



MECKLENBURG COUNTY
Park and Recreation Department

MEMORANDUM

SENT ELECTRONICALLY THIS DATE
NO HARDCOPY TO FOLLOW

TO: Michael Cataldo, Associate Planner
Charlotte Mecklenburg Planning Department

FROM: Gwen Cook, Planner
Capital Planning Division

DATE: July 23, 2012

RE: Rezoning Petition #2012-081 (Lower McAlpine Creek Greenway)
NRI Communities/Charlotte, LLC (PID #223-231-47)

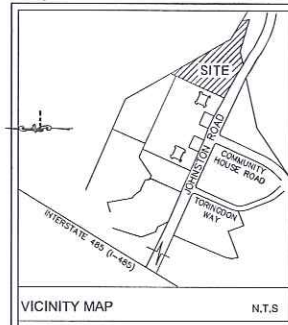
This is the second (7/12/12) communication concerning this property. We encourage staff and the Planning Commission to consider Mecklenburg County Park and Recreation Department's (MCPR) comments. We suggest that these comments be incorporated into the staff review notes and written into the Pre-Hearing Staff Analysis to the fullest extent possible. These steps should ensure MCPR's notes are conveyed to and incorporated by the petitioner during plan revision.

Located in the South Park District near the intersection of Johnston Road and I-485 on the east side of Lower McAlpine Creek, this parcel includes a greenway corridor that has been approved as part of the 2008 Greenway Master Plan.

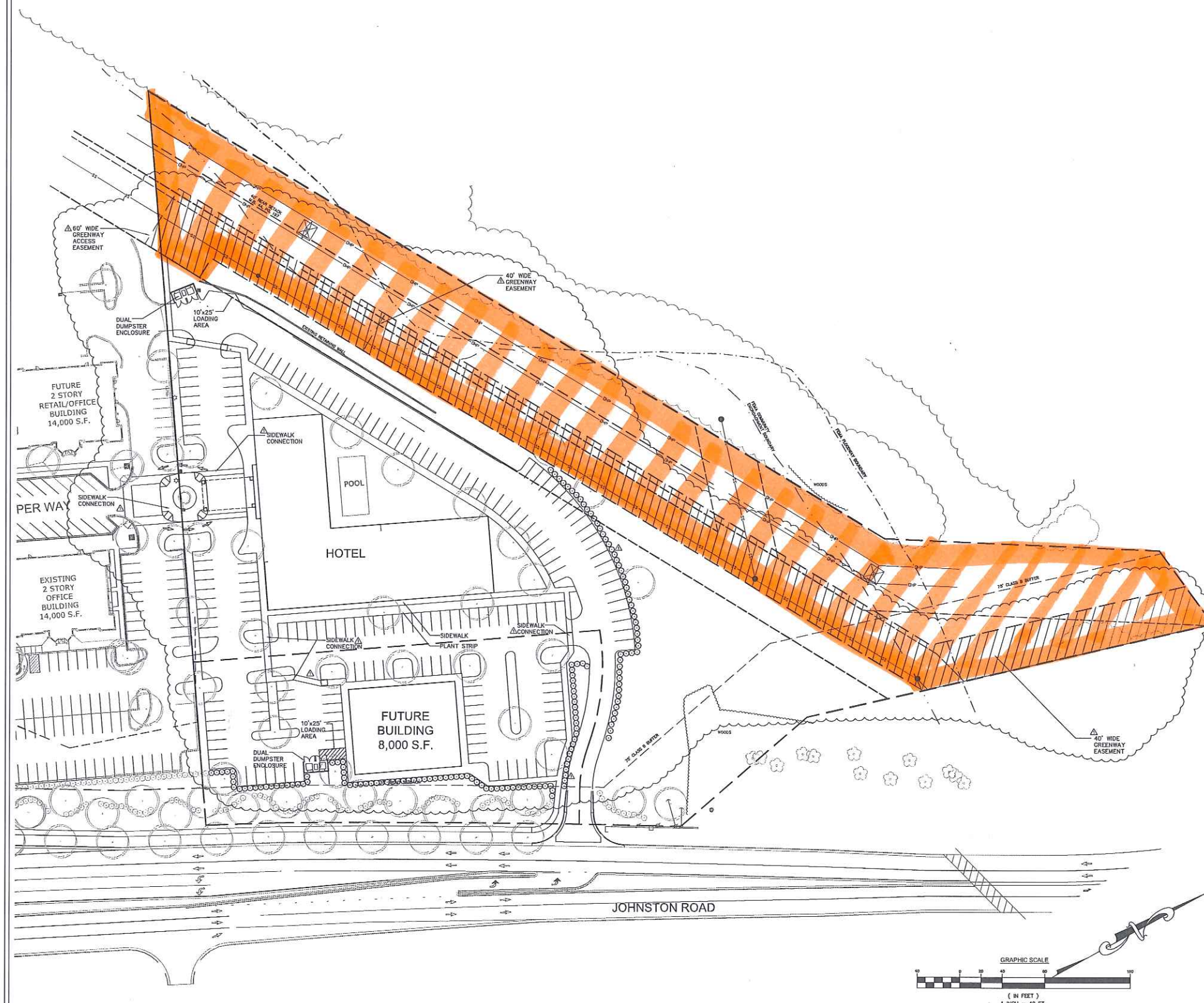
MCPR recognizes and accepts Note #19 from the original rezoning petition #2007-103 for access to the Lower McAlpine Creek Greenway. We request all greenway access easements be a minimum of 60' wide for trail constructability and maintenance. In addition, we request dedication of floodplain area adjacent to the creek as shown on the attached parcel as a minimum. The entire floodplain would also be acceptable.

We will be happy to discuss any questions or comments with the petitioner.

Copy to: James R. Garges, Director
W. Lee Jones, Division Director, Capital Planning Services
Gwen Cook, Greenway Planner
Jacqueline McNeil, Real Estate Manager



RECEIVED
By mcataldo at 8:14 am, Aug 27, 2012



SITE DEVELOPMENT DATA :

- PETITIONER AND OWNER: NRI Communities/Charlotte, LLC
- ACRES: +/- 7.55 ACRES
- TAX PARCEL #: 223-291-47
- EXISTING ZONING: CC by Rezoning Petition No. 2007-103
- PROPOSED ZONING: CC (SPA)
- EXISTING LAND USE: Vacant (a portion of the Streets of Torington Shopping Center)
- PROPOSED LAND USE: **Up to 8,000 square feet of uses allowed in the CC district and up to 120 hotel rooms and as further restricted below.**
- MAXIMUM BUILDING HEIGHT: As allowed by the Ordinance. Hotel not to exceed five (5) stories.
- PARKING: As required by the Ordinance.
- OPEN SPACE: A minimum of 15% of the Site will be established as tree save areas as defined by the Tree Ordinance.

- 1. General Provisions**
- a. These Development Standards form a part of the Rezoning Site Plan Sheet RZ-1 associated with the Rezoning Petition filed by NRI Communities/Charlotte, LLC to accommodate development of a Hotel (previously approved) and a building for a mixture of non-residential uses on an approximately 7.55 acre site located on Johnston Road (the "Site").
 - b. Development of the Site will be governed by the attached Rezoning Site Plan and these Development Standards (collectively referred to as the "Rezoning Plan") as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the CC zoning district classification shall govern development taking place on the Site.
 - c. The development depicted on the Rezoning Plan is schematic in nature, and except as otherwise specified in these Development Standards, is intended to describe the possible arrangements of uses and site elements. The schematic depictions of the uses, parking areas, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. Consequently, except as otherwise expressly specified on the Rezoning Site Plan Sheet and in these Development Standards, the ultimate layout of the development proposed, the exact alignments of streets and points of access, the numbers, the size, configuration and placement of buildings and parking areas, and the depiction of other site elements on the Rezoning Plan are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during the planning and construction document phases within the maximum building/parking envelope generally depicted on the Rezoning Plan. Changes to the Rezoning Plan will be reviewed and approved as allowed by Section 6.207.(2).
 - d. Parking layouts for surface and structured parking may be modified to accommodate final building locations and parking spaces may be located within the development area boundaries to the extent permitted by the Ordinance. Sidewalks generally depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for development on the Site but the specific locations of such sidewalks may be subject to variations that do not materially change the design intent generally depicted on the Rezoning Plan.
 - e. Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site shall not exceed three (3). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site.
 - f. This Rezoning Petition is a Site Plan Amendment (SPA) for a portion of the previously approved conditional plan for the Streets of Torington shopping center (the "Existing Center"). This SPA is intended to only modify the 7.55 acre indicated on the Rezoning Plan to allow the addition of a building and a change to the configuration of the previously approved 120 room hotel. The building and uses that are part of this SPA amendment will be interconnected with the Existing Center, and are considered an expansion of the Existing Center, as such the Existing Center and the uses and buildings proposed as part of this SPA shall be deemed as a unified development so that side or rear yards between buildings or parcels will not be required.
- 2. Permitted Uses & Restrictions**
- a. The Site may be developed with a 120 room hotel and up to 8,000 square feet of uses allowed in the CC district together with accessory uses allowed in the CC zoning district except as restricted below.
 - b. The following uses will not be permitted on the Site: restaurants or other businesses with drive through service or gasoline convenience facilities.
- 3. Access**
- a. Access to the Site may be provided by connections to Johnston Road and by connections to Community House Road and Cooper Way as shown on the Rezoning Plan. All driveway and street connections are subject to approval by CDDT and NCDOT.
 - b. Any driveway to Johnston Road shown on the Rezoning Plan will be designed to allow right-in, right-out, and left-in movements into the Site from Johnston Road.
 - c. As part of the construction of the driveway to Johnston Road the Petitioner may construct a northbound directional cross-over in Johnston Road.
- 4. Architectural Standards**
- a. Buildings constructed on the Site will be architecturally compatible with the buildings in the Existing Center by the use of similar building materials, architectural styles and treatments.
 - b. All buildings shall be constructed of brick, stucco and/or a combination of these or other masonry materials. Although some architectural diversity will be permitted among the various buildings, there will be a requirement for complementary building materials, roof materials/design, colors, etc. Such that an overall common design theme is achieved for the mixed use retail/office core area of the site.
 - c. **One-story retail building** will be designed so that it will have an exterior building envelope similar to a two-story building/office, the minimum building height allowed will be 18 feet as measured to the top of the parapet. No parking spaces or maneuvering parking will be allowed between the one-story retail building and Johnston Road. The portion of the one-story building facade that faces Johnston Road will be designed to avoid blank walls that exceed 20 feet in height. The use of a variety of architectural treatments including but not limited to building ornamentation, decoration and changes in building materials and colors. The elevations for the retail buildings shall be reviewed by Planning Department prior to the issuance of any building permit.
 - d. Meter banks will be screened.
 - e. Roof top HVAC and related mechanical equipment will be screened from public view at grade.
 - f. Dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gable. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the buildings. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
- 5. Buffers, Setbacks and Landscaping**
- a. Buffers will be provided as required by the Ordinance. Required buffers on the Site may be eliminated if the use or the zoning on the adjoining parcel(s) is changed so that a buffer is no longer required.
 - b. The Petitioner will construct a mixed use development in general conformity with the site plan illustrated on Sheet RZ-2 of the Rezoning Plan. This site plan is intended to illustrate the emphasis on architecture mooring as a "street wall" along major internal streets in the development. The street wall will provide for building elevations to be the dominant component of the street frontage and will provide enhanced pedestrian scale and quality. Furthermore, the petitioner will provide pedestrian connections from within the site to other site elements and uses.
 - c. The streetscape elements (sidewalk widths, pedestrian scale lighting, tree planting, landscaping and other amenities designed to enhance the pedestrian environment) that have been established throughout the Existing Center will be continued and implemented as part of the development of this site.
 - d. Screening requirements of the Ordinance will be met.
 - e. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.
- 6. Environmental Features and Stormwater Management**
- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The existing water quality BMP facility was designed, constructed, and permitted by others in conjunction with wetland disturbances permitted through US Army Corps of Engineers and NC Department of Water Quality.
 - b. The location, size and type of storm water management systems depicted on the Rezoning Plan is subject to review and approval as part of the full development plan submitted and is not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and related site discharge.
 - c. The Site will comply with the Tree Ordinance.
 - d. A greenway path easement as generally depicted on the site plan shall be provided by the petitioner/owner. The minimum width of the easement shall be 40 feet as indicated on the site plan. The minimum width of the easement shall be increased to 60 feet as indicated on the site plan. The location of the easement is shown only to depict internal streets in the development. It is intended for this easement to connect from the northern end of the Site at Johnston Road to the proposed public pathway. The final, precise location of the easement shall be determined at a future time depending upon site constraints, other public easements, public improvements, structures, etc. In no event shall the easement be located in such a manner as to negatively impact or conflict with developer/petitioner planned improvements, buildings, parking areas, sidewalks, etc. As outlined by the proposed site plan, a deed easement shall be provided prior to the issuance of a building permit in association with the aforementioned hotel use or within two years of the approval of this site plan amendment, whichever occurs first.
- 7. Illumination**
- a. Signage as allowed by the Ordinance will be provided.
 - b. **Lighting**
 - c. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
 - d. Intended lighting on the Site will be limited to 20 feet in height.
 - e. No "wall pack" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted.
- 8. Amendments to the Rezoning Plan**
- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.
- 9. Studies Effort of the Rezoning Application**
- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will unless amended in the manner provided under the Ordinance be binding upon and have to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

REVISED 08.24.12 - REZONING PETITION #2012-081

REVISED 08.24.12		REVISIONS PER PLANNING STAFF COMMENTS	DATE
1			

STATE COLLEGE ST
SITE PLAN
CHARLOTTE, NC 28222
F 704.334.7215
www.stewart-mp.com

STEWART

STREETS OF TORINGTON LOT 'D'
REZONING SITE PLAN
NATIONWIDE REALTY INVESTORS
CHARLOTTE
MECKLENBURG COUNTY, NORTH CAROLINA

REZONING PLAN

DATE: 08.25.12
SCALE: HORIZ: 1" = 40'
JOB NO. X12029.00
SHEET: RZ 1.0

