

REQUEST	<p>Current Zoning: CC LLWPA (commercial center, Lower Lake Wylie Protected Area) and MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area)</p> <p>Proposed Zoning: CC SPA LLWPA (commercial center, site plan amendment, Lower Lake Wylie Protected Area) and MUDD-O SPA LLWPA (mixed use development, optional, site plan amendment, Lower Lake Wylie Protected Area)</p>
LOCATION	<p>Approximately 6.02 acres located on the northeast corner at the intersection of Dixie River Road and New Fashion Way and also located on the southeast corner at the intersection of Dixie River Road and Trojan Drive. (Council District 3 - Mayfield)</p>
SUMMARY OF PETITION	<p>The petition proposes to modify an approved site plan for Charlotte Premium Outlets to allow an approved principal use to have an accessory drive-through, add a second hotel with up to 125 rooms, and eliminate a gas station/convenience store.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>Steele Creek (1997) LLC Steele Creek (1997) LLC Jeff Brown, Keith MacVean and Bridget Dixon, Moore & Van Allen, PLLC</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online.</p>
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>Dixie-Berryhill Strategic Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The petition is consistent with the adopted retail land use for this site, as amended by rezoning petition 2013-001. • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The subject properties are outparcels to the Charlotte Premium Outlet mall approved by rezoning petition 2013-001; and • The proposed modifications to the uses will eliminate a gas station/convenience store, add a second hotel, and add an accessory drive-through window for a retail use or eating/drinking/entertainment establishment (EDEE); and • There will be no increase in the allowed retail square footage and the only additional square footage will be related to the 125-room hotel; and • The proposed uses, in combination with the Outlet Mall, will continue to provide employment opportunities and service retail for area residents and destination retail for the region; and • The proposed changes do not alter the overall intent of the adopted retail land use for the site; <p>By a 6-0 vote of the Zoning Committee (motion by Ham seconded by Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> 1. Added Sheet RZ-4 from rezoning petition 2013-001 that illustrates the transportation improvements now noted on the site plan. 2. Amended Note 11A under "CATS" as follows: The site is located on an existing bus route. The petitioner is requested to provide and
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construct a new waiting pad for the existing bus stop on Dixie River Road at Robert Irwin Drive per the standard detail 60.01B.

Environment

3. Amended Note 8b under "Environmental Features" to state "the site will comply with the Tree Ordinance per Petition 2013-01."

Site and Building Design

4. Reduced the maximum building height for Development Area B zoned MUDD-O (mixed use development, optional) from 75 to 65 feet.

5. Petitioner intends to carry over the optional provisions pertaining to signage in the original 2013-01 rezoning and confirmed that they are applicable to the hotel now proposed on Development Area B, since these optional provisions being requested previously applied to retail square footage or a convenience store, with or without gas sales.

6. Modified references on site plan to reflect Development Area B.

7. Removed reference to Walker Branch Drive and Steelecroft Parkway from the second paragraph in "General Provisions" Note 1.e.

Land Use

8. Added a note prohibiting a convenience store with or without gas sales on Development Parcel B.

9. Petitioner agreed to submit an administrative amendment to rezoning petition 2013-001 to adjust total square footages, number of outparcels, and permitted uses. Administrative amendment will be submitted for approval one week prior to the decision by City Council.

10. Petitioner agreed to provide a "build out" table on the site plan and administrative amendment that updates data and illustrates the adjustments made between the development parcels, which must be submitted for approval one week prior to the decision by City Council.

VOTE

Motion/Second: Majeed / Fryday
 Yeas: Eschert, Fryday, Labovitz, Ham, Majeed, and Watkins
 Nays: None
 Absent: Lathrop, Spencer, and Wiggins
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that there are no outstanding issues. Staff indicated that the Administrative Amendment is normally required to be submitted prior to the City Council decision. Therefore, staff amended Notes 9 and 10 to request the submittal one week prior to the Council's decision. The petitioner agreed to this amendment. Notes 10 and 11 under Technical Issues in the staff analysis were rescinded by staff.

Staff continued that the petition is consistent with the *Dixie-Berryhill Strategic Plan* recommendation for retail uses.

A commissioner asked if the gas station/convenience will be removed. Staff confirmed that it will. Another commissioner stated that staff asked for the building height to be reduced to 50 feet and the petitioner agreed to 65 feet. Staff stated that the petitioner has worked with staff and staff is fine with the height of 65 feet.

A commissioner asked about the trip generation in the staff analysis and staff noted that CDOT did not have any concerns with the changes.

There was no further discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Area B to be zone MUDD-O SPA LLWPA (mixed use development, optional, site plan amendment, Lower Lake Wylie Protected Area):
 - Adds one hotel with up to 125 rooms.
 - Adds provisions for screening of service areas from adjoining streets and architectural treatment.
 - Eliminates a gas station/convenience store; adds a note prohibiting a convenience store with or without fuel sales in Development Area B.
 - Increases the building height on Development Area B from 50 feet to 65 feet.
- Area F to be zoned CC SPA LLWPA (commercial center, site plan amendment, Lower Lake Wylie Protected Area):
 - Adds an accessory drive-through window for retail and/or eating/drinking/entertainment establishment (EDEE).
 - Limits the building height to 50 feet.
- General:
 - Adds a note committing to the construction and coordination of the location of a new bus waiting pad for the existing bus stop on Dixie River Road and Robert Irwin Drive per the standard detail 60.01B.
 - Modifies lighting note by removing reference to “wall pak” and increases maximum height of detached lighting from 30 feet to 31 feet to be consistent with industry standards.
 - Petitioner committed that no less than one week prior to the decision by City Council, the petitioner will provide a “build out” table on the site plan and administrative amendment for Petition 2013-01 that updates data and illustrates the adjustments made between the development parcels.
- **Public Plans and Policies**
 - The adopted future land use for this site is retail per the *Dixie-Berryhill Strategic Plan (2003)*, as amended by rezoning petition 2013-001, which rezoned the entire site for the Charlotte Premium Outlet Mall and outparcels.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is on a major thoroughfare previously studied as part of the Steele Creek Retail Center (Charlotte Premium Outlets). While the petition increases trip generation beyond the threshold for a traffic impact study, CDOT has determined that the remaining transportation mitigations and the anticipated internal capture of these uses, which support the larger retail entitlement, should be adequate to maintain the operations of the transportation system.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant property).
 - Entitlement: 1,100 trips per day (based on 6,000 square feet of retail).
 - Proposed Zoning: 4,000 trips per day (based on 125-room hotel and 6,000 square foot eating/drinking/entertainment establishment).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** 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:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary for Development Area B via an existing 12-inch existing water distribution main located at the intersection of Shopton Road and Dixie River Road. For Development Area F, Charlotte Water has water system availability via an existing eight-inch water distribution main located at the intersection of Trojan Drive and Dixie River Road.

Charlotte Water has sewer system availability for the rezoning boundary for Development Area B via an existing eight-inch gravity sewer main located along Outlets Boulevard. Charlotte Water currently

does not have sewer system availability for Development Area F. The closest available sewer main is approximately 350 feet southwest of the parcel at the intersection of Rachel Freeman Way and Gannon Drive. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.

- **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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Attachments Online at www.rezoning.org

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

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