

#### A. GENERAL PROVISIONS

1. These Development Standards are part of the Technical Data Sheet associated with the rezoning petition submitted by Gandy Communities to accommodate a mixed use development on an approximately +/-140.8 acre site located southeast of Eastfield Road on Hucks Road in northeast Mecklenburg County ("the Site"). The development of the Site will be governed by the Technical Data Sheet, these Development Standards, and the applicable provisions of the Zoning Ordinance of the City of Charlotte ("Ordinance").

2. Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the Ordinance for the Mixed Use District - Innovative Development (MX-3) zoning district shall be followed in connection with development taking place on the Site.

3. The development illustrated on both Schematic Site plans is conceptual in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configuration, size, and placement of the building footprints outlined and lot arrangement and size on both Schematic Site Plans are schematic in nature and subject to the provision set for below under Design and Performance Standards, may be altered or modified during the design development or construction phases within the maximum development area boundaries established on the both Schematic Site Plans. Street and parking layouts may also be modified to accommodate final building and lot locations.

#### 4. The petitioner agrees to provide the following road improvements Improvements by the Developer

In analyzing the intersections with in the study area, we recommend the following specific phased improvements. These roadway improvements are needed for access management and are directly attributable to the site traffic volumes for the specific movements. These improvements should be the responsibility of the developer. (Note: The storage lengths are based on the 2010 analysis)

Certificates of occupancy issued upon completion of the following roadway improvements with the exception of the Norfolk Southern Rail Crossing.

#### Old Statesville Road (NC 115 and Hucks Road)

Construct a southbound left-turn lane on Old Statesville Road (NC 115) with 300 feet of storage and a 15:1 bay taper with 45:1 through lane taper(s).

Construct a northbound right-turn lane Old Statesville Road (NC 115) with 325 feet of storage and a 20:1 bay taper Construct a westbound right-turn lane on Hucks Road with 275 feet of storage and a 20:1 bay taper

### **Hucks Road and Proposed Access "A"**

Construct Proposed Access "A" with two existing lanes. The thru lane shall terminate as a right turn lane and construct a left turn lane with 150 feet of internal storage

Construct an exclusive eastbound left turn lane on Hucks Road with 150 feet of storage and a 15:1 bay taper with 45:1 through lane taper(s).

### **Hucks Road and Proposed Access "B"**

Construct Proposed Access "B" with two existing lanes. The thru lane shall terminate as a right turn lane and construct a left turn lane with 150 feet of internal storage Construct an exclusive eastbound left turn lane on Hucks Road with 150 feet of storage and a 15:1 bay taper with 45:1 through lane taper(s).

## Old Statesville Road (NC 115) and Hucks Road

Install an isolated traffic signal control with SB left-turn permitted/protected phasing upon meeting the applicable NCDOT traffic signal control warrants. (Please note that CATS per letter dated 07/20/05, will be responsible for the upgrading and gating of the crossing at Hucks Road.)

#### Old Statesville Road (NC 115) and Eastfield Road

Construct a northbound right-turn lane on Old Statesville Road (NC115) with 300 feet of storage and a 20:1 bay taper.

### Certificates of occupancy will not require the following improvements.

Norfolk Southern Rail Crossing / North Commuter Rail Line

a. The petitioner seeks the right to construct one, potentially two crossings in the event that a future CATS Transit station is located at the Hucks/Eastfield Station as generally depicted on the schematic site plan. It is understood by CATS and Gandy Communities that in order to construct the future crossing(s), the petitioner, CATS and the adjacent property owner need to agree in writing to the number of crossings, the specific location, the cost of construction and cost participation by parties, prior to approval and construction of said crossing(s). Should all parties agree, as outlined herein, the petiioner will be responsible only for the construction of the crossing up to their existing property line, including the required signalization.

b. The petitioner is requesting that at least one crossing will be allowed in the general location depicted on the site plan; such crossing is critical in making this proposed development functional as a transit-oriented development.

#### 5.1 NCDOT is not bound by the conditions of this rezoning.

5.2 When this development is submitted to the City of Charlotte for subdivision review, it will be submitted concurrently to NCDOT for TND approval, if it is located in the ETJ and not inside the city limits of Charlotte.

6. As requested by CDOT, the petitioner has agreed to reserve the right-of-way for the Hucks Road realignment for a guaranteed 24 months from the rezoning approval, plus the subdivision ordinance requirements. The petitioner commits to dedicating and conveying in fee simple the ROW for the Hucks Road realignment if the proposed realignment has been approved by MUMPO and is incorporated in the adopted Thoroughfare Plan prior to the end of the 24 months, plus the provisions of the subdivision ordinance. If MUMPO has not adopted the proposed Hucks Road alignment in the Thoroughfare Plan prior to the end of that period, then the reserved right-of-way will be converted back to the petitioner.

7. The construction of a sidewalk on the northern side of Hucks Road between Spring Park subdivision entrance and the Eastfield Station entrance, the petitioner shall either: 1. Construct the sidewalk provided there is existing ROW to allow such contruction per CDOT/NCDOT standards, or the necessary ROW can be reasonably obtained at a total cost not to exceed \$18,000, or 2.Contribute \$21,000 to the CDOT Sidewalk Program to construct the sidewalk on Hucks Road at the appropriate

1. The Site is currently zoned R-3, R-4, and I-1. The Petitioner seeks to develop the Site for any uses (including accessory uses) which are permitted by right or under prescribed conditions under the Ordinance for the Mixed Use District (MX-3) Innovative) zoning district. The development may occur in phases over an extended period of time.

C. PERMITTED USES

1. The Site may be devoted to one or more residential, commercial; restaurant, retail, office, and similar principal uses together with any accessory uses are permitted in the MX-3 (Innovative) zoning district.

### D. PERMISSABLE DEVELOPMENT

1. Residential uses developed on the Site may be single family detached, single family attached dwellings, or multi-family attached but not exceed a maximum of 975 dwelling units.

2. Retail, restaurant and/or office uses developed on the Site shall be limited to no more than 35,000 square feet of floor area. Non-residential uses shall be limited to the ground floor and second floor of the building it occupies. The square footage for outdoor dining, courtyards, and plaza are included in the required parking calculations but not included in the allowed square footage.

3. The petitioner seeks rezoning approval for Schematic Site Plan Alternative 'A'. In the event that Alternative 'A' is unfeasible, due to a spring fed pond, due to the presence of a wetland or perennial stream after the removal of the pond, and/or due to soil conditions that are unfeasible for development per Soil Survey of Mecklenburg County, and verified by the developers wetland survey Schematic Site Plan Alternative 'B' would be used.

4. The right is reserved to convert the 35,000 sf of retail/office floor area to residential units at the rate of one unit for each 975 square feet of retail, restaurant and/or office area so converted.

## 5. The right is reserved to convert up to 80 multi-family residential units in the village center up to 40 town homes.

6. In the event City Council adopts a North Corridor Transit Plan which includes the Eastfield/Hucks Rd Station, petitioner may develop the multifamily/town home portion of the site plan as approved no sooner than five (5) years from the date City Council approves this rezoning petition. If City Council adopts a North Corridor Transit Plan which does not include the Eastfield/Hucks Rd Station, petitioner shall convert the multi-family and town homes to single family residential ranging from 30' to 70' wide lots with either front or rear loaded homes; as a result of a new site design and lot configuration, no less than thirty-percent (30%) of the number of new lots created shall be 30' to 39' wide, no less than thirty-percent (30%) shall be 40' to '49' wide, and no less than thirty-percent shall be 50' to 70' wide. A common open space of similar size shall be provided as generally depicted on the site plan and the same or better general street network will be maintained.

E. SETBACKS, SIDE YARDS, AND REAR YARDS

1. All buildings constructed within the Site shall satisfy or exceed the setbacks, side yards and rear yard established under the Ordinance for the MX-3 zoning district.

## 2. The setback from the Norfolk Southern Railroad centerline line shall be 50 feet.

3. Hucks Road shall be realigned with a 130' ROW based on coordination with the MUMPO Thoroughfare Plan for the future Hucks Road and provide an additional 36' minimum buffer for the residential units backing onto Hucks Road as generally depicted on the Technical Data Sheet. The petitioner is responsible for the reservation of the ROW as generally depicted on the Technical Data sheet and not for the dedication, conveyance, design, construction or financial costs associated with the future realignment and widening of Hucks Road.

4. Side yards will be a minimum of 3'. (Innovative) Rear yards will be a minimum of 30' with a minimum of 45' along exterior property boundaries. (Innovative)

## 5. Minimum lot width for detached residential dwelling units is 30 feet. (Innovative)

6. Minimum lot area for detached dwelling units is 3,100 square feet. (Innovative)

7. The collector street ROW can abut the railroad ROW and where it does not abut the railroad ROW a no build zone will be provided between the two ROW's with a 20' minimum no build zone.

8. A minimum 20 feet minimum will be provided between the sidewalk and the garage for all front loaded single family residential units.

## F. ACCESSORY USES

1. Incidental or accessory uses are permitted by the Ordinance for the MX-3 zoning district may be developed on the Site.

## G. CONNECTIVITY AND ACCESS POINTS

1. Pedestrian and vehicular connections throughout the Site will be provided in the manner generally depicted on the Technical Data Sheet and in conformance with the provisions of the Ordinance.

2. The placement and configuration of each access point, as generally depicted on the Technical Data Sheet, to the Site are subject to any modifications required to accommodate final site and architectural construction plans and design and agreements with adjacent property owners.

3. The number of access points to Hucks Road shall be limited to two (2) full movement access as generally depicted on the Technical Data Sheet. The access road "B" closest to Hucks Road and the Norfolk Southern Railroad tracks shall be a full movement access until such time Hucks Road is realigned and widened, at which time it will become a right-in/right-out movement access to accommodate a proposed median for east/west vehicular traffic along Hucks Road.

4. The ROW for the future alignment and widening of Hucks Road has been coordinated with the MUMPO Thoroughfare Plan. The initial design is based on a 55 mph speed limit. The centerline radius is generally depicted on the Technical Data sheet. The design of Hucks Road has an at-grade crossing with the northern rail line and NC115. The ROW for Hucks Road is 130' with an additional 36' buffer as generally depicted on the Technical Data Sheet. The petitioner is only responsible for the reservation of the future Hucks Road realignment ROW and is not responsible for the design, construction or financial costs associated with the realignment and widening of Hucks Road.

5. The Site will be limited to two (2) Residential Collector Roads connecting Hucks Road to the adjacent property located to the north of the Site and a second east/west connector to a future development and the north east boundary of the property. The specific cross-sections depicted on Sheet Z7.0 can be altered during the permitting phase with approval of NCDOT or CDOT based on the appropriate jurisdiction.

6. The Residential Collector Road shall have a consistent streetscape character throughout the site, which includes, but not limited to street trees, lighting, sidewalks, and a planting strip.

7. Block lengths for streets shall not exceed more than 600 feet.

1. All buildings may not exceed 60ft in height (above grade).

## H. DESIGN AND PERFORMANCE STANDARDS

# 2. Specific architectural elevations will be provided during permitting and should meet the following minimal standards.

- a. Exterior walls shall not have a reflective value in excess of 36%.
- b. Doorway should provide a sense of entry and add variety to the streetscape.
- c. First floors of buildings should be designed to encourage and compliment pedestrian scale activity with attention to adjacent public or private open spaces and existing streetscape improvements. d. For office/retail uses on the first floor, windows and doors should be arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor street frontage.
- e. For residential uses on the first floor, building should provide a sense of entry and have articulated facades that are visible from any public right of way.
- g. Where expanses of blank wall are necessary, they may not exceed 20 feet in length.
- f. Canopies and other building entrances are permitted at the entrances of buildings. If the extension reaches into the public right of way an encroachment agreement is required.

- 3. An amenity area such as, but not limited to, public or private parks, pedestrian trails, community clubhouse/swimming pools and community recreational facilities may be provided on the Site and is not included in the non-residential square footage calculations.
- 4. All roof mounted mechanical equipment will be reasonably screened from view from adjoining public right-of-way and abutting properties as viewed from grade.
- 5. Outdoor dining and courtyard areas may be located within the established setback along public streets, but outside of the required setback.
- 6. The maximum height of all freestanding lighting fixtures erected on the Site (other than street lights on public right-of-way) including its base, shall not exceed 25 feet. All parking lot lighting shall be capped and fully shielded and designed such that direct illumination does not extend past the Site.
- 7. Wall mounted decorative light fixtures such as sconces are permitted.
- 8. Wall pack type lighting shall not be permitted on any structure.
- 9. All sidewalks will be a minimum of five feet in width.

#### I. PARKING

- 1. Off-street parking and loading areas will meet the minimum standards established under the Ordinance for the MX-3 zoning district.
- 2. Off-street parking requirements for attached and multi-family dwelling units shall be calculated at 1.3 spaces per unit. (Innovated)
- 3. Eliminate the Class 'B' through innovative design standards and agree that all parking areas shall be screened from public streets with a 4 foot minimum hedge per Section 12.303.
- 4. All dumpsters, loading areas and service areas will be screened in accordance with Section 12.303
- J. TREE ORDINANCE
- 1. The Site shall conform to the applicable provisions of the Ordinance.
- 2. The removal of hertitage trees as defined by the Tree Ordinance will be mitigated per Section 21-93 at 18 trees per acre.

#### K. OPEN SPACE

- 1. Open space areas depicted on the Technical Data Sheet and Schematic Site Plan represent the approximate location and extent of the areas that will be maintained as open space.
- 2. Community open spaces will be owned and maintained by a Home Owners Association established by the developer.
- 3. Open spaces may be maintained at a minimum as lawns with improvements such as landscaping, playground equipment, or may remain as a natural open space retaining existing trees and vegetation.
- 4. Existing wooded areas in the open spaces will be preserved where practical, except where clearing may be done as required to accommodate installation of utilities, storm detention basins and erosion control measures, grading from streets, installation of pedestrian walkways and amenities.

### L. BUFFERS

- 1. Buffers and project edges will be created in accordance with the Ordinance. Required buffers and project edges on the Site maybe eliminated or reduced if the adjoining parcels are rezoned or developed such that buffers or project edges are no longer required.
- 2. Storm water detention may not be located within buffer areas.
- 3. All development will adhere to the provisions of the SWIM Buffer Ordinance.
- 4. A 40' buffer along the collector road has been located adjacent at the north western portion of the double loaded lots and will include a minimum 40' landscaped buffer with a minimum 6' berm at the rear of the
- 5. A 130' ROW has been allocated for the realignment of Hucks Road and a 36' landscape buffer with a 6' minimum berm has been provided along Hucks Road.

## M. WETLAND PROTECTION

- 1. The Petitioner shall retain the services of a qualified environmental consultant to delineate all jurisdictional waters on the Site.
- 2. All development shall fully adhere to all rules and regulations for wetlands protection set forth by USCOE and NCDENR.

## N. STORM WATER MANAGEMENT

- 1. Storm water runoff will be managed through proven techniques which will satisfy the standards imposed by the City of Charlotte and the Charlotte-Mecklenburg Storm Water Design Manual. Surface level storm water detention, if required to be provided, shall not be located in the setback.
- 2. The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.
- 3. The petitioner shall control and treat the difference in storm water runoff volume leaving the project site between the pre and post development runoff conditions for the 1-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours. Peak storm water release rates should match predevelopment rates for the 2-year and 10-year 6-hour storm events
- 4. The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) shall be incorporated into the site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development according to specifications in the NC Department of Environment and Natural Resources Best Management Practices Manual, April 1999.

## O. SOLID WASTE

- 1. Multi-family complexes must meet all requirements as stated in Chapters 9 and 12 of the Charlotte City Code regarding solid waste dumpster, compactor and recycling areas.
- 2. All utility easments will be established and delineated at the time of the final plat. The open space and tree save areas will be delineated at the time of the final subdivision plat and will be the minimum requirements stated in the Zoning Ordinance.

## P. FIRE PROTECTION

1. Adequate fire protection in the form of fire hydrants and other fire protection devices and measures as required by code will be provided to the Charlotte Fire Marshall's specifications.

## Q. AMENDMENTS TO REZONING

1. Future amendments to the Technical Data Sheet, these Development Standards, and the Schematic Site Plans may be applied for by the Petitioner in accordance with the provisions set for by the Ordinance.

## R. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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

## S. SEDIMENTATION AND EROSION CONTROL

- 1. Temporary or staged seeding shall be performed on graded areas immediately following the completion of land disturbing activities to minimize the potential for off-site sedimentation.
- 2. Two rows of wire-reinforced silt fences shall be used in critical areas of the site such as at all intermittent and perennial streams, wetlands, at the base of slopes, and other locations where the potential for off-site sedimentation is greatest.
- 3. Two-stage sediment basins with outlet weirs sized for a 50-year, 24-hour storm event shall be employed to lessen the risk of basin failure.

1. To assist with the funding of capital project(s) at North Mecklenburg High School, Applicant will voluntarily contribute Seventy Thousand Two Hundred Dollars (\$70,200) to Charlotte-Mecklenburg Schools. Applicant shall make this payment no later than such time as the time the building permit for the 384th unit is obtained from the City of Charlotte, or within seven (7) years of the date of zoning approval, whichever occurs first. Such money shall be used for and devoted solely to the funding of capital project(s) at North Mecklenburg High School (e.g. design, construction or land acquisition costs). In the event that CMS has not commenced a capital project at North Mecklenburg High School within seven years of the date of the Applicant's payment to CMS, all funds paid by the Applicant to CMS shall be refunded to the Applicant. All funds paid to CMS shall be separately accounted for by CMS.

# U. Other Provisions

- 1.) The lot width of the proposed single family lots immediately adjacent to the properties northeast of Eastfield Station (further identified as Mecklenburg County PID 02717135, 02717134, 02717133) will be a minimum of
- 2) A minimum of thirty-three percent (33%) of the single family detached homes shall have full or partial brick or stone fronts. Faux brick/stone shall not be used.
- 3) A minimum of thirty-three percent (33%) of the townhomes and condominium buildings shall have full or partial brick/stone fronts or brick/stone accents. Faux brick/stone shall not be used. 4) All single family detached homes shall have a minimum of a double car garage constructed.
- 5) A minimum of fifty-percent (50%) of all single family detached homes shall have Bay Windows or Dormers.
- 6) A minimum of fifty percent (50%) of all single family detached homes will have front porches. Front porches will be a minimum of six feet (6') deep and 8 feet (8') wide.
- 7) Single family detached homes on 30' wide lots shall have patios or decks a minimum size of 10' x 10'. Single family detached homes on lots 40' or greater shall have patios or decks at a minimum of 12' x 12' in size. 8) The construction of a sidewalk on the northern side of Hucks Road between Spring Park subdivision entrance and the Eastfield Station entrance, the petitionershall either: 1. Construct the sidewalk provided there is existing ROW to allow such construction per CDOT/NCDOT standards, or the necessary ROW can be reasonably obtained at a total cost not to exceed \$18,000, or 2.Contribute \$21,000 to the CDOT Sidewalk Program to construct the sidewalk on Hucks Road at the appropriate time

**ARCHITECTS** PLANNERS

HNTB NORTH CAROLINA, P.C.

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08.24.05 Site Plan Review Comments 09.23.05 Site Plan Review Comments 10.19.05 Site Plan Review Comments

01.12.06 Site Plan Review Comments 01.17.06 Site Plan Review Comments 

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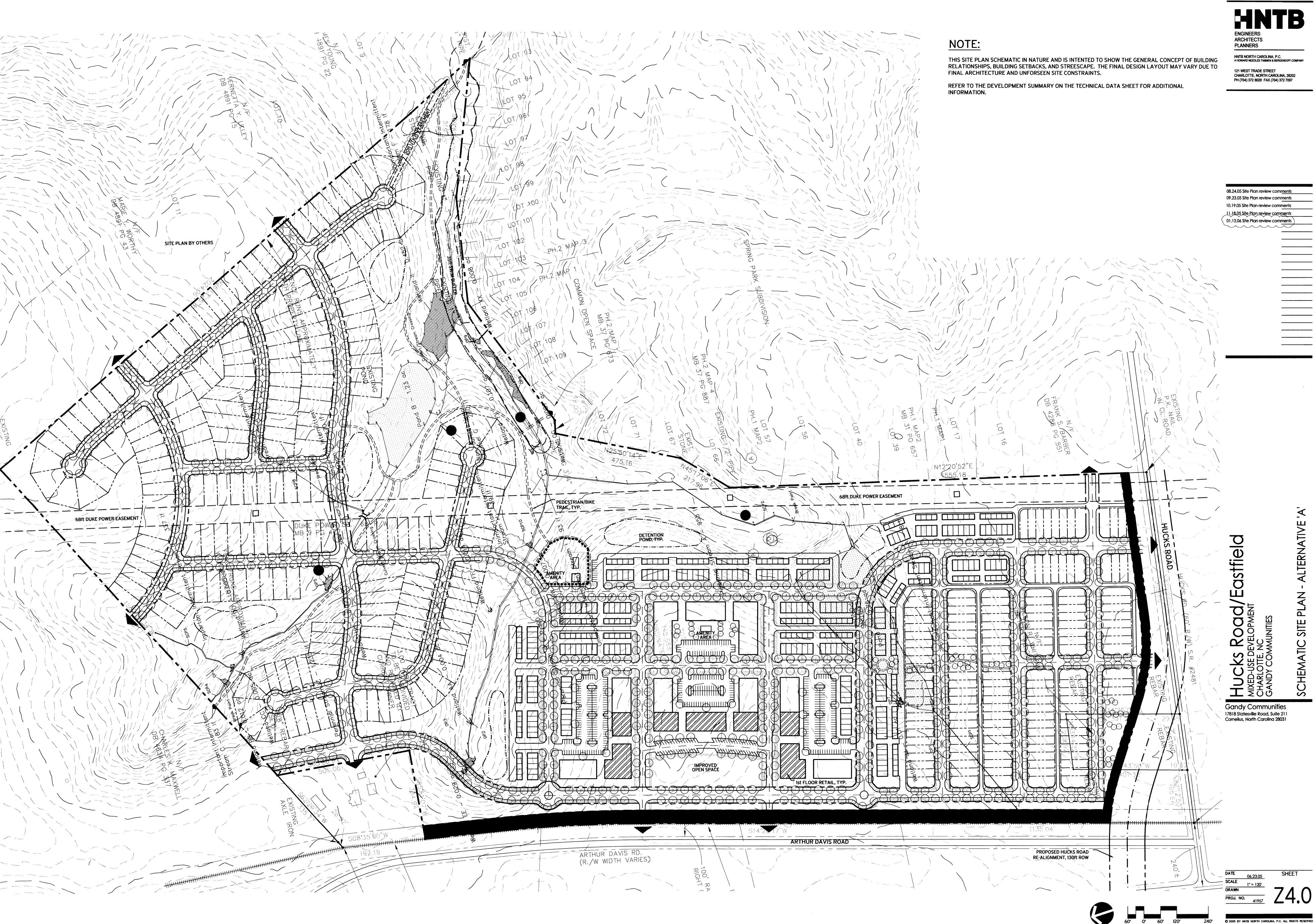
11.18.05 Site Plan Review Comments

Eastfield Road, Sol 

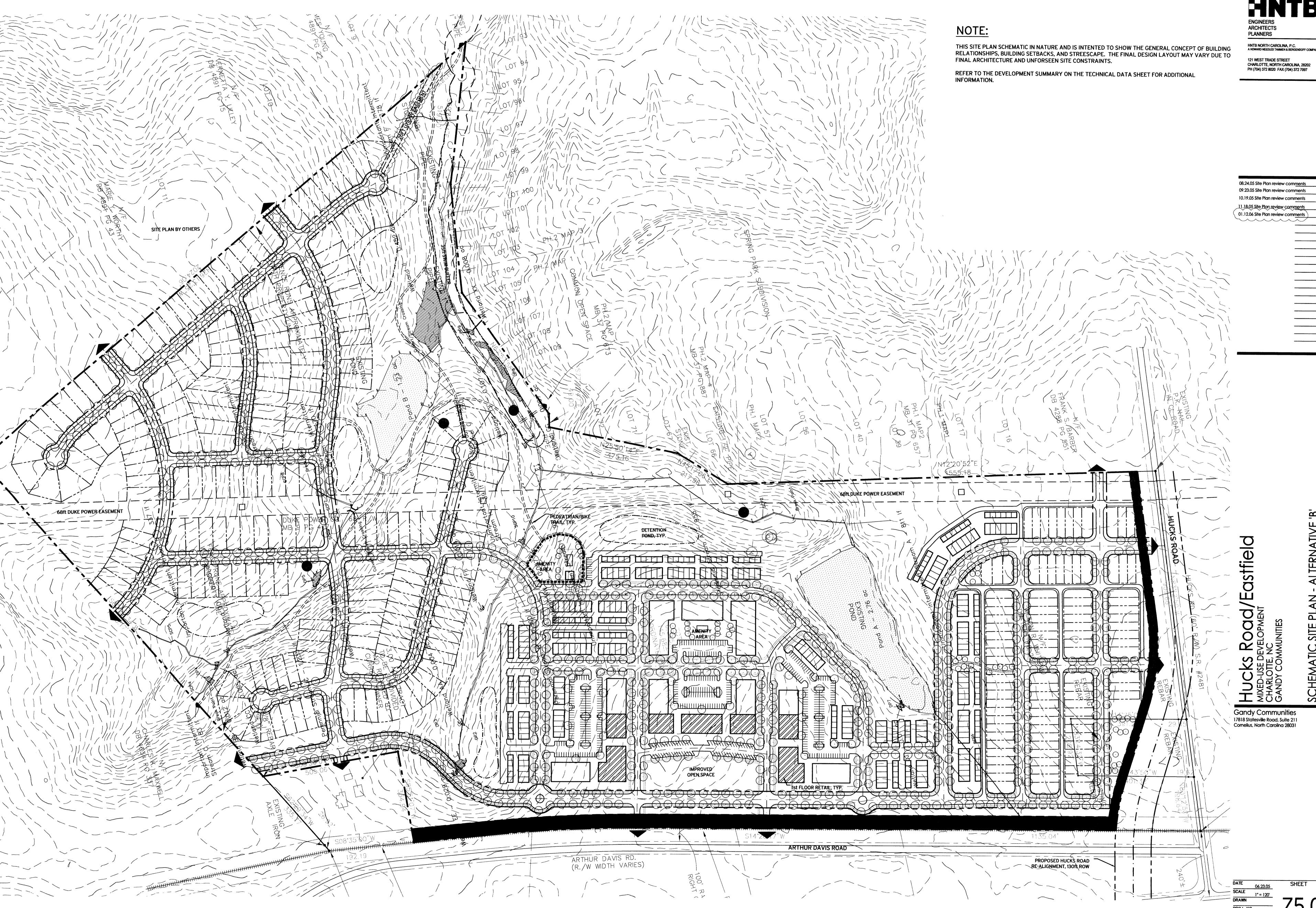
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Gandy Communities



HNTB



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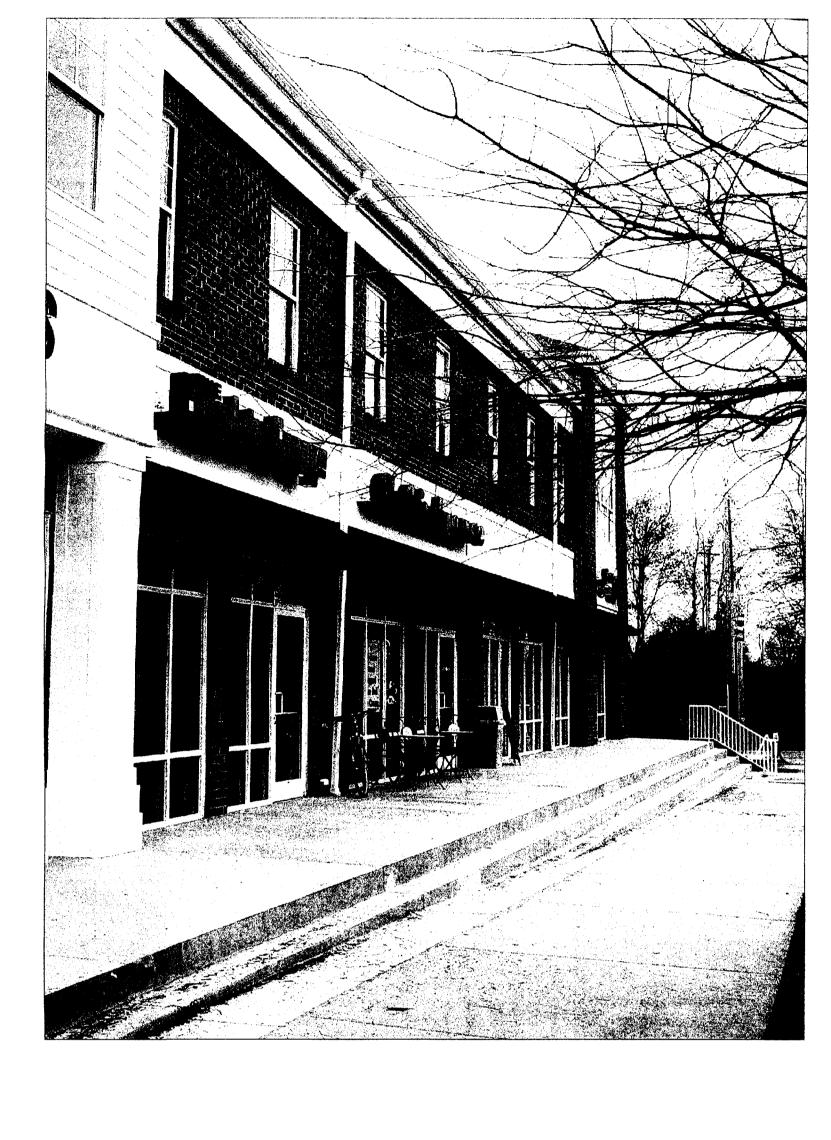
HNTB NORTH CAROLINA, P.C. A HOWARD NEEDLES TAMMEN & BERGENDOFF COMPAN 121 WEST TRADE STREET CHARLOTTE, NORTH CAROLINA, 28202 PH (704) 372 8020 FAX (704) 372 7097

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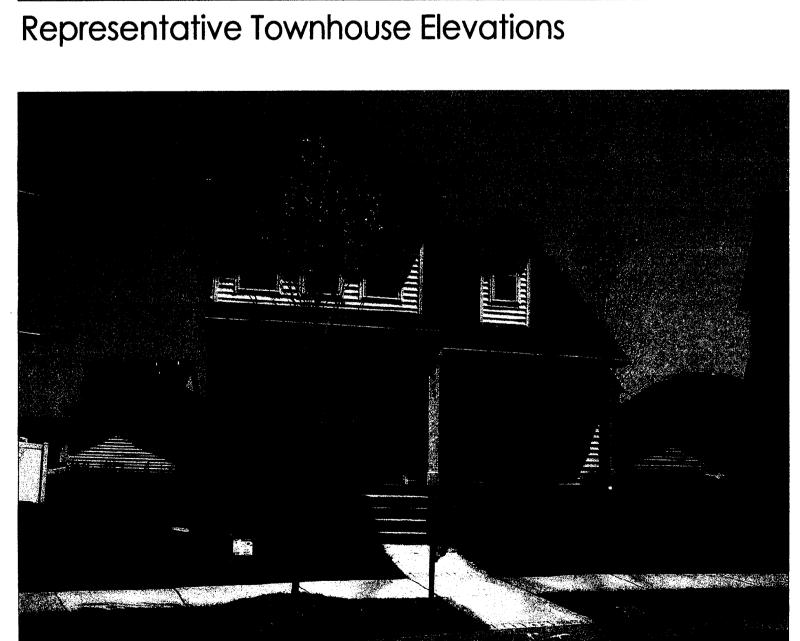












Representative Mixed Use Elevations

Representative Single Family Residential Elevations