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<b>REQUEST</b>	Current Zoning: MX-1(LLWPA), mixed use development, CC(LLWPA), commercial center and R-3(LLWPA), single family residential, all in the Lower Lake Wylie Protected Area Proposed Zoning: R-17MF(CD)(LLWPA) multi-family residential, conditional and CC (LLWPA), commercial center, all in the Lower Lake Wylie Protected Area
<b>LOCATION</b>	Approximately 8.3 acres (Parcel A) located north of Dixie River Road near I-485 and approximately 5.0 acres (Parcel B) along Steele Creek Road near Trojan Drive.
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	This petition proposes to rezone 8.3 acres (Parcel A) to allow the development of 108 multi-family units at a density of 13.01 units per acre and 5.0 acres (Parcel B) to allow commercial development.
<b>STAFF RECOMMENDATION</b>	<p>Staff is recommending approval provided all outstanding site plan issues have been addressed for Parcel A and B.</p> <p>The requested zoning for Parcel A of the petition is inconsistent with the <i>Dixie Berryhill Strategic Plan</i> and the density is not supported by the <i>General Development Policies (GDP)</i>. However, because there are no longer park plans for the site and because 3.5 acres of the parcel is already zoned for multi-family residential up to 22 units per acre, staff supports development of the entire parcel at a lower density of 13.01 units per acre.</p> <p>The requested zoning for Parcel B is consistent with the <i>Dixie Berryhill Strategic Plan</i>.</p>
<b>Property Owner</b>	Various
<b>Petitioner</b>	Dixie River Land Company (formerly Charlotte-Mecklenburg Housing Partnership)
<b>Agent/Representative</b>	Ashlie Hood
<b>Community Meeting</b>	Meeting is required and has been held. Report will be available online when received.

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#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 108 multi-family residential units at a density of 13.01 units per acre proposed on Parcel A.
- Total of 3.33 acres of open space provided on Parcel A.
- Minimum requirement of ten percent tree save provided on Parcel A.
- A maximum building height of 40 feet for Parcel A.
- A Class "C" buffer abutting the proposed R-17MF(CD) zoning for Parcel A.
- Commercial development on Parcel B.
- Pedestrian and vehicular connections from Parcel B to the existing town center.
- Eight-foot planting strip and six-foot sidewalk along public streets.

- **Zoning History for Subject Site**

Parcel A was part of a larger 90-acre site rezoned to CC and MX-1 by Petition 2001-030 which allowed the development of 750 multi-family units and an unspecified number of single family dwelling units. The petition also allowed 250,000 square feet of retail uses. Petition 2006-078, which updated zoning for a portions of Parcel A and other surrounding parcel, allowed a mixture of uses for the Berewick development. The CC portion of Petition 2006-078 allowed the development of 250,000 square feet of retail with a total of five outparcels and 750 multi-family units. The MX-1 portion of the rezoning allowed 2130 attached or detached dwelling units.

- **Existing Zoning and Land Use**

Parcel A is currently zoned CC and MX-1 and is vacant. The surrounding zoning is MX-1, CC, and R-3. The parcel to the west is developed with a school and the parcel to the south is developed with a church. Parcels located to the north and east are vacant.

Parcel B is currently zoned R-3 with a portion developed with a single family structure and the remainder vacant. The parcels to the north and west are zoned CC and are currently vacant. The parcel to the south and east is zoned R-3 and is developed with a single family structure.

- **Rezoning History in Area**

There have been multiple rezonings in the last several years related to the Berewick development, petitions 2001-030, 2001-006(C), and 2006-078. These rezonings allowed for a mixture of single family, multi-family, and a town center with residential and commercial components.

- **Public Plans and Policies**

- The *Dixie Berryhill Strategic Plan* (2003) recommends park and open space for Parcel A. The plan recommends a mixture of office, retail and light industrial uses for Parcel B.
- The zoning requested for Parcel A of this petition is inconsistent with the *Dixie Berryhill Strategic Plan* and does not meet the *General Development Policies (GDP)* for the density requested as shown in the table below. However, because there are no longer park plans for the site and because 3.5 acres of the parcel is already zoned for multi-family residential up to 22 units per acre (the maximum density allowed by CC zoning), staff supports development of the entire parcel at a lower density of 13.01 acres units per acre.

Assessment Criteria	Density Category - > 12 up to 17 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	1 (Low)
Connectivity Analysis	1 (Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	Provides multi-family affordable housing adjacent to proposed mixed-use center
<b>Minimum Points Needed: 13</b>	<b>Total Points: 9</b>

- The zoning request for Parcel B of this petition is consistent with The *Dixie Berryhill Strategic Plan*.

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## **PUBLIC INFRASTRUCTURE** (see full department reports online)

- **Vehicle Trip Generation:**

The proposed request can generate a wide range of daily trips, but due to the street network in the area the traffic impact should be minor.

- **CDOT:** Access points for Parcel B should be adjusted and corrected. Also, dedicate and convey 50 feet of right of way from the centerline along Dixie River Road.
- **Charlotte Fire Department:** No issues.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Schools:** Parcel A will add approximately 122 students to the schools in this area.

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## **ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Storm Water:** No issues.
- **LUESA:** Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating land clearing, demolition and/or construction.
- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
  - Multi-family portion will have a tree save of ten percent.
  - Pedestrian connection will be provided to town center from Parcel B.

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## **OUTSTANDING ISSUES**

- The petitioner should:
  1. Provide pedestrian access to County Park north of multi-family development on Parcel A.
  2. Apply for an administrative approval to Petition 2006-078 to reduce the allowable square footage and number of outparcels to reflect development to occur on Parcel B. A commitment to file for an administrative approval should be put on this petition.
  3. Add the following note for the commercial center: "Being Part of the Berewick Unified Development, Parcel B will comply with a maximum of five outparcels accommodating auto-oriented uses such as gas stations, restaurants, pharmacies, and will count towards the overall five outparcels approved on petition 2006-078. Of the five, three may be independent uses".
  4. Should add a note specifying recycling service per Section 12.403 of the Zoning Ordinance.
  5. Add a five-foot sidewalk along the private road along Parcel A.
  6. Add a note stating a 50-foot buffer will be placed on the western edge of Parcel A.
  7. Amend Note 13 to reference dumpsters and recycling areas.
  8. Address all of CDOT's issues.
  9. Address LUESA's issue.

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## **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- CMS Review
- Community Meeting Report
- LUESA Review
- Site Plan
- Solid Waste Review
- Storm Water Review

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