

REQUEST	Current Zoning: R-3 LLWPA, single family residential, Lower Lake Wylie Protected Area Proposed Zoning: CC, LLWPA, commercial center, Lower Lake Wylie Protected Area
LOCATION	Approximately 4.63 acres located on the west side of Steele Creek Road between Dixie River Road and Shopton Road West. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow the construction of 35,000 square feet of retail and office uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	The Estate of Roy Freeman, Ann Freeman, Sole Beneficiary Dixie River Land Company Walter Fields/The Walter Fields Group
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent the <i>Steele Creek Area Plan</i> but consistent with the Plan's policy to consider a mixture of residential/office/retail land uses along Steele Creek Road and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Lathrop seconded by Commissioner Allen).

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 petitioner has removed the portion of the last sentence from <i>Development Standards</i> (Purpose) that allowed unused floor area approved with this site plan to be used elsewhere in the Berewick Town Center. 2. The petitioner has modified the language under <i>Permitted Uses</i> to allow non-residential uses that are permitted in the CC district. The petitioner has also added the following language in order to address the portion of the outstanding issue regarding the number of permitted uses with a drive through service window: "Uses will be limited to one service station or convenience store and one other use with a drive through service window. If no service station or convenience store is constructed, two sites with drive through service windows will be allowed. A third site will be permitted to accommodate a use with a drive through service window if permission for the service window is transferred from the previously approved portion of the Berewick Town Center (2010-011) by virtue of an administrative site plan amendment that would have to be approved before any such transfer could take place." 3. The petitioner has modified <i>Transportation</i> Note C by adding language that clarifies how pedestrian walkability and safety between freestanding buildings and minimizing conflicts with automobiles will be addressed. The modified language is as follows: "This will be accomplished with any combination of sidewalks, pathways or plazas between buildings. In those circumstances where a pedestrian pathway or sidewalk would cross a public street, the crosswalk will be clearly marked, or will include a stop sign, or be raised to calm traffic and to increase awareness of the pedestrian crossing. All such facilities installed in a public street will be subject to review and approval by CDOT." 4. Under <i>Transportation</i> Note D, the petitioner has replaced "abandoned" with "removed".
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5. The petitioner has removed the language Under *Architectural Standards* Note A, that stated: "The development of the site will be governed by the district regulations of the zoning ordinance for the CC district." The petitioner has provided the following new language: "All of the uses will be developed as part of the overall Berewick Town Center Plan with common architectural elements, materials, rooflines, and landscape themes."
6. Under *Architectural Standards* Note B, the petitioner has modified language to refer to "decorative wooden gates".
7. Under *Lighting* the petitioner has removed language stating: "Architectural lighting on the exterior of buildings will be permitted."
8. The petitioner has listed the existing use as single family residential under *Development Summary*.
9. The tax parcel identification numbers have been added to the *Development Summary*.
10. LLWPA (Lower Lake Wylie Protected Area) has been added to existing zoning and proposed zoning under *Development Summary*.
11. A note similar to Note G5 under "Setbacks/Required Yards, and Streetscapes" as contained in the approved site plan for rezoning petition 2010-011 regarding provision of building edges has been added that states: "Buildings that are located on sites that include "building edges" must be constructed so that no parking, maneuvering, or circulation will occur between the buildings and the building edges."
12. The north/south drive running adjacent to the proposed restaurant/retail building and due to connect to the property to the north has been removed from the site plan.
13. Section B on Sheet RZ-1.1 has been amended to reference to the berm proposed along Steele Creek Road as 4 feet in height.
14. Proposed sign locations have been removed from the site plan.
15. The petitioner has addressed CDOT and Storm Water Services comments as follows:
 - a. Per CDOT's request, a note has been added to the site plan that states the old residential driveways will be removed as the redevelopment of the site progresses, but that old driveways may be used as temporary construction entrances until other more permanent construction entrances are permitted and established. Petitioner also notes on site plan that the type of any proposed commercial driveways onto Shopton Road will be determined during the permitting phase.
 - b. Per CDOT's request (and in anticipation that NCDOT will make the request), a note has been added stating the petitioner will install a right turn lane on Steele Creek Road if required to do so by NCDOT.
 - c. The petitioner has modified the Storm Water language provided under *Environmental Features* to read as follows: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. In complying with the PCCO and as allowed by provisions of the PCCO, the development of this site may utilize the special water quality features, including natural areas, previously approved for the larger Berewick community. The petitioner will demonstrate that the features and facilities for the maintenance of water quality are adequately sized and where necessary, the appropriate easements for storm water and water quality management will be established."

VOTE

Motion/Second: Lathrop/Phipps
 Yeas: Allen, Eschert, Johnson, Labovitz, Lathrop, and Phipps
 Nays: None
 Absent: Griffith
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff reviewed this petition with the Zoning Committee, providing information about proposed permitted uses and various site design elements including architectural elements, streetscape, and transportation improvements. A Committee member asked about the *Steele Creek Area Plan's* land use recommendation as it relates to the consistency/inconsistency statement. Staff responded that the R-3 rezoning site is a result of the realignment of Shopton Road West, and that the land use recommendation acknowledges the road improvements, the existing single family structure and abutting Berewick Town Center. Staff stated that the land use recommendation also recognizes the logic of incorporating this site into the Berewick development.

A Committee member asked if the car wash in SouthPark with its lot configuration was a similar situation, and staff responded that the site was indeed affected by a road realignment project, but that the site did not abut a major development such as Berewick. A Committee member noted there was no opposition to this request at public hearing, and staff concurred.

There was no further discussion of this request.

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

- **Background**

The rezoning site abuts properties located within the 1,018 acre Berewick mixed use development originally approved in 2001 under rezoning petitions 2001-030 and 2001-06(c). This petition will incorporate the proposed development into the Berewick Town Center. The realignment of Shopton Road West, along with the rezoning for the proposed Berewick Town Center, left the acreage contained within the subject rezoning request as the only parcels zoned for residential use.

- **Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
 - Construction of up to 35,000 square feet of office and retail uses.
 - Provision that floor area approved with this request that is not used on this site may be used elsewhere in the Berewick Town Center.
 - Permitted uses include all non-residential uses allowed in the CC district and commonly associated with a neighborhood/community shopping center. Uses may include but are not limited to retail uses, automobile service station and convenience store uses, restaurants, financial institutions, general, medical, and government offices.
 - Uses to be limited to one service station or convenience store and one other use with a drive through service window. If no service station or convenience store is constructed, two sites with drive through service windows will be allowed. A third site will be permitted to accommodate a use with a drive through service if permission for the service window is transferred from the previously approved portion of the Berewick Town Center (2010-011) by virtue of an administrative site plan amendment that would have to be approved before any such transfer could take place.
 - Uses illustrated on the site plan include a gas station with fueling island, a proposed restaurant with accessory drive-through window, and one structures for restaurant/retail use.

- Proposed 35-foot setback along Steele Creek Road and Shopton Road West.
 - Intent to design site to encourage pedestrian walkability between freestanding buildings while minimizing conflicts with automobiles by providing safe pedestrian pathways and crossings, and to be accomplished with any combination of sidewalks, pathways or plazas between buildings. In circumstances where a pedestrian pathway or sidewalk crosses a public street, the crosswalk will be clearly marked, or will include a stop sign, or be raised to calm traffic and to increase awareness of the pedestrian crossing. All such facilities installed in a public street will be subject to review and approval by CDOT.
 - Vehicular access to Shopton Road West and to Steele Creek Road via private driveways and driveway connections. Future connections to the abutting Berewick development are identified.
 - Proposed left-over access point to site from Steele Creek Road. This access point is intended to create a street-like east/west drive that will be improved with street trees and sidewalks and will provide for a future road connection to the abutting Berewick development.
 - Possible right-turn lane on Steele Creek Road if requested by NCDOT.
 - Eventual removal of the existing residential driveway on Shopton Road.
 - Retention of existing six-foot sidewalks and six-foot planting strips along Steele Creek Road and Shopton Road West.
 - Provision of landscape berms with plant screening along Steele Creek Road and landscape screening along Shopton Road West.
 - Identification of potential tree save areas throughout the rezoning site.
 - All uses will be developed as part of the overall Berewick Town Center Plan, with common architectural and landscape themes.
 - Provision noting that buildings located on sites including “building edges” will be constructed so that no parking, maneuvering, or circulation will occur between the buildings and building edges.
- **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends residential land use at a density of up to six dwelling units per acre for this site. The plan also stipulates that consideration be given to a mixture of residential, office and retail land uses along Steele Creek Road, with retail development limited to a convenience size center (70,000 square feet maximum).
 - The petition is inconsistent with the land use recommendation contained in the *Steele Creek Area Plan*, but consistent with its land use policy regarding a mixture of land uses and limiting development to a maximum of 70,000 square feet.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** 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*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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