

**DEVELOPMENT STANDARDS**

**1. General Provisions**

a. This Mixed Use Development District - Optional ("MUDD-O") Petition seeks to provide for the allowance of a community theatre and lounge (defined as a nightclub by the City of Charlotte Zoning Ordinance) and other permitted uses in the existing shopping center at the intersection of North Graham Street and West Sugar Creek Road. Petitioner seeks to rezone that portion of its B-2 property shown on the Rezoning Plan ("Site"). The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the optional provisions set forth in these Development Standards, the regulations established under the Ordinance for the MUDD Zoning District shall govern the development of the Site.

b. Minor alterations and modifications to the Site shall be subject to the requirements of the Ordinance as modified by the accompanying Rezoning Plan and these Development Standards.

c. Minor alterations to parking and access/circulation will be allowed to accommodate the planned NCDOT road widening project at the intersection of N. Graham Street and W. Sugar Creek Road. The number of parking spaces currently provided as shown on the Rezoning Plan may be reduced due to the NCDOT road widening project. The existing curb cut from N. Graham Street to the Site may remain as shown on the Rezoning Plan or may be closed due to the NCDOT road widening project.

d. Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the tract or tracts within the Site involved in accordance with the provisions of Chapter 6.207 of the Ordinance.

e. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

f. Unless specifically excepted by these Development Standards, any future redevelopment of the Site must comply with MUDD requirements.

g. The anticipated operating days and hours for the planned community theatre and lounge on a portion of the Site will be Monday-Thursday noon-midnight, and Friday-Sunday noon-2:00 am, with the intention to have morning hours on an as needed basis. The hours of operations will at all times comply with applicable governmental rules and regulations.

**2. Permitted Uses**

a. The Site may be devoted to any uses (including any accessory uses) as are permitted in the MUDD Zoning Classification.

b. Future accessory structures may be allowed on the Site, as permitted in the MUDD Zoning Classification.

**3. Gross Floor Area/Height Restriction**

The existing building on the Site includes approximately 23,700 square feet of floor area. This building may be renovated and reused. Any renovation of the existing building or new development of structures on the Site shall be limited to sixty feet (60') in height.

**4. Optional Provisions**

The Petitioner requests the following variations from the MUDD minimum standards for design and development as part of this MUDD-O petition:

a. The existing building and façade improvements shall be allowed to remain in their current condition.

b. The existing parking, loading, access and circulation between the building and North Graham Street and West Sugar Creek Road shall be allowed to remain as shown on the Rezoning Plan, subject to the specific terms of these Development Standards.

c. Petitioner shall be allowed to install a new monument sign having a maximum height of eight feet (8') and maximum face area of sixty feet (60'), to be installed between the new sidewalk to be installed by NCDOT and the parking area for the Site.

d. The existing sidewalks along N. Graham Street and W. Sugar Creek Road shall remain in their current condition and location until improvements by NCDOT are completed. Petitioner shall not be required to demolish any new sidewalks installed as part of NCDOT's road widening project.

e. Petitioner shall maintain in its current condition the wooded berm located along the northern boundary line of the Site and the fencing along the western boundary line of the Site. Petitioner has planted non-required street trees in the area between the future right of way required for the NCDOT road widening project and N. Graham Street and W. Sugar Creek Road, as shown on the Rezoning Plan. Following construction of the road widening project, Petitioner will continue to maintain any remaining street trees. In lieu of additional screening across the front of the parking lot, Petitioner shall improve the façade of the building with free standing decorative planter and provide additional shrubs and ground cover within the island areas of the parking lot.

f. As part of the road widening project, NCDOT plans show a five foot (5') sidewalk and a planting buffer of variable width, generally as depicted on the Rezoning Plan. Petitioner will inform NCDOT of the MUDD standards requiring a six foot (6') sidewalk and eight foot (8') planting strip and request that NCDOT widen the proposed sidewalk and move it back to allow for an eight foot (8') planting strip, but Petitioner will not otherwise be required to provide, and this rezoning shall not be conditioned on, installation of a six foot (6') sidewalk and eight foot (8') planting strip.

**5. Transportation**

a. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The two existing driveway cuts shall be allowed to remain, but may vary from their current location, subject to NCDOT/CDOT approval. In addition, the Petitioner reserves the right to join the existing parking and/or circulation with any future CDOT/NCDOT approved parking and/or circulation on the B-2 parcel to the south.

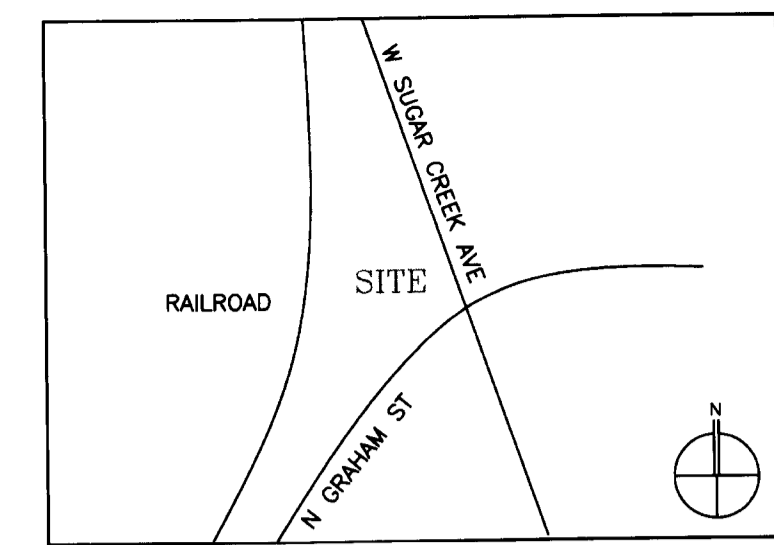
b. Petitioner shall provide a five foot (5') internal sidewalk connection between the Building and N. Graham Street and West Sugar Creek Road, as shown on the Rezoning Plan.

**6. Binding Effect of the Rezoning Documents and Definitions**

If this Rezoning Petition is approved, these Development Standards will, unless amended in a manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

**SITE SUMMARY**

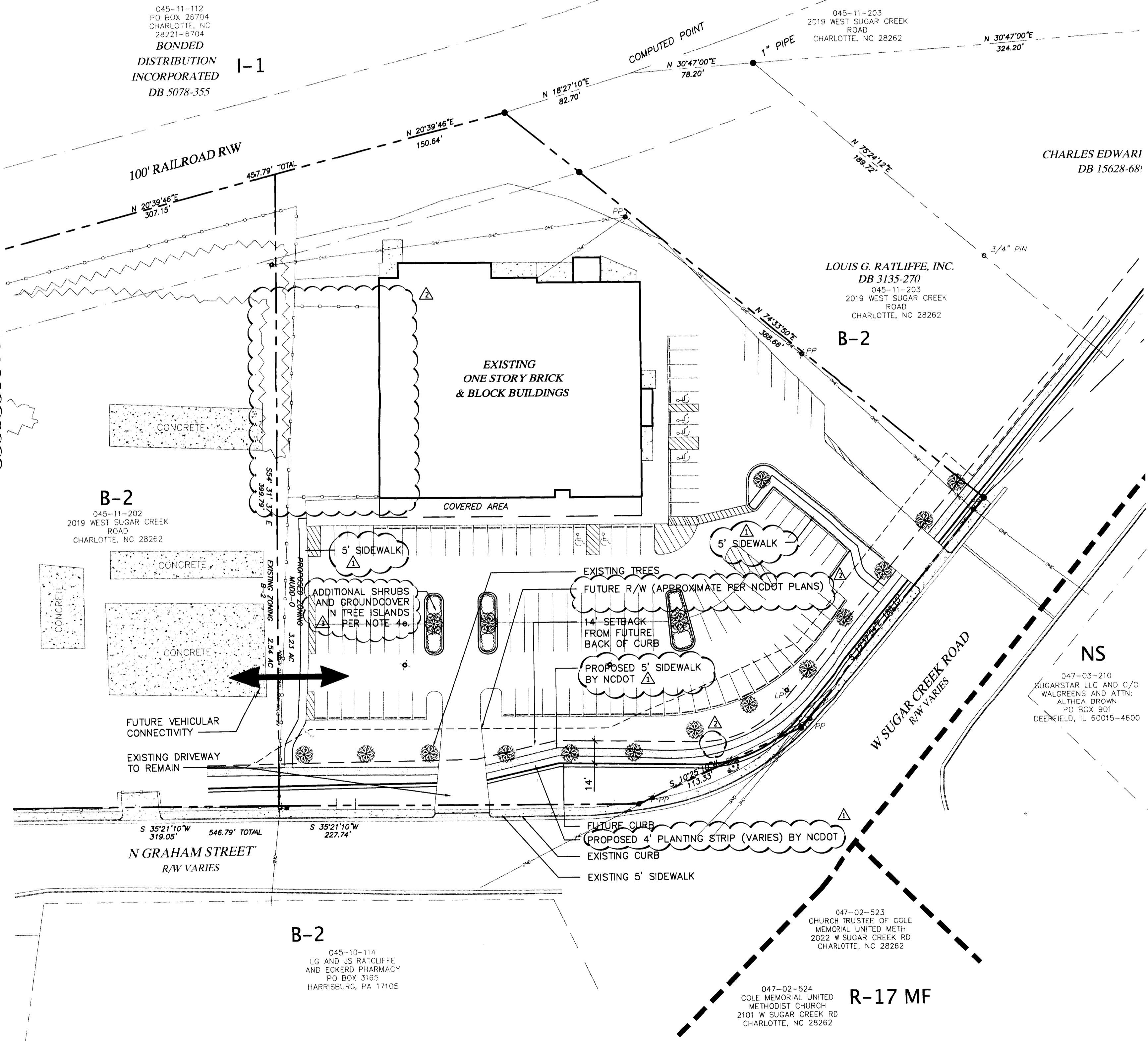
TAX PARCEL ID	PORTION OF 045-112-02
SITE AREA	3.23 ACRES
EXISTING ZONING	B-2
PROPOSED ZONING	MUDD-O
BUILDING AREA	23,700 SF EXISTING
PARKING REQUIRED	39.5 SPACES
PARKING PROVIDED	86 SPACES



VICINITY MAP

**APPROVED BY CITY COUNCIL**

SEP 19 2011



design resource group

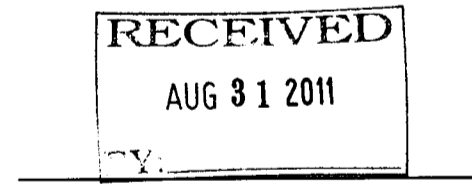
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**LOUIS G. RATLIFF, INC.**  
2019 SUGAR CREEK ROAD  
CHARLOTTE, NORTH CAROLINA 28262  
(704) 596-9424

REZONING PETITION  
FOR PUBLIC HEARING  
PETITION #2011-043



SCALE: 1" = 40'

PROJECT #: 347-001  
DRAWN BY: DBS  
CHECKED BY: DM

**REZONING PLAN**

APRIL 25, 2011

- REVISIONS:
- 6-17-11 PER CMPC COMMENTS
  - 7-22-11 PER CMPC COMMENTS
  - 8-31-11 PER CMPC COMMENTS

2011-043

RZ - 1.0