

REQUEST	Current Zoning: I-1(CD) LLWPA (light industrial, conditional, Lower Lake Wylie Protected Area) Proposed Zoning: I-1(CD) SPA LLWPA (light industrial, conditional, site plan amendment, Lower Lake Wylie Protected Area)
LOCATION	Approximately 42.11 acres surrounding Perimeter West Drive, south of Wilkinson Boulevard and west of Interstate 485. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes to amend the previously approved site plan in order to eliminate a restriction on the amount of permitted warehouse/distribution space. A portion of the site is currently developed with two buildings containing a combined 367,000 square feet of office/warehouse uses and lies adjacent to Interstate 485, Paw Creek Greenway, and Wilkinson Boulevard.
PROPERTY OWNER	LPB Berryhill, LLC Liberty Property Limited Partnership
PETITIONER	LBP Berryhill, LLC
AGENT/REPRESENTATIVE	Keith MacVean & Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None
STATEMENT OF CONSISTENCY	• 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: • The majority of this petition is consistent with the <i>Dixie Berryhill Strategic Plan</i> recommendation for office/warehouse uses. However, the portion of the property that is located in the FEMA Floodplain is recommended for park/open space. • 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: • This area of Wilkinson Boulevard is developed primarily with warehouse and industrial uses, and a portion of the subject site is already developed with two warehouse/office buildings; and • The rezoning petition retains the use restrictions from the previous rezoning, specifically permitting industrial and warehouse uses which are appropriate at this location; and • However, the request reconfigures vacant development sites, removes notes limiting the maximum warehouse/distribution square footage, and removes a note that a call center will not be considered warehouse or distribution space; and • These changes are minor in nature and will not have a negative impact on adjacent properties; and • The request is consistent with the office/warehouse recommendation from the adopted plan for the majority of the property. The land use recommendation for park/open space is for the portion of the site within the FEMA floodplain, and pertinent floodplain regulations will still apply to the site; By a 5-0 vote of the Zoning Committee (motion by Fryday seconded by Wiggins).

ZONING COMMITTEE ACTION

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

	1. Removed the Natural Area note on Sheet RZ1.0 from the site plan. 2. Removed Note 6a under Environmental Features in its entirety and replaced with language stating that the site will comply with the adopted Post Construction Stormwater Ordinance as applicable to the site. 3. Added a note stating a pedestrian trail of at least eight feet in width shall be provided from Perimeter West Drive to the Paw Creek Greenway once the Paw Creek Greenway has been developed with a greenway trail. 4. Added a note stating that the petitioner will work with Mecklenburg County Park and Recreation to allow users of the Paw Creek Greenway (once improved with a trail) to park in a portion of one of the parking areas of the Site closest to the eight (8) foot pedestrian trail.
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VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting the petitioner addressed all outstanding issues. Staff stated that the majority of the request is consistent with the *Dixie Berryhill Strategic Plan*, however, a portion of the property that is located in the FEMA Floodplain is recommended for park/open space. There was no discussion of this request.

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 amendment contains the following changes:

- Modifies the development standards for a previously approved project (rezoning petition 2004-070) that approved up to 462,000 square feet of office and industrial floor area.
- Removes the following conditions on the previously approved site plan:
 - Warehouse/distribution space shall be limited to no more than 340,000 square feet for Development Alternative 1, and 260,000 square feet for Development Alternative II.
 - In the event a "call center" is located on the site, the associated floor area will not be warehouse or distribution space.
- Reduces the number of building sites from five to four by combining two building sites.
- Identifies the two existing buildings and associated parking areas consisting of 367,886 square feet combined, with future building and parking expansions noted for one of the structures.
- Identifies building and parking envelopes on sites 1 and 4.
- Adds a note stating a pedestrian trail of at least eight feet in width shall be provided from Perimeter West Drive to the Paw Creek Greenway once the Paw Creek Greenway has been developed with a greenway trail.
- Adds a note stating that the petitioner will work with Mecklenburg County Park and Recreation to allow users of the Paw Creek Greenway (once improved with a trail) to park in a portion of one of the parking areas of the Site closest to the eight- foot pedestrian trail.

- Public Plans and Policies**

- The *Dixie Berryhill Strategic Plan* (2003) recommends office/warehouse land uses for the portion of the site that is not within the FEMA Floodplain. That portion of the site is recommended for park/open space.

- TRANSPORTATION CONSIDERATIONS**

- The site is located on a major thoroughfare. The proposed increase in the warehouse entitlements is anticipated to minimally increase trips generated by this site.
- **Vehicle Trip Generation:**
Current Zoning: 1,200 trips per day (based on existing 337,890 square feet of warehouse use).

Existing Use: 1,650 trips per day (based on 462,000 square feet of warehouse use).
Entitlement: 1,650 trips per day (based on 462,000 square feet of warehouse use).
Proposed Zoning:

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:** See Outstanding Issues, Note 2.
 - **Charlotte Water:** Charlotte Water has water system availability via existing 12-inch water distribution mains located along Wilkinson Boulevard and Perimeter West Drive. Sewer is available via an existing eight-inch gravity sewer main located along Wilkinson Boulevard. There is also an existing eight-inch gravity sewer main located on Perimeter West Drive and parcel 113-03-111.
 - **Engineering and Property Management:**
 - **Arborist:** Project is outside City of Charlotte limits; if parcels are annexed into the City of Charlotte, no trees can be removed from or planted in the right of way of all State or City maintained public streets (and any and all newly created public streets) without permission of the NCDOT and City Arborist's office, respectively. The petitioner must submit a tree survey for all trees two inches or larger located in the right of way of all State or City maintained public streets. In addition, the survey shall include all trees eight inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** See Outstanding Issues, Note 1.
 - **Storm Water Services:** See Outstanding Issues, Note 2.
 - **Urban Forestry:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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OUTSTANDING ISSUES

Environment

1. The Natural Area provisions of the Post Construction Stormwater Ordinance (PCSO) do not apply to I-1 (light industrial)/I-2 (general industrial) zoned property in the Western Catawba watershed. The Natural Area note on Sheet RZ1.0 can be removed.
 2. Remove Note 6a under Environmental Features in its entirety. Post Construction Stormwater Ordinance applicability is determined during the Land Development plan submittal and review process, and not during the rezoning request process and approval.
 3. Add a note stating a pedestrian trail of at least eight feet in width shall be provided from the new interior public street to the Paw Creek Greenway.
 4. Add a note stating that users of the Paw Creek Greenway will be permitted to park in a portion of the parking area on the Site in close proximity to the pedestrian trail.
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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 Fire Department Review
 - Charlotte-Mecklenburg Historic Landmarks Review

- Charlotte-Mecklenburg Police 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