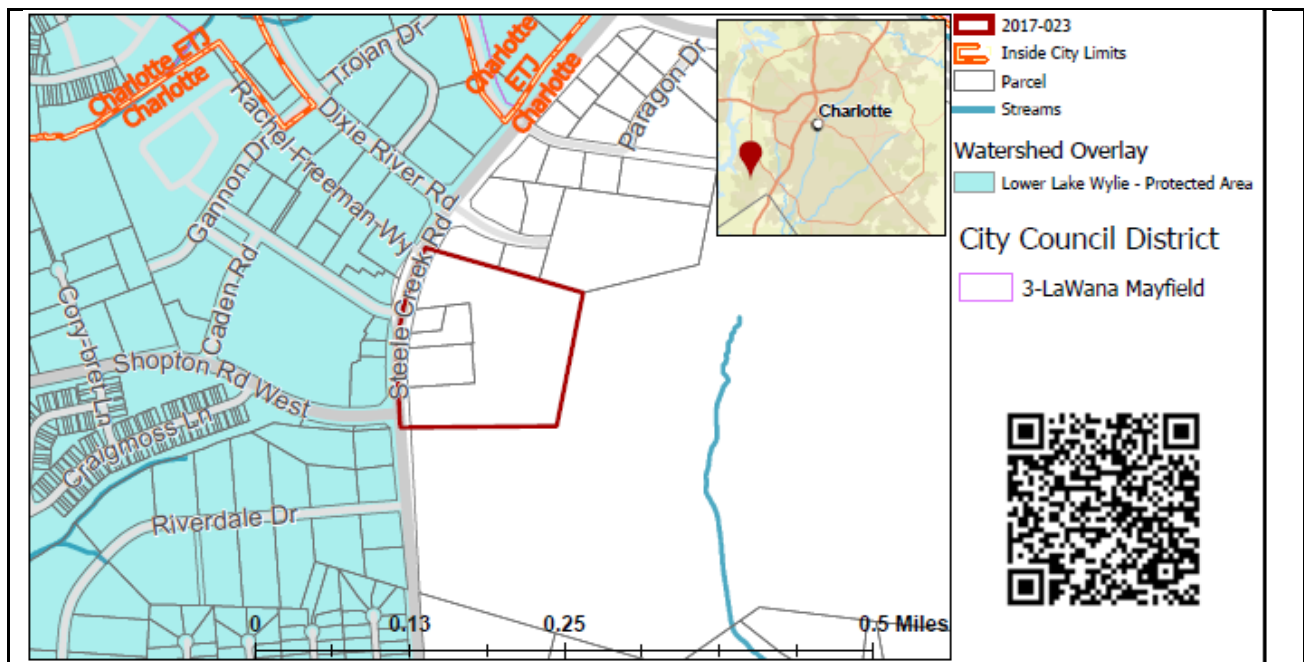


## REQUEST

Current Zoning: R-3 (single family residential)  
Proposed Zoning: MUDD-O (mixed use development, optional) and NS (neighborhood services) with five-year vested rights

## LOCATION

Approximately 16.23 acres on the east side of Steele Creek Road and south of Rigsby Road, across from Shopton Road West and Dixie River Road.  
(Council District 3 - Mayfield)



## SUMMARY OF PETITION

The petition proposes to allow the development of a horizontally-integrated mixture of office, retail and residential uses on a parcel of land located in close proximity to Berewick, Charlotte Premium Outlets and I-485.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Various  
Madison Capital Group, LLC  
Collin Brown and Bailey Patrick, Jr., K&L Gates LLP

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 19

## STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, site and building design, and technical revisions.

### Plan Consistency

The petition is inconsistent with the *Steele Creek Area Plan* (2012) recommendation for residential uses up six dwelling units per acre.

### Rationale for Recommendation

- While the petition is inconsistent with the adopted plan recommendation, the plan also states that a development with a mix of uses, with no more than 70,000 square feet would be considered for this site. The proposed development includes multi-

family, office and retail, with the retail limited to 45,000 square feet.

- In addition, the site is in an area that has experienced tremendous development pressures following the opening of the Charlotte Premium Outlet Mall just north and west of the this site. Because of this the Planning Department initiated a Development Response process in March 2017 to update development considerations for the area near the mall.
- The proposed development is generally consistent with the guidelines of the Steele Creek Development Response, which called for higher intense development in this area, with a mix of uses, in a pedestrian friendly setting and buildings up to eight stories.
- The proposed site plan includes the street network recommended by the Steele Creek Development Response, and lays the framework for future connections as development occurs.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 45,000 square feet of commercial uses, including retail, EDEE (eating/drinking/entertainment establishment), personal service, office, grocery, indoor recreation, financial institutions in the NS (neighborhood services) portion of the site.
- Allows up to 230 multi-family residential units in the MUDD (mixed use development) portion of the site.
- Prohibits car washes; automobile service stations; convenience stores with gas sales; and more than one drive-through service window as an accessory to either a financial institution or neighborhood food and beverage service use.
- Requested optional provisions:
  - Allow a pedestrian trail network through portions of the site labeled as potential tree save areas.

Provides the following transportation commitments:

- Limits the number of new driveway access points to Steele Creek Road to one.
- Proposes Street A to extend across Shopton Road West Extension.
- Reserves the right to request the installation of pavers and/or stamped or colored asphalt within the site's public streets in order to designate and define pedestrian crosswalks.
- Signalized Intersection of Steele Creek Road and Shopton Road West/Shopton Road West Extension:
  - Widen eastbound approach of Shopton Road West to include dual left-turn lanes, one through lane and one right-turn lane.
  - Construct westbound left-turn lane.
  - Construct westbound through lane along Shopton Road West Extension.
  - Construct westbound right-turn lane to maximize storage to proposed Access B.
- Signalized Intersection of Steele Creek Road and Dixie River Road:
  - Construct a second southbound left turn lane on Steele Creek Road. This improvement will also require a second eastbound receiving lane on Dixie River Road.
- Unsignalized Intersection of Steele Creek Road and Proposed Right-In/Right-Out Access (Access A):
  - Construct proposed northbound right-turn lane along Steele Creek Road.
  - Construct the westbound approach to include one ingress and one egress lane along Access A.
- Intersection of Shopton Road West Extension and Access B:
  - Construct southbound approach to include one ingress and one egress lane along Access B.
- Intersection of Shopton Road West Extension and Access C:
  - Provide cross access to existing Bojangles driveway connection to Dixie River Road Extension.
- Shopton Road West Extension:
  - Construct Shopton Road West Extension along the southern frontage of the proposed site with a stub to provide a future extension upon development of the vacant land to the east.
- Commits to coordinating with CATS regarding the construction of a potential bus stop location along the site's frontage on Steele Creek Road during the permitting phase of redevelopment.

Provides the Following Design Guidelines:

- Notes that primary frontage area means the areas identified on the rezoning plan. Buildings will

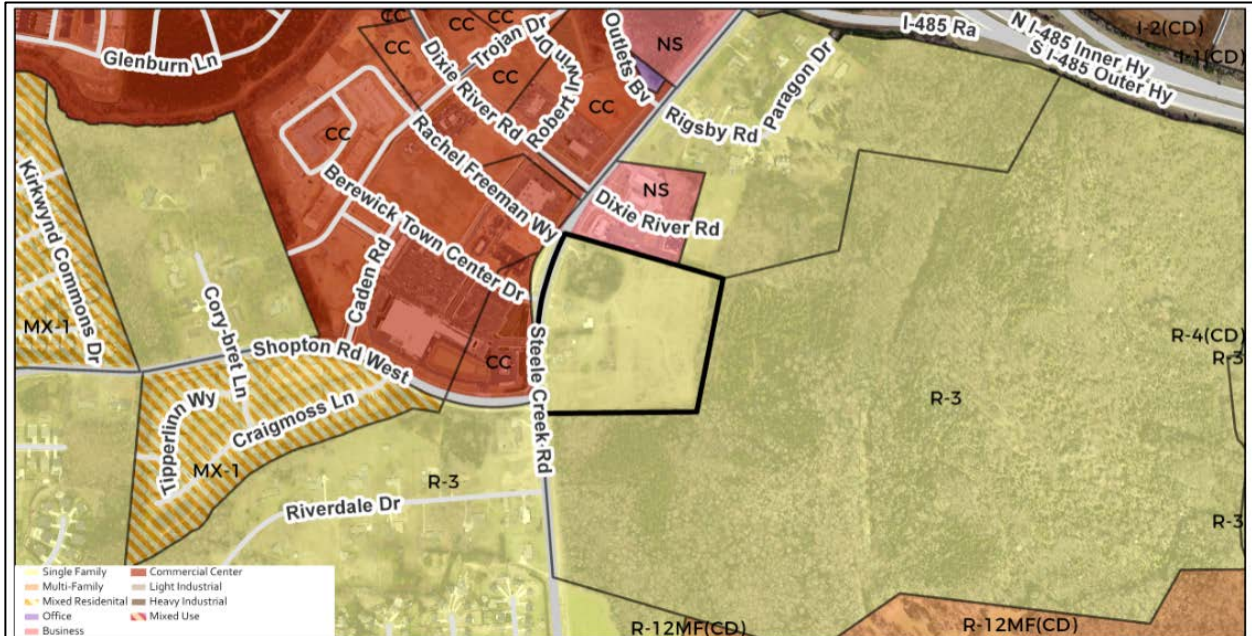
- occupy a minimum of 60% of this frontage area.
- Proposes a variety of building materials. Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
  - Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping, and, when provided, site furnishings.
  - Provides plantings along the parking row abutting Steele Creek Road. Commits to one large maturing tree every forty feet or one small maturing tree every thirty feet. Additionally, along parking rows, provides shrubs with a minimum expected spread of two feet and planted no further than five (5) feet apart. Said shrubs to have an average expected height of at least four feet. In lieu of shrubs for certain portions along parking rows, petitioner may elect to install a brick, stone or other type of masonry wall with a minimum height of four feet.
  - Development Area NS (neighborhood services-commercial uses):
    - Limits building height to 60 feet.
    - Buildings to front a minimum of 50% of the primary frontage areas.
    - Facades fronting primary frontage areas will include a minimum of 50% of each frontage elevation glass within the fenestration zone, 20% of which may be screened by film, decals, and other opaque material, glazing finishes or window treatments.
    - Building elevations to be designed with vertical bays or articulated architectural features.
    - Building elevations facing primary frontage areas to not have expanses of blank walls greater than ~~40~~ 20 feet.
    - Notes that if provided, a drive through window will be screened from view from Steele Creek Road through the use of a low wall and enhanced landscaping.
  - Development Area MUDD (residential uses):
    - Limits building height to 75 feet.
    - All buildings abutting a Primary Frontage Area to have a minimum of ~~10%~~ 30% brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
    - Notes that elevations will be designed to create visual interest through the following:
      - application of vertical bays or articulated architectural façade features;
      - recognizable architectural base on all facades facing network required public or private streets;
      - and prohibiting building elevations facing network required public or private streets from having expanses of blank walls greater than 20 feet.
    - Specifies buildings exceeding 120 feet in length to include modulations of the building massing/façade plane (such as recesses, projections, and architectural details).
    - Notes that if structured parking is developed, exposed multi-level parking decks will provide screening so that interior lighting and cars are not visible from public streets.
    - Commits to all residential buildings along the east side of the rezoning property line have a minimum setback of thirty (30) feet.

Provides the following open space and amenity areas:

- Provides a possible trail network as shown on the rezoning plan, subject to urban forestry approval.
- In the area labeled "amenity area open space" fronting Steele Creek Road, proposes a fountain or other water feature and a minimum of at least two (2) of the following elements: outdoor seating, decorative lighting, specialty hardscape, sculptures, and/or landscaped garden areas. Said area will be a minimum of 3,000 square feet.
- In the area labeled "public amenity area open space" fronting the corner of future Shopton Road West and Public Street A, petitioner will provide a minimum of two (2) of the following elements: landscaping, specialty paving, seating area, decorative lighting and/or signage. Said area will be a minimum of 1,000 square feet.



• **Existing Zoning and Land Use**



- The site is developed with single family homes and vacant land and is surrounded by undeveloped property, single family homes, and retail uses. West and northwest are Berewick Town Center and Charlotte Premium Outlets.



The subject property is developed with single family homes.



The property to the south along Steele Creek Road is undeveloped.





The property to the west across Steele Creek Road is developed with the Berewick Town Center shopping center.



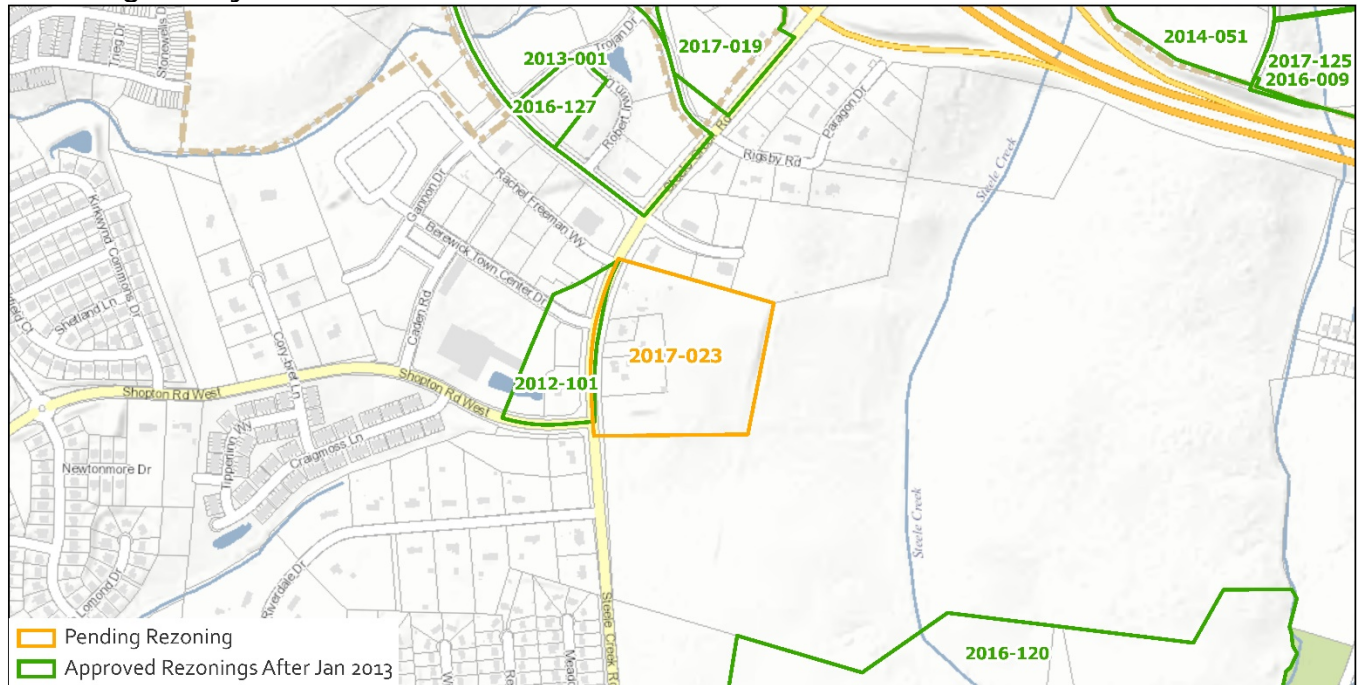
The property to the north along Dixie River Road is developed with a restaurant use.





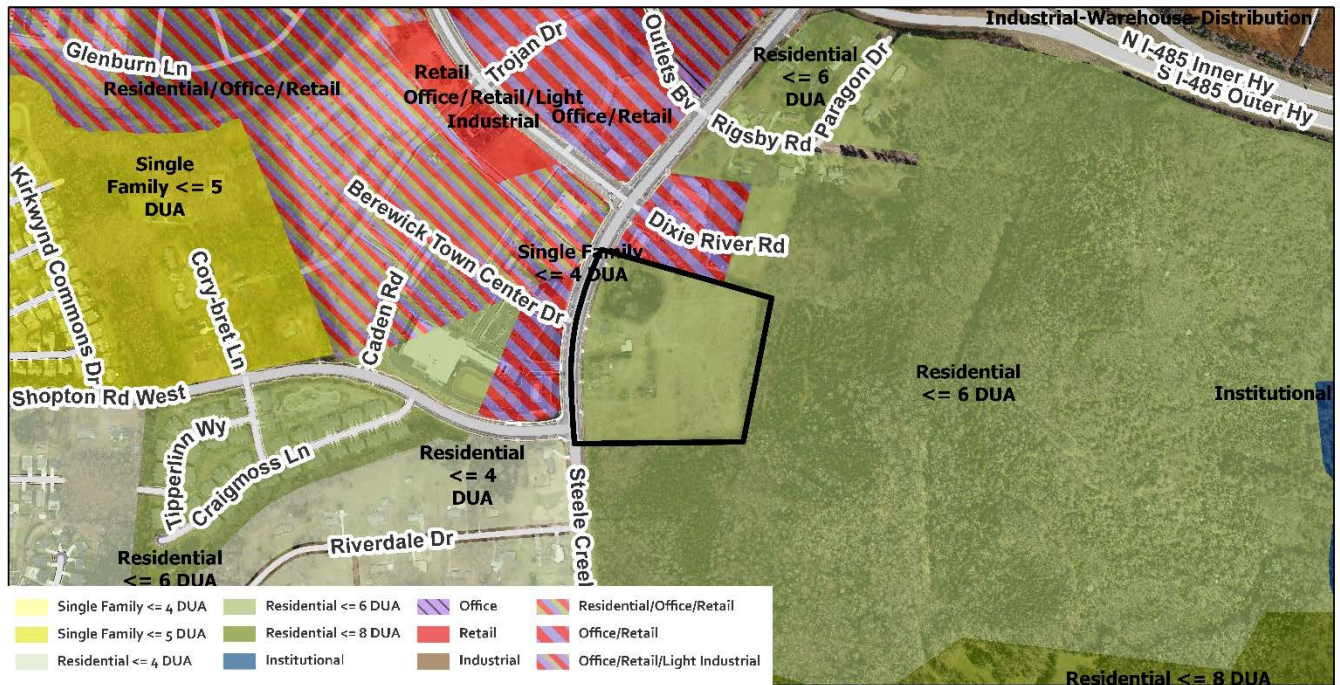
The Charlotte Premium Outlets is located within half-mile of the subject property.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-019	Rezoned approximately 15.481 acres from R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area) and CC LLWPA (Commercial Center, Lower Lake Wylie Protected Area) to NS LLWPA (neighborhood services, Lower Lake Wylie Protected Area) and O-2(CD) LLWPA (office, conditional, Lower Lake Wylie Protected Area) to allow hotel, retail, and office uses.	Approved
2016-127	Rezoned approximately 6.02 acres from CC LLWPA (commercial center, Lower Lake Wylie Protected Area) and MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area) to CC SPA LLWPA (commercial center, site plan amendment, Lower Lake Wylie Protected Area) and MUDD-O SPA LLWPA (mixed use development, optional, site plan amendment, Lower Lake Wylie Protected Area) to modify an approved site plan for Charlotte Premium Outlets to allow an approved principal use to have an accessory drive-through, add a second hotel with up to 125 rooms, and eliminate a gas station/convenience store.	Approved
2013-001	Rezoned approximately 82 acres from R-3, single family residential, I-1(CD) (light industrial, conditional), CC (commercial center), and CC SPA (commercial center, site plan amendment) located within the Lower Lake Wylie Watershed Overlay to CC (commercial center), CC SPA (commercial center, site plan amendment), and MUDD-O, (mixed use development district, optional) located within the Lower Lake Wylie Watershed Overlay to allow a 525,000 square foot commercial development and a hotel with up to 120 rooms.	Approved
2012-101	Rezoned approximately 4.63 acres from R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area) to CC, LLWPA (commercial center, Lower Lake Wylie Protected Area) in order to allow the construction of 35,000 square feet of retail and office uses.	Approved

## • Public Plans and Policies



- The *Steele Creek Area Plan* (2008) recommends residential land use up to six dwelling units per acre for this site.
  - The plan includes language (Land Use Policy 6c) that would allow the consideration of a mix of uses (residential, office and retail) along Steele Creek Road, and limit retail to a convenience size retail center (70,000 square feet max.)
  - The site is in an area that has experienced tremendous development pressures following the opening of the Charlotte Premium Outlet Mall just north and west of the this site. Because of this the Planning Department initiated a Development Response process in March 2017 to update development considerations for the area near the mall. In the summary report, it detailed that while this report won't change the adopted land use per se for the site, it would provide a set of guidelines for future development. The report looked at land use, transportation network, community design and environment.
  - The guidelines in the Development Response included recommendations that this site be built with mixed use development at the highest intensities within the study area, with buildings generally up to eight stories. The guidelines included a recommended street network and emphasized the extension of Shopton Road West as the new Main Street for the area.
- ## • TRANSPORTATION CONSIDERATIONS
- The site is along a major thoroughfare and bounded by signalized intersections connecting to other thoroughfares. The current site plan reflects street alignments that comply with the recent development response area concept and provides offsite street improvements to mitigate for development traffic impacts. CDOT continues to request a cross section for Shopton Road to support the envisioned land uses, and bike facilities that correspond to the recommendations of the recently adopted CharlotteBIKES policy.
  - See Outstanding Issues, Notes 1-5.
  - **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 30 trips per day (based on three single family homes).  
Entitlement: 540 trips per day (based on 48 single family homes).  
Proposed Zoning: 5,560 trips per day (based on 45,000 square feet retail and 230 apartments).

## DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.

- **Charlotte-Mecklenburg Schools:** (Note: CMS did not provide an updated memo for this petition. The information below is based on 210 residential units, not 230 units as currently proposed).

The development allowed under the existing zoning would generate 29 students, while the development allowed under the proposed zoning will produce 152 students. Therefore, the net increase the number of students generated from existing zoning to proposed zoning is 123 students.

- The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
  - Steele Creek Elementary from 141% to 158%
  - Kennedy Middle from 113% to 116%
  - Olympic High from 163% to 165%.
- **Charlotte Water:** Charlotte Water has water availability for the rezoning boundary via an existing 8-inch water distribution main along Dixie River Road and a 48-inch water transmission main located along Steele Creek Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant submit a Willingness to Serve Application with the Charlotte Water New Services group.
- **Engineering and Property Management:**
  - **Arborist:** See Outstanding Issues, Note 7.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** ~~See Outstanding Issues, Note 7.~~ Addressed
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

1. ~~Revise site plan to show proposed Shopton Rd West built as a three-lane road with buffered bike lanes (three-foot buffer, five-foot bike lane), eight-foot planting strip, and six-foot sidewalk.~~
2. ~~Revise the site plan and conditional notes for proposed Private Street A.~~ Addressed
  - a. ~~Convert to a public street connection between Dixie River Rd and Shopton Road West, which are both public thoroughfares.~~
  - b. ~~Extend right-of-way to the southern property line (south of Shopton) to allow the street to be extended in the future as the property to the south develops. Show the full road cross section and right-of-way extending to the southern property line.~~
3. ~~Revise the site plan and conditional notes for Private Street B.~~
  - a. ~~Convert to a public street connection or provide a public access easement and commit to cross connection to adjacent parcel when developed.~~ Addressed
4. ~~Revise the site plan and remove the pedestrian island/sweeping right condition shown at the intersection of Shopton Road West and Private Street A. CDOT does not support this type of intersection geometry. The intersection design will be reviewed during the permitting process and should not be a part of the rezoning.~~ Addressed
5. ~~Revise the site plan and conditional notes to show dedication of right-of-way, fee simple, 75 feet from centerline of Steele Creek Road to accommodate the future widening.~~ Addressed
6. ~~The proposed zoning district has a setback measured from an existing or proposed future curbline. Steele Creek: The location of the future curbline is 50.5 feet from centerline off the road based on the NCDOT funded road widening project. At locations where right turns are proposed, the future curbline is 61.5 feet from centerline of the road. Please show on site plan.~~ Agreed to address.

### Environment

7. The petitioner must submit a tree survey for all trees two inches or larger located in the rights of way. In addition, the survey shall include all trees eight inches or larger in the setback. Addressed by indicating that the survey will be provided during permitting.
8. ~~Show tree save area and tree save calculations on site map. Site is in a wedge and will be required to provide 15% tree save area based on gross acreage. Tree save must contain existing healthy tree canopy. Tree save must be 30' width minimum.~~ Addressed

### Site and Building Design

9. ~~Along the east property line where the 30-foot setback is noted adjacent the MUDD Development Area, please note or depict that a sidewalk with street trees will be planted as an interim condition until a street is constructed. Ground floor entrances will connect to this sidewalk.~~ Addressed
10. ~~Under Design Guidelines Note VI.a.2, the proposed building should occupy a minimum of 60% of this frontage area.~~ Addressed



11. Clarify Design Guidelines Note VI.a.12. **Addressed**
12. Under Design Guidelines Note VI.b.1., provide a minimum of 30% preferred exterior building materials (not 10%) or remove the note completely. **Addressed**
13. Remove Note 5 under Design Standards related to Residential uses (MUDD Development Area). **Addressed**
14. Modify Design Guidelines Note VI.c.1.C. to state facades fronting primary fronting areas will have minimum of 50% of each frontage elevation glass, with up to 20% non-reflective spandrel, film or display windows. Modify Design Guidelines Note VI.c.1.E. to add expanses of blank walls will not exceed 20 feet in length. **Addressed**
15. Open spaces have not been noted on the rezoning plan as stated in Open Space and Amenity Areas Note VIII.a. **Addressed**
16. Modify Design Standards Note VI.b.9. to state that if structured parking is developed, exposed multi-level parking decks will provide screening so that interior lighting and cars are not visible from public or private streets. **Addressed**
17. Under Design Guidelines Note VI.c.1.b. add "non-reflective" to language. **Agreed to address.**
18. On Sheet RZ-1, primary building frontage has been removed from the NS parcel. **Please replace. Not addressed.**
19. On Sheet RZ-3 the illustrated side and rear of the second building at the corner of Steele Creek Road and Shopton Road west will not meet the intent of the notes as written. Please ensure this building can meet the design standards in the notes as submitted. **Not addressed.**

#### **REQUESTED TECHNICAL REVISIONS**

20. The petitioner is requesting MUDD-O, but no optional provisions are identified on the site plan. **Addressed**
21. Remove the request for more than one drive-through service window as an accessory to a neighborhood food and beverage service as the drive through for this use is not permitted by ordinance in the NS (neighborhood service) district. **Rescinded by staff.**
22. Reference Section 6.207 from the Zoning Ordinance on the site plan. **Addressed**
23. Proposed 25-foot landscape area along Steele Creek Road needs to be better labeled on the site plan. **Addressed**

#### **Transportation**

24. Remove the marked crosswalk and the diagonal ramp shown at the intersection of proposed Public Street A and future Shopton Road West as they do not meet current standards. The design of the intersection will be determined during permitting. **The petitioner has agreed to remove this note.**

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

- 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 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