
REQUEST	<p>Current Zoning: R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area) and CC LLWPA (Commercial Center, Lower Lake Wylie Protected Area)</p> <p>Proposed Zoning: NS LLWPA (neighborhood services, Lower Lake Wylie Protected Area) and O-2(CD) LLWPA (office, conditional, Lower Lake Wylie Protected Area)</p>
LOCATION	<p>Approximately 15.481 acres northwest of Steele Creek Road and east of Outlets Boulevard along Trojan Drive. (Outside City Limit and Mayfield)</p>
SUMMARY OF PETITION	<p>The petition proposes to allow hotel, retail and office uses on vacant land located between the Premium Outlets Mall and Interstate 485.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>Several Steele-Trojan Properties, LLC Keith MacVean and Jeff Brown</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 40</p>
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee finds the majority of this petition to be inconsistent and the smaller portion of the property 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 plan recommends employment mixed-use office/retail/light industrial for the majority of the site; and• The plan recommends office/retail land uses for portion of the site zoned CC (commercial center) as amended by 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 site is located at the Steele Creek Road/Interstate 485 Interchange between the interchange and the Charlotte Premium Outlet Mall; and• The Dixie Berryhill Strategic Plan anticipated office and light industrial development on this site due to its close proximity to the Airport and the I-485 Interchange; and• However, the approval of rezoning petition 2013-021 for the Outlet Mall, has changed the development pattern in the area to be more focused on retail service uses, instead of light industrial uses; and• The size of the site and its location adjacent to the Outlet Mall and the I-485 interchange, lends itself to more retail and office uses instead of light industrial which require much larger acreage; and• Retail services at this location are appropriate considering recent development in the area, and its proximity to the interchange and the Outlet Mall;

By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Majeed).

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

The following items have been addressed:

1. Provided a 25-foot landscaped area between sidewalk and parking along Steele Creek Road.
2. Deleted automotive service stations with or without a convenience store as a proposed use under Development Data on Sheet RZ-1.0.
3. Included a vicinity map on the site plan.
4. Deleted the typical minimum pavement section.
5. Added a note that the 50-foot setback along I-485 will be landscaped with a variety of evergreen and deciduous shrubs and that the existing Piedmont Natural Gas easement will allow plantings that will not exceed four feet in height.
6. Expanded Note 6d. to limit the amount of parking between the buildings and Trojan Drive to what is shown on the site plan.
7. Staff rescinded the request to delete the reference to a limited service restaurant as this is more restrictive than the zoning ordinance use requirements.
8. Staff rescinded the request for the petitioner to delete the definition of a "limited service restaurant (EDEE)" as this term is not defined in the zoning ordinance.
9. Staff rescinded the request for the petitioner to provide more details for the retaining wall along the parking edge closest to the Interstate 485 as the wall will not be visible from outside the site.

The following issues are outstanding:

Site and Building Design

1. Under "Architectural Standards" Note 5.b.iii, increase minimum of percentage of transparent glass from 20% to 40%.
2. On Sheet RZ-3.0, Note 1.a lists a gas station with or without a convenience store as a proposed use. Note 2.e prohibits automobile service stations with or without a convenience store. Correct all sheets to ensure this is a prohibited use.

Transportation

CDOT has reviewed the traffic study. The Petitioner should revise the site plan to include the following mitigations:

3. Extend the proposed northbound thru lane on Steele Creek Road at Shopton Road West from 200 feet (as identified in the TIS) to 500 feet.
4. Extend the northbound right turn lane on Steele Creek to the I-485 Outer on-ramp to 500 feet instead of adding a third northbound third thru lane on Steele Creek as identified in the TIS.
5. Maintain the 150' right turn lane to the I-485 Inner on-ramp as identified in the TIS.

CDOT recommends the petitioner wait until final mitigation measure requirements are coordinated as additional or changes to mitigations that may be required by NCDOT may conflict with rezoning notes and require adjustment of rezoning petition.

The following issues are new based on the revised site plan:

1. Remove the note regarding a master signage program.
2. Provide design details for the proposed accessory drive-through window.

VOTE

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

**ZONING COMMITTEE
DISCUSSION**

Staff requested that this petition be deferred due to outstanding transportation issues. The Committee suspended the rules to allow the petitioner to respond to the request for a deferral. Mr. Mushin Muhammad addressed the Committee and stated that the property is under contractual obligations and felt confident that the transportation issues could be addressed prior to City Council decision. A discussion ensued regarding the voting options available to the Zoning Committee.

A Commissioner expressed concerns about allowing the petition to proceed without adequately addressing the transportation items, and requested for a response from CDOT. CDOT staff noted that several issues had been identified by NCDOT and CDOT, but feels resolution may be reached within the next couple of weeks. The petitioner's agent responded to a Commissioner's questions regarding commitments on the percentage of transparent glass.

A conversation ensued regarding safety issues, transportation improvements for this site (including fair contributions), the larger area and projected completion dates. A Commissioner noted that this area is growing and inquired if other developments in the area were taken into consideration as part of overall transportation improvements. CDOT staff confirmed that impact from other rezonings in the area were not part of the transportation assessment for the current petition.

A motion to defer this petition failed and the Committee proceeded to make a recommendation on this request. The Committee wanted assurance that the transportation issues would be satisfactorily addressed prior to City Council decision or the request be sent back to Zoning Committee for reconsideration.

There was no further discussion of this petition.

STAFF OPINION

Staff recommends approval of this petition upon the resolution of the outstanding issues.

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

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 35,000 square feet of gross floor area within the portion of the site zoned NS LLWPA (neighborhood services, Lower Lake Wylie Protected Area), consisting of possible uses such as retail, eating/drinking/entertainment establishments (EDEE), a limited service restaurant (EDEE), general and medical office uses.
- A hotel with up to 180 rooms or 50,000 square feet of gross floor area of general or medical office uses in the portion of the site zoned O-2(CD) LLWPA (office, conditional, Lower Lake Wylie Protected Area).
- Prohibits automobile service stations with or without a convenience store, and uses with an accessory drive-through window other than a limited service EDEE.
- Proposes up to two stories with a 40-foot maximum height in the portion zoned NS LLWPA (neighborhood services, Lower Lake Wylie Protected Area), and up to seven stories with an 85-foot maximum height in the area zoned O-2(CD) LLWPA (office, conditional, Lower Lake Wylie Protected Area).
- Creates vehicular system with proposed public street and internal drives connecting to Steele Creek Road and Outlets Boulevard.
- Constructs a southbound right-turn lane from Steele Creek Road to Interstate 485 Inner On-Ramp.
- Proposes a contribution of a fee of \$143,500 to NCDOT and/or CDOT for use on improvements in the general area. Fee to be paid prior to the issuance of the first building permit for the Site.
- Provides a landscape area along Steele Creek Road having an average width of 25 feet between the back of the proposed sidewalk and the edge of the proposed parking areas. The landscaping associated with the landscape area will be located outside of the right-of-way.
- Proposes a 50-foot setback along I-485 that will be landscaped with a variety of evergreen and

- deciduous shrubs to create an attractively landscape area that screens the proposed parking areas from the I-485 on ramp. The existing Piedmont Natural Gas easement allows the planting of low growing landscape materials (not to exceed four feet) within the easement.
- Proposes a retaining wall along the I-485 ramp that will be constructed of masonry type materials that complement the proposed buildings.
 - Commits to a combination of building materials, including the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl as a building material may be used on windows, soffits, and handrails/railings.
 - Provides standards pertaining to expanse of solid walls; treatment of facades fronting on public streets; and maintenance of pedestrian interconnectivity between buildings and through parking areas.
 - Utilizes four-sided architecture, meaning that all four sides of the building will utilize similar materials and colors.
 - Indicates building envelopes on the site plan, with proposed buildings Development Areas 4 and 6 restricted to not more than one bay of parking between the proposed building and the new internal street.
 - Shows possible BMP area.
 - Proposes detached lighting on site be limited to 26 feet in height.
- **Public Plans and Policies**
 - The adopted future land use for most of the site (currently zoned R-3, single family residential) is a mixed-use employment center with office/retail/light industrial per the *Dixie Berryhill Strategic Plan* (2003). The mixture of uses envisioned for the employment areas is up to 50% light manufacturing, 40% office and 10% service retail. The portion of the site zoned CC (commercial center) is recommended for office/retail land uses, as amended by petition 2013-001.
 - **TRANSPORTATION CONSIDERATIONS**
 - The site is located along a major thoroughfare just south of the I-485 interchange. The current site plan commits to construction of streetscape along Steele Creek frontage and a local street connection through the site. The mitigation measures as described in the outstanding issue are adequate to meet CDOT's expectation for this site. The petitioner should be aware that NCDOT's review of the traffic mitigations is not complete and misaligned mitigation measures may lead to delays during permitting to coordinate rezoning notes.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips (vacant).
 - Entitlement: 2,130 trips (37 dwellings, 12,000 square feet of retail).
 - Proposed Zoning: 6,539 trips (50,000 square feet of office uses; 6,000 square feet of retail uses; 27,500 square feet of EDEE uses; 1,500 square foot coffee/donut shop with drive thru).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte-Douglas International Airport:** 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 via an existing eight-inch water distribution main located along Steele Creek Road. Charlotte Water currently does not have sewer system availability for the parcels under review. The closest available sewer main is approximately 140 feet west of parcel 19924155 on Outlets Boulevard. The applicant should contact Charlotte Water 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:** Groundwater and

Wastewater Services note that pre-existing systems exist on portions of the site.

- **Mecklenburg County Parks and Recreation Department:** No issues.
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OUTSTANDING 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-Douglas International Airport Review
 - Charlotte Fire Department 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

Planner: Claire Lyte-Graham (704) 336-3782