
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.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is inconsistent with the <i>Steele Creek Area Plan</i> with respect to its recommended land use of up to six dwelling units per acre. However, it is consistent with the Plan's policy to consider a mixture of residential/office/retail land uses along Steele Creek and limiting retail development to a convenience size center (up to 70,000 square feet). This development is proposed to be incorporated into the abutting Berewick Town Center.
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.

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 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 illustrated on the site plan include a gas station with fueling island, a proposed restaurant with accessory drive-through window, and two structures for restaurant/retail use(s).
- Proposed 35-foot setback along Steele Creek Road and Shopton Road West.

- 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.
 - 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.
 - Part of regional storm water management facility located within eastern portion of rezoning site.
 - Development of site to comply with the special water quality provisions previously approved for the Berewick community. Petitioner to demonstrate that the features and facilities for the maintenance of water quality are adequately sized and will meet all previously approved design criteria for the Berewick community and where necessary, the appropriate easements for storm water and water quality management will be established.
 - All uses will be developed as part of the overall Berewick Town Center Plan, with common architectural and landscape themes.
 - **Existing Zoning and Land Use**
 - The rezoning site is developed with a single family house built in 1948, accessory buildings, and residual right-of-way resulting from the redesign of Steele Creek Road and Shopton Road West. The rezoning site is proposed to be incorporated into the larger Berewick mixed use community located to the north, northwest and southwest originally approved in 2001. These properties are developed with single family attached and detached residential homes, and undeveloped acreage and are zoned CC, and MX-1. The rezoning site is also surrounded by single family residential homes and undeveloped acreage on properties zoned R-3 and R-3, Lower Lake Wylie Protected Area.
 - **Rezoning History in Area**
 - Approval of rezoning petition 2010-011 rezoned approximately 82.60 acres located on the south side of Dixie River Road and north of Steele Creek Road from R-3, BP(CD), CC, and O-2 (all zoning districts located within the Lower Lake Wylie Protected Area) to CC, CC(SPA), and I-1(CD) (all in the Lower Lake Wylie Protected Area) and Five-Year Vested Rights to accommodate 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.
 - Approval of rezoning petition 2009-037 rezoned approximately 8.3 acres located north of Dixie River Road near I-485 and approximately 5.0 acres along Steele Creek Road near Trojan Drive, in order to allow the development of 108 multi-family units at a density of 13.01 units per acre and to allow commercial development.
 - **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.
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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:** CDOT has the following request:
 1. NCDOT is requesting a southbound right turn lane into Steele Creek Road (NC Hwy 160) to serve the northernmost proposed driveway. We suggest the petitioner contact Doug Sossamon with NCDOT at 704.560.6900 regarding the right turn lane design
 2. Add a note to the site plan that states the existing residential driveway on Shopton Road will be removed during site construction, and the final location and type of any proposed commercial driveways onto Shopton Road will be determined during the permitting phase.
 - **Vehicle Trip Generation:** CDOT notes that this petition will have a significant impact on the surrounding throughfare system. However, it is anticipated that the combined effects of the proposed left-over access point into the rezoning site from Steele Creek Road, along with infrastructure improvements associated with adjacent development proposals will be sufficient to address the traffic increase for the subject rezoning petition.

Current Zoning: 130 trips per day.
Proposed Zoning: 4,900 trips per day.
 - **Connectivity:** No issues.
 - **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:** Storm Water Services requests that the petitioner remove the note under "Environmental Features" in its entirety and replace with the following statement, "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance."
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** Urban Forestry notes that street trees will be required.
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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.

OUTSTANDING ISSUES

- The petitioner should:
 1. Under *Development Standards* (Purpose), remove the portion of the last sentence allowing unused floor area approved with this site plan to be used elsewhere in the Berewick Town Center. This is a separate rezoning and as a result square footages may not be transferred to Berewick Town Center rezoning site. If the petitioner wishes to allow for that flexibility, then the entire Berewick Town Center and the subject rezoning area need to be rezoned.
 2. Modify *Development Standards* (Permitted Uses), to allow all nonresidential uses in the CC district, and limit the site to one (1) gas station/convenience store and one (1) drive-through facility.

3. Modify *Transportation* Note C language that states “*With regard to the overall site design, the site will be designed to encourage pedestrian walkability between freestanding buildings while minimizing conflicts with automobiles by providing safe pedestrian pathways and crossings.*”
 4. Under *Transportation* Note D and in first sentence replace “abandoned” with “removed”.
 5. Under *Architectural Standards* Note A, remove the following language: “The development of the site will be governed by the district regulations of the zoning ordinance for the CC district.” Provide more details and information assuring that the architectural and landscape themes will contain elements in common with the overall Berewick Town Center.
 6. Under *Architectural Standards* Note B, clarify what is meant by “decorative gates”
 7. Under *Lighting* remove language that states: “Architectural lighting on the exterior of buildings will be permitted.”
 8. List existing uses under *Development Summary*.
 9. List tax parcel identification numbers under *Development Summary*.
 10. Include LLWPA (Lower Lake Wylie Protected Area) as part of the existing zoning and proposed zoning under *Development Summary*.
 11. Provide a note that is similar to Note G5 under “Setbacks/Required Yards, and Streetscapes” as contained in the approved site plan for rezoning petition 2010-011 with respect to provision of building edges.
 12. On site plan, remove the north/south drive running adjacent to the proposed restaurant/retail building and due to connect to the property to the north.
 13. Amend Section B on Sheet RZ-1.1 by including the height of the proposed berms along Steele Creek Road. The berms should be at a minimum 3-4 feet in height. Or, provide a low minimum 3-foot masonry wall.
 14. Remove proposed sign locations from the site plan.
 15. Address CDOT, Storm Water Services and Urban Forestry comments.
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Attachments Online at www.rezoning.org

- Application
- 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
- Urban Forestry Review

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