

<b>REQUEST</b>	<p>Current Zoning: MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area)</p> <p>Proposed Zoning: MX-2(INNOV)(LWCA) SPA (mixed use, innovative, Lake Wylie Critical Area, site plan amendment), MX-2 (INNOV)(LLWCA) SPA (mixed use, innovative, Lower Lake Wylie Critical Area, site plan amendment), and NS(LLWCA) SPA (neighborhood services, Lower Lake Wylie Critical Area, site plan amendment)</p>
<b>LOCATION</b>	<p>Approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Norfolk Southern Railroad. (Outside City Limits)</p>
<b>SUMMARY OF PETITION</b>	<p>The petition proposes a site plan amendment to allow the modification of development standards for density, lot widths and sizes, transportation improvements, and proposed street cross sections.</p>
<b>PROPERTY OWNER</b>	<p>Provident Development Group, Inc., DR Horton, Inc., and REO Funding Solutions III, LLC.</p>
<b>PETITIONER</b>	<p>Provident Land Services</p>
<b>AGENT/REPRESENTATIVE</b>	<p>Tom Waters and Keith MacVean</p>
<b>COMMUNITY MEETING</b>	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 59</p>
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>Dixie Berryhill Strategic Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed use is suitable for the area; and</li> <li>• The Plan recommends a mix of uses including residential and retail.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• It eliminates the office/school component; and</li> <li>• The request allows minor changes to the site plan approved by petition 2005-014;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The number of residential units for the overall site has been provided. The site will be allowed to have 658 dwelling units.</li> <li>2. A detail of the typical lot has been provided.</li> <li>3. A note has been added that commits to 6/12 roof pitches.</li> <li>4. Added a note which requires foundations to be masonry under "Architectural restrictions".</li> <li>5. A note has been added for Parcel K specifying the spacing of the proposed pedestrian lighting.</li> <li>6. Proposed open space areas have been show on the plan for the overall site.</li> <li>7. In lieu of eliminating the note regarding mass grading, the petitioner has agreed to the following:             <ol style="list-style-type: none"> <li>a. To increase the minimum lot width as follows:                 <ol style="list-style-type: none"> <li>i. Parcel D minimum lot width will be increased from 65</li> </ol> </li> </ol> </li> </ol>
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decision on this petition.

Another Commissioner asked staff about the traffic to the site. Staff noted that the infrastructure can handle the number of vehicles traveling at any time. The concerns about the additional bridge are from a safety perspective. It was noted that the bridge is 34 feet in width.

Another Commissioner asked if the entitlements were reduced by this petition. Staff noted that the entitlements were reduced as the school/office component was removed.

**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****• Background**

- The subject property is a part of 596 acres located on both sides of Amos Smith Road rezoned by Petition 2005-014. The approved rezoning allows up to 1,030 residential units, at a density of 1.7 units per acre, 30,000 square feet of retail uses, and 70,000 square feet of office uses or a school. Development standards include the following:
  - A mixture of single family and townhomes residential units throughout the proposed development.
  - Three development options for Parcel K, which allowed retail development.
  - A 50-foot landscape buffer along both sides of Amos Smith Road.
  - A 30-foot landscape screening area along Duke Power Right-of-way.
  - A 100-foot landscape buffer along the Norfolk Southern Railroad Line.
  - A 100-foot watershed buffer.
  - Details of the typical lots widths and dimensions.
  - Limited the number of possible docks allowed on the lake in Parcel G-1 and G-2 to 14.
  - Cross sections of proposed residential and collector streets.
  - Transportation improvements consisting of:
    - New parallel bridge to existing Amos Smith Road Bridge across the Norfolk Southern Railway.
    - Installation of curb, gutter, sidewalks, and 10-foot trail along Amos Smith Road.
    - Large truck turnaround off-site south of the intersection of Amos Smith Road and Midsomer Road.
    - Construction of turn lanes and possible traffic signal at Old Dowd Road and Amos Smith Road.
    - Construction of turn lanes at Old Dowd Road, Sam Wilson Road, and Wilkinson Boulevard.
    - Signal improvements and re-striping at Wilkinson Boulevard and I-485 southbound ramps.
    - Provision of a new public street from Johnston Road to the southern property boundary.

**• Proposed Request Details**

The site plan amendment contains the following changes:

- Overall total allowed residential dwelling units on the site will be 1,090.
- The site will be allowed to have 598 for all lots except Parcel I, which will add 60 lots for an overall total of 658 dwelling units.
- Modifications to Parcel A to:
  - Decrease the number of single family attached units from 262 to a maximum of 90.
  - Add possible boat storage area.
  - Add possible open space area for the overall development.
- Modification to Parcel B to:
  - Reduce the minimum lot width from 65 feet to 50 feet.
- Modification to Parcel E to:
  - Add possible boat storage area.
- Modifications to Parcel G-1 and H to:

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- Add common docks and associated parking areas.
  - Remove the limitation on the number of docks that may be built.
  - Modifications to Parcel I to:
    - Remove the options for a school or office use and replace with a maximum of 60 single family dwelling units.
    - Install a 20-foot landscape buffer along the eastern edge adjacent to the existing residential homes.
  - Modifications to the general notes for Parcel G-1, G-2, D and H to:
    - Remove the requirement that lots cannot be mass graded.
    - Remove the requirement that homebuilders are required to use crawl spaces, stem walls, and various techniques to minimize tree disturbance.
    - Remove the required approval of site plans by the architectural review committee.
  - Modifications to Parcel K (retail parcel) to:
    - Remove two of the three development scenarios shown on the 2005 approved site plan.
    - Add that attached and detached lighting will be fully shielded and full cutoff fixtures.
  - Modifications to the transportation improvements to:
    - Remove the requirement to install a parallel bridge to the existing Amos Smith Road bridge across Norfolk Southern Railway.
    - Provide 35 feet of private right-of-way to the Hendrix Property.
    - Install directional signage for oversized trucks indicating that there is no outlet along Amos Smith Road and redirect them to Old Dowd Road.
  - Modifications to the Innovative Requests to:
    - Change the proposed cross-sections of Amos Smith Road and Midsomer Road, to allow no curb and gutter to be installed.
    - Allow an eight-foot planting strip and five-foot sidewalk, and a 10-foot multi-use trail along Amos Smith Road.
  - Modifications to allow eight-foot planting strip and a five-foot sidewalk along one side of Midsomer Road.
  - Addition of a typical lot detail.
  - Spacing of the proposed pedestrian lighting in Parcel K.
  - Provision that open space areas are for the overall site.
  - Modifies the minimum lot widths as follows:
    - Parcel D lot the minimum lot width will be increased from 65 feet to 70 feet;
    - Parcel G-1 minimum lot width will be increased from 80 feet to 90 feet;
    - Parcel G-2 minimum lot width will be increased from 65 feet to 80 feet;
  - Clarifies erosion control measures and the amount of land that may be mass graded.
  - Provides that play areas and amenity areas will be provided once 480 homes have been permitted.
  - Notes that in Parcels G-1 and H, each individual lot with private lake frontage will have a 100 to 150-foot undisturbed buffer and deed restrictions causing the buffer to remain undisturbed in accordance with the Ordinance's watershed regulations.
  - Provides that one member from the Catawba Community Association will serve in an advisory capacity to the Architectural Review Board of the Vineyards at Lake Wylie.
  - The addition of the following note regarding the emergency at grade crossing across the Norfolk Southern railroad:
    - "The Petitioner has requested from Norfolk Southern the ability to construct an emergency at grade crossing over the existing Norfolk Southern railroad to provide emergency access to Vineyards. The emergency at grade crossing will be constructed adjacent to the existing Amos Smith Bridge over the Norfolk Southern railroad. If Norfolk Southern grants the petitioner the right to construct an emergency at grade crossing the Petitioner will construct an emergency at grade crossing in the location indicated above and generally depicted on the Rezoning Plan. If the ability to construct the emergency at grade crossing is granted by Norfolk Southern, the Petitioner will construct the emergency at grade crossing before the 481<sup>st</sup> single family lot is platted."
  - **Public Plans and Policies**
    - The *Dixie Berryhill Strategic Plan*, as amended by petition 2005-014, recommends a mix of land uses including residential and retail for the subject site.
    - The petition is consistent with the *Dixie Berryhill Strategic Plan*.
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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.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 14,100 trips per day.  
Proposed Zoning: 8,300 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** 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*.
    - Facilitates the use of alternative modes of transportation by providing a 10-foot shared-use path.
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#### **OUTSTANDING ISSUES**

- No issues.
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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

**Planner:** Solomon Fortune (704) 336-8326