

ZONING COMMITTEE RECOMMENDATION

March 25, 2009

REQUEST	Current Zoning: R-3 (LWPA), single family residential, Lake Wylie Protected Area and B-1SCD(LWPA), shopping center district, Lake Wylie Protected Area Proposed Zoning: B-1(CD) (LWPA), neighborhood business, conditional, Lake Wylie Protected Area
LOCATION	Approximately 24.81 acres located on the southwest corner of Brookshire Boulevard and Old Plank Road.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to convert an approved shopping center that has not been constructed to a mixed use development with apartments and retail, and a public pre-k school (to be constructed by Charlotte-Mecklenburg Schools).
Property Owner	Westlake Holdings, LLC
Petitioner	Westlake Holdings, LLC
Agent/Representative	Teresa Hawkins
Community Meeting	Meeting is required and has been held. Report available online

ZONING COMMITTEE ACTION

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

1. Enhanced pedestrian connectivity between the retail parcels and new private and public streets by extending walkways from the retail portion to connect to the sidewalks along the adjacent proposed public and private streets.
2. Added a note stating the proposed gates will be open daily for public traffic between 6:00 a.m. and 10:00 p.m., with the gates designed to comply with CDOT standards.
3. Added a note stating the proposed private street will be designed to a public residential wide cross section with eight-foot planting strips and six-foot sidewalks on both sides, to connect to the retail outparcels and the school.
4. Extended the 10-foot shared bike pedestrian path to connect to the northernmost section of the proposed public street.
5. Amended Conditional Note #2 to include office as a permitted use.
6. Identified the required 100-foot Lake Wylie Watershed Overlay vegetative buffer as requested by Storm Water Services.
7. A left-turn lane will be constructed on Bellhaven Boulevard into the private street.
8. The required buffer between the residential component and the retail component will be located on the commercial property.

VOTE

Motion/Second:	Griffith/Allen
Yeas:	Allen, Griffith, Howard, Locher, Simmons, and Walker
Nays:	None
Absent:	Rosenburgh
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented the item to the Committee and identified the modifications made to the site plan. Staff stated that although the residential portion is inconsistent with the *General Development Policies (GDP)*, the proposed uses will support each other and less traffic will be

generated from this request than what is allowed under the approved site plan for this site.

One commissioner expressed concern over the increasing number of inconsistencies between proposals and corresponding policy plans, and asked if this indicated a need to update plans. Staff compared the current proposal with the current approved 1987 site plan, noting the older site plan does not incorporate the current development standards that encourage a better overall product. Staff noted the need for new proposals to be assessed differently due to changing conditions over time. As land continues to be developed and the surrounding transportation network enhanced, more development would contribute to the mix of uses.

Committee members inquired about the decision process for establishing a school on this property, and asked if a pre-k school alleviated overcrowded conditions at other schools. The Committee suspended the rules to allow the agent for the petition to speak. Ms. Laura Simmons stated that Charlotte Mecklenburg Schools (CMS) did an assessment of the overcrowded schools in the general area, and a desire to locate a pre-k school. Ms. Simmons noted that approximately 70-80 residential units were eliminated to accommodate the school facility.

Committee members briefly discussed the proposal to gate some of the streets, inquiring if public streets could be gated. Staff stated that gating public streets is not permitted. There was no further discussion of this petition.

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the *Northwest District Plan* and the *General Development Policies (GDP)* with respect to the retail component and inconsistent with the GDP with respect to the proposed residential density but to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee (motion by Commissioner Simmons seconded by Commissioner Locher).

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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:

Maximum of 192 multi-family units on approximately 11.80 acres, at a density of 16.61 dwelling units per acre.

Creation of Outparcels A, B, and C on approximately 5.26 acres, with square footage being transferable between the outparcels and total square footage not to exceed 55,000 square feet.

Two drive-through service windows permitted on Outparcels A and B.

Parking areas to service residential and retail development, including 288 spaces for multi-family and 220 spaces for retail.

Public pre-k school on approximately 7.75 acres, with 20 classrooms, playgrounds, and parking and service areas (facility to be constructed by Charlotte-Mecklenburg Schools).

Internal pedestrian system connecting residential uses to non-residential uses, parking areas, and streets.

A public street traversing the property from Old Plank Road to Bellhaven Boulevard.

A private street, with the section accessing multi-family development to be gated.

Provision of Class B and C buffers, minimum 10 percent tree save area, and storm water improvements.

Construction of left-turn lanes on Old Plank Road and Bellhaven Boulevard to serve the proposed public street and the private street accessing Bellhaven Boulevard.

Public Plans and Policies

The *Northwest District Plan* (1990) recommends a neighborhood center at this location. The *General Development Policies (GDP, 2003)* provide criteria for neighborhood centers that generally consist of up to 100,000 square feet of retail uses and up to 30,000 square feet of office development. The retail component of this request is consistent with the *GDP*.

Assessment Criteria	Density Category - > 12 up to 17 du/a
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	2 (Med-low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 13	Total Points: 11

STAFF RECOMMENDATION (Updated)

Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

CDOT: No issues.

Charlotte Fire Department: No issues.

CATS: No issues.

Connectivity: No issues.

Schools: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

Storm Water: No issues.

LUESA: No issues.

Site Design: No issues.

OUTSTANDING ISSUES

No issues.

Attachments Online at www.rezoning.org

Application Form
CATS Review
CDOT Review
Charlotte Fire Department Review
CMS Review
Community Meeting Report
LUESA Review
Pre-Hearing Staff Analysis
Site Plan
Storm Water Review

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