) and low accent planting...”.
    4. Remove the third and fifth sentences within Note 2g on Sheet RZ-3 pertaining to “Building Edge”.
    5. Remove the last sentence within Note 6g on Sheet RZ-3 which reads: “In areas where the multi-use trail is more than five (5) feet below the grade of the service area the trees and shrubs may be omitted”.
    6. Modify Note 8b on Sheet RZ-3 to indicate the petitioner will initiate the procedure to dedicate land for greenway prior to the issuance of the certificate of occupancy for the first building located adjacent to the 100-foot SWIM buffer.
    7. Address CDOT comments.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Shad Spencer (704) 353-1132