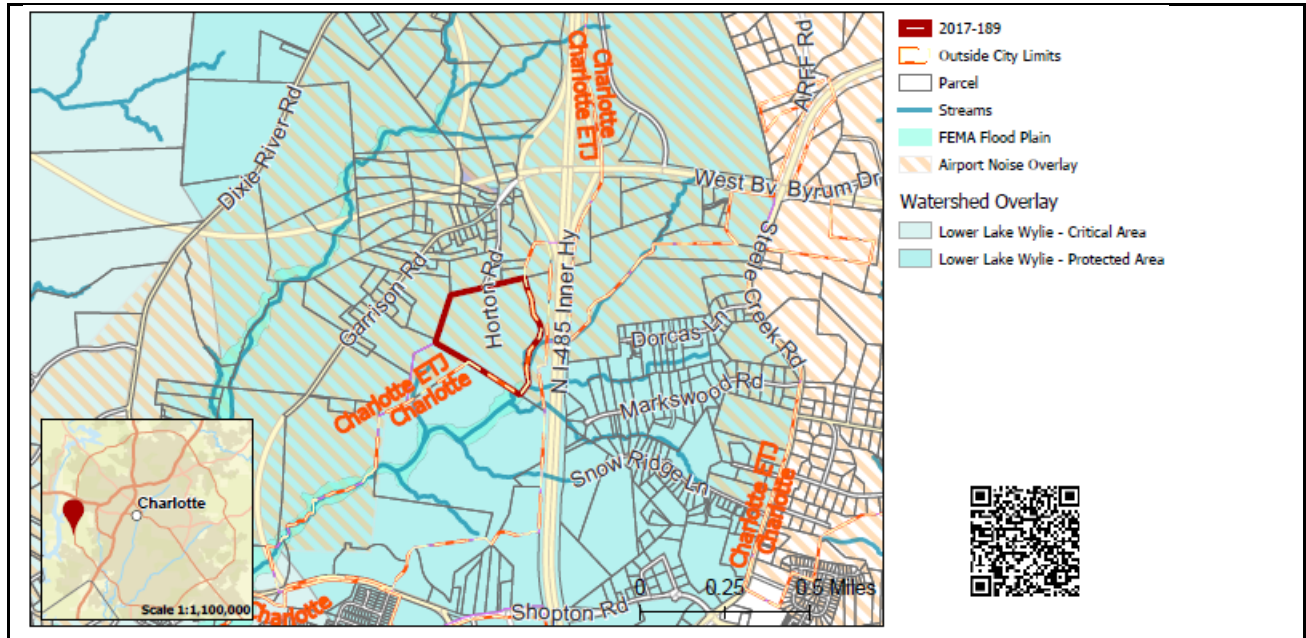


**REQUEST**

Current Zoning: R-3 AIR LLWPA (single family residential, Airport Noise Disclosure Overlay, Lower Lake Wylie Protected Area)  
 Proposed Zoning: I-1(CD) AIR LLWPA (light industrial, Conditional, Airport Noise Disclosure Overlay, Lower Lake Wylie Protected Area)

**LOCATION**

Approximately 42.6 acres located at the end of Horton Road, east of Garrison Road, west of I-485.  
 (Outside City Limits)



**SUMMARY OF PETITION**

The petition proposes to allow redevelopment of the large parcel with a single family residence on the west side of I-485 near the airport for up to 450,000 square feet of uses allowed in the I-1 (light industrial) district.

**PROPERTY OWNER**

William H. Kelly III

**PETITIONER**

SL Horton Road, LLC

**AGENT/REPRESENTATIVE**

Bridget Grant and 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: 5.

**STAFF  
 RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Dixie Berryhill Strategic Plan*, which recommends office/retail/light industrial development.

Rationale for Recommendation

- The proposed development is consistent with the adopted land use for this site and the surrounding area.
- The site is adjacent to the River District development, a large mixed use development that includes office, retail and residential, which was approved in 2016.
- West Boulevard, located just north of this site, is planned to be extended to Dixie River Road, as part of the River District development.
- The petition reserves right-of-way for the future Western Parkway referred to as "Catawba Crossing" in petition 2016-056 for the River District.

- The property is located south of Charlotte-Douglas International Airport and within the “Combined 1996 Noise Exposure/Noise Compatibility Program Noise Contours” and is not conducive to residential development.

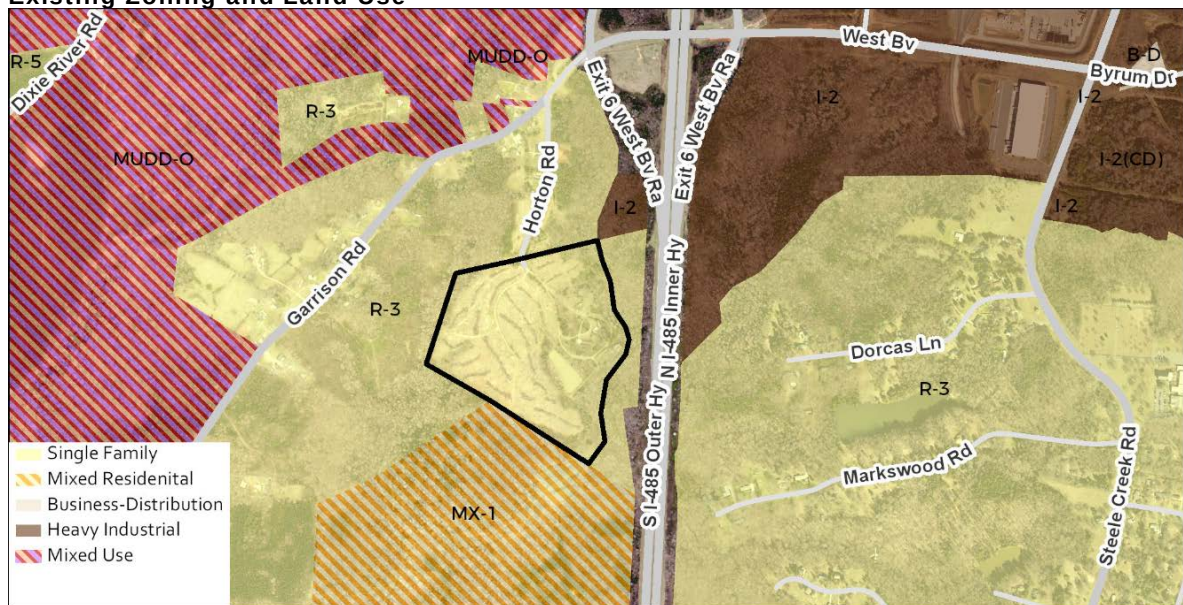
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 450,000 square feet of gross floor area in up to three buildings within a development envelope depicted on the rezoning plan. Notes that in the event that more than one building is constructed on the site the development shall comply with the Subdivision Ordinance.
- Permits the following uses: warehousing, warehouse distribution, office, manufacturing, and industrial uses.
- Prohibits the following uses: outdoor storage, EDEEs (eating/drinking/entertainment establishments), auction sales, automobiles truck and utility trailer rental, automotive repair garages, automotive sales and repair, automotive service stations, manufactured housing sales or repair, petroleum storage facilities, and recycling or drop of centers.
- Provides a 20-foot setback from existing and future public streets.
- Includes a 75-foot reduced Class A buffer with a berm along the site's eastern property line and a 100-foot undisturbed buffer along the southern property line.
- Commits to a 50-foot buffer along the reserved “Catawba Crossing” right-of-way alignment.
- Specifies allowed building materials and prohibits the use of vinyl except on windows and soffits.
- Stipulates that HVAC and other mechanical equipment will be screened from public view and from view of adjacent properties, and proposed public streets at grade.
- Reserves a 75-foot wide right-of-way for the proposed “Catawba Crossing.” Recognizes that “Catawba Crossing” is in a conceptual stage and the right-of-way and accompanying improvements may be modified to result in a reduced or eliminated right-of-way width. The petitioner shall provide dedication of the “Catawba Crossing” after receipt of written notice of the final design/alignment of the road and resulting right-of-way.
- Provides vehicular access from Horton Road. Commits to improve Horton Road to a local industrial standard from face-of-curb to face-of-curb, turn lanes, sidewalks and planting strips shall be provided contingent upon right-of-way availability as determined during land development permitting process and completed prior to the first certificate of occupancy for the first upfit within a building shell on the site.

### • Existing Zoning and Land Use



- The site is developed with a single family home and farm with related accessory structures and is zoned R-3 (single family).
- It is located in the Airport Noise Overlay that identifies the day/night average sound level at 65 decibels, which is not conducive to residential development.
- The property is also located in the Lower Lake Wylie Protected Area, which provides protection the public water supply.



The site is located at the end of Horton Road.

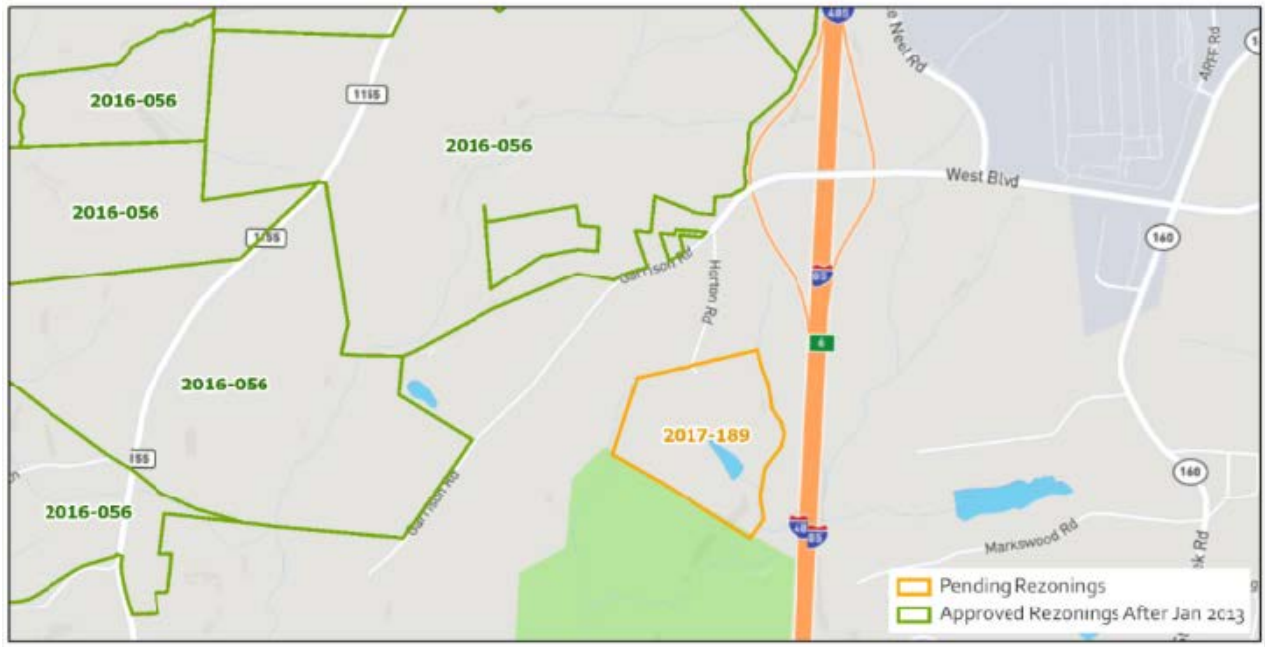


Single family homes along Horton Road.



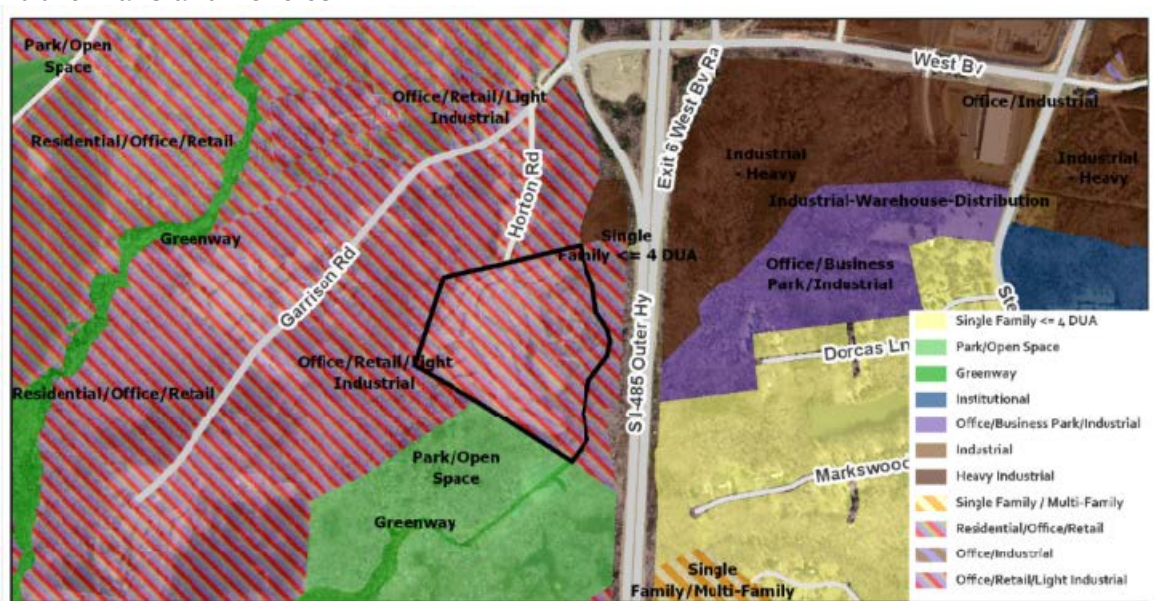
Interstate 485 borders the property to the east.

- Rezoning History in Area**



| Petition Number | Summary of Petition                                                                                                                                                                        | Status   |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2016-056        | Rezoned 1,378 acres, known as the River District, to MUDD-O (mixed use development, optional) and MX-2 (INNOV) (mixed use, innovative) to allow development of a master planned community. | Approved |

- Public Plans and Policies**



- The *Dixie Berryhill Strategic Plan* (adopted 2003), recommends employment mixed use (office/retail/light industrial uses) for this site and surrounding area.
- The plan recommends employment mixed use for the area closest to Interstate 485 and within the Airport Noise Disclosure Overlay District.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located at the end of a local street. The existing access road has approximately 18 feet of pavement. The current site plan commits to preserving space for a future thoroughfare and improving Horton Road to current City standards to accommodate the proposed industrial use from Garrison Road to the site's northern boundary.
- See Outstanding Issues, Note 1.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 0 trips per day (based on vacant land).  
Entitlement: 1,310 trips per day (based on 127 single family dwellings).  
Proposed Zoning: 1,600 trips per day (based on 450,000 square feet of warehouse).

**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:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding access to water system connections.

The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Due to the limited project details that were provided, Charlotte Water cannot provide concurrence for this rezoning boundary at this time. It is recommended that the applicant contact the Charlotte Water New Services group at (704) 432-5801 for further information and to discuss options regarding sanitary sewer system capacity.

Development is encouraged to contact Installation Development Services (704) 336-5499 to review service connection design requirements and City Ordinances (e.g., backflow, separate meter Ordinance, public/private pipeline extensions). Comments: Development will need to submit a CAP application and contact New Services for water/sewer services.

Reservation of sanitary sewer system capacity through the Charlotte Water's Capacity Assurance Program is the responsibility of the customer/development. Contact the New Services Group at (704) 432-5801 for further information on reserving capacity up to 12 months.

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** See Outstanding Issues, Note 3.
  - **Land Development:** See Outstanding Issues, Note 2.
  - **Storm Water Services:** See Outstanding Issues, Note 2.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

Transportation

1. ~~Revise the site plan and conditional notes to show the construction of Horton Road extension to the southern property line.~~ **Rescinded. The petitioner has noted that the extension will be provided if multiple buildings are developed on the site.**

Environment

2. ~~Revise stream buffer delineations to show transition from 30-foot to 35-foot wide PCSO buffer. The plan sheet indicates only a 30-foot Post Construction Buffer running along the eastern side of the property. Include and label the 35-foot Post Construction Buffer section between the 30-foot and 50-foot buffer sections on the plan sheet.~~ **Addressed.**
3. ~~Work with Erosion Control staff to address the list of requests related to stormwater basin sizing, implementing polyacrylamides on site for the purpose of decreasing turbidity of sediment basin effluent, stream buffer widths, cut/fill analysis, field level survey of top of bank and buffer boundaries, and adherence Critical Watershed Checklist.~~ **Addressed.**

**REQUESTED TECHNICAL REVISIONS**Site and Building Design

4. ~~Amend the site plan to depict a 50-foot buffer from the reserved right-of-way for the future "Catawba Crossing" along the northern edge of the site east of Horton Road. Label the preserved right-of-way on the east side of Horton Road.~~ Addressed.

Transportation

5. ~~Define "reasonable period of time" in the italicized paragraph under note 3b. related to the dedication of right-of-way for "Catawba Crossing."~~ Addressed. The petitioner deleted the words "reasonable period of time."
  6. ~~Delete the following language from the last sentence of note 3c. related to certificate of occupancies and roadway improvements, "and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements."~~ Rescinded because the note provides flexibility for the petitioner and city staff to work together to establish a process for allowing the issuance of certificates of occupancy.
- 

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing Staff Analysis
- Post hearing staff analysis
- 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
  - Transportation Review

**Planner:** John Kinley (704) 336-8311