

**REQUEST**

Current Zoning: R-3 (LLWPA) (single family residential, Lower Lake Wylie protected area), R-5 (LLWPA) (single family residential, Lower Lake Wylie protected area), R-5 (LLWCA) (single family residential, Lower Lake Wylie critical area), R-3 (MH-O) (LLWPA) (single family residential, manufactured home overlay, Lower Lake Wylie protected area), and I-1 (LLWPA) (light industrial, Lower Lake Wylie protected area)

Proposed Zoning: MUDD-O (LLWPA) (mixed use development, optional, Lower Lake Wylie protected area), MUDD-O (LLWCA) (mixed use development, optional, Lower Lake Wylie critical area), MX-2 (INNOV) (LLWPA) (mixed use, innovative, Lower Lake Wylie protected area), and MX-2 (INNOV) (LLWCA) (mixed use, innovative, Lower Lake Wylie critical area), with five-year vested rights

**LOCATION**

Approximately 1,378 acres located west of Interstate 485 at West Boulevard generally surrounded by Interstate 485, Mt. Olive Church Road, the Catawba River, Bracebridge Court and Garrison Road. (Outside City Limits)

**SUMMARY OF PETITION**

The petition, also known as the River District, proposes the development of a master planned community on mostly vacant land west of the Charlotte-Douglas International Airport and along the Catawba River. The proposed development will include: up to 8,000,000 square feet of office; 500,000 square feet of retail, eating/drinking/entertainment establishments, and personal services; 1,000 hospitality (hotel) rooms; 2,350 multi-family units; 600 multi-family or single family attached units; 1,700 single family detached units; 200 continuing care retirement units; and supporting civic/institutional uses.

**PROPERTY OWNER**

Numerous. See application on website.

**PETITIONER**

Crescent Communities, LLC and Lincoln Harris

**AGENT/REPRESENTATIVE**

Jeff Brown and Bridget Dixon, Moore & VanAllen, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 46

**STAFF  
RECOMMENDATION**

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

Plan Consistency

The petition is generally consistent with the *Dixie Berryhill Strategic Plan's* adopted employment/mixed-use and residential land uses for this site; there is a portion of the proposed Town Center district, west of Dixie River Road, which is not consistent with the residential land use recommendation of the *Dixie Berryhill Strategic Plan*.

Rationale for Recommendation

The development proposal supports the implementation of the *Dixie Berryhill Strategic Plan (2003)*, the adopted *Community Investment Plan for the Airport/West Corridor Dixie Berryhill Area*, and the *Airport Area Strategic Development Plan* (existing and draft update) including:

- The development of mixed use communities along I-485 that integrate a mix of commercial, employment, residential, and community uses.
- The development of lower intensity residential uses in the watershed overlay area along the Catawba River.

- A commitment to urban design and development standards that ensure the development of a pedestrian oriented, mixed-use community.
- A commitment to park, recreation, greenway and open space facilities that will connect to the Catawba River and the area's existing parks.
- A commitment to enhanced environmental protection.
- A commitment to future public school facility needs.
- A commitment to workforce housing.
- A commitment to a multi-modal transportation system that includes complete streets, multi-use trails and greenways, and provisions for future transit.
- A phased development that implements necessary transportation infrastructure as development occurs and leverages planned community investment in the Airport/West Corridor.

## PLANNING STAFF REVIEW

### • Background

- The site is located between the Charlotte-Douglas International Airport and the Catawba River, in a rural area that is mostly vacant. It is located entirely within the Lower Lake Wylie Watershed and is outside the Charlotte city limits.
- It is anticipated that the petitioner will submit an application for the subject property to voluntarily be annexed into the city limits of Charlotte, as development occurs.
- The City's *Community Investment Plan* approved \$44.7 million for Airport/West Corridor road improvements in this area as part of the 2016 and 2018 CIP bonds.

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

#### Land Use

- Proposes a master planned community named the "River District" which will be developed with a mix of uses to include office, retail, eating/drinking/entertainment establishments, personal services, hotels, a range of residential types, a continuing care retirement center, and civic uses.
- The development will be located in five distinct districts, as described below.
  - "Employment District" (to be zoned MUDD-O): This district is located directly adjacent to I-485, to the north of West Boulevard and south of Dixie River Road, and is bisected by Garrison Road. Development in this district will be office based to take advantage of its proximity to I-485, the Charlotte-Douglas Airport and the Norfolk Southern Intermodal Facility. Allowed uses are 4,500,000 square feet of office, 50,000 square feet of retail, eating/drinking/entertainment establishments and/or personal services, 250 hotel rooms, 500 multi-family or single family attached units, and supporting institutional and recreational uses.
  - "Gateway District" (to be zoned MUDD-O): This district is located directly adjacent to I-485, south of the "Employment District", and is bisected by West Boulevard and Garrison Road. Similar to the "Employment District", the "Gateway District" will be developed primarily with a mix of office and employment uses to take advantage of its proximity to I-485, the Charlotte-Douglas Airport and the Norfolk Southern Intermodal Facility. Allowed uses are 500,000 square feet of office, 50,000 square feet of retail, eating/drinking/entertainment establishments and/or personal services, 250 hotel rooms, and supporting institutional and recreational uses.
  - "Transitional District" (to be zoned MUDD-O): This district is located west of the "Employment District" and Beaver Creek Dam and east of Dixie River Road. This district will provide a transition between the "Employment" and "Gateway Districts", and the predominantly single family "Residential District" located along the Catawba River. The allowed uses in this district are 1,000,000 square feet of office, 25,000 square feet of retail, eating/drinking/entertainment establishments and/or personal services, 300 residential units (multi-family, single family attached and/or single family detached), and supporting institutional and recreational uses.
  - "Town Center District" (to be zoned MUDD-O): This district is located generally to the west of the "Transitional" and "Gateway Districts" and to the east of the "Residential District" and is bisected by Dixie River Road. It is divided into two subdistricts, "The Town Center Core" and "The Town Center Edge." The "Town Center District" is designed to be highly walkable, with the greatest intensity located in the compact "Town

Center Core" which will include a four-block Main Street. Allowed uses in this district are 2,000,000 square feet of office, 300,000 square feet of retail, eating/drinking/entertainment establishments and/or personal services, 500 hotel rooms, 1,700 residential units (multi-family, single family attached and/or single family detached), and supporting institutional and recreational uses.

- "Residential District" (to be zoned MX-2, Innovative): Property in this district is located near or abutting the Catawba River. It is planned to be a primarily residential district with supporting retail and services, primarily to serve the area residents. Allowed uses in this district are 1,700 single family detached units, 300 multi-family or single family attached units, 200 continuing care retirement units, 75,000 square feet of retail, eating/drinking/entertainment establishments and/or personal services, and supporting institutional and recreational uses including a marina and related active uses along the Catawba River.
- Development in the River District will occur in multiple phases, as described below.
  - The first phase will allow up to 1,000,000 square feet of office, 75,000 square feet of retail, eating/drinking/entertainment establishments and/or personal services, 150 hotel rooms, 600 multi-family units, and 300 single family detached units.
  - The second phase will allow 3,000,000 square feet of office, 125,000 of square feet of retail, eating/drinking/entertainment establishments and/or personal services, 250 hotel rooms, 300 multi-family units, and 950 single family detached units, in addition to the development entitlement allowed in Phase I.
  - The remainder of the development entitlements will occur in future phases.
- The petition includes allowances for the transfer of development rights between any of the districts zoned MUDD-O ("Employment District", "Gateway District", "Town Center District" and "Transitional District") and also between the "Town Center District" and the "Residential District", in accordance with stated conditions. The transfer of development rights will not allow the development square footage to exceed the total entitlements allowed for the entire master planned community. Additionally, there are limitations on the square footage of development that can be transferred.
- The petition also includes conversion rights which allow entitlements for one use to be converted to entitlements for another use, as described below:
  - Conversion of entitlements is only allowed within individual districts, and not between districts.
  - Non-office commercial (retail, eating/drinking/entertainment establishments and/or personal services) square footage may be converted to office square footage and vice versa, up to 25% of the base entitlements for each district.
  - Residential units may be converted to hotel rooms and vice versa, up to 300 rooms or residential units for each district.
  - A hotel room may be converted to 500 square feet of commercial use, and vice versa, up to 300 hotel rooms or 150,000 square feet of commercial uses for each district.
- A system to track approved development through the life of the project is included in the petition.

#### Urban Design

- The proposal includes an urban design framework to support the development of the envisioned series of walkable mixed use districts. This framework includes site and building design guidance that applies to all districts. These standards address:
  - Vertical mixed-use and multi-story office buildings,
  - Office buildings in campus style format,
  - Multi-family buildings three stories or greater,
  - Continuing care retirement centers,
  - Townhomes,
  - Structured parking facilities,
  - Lighting,
  - Uses with accessory drive-through windows, and
  - Building orientation when adjacent to Beaver Dam Creek Greenway.
- There are also district specific urban design standards that address building placement, location of parking, streetscape design, building edges, ground floor transparency, and height limitations when near single family uses.
- In addition, the "Town Center District" has additional design standards related to uses with accessory drive-through windows, structured parking, driveway locations, building entrances, and ground floor activity. These standards are intended to further support walkability, especially in the "Town Center Core."

#### Optional Provisions and Innovative Development Standards

- The petition includes a number of optional provisions for the MUDD-O (mixed use development, optional) portion of the site. Typically, the optional provisions include conditions and limitations that address where and how the optional provisions can be applied. The design elements addressed by the optional provisions are related to:
  - Uses with accessory drive-through windows,
  - Larger format users (30,000-square foot or larger non-office commercial uses and indoor recreation not related to civic uses),
  - Auto-oriented uses (free standing commercial uses of 30,000 square feet or less),
  - Allowances for ground floor retail in a mixed use building or multi-story office,
  - Parking, maneuvering and service areas between buildings and the street, and to the side of buildings,
  - Relief from the requirement to recess doorways into the face of buildings,
  - Alternative location of bicycle parking,
  - Treatment of blank walls,
  - Loading and screening of service areas for side and rear elevations,
  - Signage allowances, including ground mounted signs, wall signs, temporary signs and banners, and
  - A provision to allow the petitioner to request staff to allow deviations from the design standards/guidelines, if the deviations are consistent with the objectives and intent of the rezoning.
- The petition does not include MX-2 Innovative Development Standards for the “Residential District”, but the petitioner reserves the right to seek them at a future date.

#### Transportation

- Due to the large nature of the master planned site, the roadway and street network will be implemented over time and will adapt to timing of development, availability of public and private funding and other factors.
- The proposed development could generate 120,000 trips per day as proposed. Based on review of national and local information, CDOT estimates that approximately 45,000 of these trips will be captured internally within the Activity Center and 75,000 of these trips will enter or exit the center daily. In order to ensure that these trips can be served adequately, the proposed transportation network must include a dense internal local street network supported by a system of well-designed arterial streets that have good connectivity to I-485.
- The transportation improvements required for the master planned site will be accomplished in multiple phases. The development levels/entitlements for portions of the development of the master planned site are tied to the phasing of the transportation network.
- The plan proposes some adjustments to the CRTPO Thoroughfare Plan and proposes several new segments to be added to the Thoroughfare Plan.
- The plan proposes new grade-separated interchanges with I-485 to accommodate the increased travel demand.
- The plan preserves a corridor for a new east-west roadway that will eventually cross the Catawba River into Gaston County.
- All districts will be linked by a transportation system of sidewalks and trails that promote walkability and pedestrian activity.
- A network of local streets will be created in conformance with the Subdivision Ordinance process. The proposed block lengths are typically shorter than the standard block lengths in the Subdivision Ordinance and will result in a more compact street network than would be otherwise required.
- The local street network will include two crossings of Beaver Dam Creek.

#### Public Infrastructure/Facilities

- The petition includes a series of commitments related to the provision of infrastructure and public facilities to support the “River District” development. These are listed below.
- Petitioner commits to work with Charlotte Water regarding extension of water and sewer service to the site.
- To help address anticipated school needs, the petition has identified two areas within the “Residential District” from which two 15- to 25-acre parcels will be reserved for schools sites for a period of 10 years from approval of this petition.
- To help enhance Mecklenburg County’s public park system, the petitioner has committed to identify two general areas, one within the “Residential District” and one within the “Employment”, “Transitional”, or “Gateway District”, from which land aggregating approximately 10 acres will be reserved for neighborhood park land and facilities. The petitioner will reserve the park sites for seven years from approval of this petition.
- The petitioner has committed to dedicate land for the Beaver Dam Creek greenway prior to the

last certificate of occupancy for Phase I Development, subject to Mecklenburg County Park and Recreation Department's commitment to bear the cost of greenway improvements.

- The petitioner has committed to construct an overland trail along Dixie River Road and a linear park along West Boulevard as associated roadway segments and adjacent development occur.

#### Environment

- The petitioner proposes a series of environmental commitments that will honor the unique resources and character of the site by preserving significant natural areas, land features and environmentally sensitive lands. The proposed development pattern will maintain open space areas and provide greenway connections.
- Higher intensity development will occur in a condensed pattern away from challenging topography and the river in the "Employment" and "Town Center Districts."
- Specific environmental commitments include:
  - Enhanced water quality protection such as innovative storm water treatment techniques, enhanced stream buffers, and water quality monitoring;
  - A minimum of 551 acres (40% of site) to be preserved as open space, to include a 75-acre "wildlife preserve, and all land in the 100-year floodplain and future 100-year floodplain incorporated in open space;
  - Beaver Dam Creek Greenway dedication; and
  - Consolidated tree save for MUDD-O zoned land, with approximately 102 acres to be dedicated prior to the first certificate of occupancy.

#### Workforce Housing

- In order to assure that there are a variety of housing opportunities in the "River District", the petition includes commitments related to affordable/workforce housing.
- The petitioner agrees to provide 85 units in Phase I for affordable/workforce housing residential rental units. This commitment is subject to approval of North Carolina Housing Finance Agency tax credit housing grants and/or other affordable/workforce housing funding vehicles. The monthly rent for these units will be income restricted for households earning 80% or less of area median income for a period of not less than 30 years.
- The petitioner will use diligent good faith efforts to provide affordable/workforce housing in connection with Phase II and future phases. It is contemplated that 8% of housing for Phase II and future phases will be income restricted for households earning 80% or less of the area median income, for a period of not less than 30 years.
- **Existing Zoning and Land Use**
  - The rezoning site is mainly undeveloped land with some parcels containing single family houses along Dixie River Road and Garrison Road, west of the I-485 and West Boulevard interchange.
  - To the north of the site is the Dixie River Road community along Mt. Olive Church Road, consisting of residential, institutional and retail development on properties zoned R-3 (single family residential), and all within the LLWPA Watershed Overlay (Lower Lake Wylie protected area).
  - East of the site is I-485 and Charlotte-Douglas International Airport along with the Norfolk Southern Intermodal Yard on property zoned I-1 (light industrial) and I-2 (heavy industrial).
  - West of the site is the Catawba River and some residential development along Sadler Road. These homes front the Catawba River and are located on properties zoned R-5 (single family residential), and are within the LLWCA Watershed Overlay (Lower Lake Wylie critical area).
  - To the south of the site are residential developments, park and open space, and institutional uses on properties zoned R-3 (single family residential) and R-5 (single family residential), all within either the LLWPA Watershed Overlay (Lower Lake Wylie protected area) or LLWCA Watershed Overlay (Lower Lake Wylie critical area).
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
  - The *Dixie Berryhill Strategic Plan* (2003) recommends employment/mixed-use development (office, retail, and/or light industrial) for the majority of the property being proposed for MUDD-O (mixed use development, optional).
  - The plan recommends residential up five units per acre for a portion of the "Town Center District", west of Dixie River Road. This property is proposed for MUDD-O (mixed use development, optional).
  - The *Dixie Berryhill Strategic Plan* recommends single family up to four and five units per acre for the portion of the subject site proposed for MX-2 INNOV (mixed use, innovative).

- The plan also establishes a goal to protect the sensitive environmental elements in the area that include the Catawba River, its coves and shoreline, ravines with steep slopes, erodible soils and vegetation, SWIM buffers and watersheds.
- **TRANSPORTATION CONSIDERATIONS**
  - Although this rezoning is located in a Wedge based on the *Centers, Corridors and Wedges Growth Framework*, the proposed level of entitlements, if approved, will effectively create a new Activity Center. Also, due to the large scale of this proposal, CDOT anticipates a significant increase in the necessary level of roadway capacity over what has historically been planned in this area. CDOT and Planning have worked with the petitioner to identify additional thoroughfares as well as upgrades in classifications for previously planned thoroughfares in order to provide the proper roadway network to support the anticipated level of travel demand.
  - The roadway network is also planned in a way that accommodates several other important community goals, including but not limited to, future extension of a major roadway to cross the Catawba River into Gaston County, anticipated growth at Charlotte Douglas International Airport, expansion of the freight intermodal yard, and future industrial development in the general vicinity of the airport and the intermodal yard. Accordingly, the review of the transportation aspects of this rezoning has been conducted in concert with the *Airport-Area Strategic Development Plan (AASDP)*, and a planned feasibility study for the "Catawba Crossings project" by the Charlotte Regional Transportation Planning Organization (CRTPO), the Gaston-Cleveland-Lincoln MPO, and NCDOT.
  - The roadway network proposed with this rezoning is planned for three major phases, in which land use entitlements are only available to the petitioner for development provided the corresponding phased improvements are completed by the time the buildings are occupied. The zoning allows that any of the three major phases may be subdivided into smaller phases provided the petitioner is able to demonstrate through additional traffic analysis that the requested sub-phase of development is matched to the appropriate level of additional roadway construction. The complete package of roadway improvements would be expected to be implemented over a 10-30 year period through a combination of public and private funding sources.
  - In order to establish that the proposed roadway network is appropriately scaled to the proposed level of entitlements, the petitioner and CDOT conducted a series of model analyses using the Metrolina Regional Model, which is the same model used by the CRTPO to plan large scale transportation improvements over a twenty-five-year time horizon. The results of this model work determined the network of streets that is intended to work in conjunction with a dense network of interconnected local streets, which will follow the rules of the Subdivision Ordinance. Additional traffic analyses will be performed over the build-out of this development to determine specific design details such as turn lanes at intersections or when traffic signals are warranted for installation.
  - The planned roadway network will require significant interchange modifications that will require approval by NCDOT and the Federal Highway Administration (FHWA). The conditional zoning plan as proposed will not enable development beyond the first phase without an approved interchange solution by state and federal authorities, which may differ from the exact concept depicted on this plan. The petitioner and CDOT have initiated preliminary discussions with NCDOT to determine the preferred concept. Final approval for a new or revised interchange will require additional technical analysis with a one to two-year timeframe for review and approval with NCDOT and FHWA.
  - The design details for the arterial street network will incorporate best practices for walking and bicycling through a variety of solutions that include sidewalks, bike lanes, shared-use paths, and greenways. In all cases the design of the streets and street network, will reinforce the overall transportation goals for Activity Centers, which is to maximize the ability to serve travel demand with the shortest trips possible, and to maximize the opportunities for transit, walking, and bicycling trips. In general, CDOT supports the approach of organizing growth for future residents in a way that can reduce long vehicle trips by providing well organized Activity Centers. This rezoning, as planned, helps achieve this goal and the requirements that govern the availability of entitlements by phase will help ensure that the growth is activated by planned investments in the major street network.
  - The outstanding transportation issues identified in the remainder of this analysis represent the deficiencies on the last plan made available for public review. CDOT has continued working with the petitioner to resolve these issues through the submittal of a revised plan by the petitioner at the public hearing.
  - See Outstanding Issues, Notes 1 through 7.
  - **Vehicle Trip Generation:** The proposed development could generate 120,000 trips per day as proposed. Based on review of national and local information, we estimate that approximately

45,000 of these trips will be captured internally within the Activity Center and 75,000 of these trips will enter or exit the Center daily. In order to ensure that these trips can be served adequately, the proposed transportation network must include a dense internal local street network supported by a system of well-designed arterial streets that have good connectivity to I-485.

Current Zoning: 46,000 trips per day (based on 6,660 dwelling units and 750,000 square feet of warehouse uses).

Proposed Zoning: 120,000 trips per day (based on the following chart).

Site Plan District	Uses	Intensity	Trips Per Day
Employment	Apartment	500 dwellings	3,154
	Hotel	250 rooms	2,043
	Office	4.5 million sf	23,694
	Retail	50k sf	4,328
Town Center	Apartment	1700 dwellings	10,426
	Hotel	500 rooms	4,085
	Office	2 million sf	12,793
	Retail	300k sf	13,870
Gateway	Hotel	250 Rooms	2,043
	Office	500k sf	4,461
	Retail	50k sf	4,328
Transitional	Apartments	300 dwellings	1,942
	Office	1 million sf	7,554
	Retail	25k sf	2,758
Residential	Single Family	1700 dwellings	14,233
	Apartment	300 dwellings	1,942
	Retirement Community (CCRC)	200 units	480
	Retail	75k sf	5,633
<b>Total</b>			<b>120,000</b>

**DEPARTMENT COMMENTS**

• **Charlotte Area Transit System:**

- Charlotte Area Transit System (CATS) does not currently serve the area covered by this rezoning, as the property is largely vacant. The nearest locations with bus service are the Charlotte-Douglas International Airport and Charlotte Premium Outlets.
- In mid-2016, CATS initiated a Comprehensive Operations Analysis which is a review of the agency’s overall route structure and service. The analysis is expected to be completed in summer/fall 2017 and will consider how routes can be extended in the future to serve areas such as the “River District”, as development and demand dictate.
- CATS anticipates future construction of rapid transit on the West Corridor to the airport and the area beyond the airport, including the “River District” and possibly into Gaston County. At this point, there is no set alignment for the future rapid transit, but in light of the intensity and significance of this development, it will be important to consider how best to serve this major development.
- In light of the potential for future transit service to the “River District”, CATS is requesting the reservation of land for a future Transit Center and dedication of right-of-way and construction of concrete pads for future bus stops.
- CATS will continue to work with the Petitioner throughout the development process to ensure that the River District is designed to support and encourage the use of public transportation.
- See Outstanding Issues, Notes 8 and 9.

- **Charlotte Department of Neighborhood & Business Services:**
  - In an effort to increase the estimated need of more affordable housing units in the City of Charlotte, multi-family developers are being encouraged to assist in increasing the supply through the City's voluntary affordable/workforce housing program. The petitioner for the "River District" has committed to construct affordable/workforce housing units as part of this rezoning.
  - The Petitioner agrees to provide 85 units in Phase I for affordable/workforce housing residential rental units for households earning 80% or less of the area median income for a period of not less than 30 years. This commitment is contingent on receiving NC Housing Finance Agency tax credits or other possible public funding support.
  - The Petitioner has also committed that 8% of all residential units in future phases will be affordable/workforce housing for households earning 80% or less of the area median income, with the same contingency as for Phase I.
- **Charlotte-Douglas International Airport:** The proposed development plan is consistent with the goals and objectives of the draft *Airport Area Strategic Development Plan*.
- **Charlotte Fire Department:**
  - Charlotte Fire Department (CFD) currently does not provide fire service to the subject property because it is outside of the city limits. CFD will provide fire service if the property is annexed into the City.
  - CFD anticipates that one, or potentially two, stations will be needed to serve the area. CFD also anticipates that additional staff and apparatus will be needed over time to serve the area as it develops.
  - CFD and the development team will need to work together to locate fire stations sites as development occurs.
  - These facilities will occur through voluntary annexation and future capital investment.
- **Charlotte-Mecklenburg Police Department:**
  - Charlotte-Mecklenburg Police Department's (CMPD) Freedom Division office currently serves the proposed "River District" area. The subject site is at the very southern end of the Freedom Division's patrol area. The Freedom Division office is located at 4150 Wilkinson Boulevard approximately seven miles from the proposed "River District" development.
  - CMPD does not believe that, initially, any additional infrastructure or resources will be needed. However, as the area develops, there will be a need for CMPD to hire approximately 30 new officers and support staff to handle the additional calls for service related to this development. In addition, it is likely that an additional patrol division and division office will be needed in the future to handle the call volume in this area.
  - The development team has already discussed this possible future need with CMPD and has agreed to reevaluate their development on a regular basis to determine if they may need to reserve some land in the southern portion of the River District for a future patrol division office.
  - Implementation of any new CMPD facilities will occur through future capital investment.
- **Charlotte-Mecklenburg Schools:**
  - In anticipating school needs, the petitioner has identified two areas within the "Residential District" portion of the development in which two approximately 15- to 25-acre parcels will be reserved for school sites.
  - The petitioner has committed to work with Charlotte Mecklenburg Schools (CMS) to further refine the locations of the above referenced school sites and shall reserve the school sites for a period of 10 years from approval of the subject rezoning to allow CMS to obtain or set aside applicable funding for acquisition of the school site(s).
  - CMS estimates that the proposed development will generate approximately 3,047 students, six fewer students than what would be generated by single family development under the existing zoning which would generate 3,053 students.
  - While the impact on schools resulting from the proposed development is not any greater than the impact that would result from development under current zoning, the increase in students will nonetheless be significant and the reservation of school sites by the petitioner and construction of new schools on these sites by CMS will help to address the school needs resulting from the proposed development.
- **Charlotte-Mecklenburg Storm Water Services:**
  - The proposed "River District" rezoning is primarily located within the Beaverdam Creek Watershed Basin, with a smaller portion extending into the Paw Creek Watershed Basin. Both basins are part of the Watershed Overlay District for Lower Lake Wylie, which has standards for maximum built upon area. Currently, the subject property is free of major developments and street systems and as a result there is very minor impact to the existing drainage system,



- consisting of creeks and tributaries, as a result of development.
- Neither Paw Creek nor Beaver Dam Creek are listed as impaired for water quality or aquatic life by the NC Department of Environmental Quality. Of the 18 streams that are routinely monitored throughout Mecklenburg County for aquatic life assessments, Beaver Dam Creek is one of four streams where Stoneflies have been consistently found. Stoneflies are aquatic insects, or macro invertebrates, which are very sensitive to pollution and their presence is an indication that the water quality in Beaver Dam Creek is relatively good.
  - If not responsibly developed and maintained, development can create flooding conditions and also have a negative impact on streams and water quality. This could occur through the increase of built-upon-area and concentration of storm water runoff. Runoff from built-upon areas can pick up sediment and other pollutants and discharge them into the drainage system.
  - These potential impacts will be mitigated by the requirements of the Post Construction Stormwater Ordinance and Watershed Overlay Districts which apply to the property. Specific requirements include installation of devices that hold and slowly release runoff over time to reduce flooding potential, installation of devices that filter pollutants from runoff before discharging to streams, and preserving vegetated stream buffer zones and upland trees and forested areas to provide natural runoff infiltration while filtering pollutants. In addition to meeting these requirements, there are site plan notes that commit to increased stream buffer zones, which will provide additional protection to streams and tributaries. The petitioner has agreed to increase the buffer widths generally up to an additional 100 feet on each side of the required 100-foot buffer along main tributaries.
- **Charlotte Water:**
    - The project site is located within an area containing no existing water and sanitary sewer infrastructure.
    - Infrastructure required, based on preliminary evaluation of the proposed development, would include 23 miles of water main, 19 miles of sewer main, 2.4 million gallons per day of water treatment capacity, 1.9 million gallons per day of wastewater treatment capacity, and three wastewater pump stations.
    - This development is expected to be consistent with Charlotte Water policies whereby the developing party is responsible for the local water and sewer infrastructure. The infrastructure will be designed and built to Charlotte Water standards at the developer's expense and donated to Charlotte Water for continued operation.
    - Charlotte Water will provide the larger scale infrastructure as identified in the fiscal year 2017-2021 Community Investment Plan, including:
      - Water mains along the proposed Garrison Road extension and Dixie River Road widening;
      - The Beaver Dam Creek West Branch Outfall trunk sewer extending from Beaver Dam Creek pump station to the proposed "Employment District"; and
      - The Little Paw Creek pump station including the trunk sewers and force main.
    - Future revenues collected from the additional service area will cover the cost of operation, maintenance, facility upgrades, and previous capital projects funded through past bond sales.
  - **Engineering and Property Management (Urban Forestry and Arborist):**
    - The subject property is a heavily wooded, mostly pine dominated, mixed forest area along the Catawba River. The site includes wooded streams, forest stands and environmentally sensitive lands. Current plans designate one large (approximately 102 acres) tree save area for the benefit of the MUDD-O district shown in the northern part of the project. The petitioner's Environmental Commitment Standards (ECS) on Sheet RZ-4C state that River District will "exceed required tree save measures". The ECS further states a commitment to "increase the horizontally measured width of stream buffers." Urban Forestry has recently been verbally assured that all stream buffers would be "doubled", typically from 100 feet to 200 feet, to provide wide undevelopable forested lands along all streams.
    - "River District's" stated intentions are to "respect the natural resources of the site", and to "exceed required tree save measures." To ensure that the stated intentions become a reality, these specific promises must be written plainly into the rezoning document. City Council's tree canopy coverage goal, "50% by 2050", will be measurably impacted by projects of this scope. Although 102 acres of tree save seems like a large number, it represents only 7.4% of the site gross acreage. Additional measures, some of which the petitioner has already committed to implement, will help to meet the City's tree canopy goal.
    - See Outstanding Issues, Notes 25 through 34.
  - **Mecklenburg County Land Use and Environmental Services Agency (LUESA):**
    - The subject property is located within the Lower Lake Wylie critical and protected watershed areas. These areas are deemed critical, from a water quality perspective, due to their close proximity to Lake Wylie which serves as a drinking water supply to nearby municipalities and a

significant recreational use for surrounding residents. These areas are protected through special zoning regulations that limit the maximum built upon area of a site.

- The subject property is currently wooded and undeveloped, and drains to several perennial and intermittent streams. These streams drain to four coves on Lake Wylie, one of which is Brown's Cove which has a significant history of sedimentation issues and was recently dredged.
- If development is not carefully managed, it will be a threat to downstream surface waters due to potential sedimentation impacts associated with mass land clearing and grading. There could also be additional surface water impacts associated with non-point source pollutants from storm water runoff, as development will add impervious surfaces which reduce infiltration and increase runoff of pollutants. Increased runoff also causes stream bank erosion and aquatic habitat degradation.
- It is the belief of LUESA that the threat and potential impacts to surface waters mentioned above will be minimized by the petitioner's commitment to implement the following measures:
  - Compliance with the City of Charlotte's Enhanced Erosion Control Measures which are measures above and beyond the normal requirements to prevent sedimentation in surface waters, such as oversized basins and phased grading limitations;
  - The petitioner has committed to the dedication of a staff person to the protection of surface waters;
  - Increased stream buffer widths in some areas to provide additional filtration for runoff;
  - Full compliance with post-construction control runoff requirements for storm water treatment;
  - Funding for automated stream monitoring stations to proactively detect potential erosion control failures and increase response time;
  - Provision of background and post construction bathymetric [measurement of the depth of bodies of water] surveys of all four lake coves in order to document and address potential sedimentation impacts;
  - Funding for routine chemical analyses on water in two coves before and during construction to monitor for potential impacts; and
  - Funding for baseline biological assessments of all streams prior to development to establish baseline stream conditions.
- **Mecklenburg County Parks and Recreation Department:**
  - The subject property is located in a largely undeveloped portion of Southwest Mecklenburg County, between the Catawba River and Interstate 485. Existing County park facilities in this area include the Berewick Regional Park to the south and the Berryhill Nature Preserve to the north.
  - Mecklenburg County Park and Recreation's (MCPR) vision for this growing area of Mecklenburg County includes active recreational neighborhood/community parks, the potential for a Regional Recreational Center, a network of greenway corridors and overland trails to connect existing and future park facilities, and public access to the Catawba River.
  - MCPR has met with the petitioner to anticipate the long-term park and recreational needs of this portion of Mecklenburg County as it develops over time and how these needs can be incorporated into the development of the River District project.
  - The petitioner currently proposes the reservation of 20 acres for neighborhood parks, the dedication of a Beaver Dam Creek Greenway corridor, and the incorporation of overland trails in the design of Dixie River Road (part of the 2015 Mecklenburg County Greenway Master Plan Update) and the West Boulevard extension.
  - See Outstanding Issues, Notes 11 through 15.

## **OUTSTANDING ISSUES**

Transportation (Note: Due to the large size of this rezoning petition and complexity of the activities described in the "Transportation Considerations" above, additional outstanding issues may be identified as the technical review continues.)

1. CDOT does not support deferring the determination of the major roadway components for each phase beyond the City Council zoning approval.
2. CDOT cannot support the inclusion of the Phase 2 subphasing without a traffic study to validate this specific proposal. If the petitioner seeks to include this subphasing, CDOT will need more time in the review process to include the correct staff and to collaborate with NCDOT. Alternatively, the petitioner can simply remove the specific subphasing proposal and defer this level of analysis until after the zoning approval.
3. West Boulevard is expected to be relocated on the east side of I-485 in order to support future airport expansion. CDOT requests a note be added to the plan that identifies that a) construction coordination will be necessary with the planned relocation, and b) the proposed mitigations at Steele Creek Road, West Boulevard and Byrum Drive will be transferred to the proposed new intersection at the western terminus of the West Boulevard realignment project to be funded by

- the petitioner in the event that the relocation occurs prior to the development mitigations and in the event that the relocation restores the existing level of capacity that the "River District" proposal otherwise proposes to improve.
4. The wording for "substantial completion" is still unclear. We recommend the language be based on CDOT deeming a project substantially complete.
  5. We recommend a note that explicitly requires that as development occurs, the fronting non-local streets must be built, or if mutually agreeable, funding provided to the City for non-local street construction.
  6. All right-of-way for the arterial streets should be dedicated by the petitioner at the request of the City or concurrently with improvements made by the petitioner, whichever occurs first.
  7. Sadler Road will need to be improved to provide two 11-foot travel lanes including a full overlay of the pavement or as otherwise may be directed by NCDOT. This improvement would not be required until development occurs along Sadler Road. We recommend a trigger in the notes that is based on specific development in this area.
  8. Add a note committing to reservation of land for a future Community Transit Center. The site should be strategically located to serve the future rapid transit and potential bus routes that would converge on the Town Center facility. State that the site will be located to maximize pedestrian access so that CATS does not need to provide circulation within the development. The petitioner should also commit to dedicate the property or reserve the property for a period of up to 10 years from the approval of this rezoning to allow CATS time to obtain or set aside applicable funding for acquisition and development of the site.
  9. Revise Note "XI.CATS Bus Stops" in "General Development Standards" to commit to provide locations in dedicated right-of-way for the provision of on-street bus stops at locations agreed upon with CATS. Also, commit to constructing the concrete pads and provide logical pedestrian access from the bus stops to various activity centers within the development. CATS will work with the Petitioner through the Land Development Review process to determine the best potential bus stop locations.
  10. For the "Employment District", Note V.c, delete the reference to the Subdivision Ordinance for block spacing and replace with reference to "Block Length and Greenway Trail Connections" on page RZ-5B.

#### Infrastructure

11. Reserve a total of 40 acres for future neighborhood/community parks.
12. Revise the trigger of the seven-year park reservation commitment to the identification of park sites rather than the approval of the rezoning plan.
13. Provide further definition of the Beaver Dam Creek Greenway land dedication to include size and width of the planned corridor (e.g. the 100-foot SWIM buffer).
14. Provide a commitment to provide public access to the Catawba River in order to provide recreational access to the County's planned Blueway.
15. Provide a commitment to dedicate a greenway corridor and/or an overland trail connection from the Beaver Dam Creek Greenway to the public access location on the Catawba River.

#### Site and Building Design

16. Revise Note I.a.4 in the "General Development Standards" concerning the optional provision for staff's discretionary authority related to the application to design guidelines/standards to include criteria that staff will use to assess deviations from the design guidelines/standards.
17. Revise text under "VI. Design Standards/Guidelines" in the "General Development Standards" to state that the provisions will apply to all development, including the property zoned MX, unless otherwise noted.
18. For Note VI.f.7 in "General Development Standards", revise note to differentiate between common entrances and entrances serving a small number of units or individual units. Common entrances (defined as serving the entire building or majority of the building) should be at or slightly above grade and entrances serving a small number of units or individual units should be typically two-feet above grade.
19. Revise Note VI.g.2 in the "General Development Standards" to provide a standard for height of screening at time of planting.
20. Provide additional definition/commitments, especially for increased setbacks and lawn area, for "Campus Style Format" development.
21. For section VI.b.1 in the "Employment District" and for comparable notes in other districts, revise the note to indicate that development shall connect to the trail and indicate the options for how that can be accomplished. Also, make the text related to service and loading a requirement.
22. For "Town Center, Optional Provisions" Note III.d, provide a maximum length of time for short-term signs and banners to be allowed. Also, much this change in the "General Development Standards" for temporary banners.
23. For the "Residential District", delete Note VII.b regarding setbacks as the stated 20-foot setback

is the setback required by the ordinance.

24. In the sections of the notes addressing setbacks for each district, revise the notes to clarify when the setbacks are minimums and when they are maximums (build-to lines).

#### Environment

25. Add the following note: "Petitioner agrees that the tree save area requirement for the entire site will be a minimum 15% gross acreage. The minimum 15% of 1,377.68 acres is 206.65 acres of tree save area required. This specifically requires all areas of the site to provide a minimum 15% tree save, including MX areas and single family development."
26. Add the following note: "The minimum approximately 102-acre tree save area for the benefit of the MUDD-O District shall be dedicated prior to City of Charlotte Land Development plan approval for the first parcel developed in the MUDD-O District."
27. Add a note stating: "Permanent tree protection fencing and signage denoting the area as "tree root protection zone" is required along the boundary between the minimum approximately 102-acre tree save area for the benefit of the MUDD-O District and the developable portion of the site. This fence will be required to be installed prior to City of Charlotte Land Development issuance of a grading permit for the first parcel developed in the MUDD-O District. This fence must remain intact and entire until final certificate of occupancy for the last parcel developed along this boundary."
28. Add the following note: "All parcels on this site not part of the original MUDD-O District, and therefore not having tree save requirements met by the minimum approximately 102-acre tree save area, will be required to show a minimum 15% tree save based on gross area."
29. Add a note stating: "The minimum approximately 102-acre tree save area is for the benefit of the MUDD-O District only. In the event that development levels in the MUDD-O Districts do not exhaust the entire dedicated tree save area, the remaining tree save areas may NOT be used for the benefit of the MX-2 District."
30. Add the following note: "No off-site mitigation of any required tree save area on this site will be allowed at any time now or in the future."
31. Add the following note: "Any proposed tree save area will be subject to prior approval by Urban Forestry staff, and may require additional surveys, tree planting or other reasonable measures to ensure the area meets the intent of the Tree Ordinance."
32. Add the following note: "All stream buffers on this site will be voluntarily increased in horizontally measured width to double the effective minimum required buffer. For example, a required minimum stream buffer of 100 feet would be increased to 200 feet."
33. Add a note stating: "Urban Forestry staff is to be contacted prior to creation of any trails or parts of trails within tree save areas. Proposed trails or parts of trails within tree save areas are to be reviewed and approved by Urban Forestry staff prior to any creation of trails."
34. Add the following note: "The Petitioner agrees that all zoning districts and areas within the "River District" master development site shall comply with all sections of the Charlotte Tree Ordinance. All requirements of the tree ordinance will govern and take precedence over any provision listed within this conditional rezoning plan unless the provisions listed within the rezoning plan establishes more stringent standards and/or requirements as determined by the City of Charlotte's Urban Forestry Supervisor and City Arborist."
35. Revise standard in the "Environmental Commitment" for "Open Space" related to the identification of "additional preserved open space" to commit to defining how that open space will be provided for each district prior to development in those districts.
36. Revise Note IV.a.1 "Environmental Commitment" to state that wildlife preserve will be located prior to the certificate of occupancy for the 1000<sup>th</sup> unit.

#### **REQUESTED TECHNICAL REVISIONS**

37. Correct typographical errors, incorrect references in document, and incorrect page numbers.
38. Reference all applicable charts in corresponding text.
39. For "regulating" charts/graphics for which there are no notes in the general development or district standards, add corresponding notes and reference the graphics/charts.
40. For all optional provisions, reference the section of the Zoning Ordinance to which the provision refers. For those standards that do not refer to specific ordinance sections, relocate from the sections addressing optional provision.
41. Add a definition of "Campus Style Format" to the definitions in the "General Development Standards."
42. For note VI.f.7.x, delete portion of note stating applicable to multi-family and commercial development.
43. Move drive-through related standards in the "Auto-oriented Uses" section of the "General Development Standards" to the section related to "Accessory drive-thru windows" and eliminate any duplicative language.
44. Correct reference in Note VI.g.3.

45. Define "secondary streets" in Note VI.h.
  46. Clarify Note VI.i.2 with respect to deviations and non-local streets.
  47. For the "Employment District" Note VI, optional provisions are referenced but not are called out. Please revise accordingly for this district and the other districts to be zoned MUDD-O.
  48. Revise the graphic for the "Town Center Core" to show a four-block main street (instead of three blocks) to be consistent with text.
  49. Label "Main Street" on "Town Center Core" diagram.
  50. For additional clarity, add a note concerning greenway connections to the "Gateway", "Transitional", and "Employment Districts", consistent with the text under the "Block Length and Greenway Trail Connections" chart.
  51. For the "Town Center Optional Provisions", delete note III.a as there are no MX standards in the "Residential District."
  52. Remove notes from "district sheets" as they overlap/conflict with notes in the general development and district standards.
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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 Neighborhood & Business Services Review
  - Charlotte-Douglas International Airport Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Police Department Review
  - Charlotte-Mecklenburg Schools 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

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