

SITE DATA

Tax Parcel Number: 127-046-01
Total Area: 0.65 AC.
Existing Zoning: B-1
Proposed Zoning: NS
Existing Restaurant Building Area: Approximately 2,983 SQ. FT.
Area of Proposed Enclosed Patio: 600 SQ. FT.
Area of Proposed Water Closet: Approximately 40 SQ. FT.
Area of Proposed Open Air Outdoor Dining Patio: A minimum of 600 SQ. FT.
Proposed Maximum Floor Area Ratio (F.A.R.): 2.0

DEVELOPMENT STANDARDS

Unless more stringent standards are established by this Technical Data Sheet or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the NS zoning district classification shall be followed in connection with development taking place on the Site.

PERMITTED USES/MAXIMUM BUILDING AREA

1. The Site may be devoted to any use permitted by right or under prescribed conditions in the NS zoning district and any incidental or accessory use in connection therewith. Notwithstanding the foregoing, gasoline/convenience stores and restaurants with drive thru windows shall not be permitted on the Site.
2. Subject to the parking requirements set out below, the gross maximum building area of any building(s) located on the Site shall be the gross maximum building area permitted under the Ordinance in the NS zoning district, provided, however, that any building(s) located on the Site must be located within the building envelope depicted on the Technical Data Sheet.
3. Notwithstanding the foregoing, the maximum heated building area for a restaurant use shall be 3,800 square feet.

SETBACKS, SIDE YARDS AND REAR YARDS

Any building situated on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS zoning district.

SCREENING, LANDSCAPED AND BUFFER AREAS

1. Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.
2. Any dumpsters located on the Site that are visible from a public street or from an external adjoining property will be screened from view by a solid enclosure with gates.
3. In the event that the dumpster is relocated from its current location depicted on the Technical Data Sheet to another location on the Site, the dumpster must be located in that area of the Site designated as the "Future Dumpster Location" on the Technical Data Sheet.
4. The 20 foot wide buffer area located along the rear of the Site and depicted on the Technical Data Sheet shall be landscaped in accordance with the requirements of a Class B Buffer as set out in Section 12.302 of the Ordinance. The Petitioner shall install a minimum of 10 loblolly pine trees within the 20 foot wide buffer area, and these trees shall be counted towards the required number of trees as set out in Section 12.302 of the Ordinance. Each loblolly pine tree shall be a minimum size of 7 gallons at the time of installation.
5. The 6 foot opaque fence located within the 20 foot rear buffer area shall be maintained in its current location by the Petitioner.
6. Neither parking nor structures may be located within the 20 foot rear buffer area.
7. The Site shall comply with the City of Charlotte Tree Ordinance.

ARCHITECTURAL CONTROLS

1. The maximum height of any building located on the Site shall be 55 feet, provided, however, that the roof of any such building must pitch inwardly above 40 feet in height.
2. The Petitioner shall install the Proposed Open Air Outdoor Dining Patio containing a minimum of 600 square feet of space that is depicted on the Technical Data Sheet within six months of the date of the issuance of the Certificate of Occupancy for the Proposed Enclosed Patio.

PARKING

1. The number of off street parking spaces will satisfy the minimum standards established under the Ordinance for the NS zoning district.
2. Notwithstanding the foregoing, in the event that the Site is utilized by a restaurant use, the Petitioner or the owner or owners of the Site shall maintain on the Site a minimum parking ratio of 1 parking space per 125 square feet of gross heated building area. In calculating the number of required off street parking spaces for a restaurant use, outdoor patios and outdoor dining areas shall not be considered to be a part of or counted towards the gross heated building area.
3. Parking shall not be permitted within the setback.

SIDEWALKS

1. The existing sidewalk shall remain in its current location which is depicted on the Technical Data Sheet. The Petitioner will, however, increase the width of the existing sidewalk to 6 feet.
2. In the event that the Site is redeveloped in the future, the owner or owners of the Site shall install an 8 foot wide planting strip and a 6 foot wide sidewalk prior to the issuance of a Certificate of Occupancy for the new building(s).

LIGHTING

1. All freestanding lighting fixtures will be uniform in design.
2. The maximum height of any freestanding lighting fixture, including its base, installed on the Site after the approval of this Rezoning Petition shall be 25 feet.

SIGNS

1. Currently, there are seven existing window signs installed in the restaurant building. The Petitioner agrees that no additional window signs will be installed in the restaurant building (including any expansion area), provided, however, that the existing window signs may be repaired or replaced with similar window signs.
2. No additional exterior business identification signs may be installed on the building or the Site, provided, however, that the existing exterior business identification signs may be repaired or replaced. This prohibition shall not apply to directional or instructional signs.
3. The provisions of paragraphs 1 and 2 above shall not apply if the Site is redeveloped. In the event that the Site is redeveloped, then the owner or owners of the Site shall comply with the requirements of the City of Charlotte Sign Ordinance.

ACCESS POINTS (DRIVEWAYS)

The number of vehicular access points to the Site shall be limited to the number depicted on this Technical Data Sheet.

STORM WATER MANAGEMENT

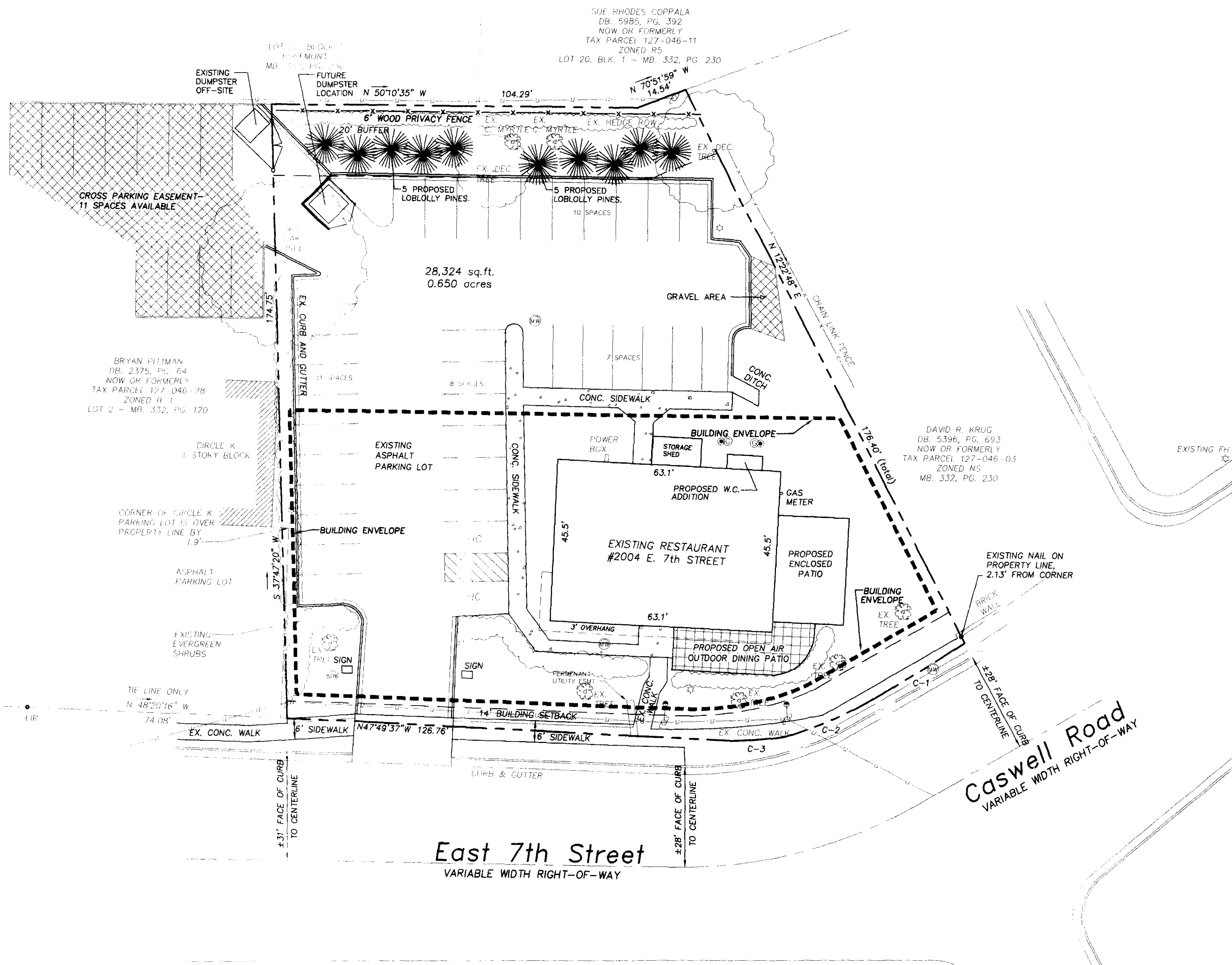
Storm water runoff from the Site will be managed through proven techniques which satisfy the standards, if any, imposed by the City of Charlotte Engineering Department.

AMENDMENTS TO REZONING PLAN

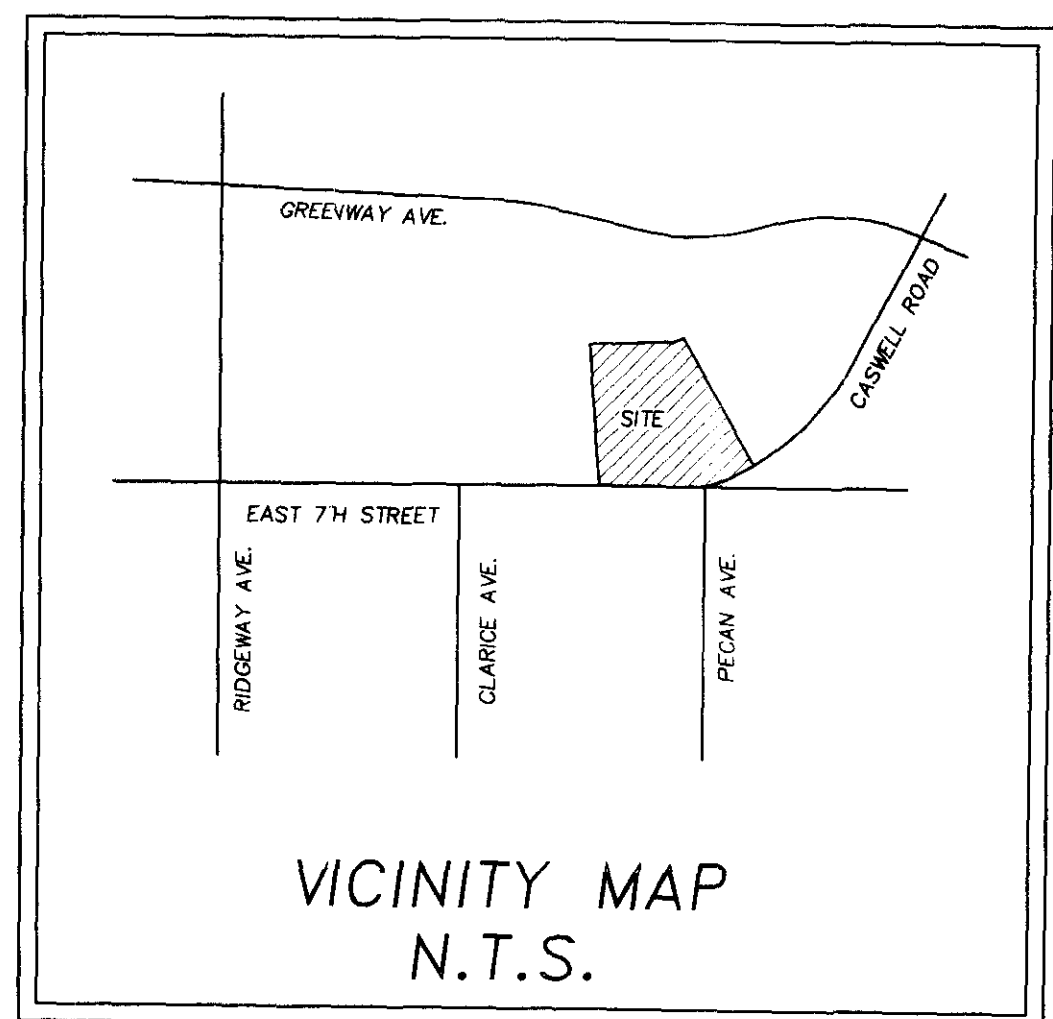
Future amendments to this Technical Data Sheet and these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. In the event that the Petitioner or the owner or owners of the Site apply for an administrative site plan amendment in accordance with the provisions of Section 6.207(2) of the Ordinance, the Petitioner or the owner or owners of the Site will notify the Elizabeth Community Association prior to filing such application.

BINDING EFFECT OF THE REZONING APPLICATION

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the owner or owners and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns. Throughout these Development Standards, the terms Petitioner and owner(s) shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.



TECHNICAL DATA PLAN



APPROVED BY CITY COUNCIL
 DATE 1/24/03

SHOWMARS ON 7th STREET
 CHARLOTTE, NORTH CAROLINA

SHOWMARS OF AMERICA, INC.
 2127 SOUTH TRYON STREET
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- Landscape Architecture
- Urban Design
- Civil Engineering
- Land Planning

DRG

REZONING PETITION

FOR PUBLIC HEARING
 PETITION # 2002-145

NORTH

Scale: 1" = 20'
 Date: 19 SEPT. 2002
 Project No.: 142-001

Revisions:

- 1) 11/5/02 REVISED NOTES AND PLAN PER C.M.P.C. REVIEW
- 2) 12/18/02 REVISED PER NEIGHBORHOOD COORDINATION
- 3) 01/06/03 REVISED PER NEIGHBORHOOD COORDINATION

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