

FY2008 -
 Petition #: 2008-040
 Date Originally Filed: 12/12/07
 Date Amended: _____
 Received By: _____

AMENDED
REZONING APPLICATION
CITY OF CHARLOTTE

Complete all fields -

Property Owner: Lichtin/Toringdon VIII, LLC; Lichtin/Toringdon I LLC; Lichtin/Toringdon II LLC; Lichtin/Toringdon V LLC; Lichtin/Toringdon III LLC; Lichtin/Toringdon Deck LLC; Toringdon Property Owners Assoc Inc

Owner's Address: 3110 Edwards Mill Rd, Ste 200 City, State, Zip: Raleigh, NC 27612

Date Property Acquired: Various Utilities Provided: (Water) CMUD (Sewer) CMUD
 (CMUD, Private, Other) (CMUD, Private, Other)

LOCATION OF PROPERTY (Address or Description): N. Community House Road & Enhaven Lane

Tax Parcel Number(s): 223-231-08; 223-231-11; 223-231-36, 223-231-53; 223-231-54; 223-231-37; 223-231-38 and 223-231-39

Current Land Use: Mixed (Office, Retail)

Size (Sq.Ft. or Acres): Approx. acreage of 37.3

Existing Zoning: CC Proposed Zoning: CC (S.P.A.) site plan amendment

AMENDED REQUEST DETAILS:

Purposes: 1) Original Request 2) Amendment/Change:

1) Modification of a portion of approved site plans (Petition 2003-48 & 2005-126) from 61,312 sqft to 113,050 sqft of service retail & increase maximum residential units from 140 to 300 maximum condominiums, lofts or apartments

2) Amended to eliminate original request for increase in retail square footage and units and instead to increase by only up to 1,400 sq.ft. of retail uses & an increase of only up to 120 residential dwellings - using a high quality site design and improvements to the configuration of the public open space of development.

Jeff Brown
 Name of Agent
King & Spalding, LLP
 One Morrocroft Centre, 6805 Morrison Blvd., Ste 200
 Agent's Address

Charlotte, NC 28211
 City, State, Zip

704-503-2564 704-503-2622
 Telephone Number Fax Number

JBrown@kslaw.com
 E-Mail Address

See Joinder Agreement
 Signature of Property Owner if other than Petitioner

4940419v1 14843.073001

Lichtin/Toringdon VIII, LLC, et.al.
 Name of Petitioner(s)

3110 Edwards Mill Road, Suite 200
 Address of Petitioner(s)

Raleigh, NC 27612
 City, State, Zip


919-783-6000 919-783-7220
 Telephone Number Fax Number

hlichtin@lichtin.com
 E-Mail Address

See Attachment 1 for Signature Page
 Signature

ATTACHMENT 1

LICHTIN/TORINGDON VIII, LLC
LICHTIN/TORINGDON I, LLC
LICHTIN/TORINGDON II, LLC
LICHTIN/TORINGDON V, LLC
LICHTIN/TORINGDON III, LLC
LICHTIN/TORINGDON DECK, LLC
TORINGDON PROPERTY OWNERS ASSOC, INC

By: 
Name: Jeff Brown
Title: Authorized Agent

Any Petitioner filing for rezoning is required to discuss the proposal with a CMPC Land Development staff member at least one week prior to the filing of the petition*. If you do not meet with staff prior to filing, the application may be deferred until such a meeting takes place. Upon submittal of the petition, all required items must be verified by a CMPC Land Development staff member before a application is considered completed and filed for processing. Incomplete applications can be returned to the petitioner (see Section 6.202). No applications will be accepted after the closing deadline for each month's cases. **There is a limit of 16 cases per month.**

*Prior to the filing of a Conditional District Rezoning Petition, it is recommended that a preliminary site plan be submitted to the Planning Staff for review and recommendation. There is no fee for preliminary plan review. The preliminary plan must include items 6(a), 6(c), 6(d), and 6(e) listed below. (5 copies are required for interdepartmental review.)

CONVENTIONAL REZONING APPLICATION FILING REQUIREMENTS:

1. Two signed official applications;
2. If only a portion of a lot is being rezoned, and/or if the rezoning boundaries do not follow property lines, and/or if there is more than one requested zoning classification; submit 2 survey maps & 1 metes and bounds description delineating the property or area in question, otherwise only a current Tax Parcel Number(s) is required;
3. Filing Fee (See Fee Schedule below);
4. **Within 30 days of the application filing deadline, a "determination" as to the presence of jurisdictional Wetlands on the site. If not provided the Public Hearing will be automatically deferred.**
5. If the rezoning request includes any non-residential uses, a tree survey is required per Section 21-91 of the Charlotte Tree Ordinance

CONDITIONAL DISTRICT REZONING APPLICATION FILING REQUIREMENTS:

Items 1 - 5 listed above are also required:

6. **Twenty-five (25) copies, folded 8½" x 11"**, of a schematic site plan, drawn to scale and at a maximum of 24" x 36", (maps for presentation purposes can be larger), which includes the following items.
 - (a) A boundary survey showing the total acreage, present Zoning classification(s), date, north arrow, and vicinity map;
 - (b) Signature of ALL subject property owners is required.
 - (c) All existing easements, reservations, and rights-of-way, and all yards required for the Zoning district requested (show setback side and rear yard requirements for proposed Zoning district);
 - (d) Proposed use of land and structures: for residential uses, this shall include the number of units and an outline for the area within which the structures will be located; for non-residential uses, this shall include the total square footage of structures and an outline of the area within which the structure will be located;
 - (e) Traffic, parking and circulation plan, showing proposed locations and arrangements of parking spaces and entrance and exit to adjacent streets (show existing drives opposite proposed project);
 - (f) Proposed screening, including walls, fences, or planting areas, as well as treatment of any existing natural features and any proposed buffers or landscaped yards at the project boundary.
 - (g) Generalized information as to the number, height, size, location of structures and any proposed phasing.
 - (h) Clearly delineate the rezoning boundary area. Clearly differentiate between two or more proposed zoning classifications.
 - (i) Delineation of areas within the regulatory floodplain as shown on the official Charlotte flood areas map and delineation of SWIM buffers.
 - (j) Topography at four-foot contour intervals or less (existing and proposed);
 - (k) Schematic site plan must be titled with project plan and proposed use;
 - (l) List of additional conditions proposed to regulate the development of the site.
 - (m) **When a Community Meeting is required, the City Council requests that a notice of that meeting be sent to them.**
 - (n) A report on the community meeting with appropriate parties is required to be filed in the Charlotte City Clerks Office at least ten days prior to the public hearing. Failure to meet the deadline will result in an automatic deferral of the Public Hearing.

***** Note: Revised and corrected site plans are due Four Weeks prior to the scheduled Public Hearing. No Site Plans will be accepted after this deadline. Failure to meet the deadline will result in a request for Deferral of the Public Hearing.**

CITY OF CHARLOTTE REZONING FILING FEES:

Effective July 1, 2007

<u>DISTRICT REQUESTED</u>	<u>CONVENTIONAL APPLICATION FEE</u>	<u>CONDITIONAL DISTRICT APPLICATION FEE</u>
Single Family Residential:	\$ 3,050	\$ 3,325
Multi-Family or Institutional:	\$ 3,425	\$ 3,825
All Other Districts:	\$ 4,150	\$ 4,850

To check the status of a Rezoning Petition, Please Visit our Web Site: www.rezoning.org
Fee due upon submittal of application, payable by check or money order to the City of Charlotte.