

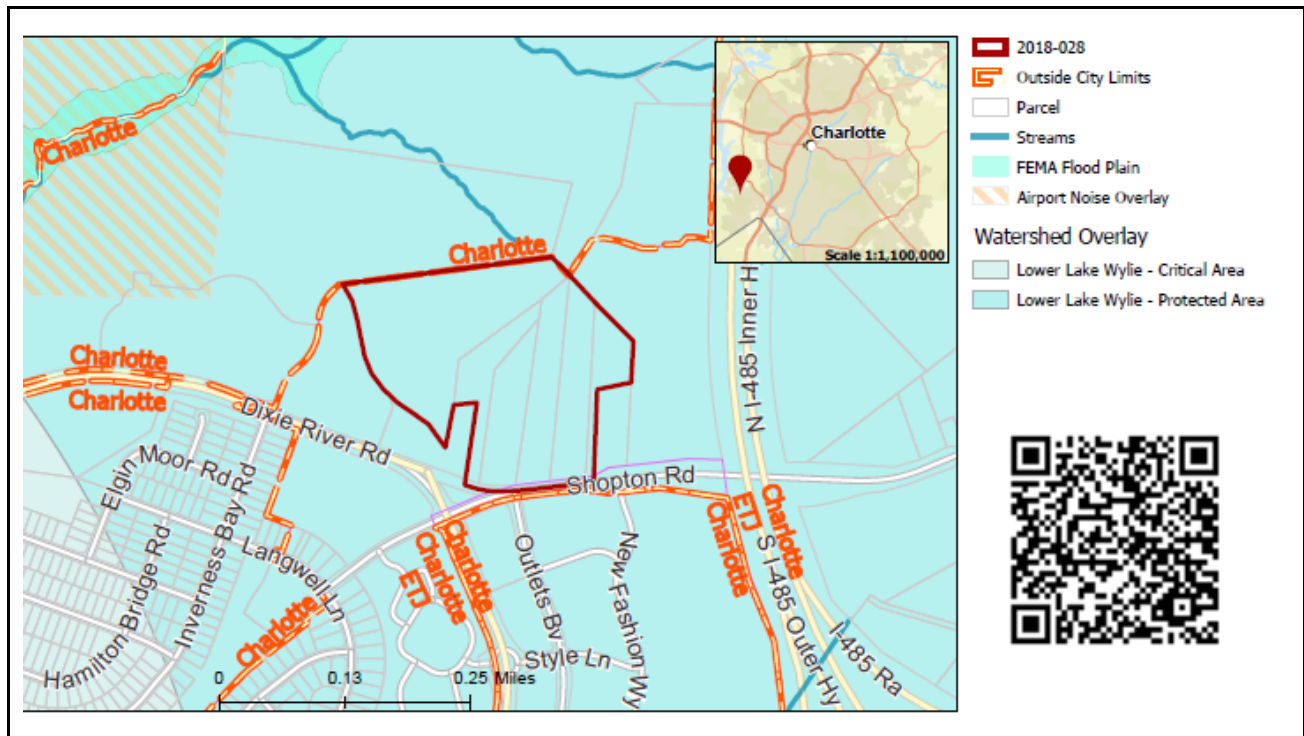
**REQUEST**

Current Zoning: MX-1 LLWPA (mixed use district, Lower Lake Wylie Protected Area), R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area), and CC LLWPA (commercial center, Lower Lake Wylie Protected Area)

Proposed Zoning: R-17MF(CD) LLWPA (multi-family residential, conditional, Lower Lake Wylie Protected Area)

**LOCATION**

Approximately 28.05 acres located on the north side of Shopton Road, west of I-485.  
(Outside City Limits)



**SUMMARY OF PETITION**

The petition proposes to allow a multi-family residential community on acreage located north of Berewick Town Center and Charlotte Premium Outlets, south of Berewick Regional Park, and west of Interstate 485.

**PROPERTY OWNER**

Various

**PETITIONER**

Pollack Shores

**AGENT/REPRESENTATIVE**

Keith MacVean and Jeff Brown, Moore & Van Allen

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 3

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the recommendations of the *Dixie Berryhill Strategic Plan* for park/open space and office/retail/light industrial uses.

Rationale for Recommendation

- The site is located across Shopton Road from the Charlotte Premium Outlet Mall.
- This major development was not contemplated when the *Dixie*

*Berryhill Strategic Plan* was adopted; however, it has significantly changed the area's development pattern by adding retail to an area initially recommended for light industrial.

- The subject site is a desirable location for multi-family development as it is in walking distance to an elementary school, regional park, public transportation, church, and retail uses, including the Charlotte Premium Outlet Mall.
- The multi-family development is not adjacent to any single family development, but is in close proximity to parcels built or approved for 12 dwellings per acre and for 17 dwellings per acre.
- The proposed site plan includes a 7.41-acre portion, which constitutes 26.4% of the site, as tree save, and will be adjacent to a future regional park.

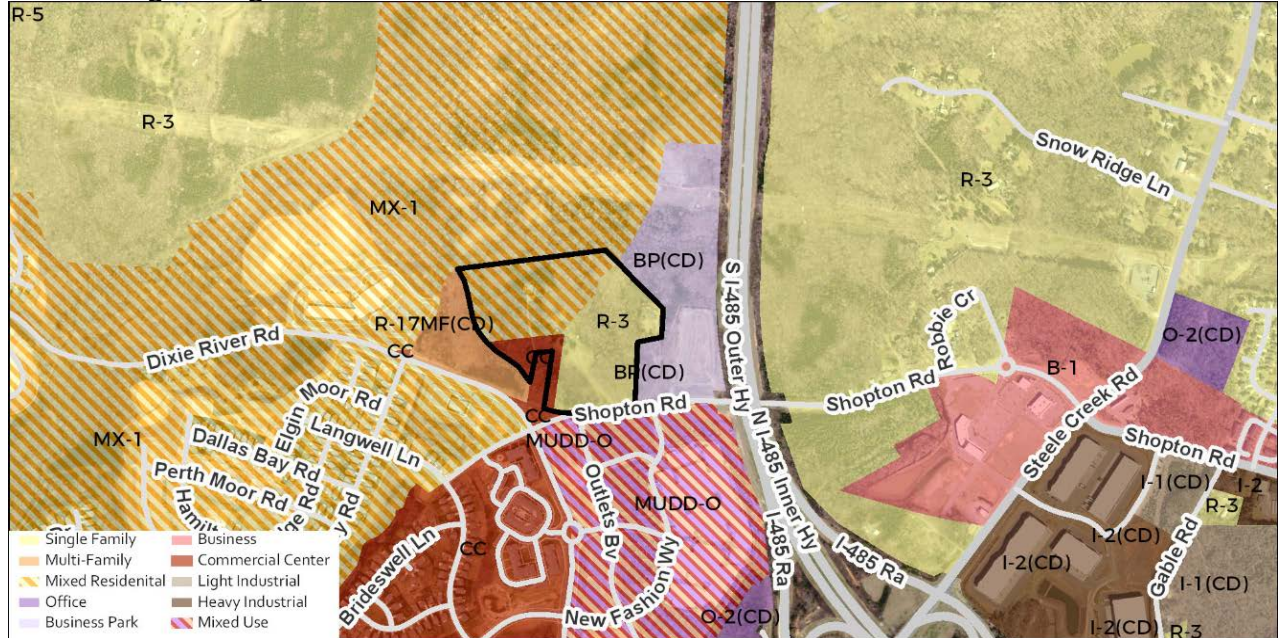
## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 330 multi-family residential dwelling units at a density of 11.75 units per acre, with a maximum building height of 60 feet and four stories.
- The proposal also includes a club/amenity building with pool and a limited number of garages.
- Notes existing cell tower lease area to remain.
- Proposes two points of access to Shopton Road, one of which will be an emergency access point that may be gated.
- Proposes an internal network of public streets with on-street parking and drive aisles/parking areas.
- Prohibits placement of surface parking areas between Shopton Road and the proposed multi-family residential buildings. A small parking lot may be located between the proposed club house and Shopton Road.
- Identifies approximate location of pedestrian and bike connection with Berewick Park.
- Proposes a combination or portions of some of the following building materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
- Prohibits vinyl siding (except on handrails, windows or door trim), and concrete masonry units not architecturally finished.
- Provides design guidelines for building placement; massing and height; façade treatment; and roof form and articulation.
- Proposes open space amenity areas will be improved with landscaping, seating areas, hardscape elements and shade structures.
- Identifies 30-foot undisturbed PCSO buffers, existing delineated streams, wetland, and tree save areas.
- Commits to coordinating with City Engineering to provide enhanced on-site erosion control measures.

• Existing Zoning and Land Use



- The site is developed with two single family homes, a cell tower, and vacant land. The site is surrounded by vacant land and I-485 to the east, and vacant land and Berewick Regional Park to the north. Berewick Elementary School is located to the west, and Berewick Town Center and Charlotte Premium Outlets are to the south.



The site is developed with two single family homes, a cell tower, and vacant land.



The property to the south is developed by Charlotte Premium Outlets.



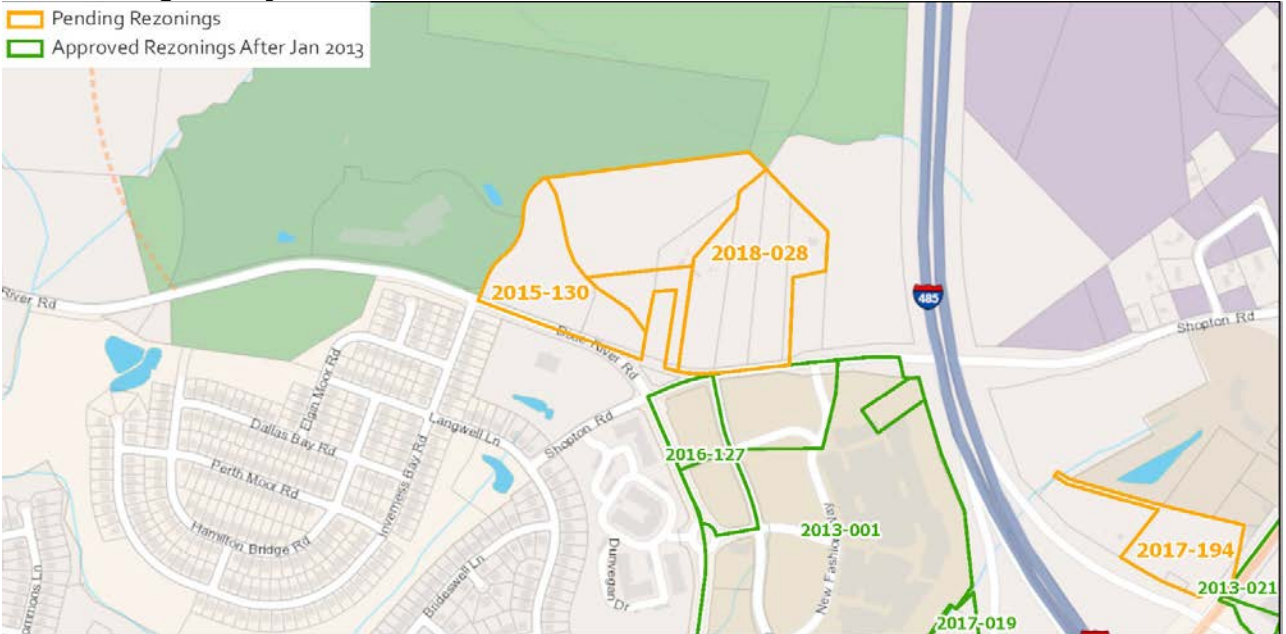


Berewick Elementary is located to the west.



The property to the east is vacant.

• **Rezoning History in Area**

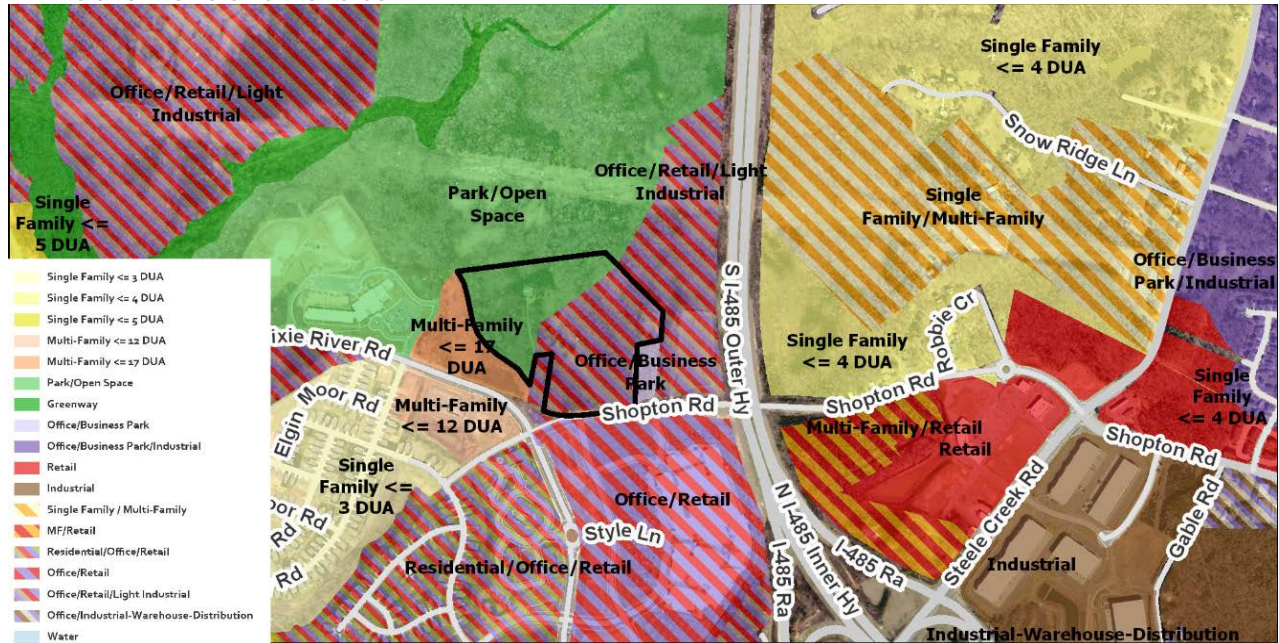


Petition Number	Summary of Petition	Status
2017-194	Rezone approximately 4.867 acres to allow all uses in the B-2 (general business) zoning district.	Pending
2017-148 2013-021	Allowed the development of an industrial park with up to 525,000 square feet of office/distribution and light industrial uses.	Approved
2016-127 2017-019 2013-001	Allowed the development of the Charlotte Premium Outlets with up to 525,000 square foot commercial development and two hotels on approximately 82 acres.	Approved



	Amended an approved conditional plan for Charlotte Premium Outlets to allow an approved principal use to have an accessory drive, added a second hotel with up to 125 rooms, and eliminated a gas station/convenience store on approximately 6.02 acres. Rezoned approximately 15.481 acres to allow hotel, retail and office uses.	
2015-130	Rezone approximately 7.86 acres to CC (commercial center) to allow office/retail/restaurant/institutional uses.	Withdrawn

• **Public Plans and Policies**



- The *Dixie Berryhill Strategic Plan* (2003) recommends park/open space for a portion of this site, and office/retail/light industrial uses for the remaining portion.
- **TRANSPORTATION CONSIDERATIONS**
  - The site located on a major thoroughfare and major collector. ~~CDOT has concerns with the limited access to the site and is requesting the petitioner resolve the outstanding issues to help support the proposed zoning use.~~
  - See Outstanding Issues, Notes 1-5.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 30 trips per day (based on 2 dwellings).
      - Entitlement: Too many uses to determine.
    - Proposed Zoning: 2,120 trips per day (based on 330 multi-family dwelling units).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** In an effort to increase the estimated supply of affordable workforce housing units, developers are encouraged to assist in providing homes at diverse price points to meet increased housing demand.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 43 students, while the development allowed under the proposed zoning will produce 116 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 73 students.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Berewick Elementary from 114% to 124%
    - Kennedy Middle from 124% to 126%
    - South Mecklenburg High from 138% to 139%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning

boundary via an existing 16-inch water transmission main located along Shopton Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. A Willingness to Serve application for sewer has been received and is currently under review. Correspondence will be maintained with the applicant.

- **Engineering and Property Management:**

- **Arborist:** Project is currently outside the city limits. If the project area is annexed into the City of Charlotte, the following comments apply: Trees cannot be planted in the right-of-way of all existing and newly created City of Charlotte maintained streets without authorization from the City Arborist or his designee. Trees cannot be removed from or planted in the right-of-way of any state maintained streets without permission of NC Department of Transportation and the City Arborist's office. Required Tree Ordinance perimeter trees are required to be planted to meet NCDOT planting guidelines.
- **Erosion Control:** No comments submitted.
- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See Outstanding Issues, Notes 6 and 7.

- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.

- **Mecklenburg County Parks and Recreation Department:** The Park and Recreation Department notes that the rezoning site is adjacent to Berewick Regional Park and concurs with the pedestrian/bicycle only connection to the park as shown on the rezoning site plan.

## OUTSTANDING ISSUES

### Transportation

1. ~~Revise the site plan and conditional note to show Public Street A to be in alignment with the intersection of Outlets Boulevard and Shopton Road. Access may be restricted to right in/right out and would be determined during permitting in conjunction with NCDOT.~~ Addressed
2. ~~The entrance is to be gated as this is only an emergency access point.~~ Addressed
3. ~~Revise the site plan to show two curb ramps at the NE corner of Shopton Road and Dixie River Road and receiving curb ramps at the NW and SE corners of Shopton Road and Dixie River Road.~~ Addressed
4. ~~Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right of way set at two feet behind back of sidewalk where feasible.~~ Addressed
5. ~~The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~
  - a. ~~Petitioner should revise the conditional note "d" under Transportation to "first" certificate of occupancy, instead of "last." The petition proposes 330 units with only one access point. All roadway improvements should be in place in order to support the amount of traffic generated by the site. Note "e" under Access, Transportation, and Improvements should be changed to state "roadway improvements will be approved and constructed prior to the first building certificate of occupancy." The site only has one access point and will need transportation improvements in place in order to support the development.~~ Addressed

### Environment

6. ~~Show tree save calculations clearly in table on site map.~~ Addressed
7. ~~The petitioner shall submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right of way. In addition, the survey shall include all trees eight inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional. Not Addressed. The petitioner has added a note to the site plan indicating that a tree survey will be submitted as part of the land development permitting process for the Site. Not Addressed. *Petitioner must submit survey prior to City Council decision.* Rescinded. City Arborist has determined that the tree survey is not required along streets maintained by NCDOT.~~

## REQUESTED TECHNICAL REVISIONS

### Transportation

8. ~~Clarify the extension of sidewalk on Shopton Road to be from Dixie River Road to New Fashion Way.~~ Addressed

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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