

Q:\PROJECTS\2013\13016.00 Sharon Towers Villa Apartments\DWGS\130016-RZ-RZ.dwg Nov 15, 2013 - 10:19am

## DEVELOPMENT STANDARDS

November 15, 2013

### General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by The Presbyterian Home at Charlotte, Inc. to accommodate a senior living community comprised of independent living units, assisted living beds, skilled nursing, health, medical, and rehabilitation facilities, recreational facilities, dining facilities and other support facilities on that approximately 24.80 acre site located generally at the intersection of Sharon Road and Eastburn Road (the "Site"). The Site is comprised of Tax Parcel Nos. 179-032-45, 179-051-09, 179-051-07, 179-051-06, 179-051-05 and 179-051-04.
- The use and 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").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Institutional (CD) zoning district shall govern the use and development of the Site.
- The exact alignments of the new internal driveways have not been determined and are subject to final design and engineering plans. Accordingly, minor modifications or alterations of these alignments may take place during design development and construction phases.
- The depiction and layout of the new buildings and building additions to be constructed on the Site that will contain apartment style independent living units, nursing and special care facilities and common areas and the associated parking and drive aisles are conceptual in nature and may be altered or modified during design development and construction phases subject to the requirements of the Ordinance and the Rezoning Plan, and provided that such improvements are located within the new building and parking envelopes depicted on the Rezoning Plan.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Section 6.207 of the Ordinance.

### Permitted Uses

- The Site may only be devoted to a senior living community comprised of independent living units, assisted living beds, skilled nursing beds, related common areas, medical and rehabilitation facilities, recreational facilities, dining facilities and other support facilities and any accessory uses relating thereto that are permitted under the Ordinance.
- A maximum of 336 independent living units may be located on the Site, which shall include apartment style independent living units and single family cottage style independent living units. A maximum of 96 skilled nursing beds and a maximum of 40 assisted living beds may be located on the Site.

### Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
- Off street parking will meet the minimum standards established under the Ordinance.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- Prior to the issuance of a building permit for any new building or building addition to be constructed on the Site, Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site immediately adjacent to Sharon Road as required to provide right of way measuring 50 feet from the existing centerline of Sharon Road if such right of way does not currently exist.
- The construction entrance for all construction activities conducted on Tax Parcel Nos. 179-032-45, 179-051-09 and 179-051-07 shall be located on Sharon Road. The appropriate location of the construction entrance will be determined during the driveway permitting process.
- The construction entrance for construction activities relating to the detached homes located on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 shall be the existing driveway for each such parcel.
- Vehicular access to and from the Site by way of Pendleton Avenue shall be prohibited. However, pedestrian access to and from the Site by way of Pendleton Avenue shall be permitted.
- Construction vehicles serving the Site shall be prohibited from parking on any streets located in the adjacent Fairmeadows subdivision or the adjacent Laurel Woods subdivision.
- Prior to the issuance of a certificate of occupancy for any new building or building addition to be constructed on the Site, Petitioner shall construct a concrete waiting pad for each of the two existing bus stops located on Sharon Road next to the Site. The exact locations of these two concrete waiting pads shall be determined during the development review and permitting process. Each concrete waiting pad shall be located within the existing planting strip between the sidewalk and curb, and each concrete waiting pad shall be constructed to C.A.T.S. Development Standard 66.01.B. Petitioner's obligation to construct each concrete waiting pad shall be subject to Petitioner's ability to obtain all approvals and permits required to construct each concrete waiting pad.
- Subject to the approval of the Charlotte Department of Transportation, Petitioner reserves the right to gate the entrances into the Site and to construct an associated guard house(s).

### Architectural Standards

- Set out on Sheet RZ200 is a schematic architectural rendering of the new buildings to be constructed on the Site that will contain apartment style independent living units, and this schematic architectural rendering is intended to depict the general conceptual architectural style and character of the new buildings that will contain apartment style independent living units. Accordingly, each new building to be constructed on the Site that will contain apartment style independent living units shall be designed and constructed so that it is substantially similar in appearance to the attached schematic architectural rendering. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.
- The maximum height in stories of the new buildings that will contain apartment style independent living units shall be three stories over a one story structured parking facility.
- The maximum height in stories of the nursing and special care building addition shall be three stories over a one story structured parking facility, and the maximum height in stories of the common areas building addition shall be two stories.
- The finished floor elevation of the main entry level of the new building that will contain apartment style independent living units that is designated as Building E on the Rezoning Plan shall not exceed 702 feet.
- The finished floor elevation of the main entry level of the new building that will contain apartment style independent living units that is designated as Building B on the Rezoning Plan shall not exceed 707 feet.
- The maximum height in feet of the various elements of the back elevation of the new building that will contain apartment style independent living units shall be as follows:
  - The maximum height of each element is measured from the finished floor elevation of the main entry level of the building.
  - The detached homes located on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 shall continue to front and/or side the relevant adjacent street. The driveways serving these parcels shall not serve any other parcel and they shall connect only to their current streets.
- New dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a new dumpster and recycling area adjoin a side wall or rear wall of a building, then the side wall or rear wall of the building may be substituted for the wall or fence along each such side.
- Dumpsters will not be utilized for trash service for the new buildings that will contain apartment style independent living units.
- All roof mounted mechanical equipment on the new buildings and building additions to be constructed on the Site will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- The fence currently located on the Site at the terminus of Pendleton Avenue that prevents vehicular access to and from the Site by way of Pendleton Avenue shall be replaced with an ornamental fence that matches the fence located along the Site's frontage on Sharon Road, provided, however, that this replacement fence shall not be required to have brick piers. This replacement fence shall be installed prior to the issuance of a certificate of occupancy for any new building or building addition constructed on the Site.

### Streetscape and Landscaping

- Landscaping will meet or exceed the requirements of the Ordinance.
- A 50 foot Class C buffer shall be established along those portions of the Site's boundary lines that are more particularly depicted on the Rezoning Plan, which buffer shall conform to the standards of Section 12.302 of the Ordinance. Except as provided herein, the width of this 50 foot Class C buffer may not be reduced.
- Pursuant to Section 12.302(b) of the Ordinance, that portion of the 50 foot Class C buffer located along the Site's northern boundary line that is more particularly depicted on the Rezoning Plan shall be reduced in width by 25% to 37.5 feet as a result of the installation of a fence that meets the requirements of Section 12.302(b).
- In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas set out on the Rezoning Plan accordingly.
- The buffer shall not be disturbed except for required driveways, sidewalks, or other pedestrian paths, walls, fences, or required landscaping, landscaping maintenance and replacement or the installation and maintenance of utility lines in accordance with Section 12.302(12) of the Ordinance.
- Where existing trees and natural vegetation have been cleared to accommodate those items set out above in paragraph 5, the cleared unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.
- Notwithstanding anything contained herein to the contrary, the existing structures and improvements on the Site that encroach into the 50 foot Class C buffer may remain in place and shall not be required to be brought into compliance with the buffer requirements of the Ordinance as a result of a variance granted by the Charlotte Zoning Board of Adjustment on December 28, 1999 in Case No. 99-111 (the "Variance"). The Variance granted a 50 foot variance from the required 50 foot Class C buffer to allow the senior living community to remain as is without installing a buffer. A 50 foot Class C buffer was then required to be established on the Site pursuant to the approved conditional rezoning plan relating to Rezoning Petition No. 2001-007 that was approved by City Council on February 19, 2001. However, the requirement to establish the buffer was subject to the Variance, thereby permitting the existing structures and improvements on the Site that encroach into the buffer to remain in place. The 50 foot Class C buffer required to be established under this Rezoning Plan is likewise subject to the Variance, thereby permitting the existing structures and improvements on the Site that encroach into the buffer to remain in place. New development shall be prohibited from encroaching into the established buffer.
- Attached hereto as Sheet RZ101 is a Neighborhood Entry Landscape Plan (the "Landscape Plan") that depicts the southerly portion of the Site and a portion of Tax Parcel No. 179-053-37, which parcel is owned by Fairmeadows Neighborhood Association (the "Fairmeadows Parcel"). The Landscape Plan contains a plan view and a perspective, and the perspective is for illustrative purposes. Prior to the issuance of a certificate of occupancy for any new building or building addition constructed on the Site, Petitioner shall (i) install all of the new trees and shrubs depicted on the Landscape Plan in the plan view on the Site except for the new trees and shrubs located within that portion of the Site designated on the Landscape Plan as "Portion of Landscape to be Installed Upon Completion of Building B"; (ii) install a 6 foot tall black ornamental picket fence with brick piers and a 4 foot tall black ornamental picket fence with brick piers on the southerly portion of the Site as depicted on the Landscape Plan; (iii) install a berm with plantings along the rear of Tax Parcel No. 179-051-04 as depicted on the Landscape Plan; (iv) install the new trees and shrubs depicted on the Landscape Plan in the plan view on the relevant portion of the Fairmeadows Parcel; (v) relocate and refurbish the Fairmeadows neighborhood entry sign located on the Fairmeadows Parcel as depicted on the Landscape Plan; and (vi) install a 4 foot tall black ornamental picket fence with brick piers on the Fairmeadows Parcel as depicted on the Landscape Plan.
- Where the 6 foot tall black ornamental picket fence with brick piers or the 4 foot tall black ornamental picket fence with brick piers encroaches into the right of way, Petitioner's obligation to install such fence is expressly conditioned on the Petitioner entering into an encroachment agreement with the Charlotte Department of Transportation. If Petitioner is unable to secure an encroachment agreement, then Petitioner shall not be required to install the fence in the right of way. Petitioner is required to exert reasonable and good faith efforts to secure an encroachment agreement. If an encroachment agreement is secured and later terminated by the Charlotte Department of Transportation, then Petitioner will be required to remove that portion of the fence that encroaches into the right of way.
- Prior to the issuance of a certificate of occupancy for the new apartment style independent living unit building designated as Building B on the Rezoning Plan, Petitioner shall install the new trees and shrubs depicted on the Landscape Plan in the plan view on that portion of the Site designated as "Portion of Landscape to be Installed Upon Completion of Building B."
- Petitioner shall, at its cost and expense, maintain the new trees and shrubs, the Fairmeadows neighborhood entry sign and the 4 foot tall black ornamental picket fence with brick piers that it installs on the Fairmeadows Parcel.
- Petitioner's obligation to install the new trees and shrubs on the Fairmeadows Parcel, to relocate and refurbish the Fairmeadows neighborhood entry sign located on the Fairmeadows Parcel, to install a 4 foot tall black ornamental picket fence with brick piers on the Fairmeadows Parcel and to maintain the same is expressly conditioned upon the Fairmeadows Neighborhood Association providing an easement to Petitioner to perform such work. If an easement is not granted to Petitioner, then Petitioner will not be obligated to perform any work on the Fairmeadows Parcel. Petitioner is required to exert reasonable and good faith efforts to obtain the required easement from the Fairmeadows Neighborhood Association.
- Petitioner shall install an 8 foot planting strip and a 5 foot sidewalk along the Site's frontage on Eastburn Road and Sumbrook Drive. The sidewalk may meander to save existing trees and where the sidewalk meanders to save existing trees, the width of the planting strip may be less than 8 feet.

NEW BERM WITH LANDSCAPE SCREENING PLANTS; SEE RZ101

SINGLE FAMILY INDEPENDENT LIVING UNITS

8' PLANT STRIP WITH 5' SIDEWALK; SIDEWALK MEANDERS WHERE CONFLICTS WITH EXISTING TREES OCCUR

PORTION OF LANDSCAPE TO BE INSTALLED UPON COMPLETION OF BUILDING B

NEW NEIGHBORHOOD ENTRY LANDSCAPE; SEE RZ101

NEW BUILDING AND PARKING ENVELOPE

EXISTING R/W

FUTURE R/W 50' FROM C OF SHARON ROAD

NEW ORNAMENTAL BLACK PICKET FENCE WITH BRICK PIERS TO MATCH EXISTING FENCE, SEE SHEET RZ101 FOR DETAILS

### Environmental Features

- The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submittal. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
  - A minimum of 16% of the Site shall be devoted to tree save areas as defined in the City of Charlotte Tree Ordinance.
- ### Signs
- All new signs installed on the Site shall comply with the requirements of the Ordinance.
  - Petitioner shall not be permitted to install any signage at the southeast corner of the Site between the intersection of Eastburn Road and Sharon Road and the new apartment style independent living unit building designated as Building B on the Rezoning Plan.
- ### Lighting
- All newly installed freestanding lighting fixtures on the Site (excluding street lights) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
  - The maximum height of any newly installed freestanding lighting fixture on the Site shall be 25 feet.
  - Any lighting fixtures attached to the new buildings and building additions to be constructed on the Site shall be decoratively capped and downwardly directed.

### Planned Development/Internal Yard Requirements/Exterior Yard Requirements/Variance

- The senior living community, as expanded, will be located on multiple lots or parcels as depicted on the Rezoning Plan, all of which lots or parcels are owned and controlled by Petitioner. The senior living community, as expanded, has been and will be planned and developed as a single development project or a definitely programmed series of development operations or phases, and all of the improvements and uses on the Site will be related to the character and purpose of the senior living community. Accordingly, the senior living community is a "planned development" under the Ordinance.
- Since the senior living community is a planned development, development on the Site will not be required to meet the rear yard and side yard requirements of the Institutional zoning district with respect to the Site's lot lines or property lines that are internal to the Site. Development on the Site will be required to meet the rear yard and side yard requirements established on the Rezoning Plan with respect to all exterior lot lines or property lines.
- As depicted on the Rezoning Plan, 60 foot side and rear yards are established on the Site with respect to certain exterior lot lines or property lines. Notwithstanding the foregoing, existing structures and improvements may encroach into such 60 foot side yards and 60 foot rear yard, provided that such structures and improvements comply with the 20 foot side yard and 20 foot rear yard requirements of the Institutional zoning district. Additionally, as depicted on the Rezoning Plan, portions of the new parking lots and vehicular drive located on the northern side of the Site may encroach into the 60 foot side yard, provided that these improvements may not encroach into the 37.5 foot Class C buffer.
- Pursuant to Section 12.302 of the Ordinance, a 50 foot Class C buffer is required to be established along the western property line of Tax Parcel No. 179-051-04 immediately adjacent to Tax Parcel No. 179-051-05, and pursuant to Section 9.505(1)(e) of the Ordinance, a 20 foot side yard must be established along this property line. The establishment of the 50 foot Class C buffer and the 20 foot side yard will require the demolition and removal of the existing detached home located on Tax Parcel No. 179-051-04. To prevent the demolition and removal of the detached home located on Tax Parcel No. 179-051-04 and to preserve such detached home, the Petitioner is seeking variances to eliminate the 50 foot Class C buffer requirement and to reduce the required side yard from 20 feet to 11 feet. If these variances are granted by the Board of Adjustment, the detached home located on Tax Parcel No. 179-051-04 shall be permitted to remain in place. If these variances are denied, then the detached home located on Tax Parcel No. 179-051-04 shall be demolished and removed and the 50 foot Class C buffer and the 20 foot side yard shall be established along the western property line of Tax Parcel No. 179-051-04 as required under the Ordinance.
- If the variances described above in paragraph 4 are granted, the Petitioner shall be required to maintain a detached home on Tax Parcel No. 179-051-04. The Petitioner shall be permitted to replace the existing detached home located on Tax Parcel No. 179-051-04 with a new detached home from time to time.

### Construction Activities

- Construction materials relating to construction activities conducted on Tax Parcel Nos. 179-032-45, 179-051-09 and 179-051-07 shall not be stored or maintained on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04.
  - Construction activities may not be conducted on the Site daily from 7 AM to 6 PM.
  - The contractor(s) shall keep the construction Site in a clean and orderly condition and shall clean Sharon Road and the sidewalk located along the Site's frontage on Sharon Road as needed.
- ### Binding Effect of the Rezoning Documents and Definitions
- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
  - Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
  - Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

## SITE DATA :

- PETITIONER AND OWNER:
- REZONING SITE AREA:
- TAX PARCEL #:
- EXISTING ZONING:
- PROPOSED ZONING:
- EXISTING LAND USE:
- PROPOSED LAND USE:
- YARD REGULATIONS:
- MAXIMUM BUILDING HEIGHT:
- UNITS:
- PARKING:
- OPEN SPACE:

THE PRESBYTERIAN HOME AT CHARLOTTE, INC.

2480 AC,

179-032-45, 179-051-09, 179-051-07, 179-051-06, 179-051-05, 179-051-04

INST (CD), R-3

INSTITUTIONAL (CD) SPA AND INSTITUTIONAL (CD)

SINGLE FAMILY RESIDENTIAL, INDEPENDENT AND DEPENDENT LIVING FACILITY

INDEPENDENT AND DEPENDENT LIVING FACILITY

ALLOWABLE - SETBACK - 40' REQUIRED

REAR YARD - 20' REQUIRED

REAR YARD - 20' REQUIRED

PROVIDED - SETBACK - 40'

REAR YARD - EXISTING 60' TO REMAIN

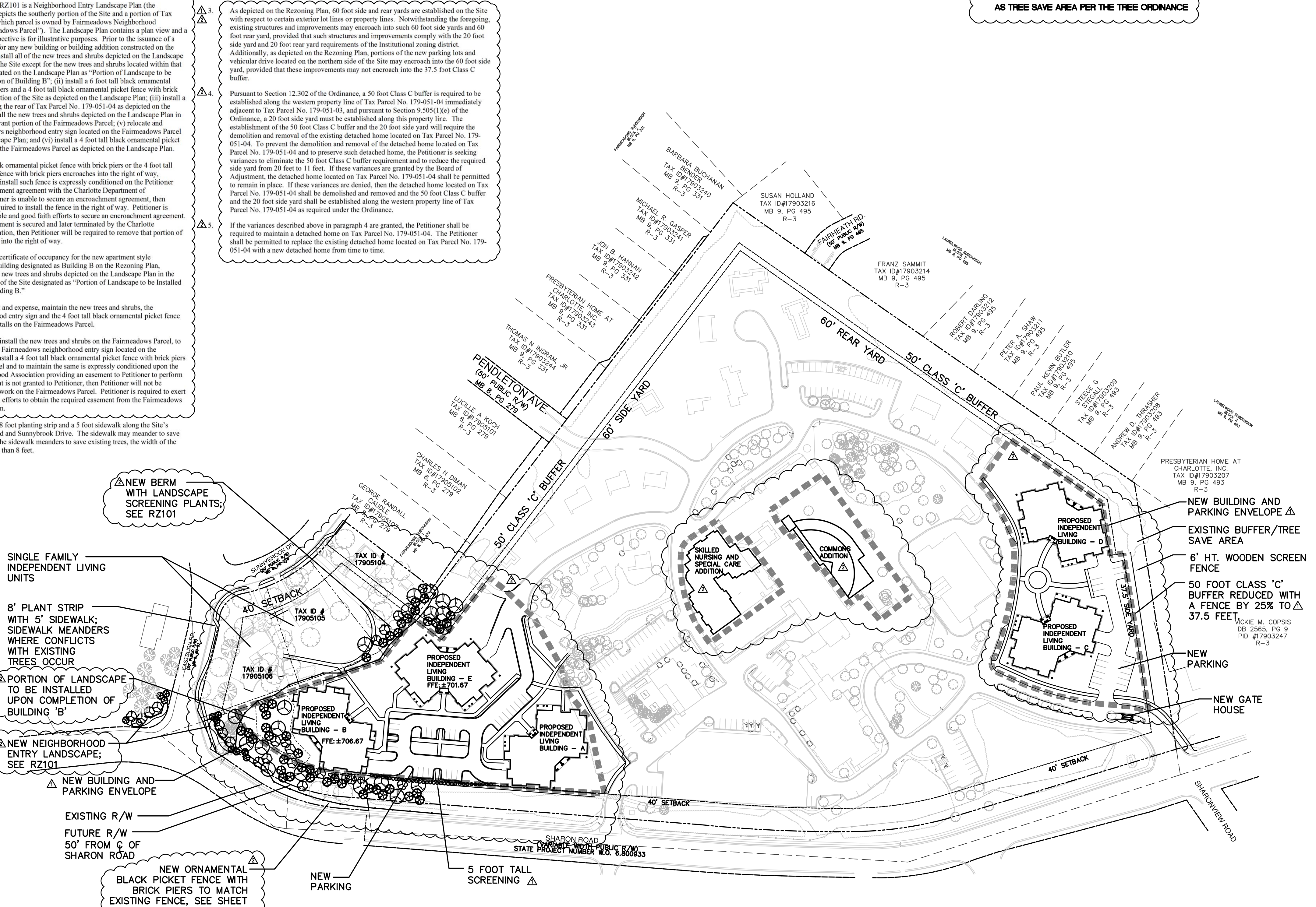
REAR YARD - EXISTING 60' TO REMAIN

SEE ARCHITECTURAL STANDARDS

336 INDEPENDENT LIVING UNITS  
40 NEW SKILLED NURSING BEDS  
56 RENOVATED SKILLED NURSING BEDS  
(96 TOTAL SKILLED NURSING BEDS)  
18 NEW SPECIAL CARE BEDS  
22 RENOVATED ADULT CARE BEDS  
(40 TOTAL ASSISTED LIVING BEDS)

PARKING WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE

MINIMUM 16% OF THE SITE WILL BE ESTABLISHED AS TREE SAVE AREA PER THE TREE ORDINANCE



Client:

Project:



Sharon Towers

5100 Sharon Road  
Charlotte, NC  
28210

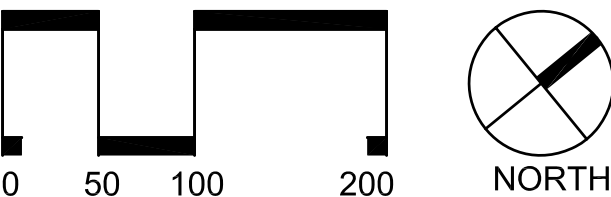
Vicinity map:



Seal:

Issued for:

| No. | Date     | Description                         |
|-----|----------|-------------------------------------|
| 1   | 08.16.13 | Revised per Planning Staff Comments |
| 2   | 11.15.13 | Revised per Planning Staff Comments |



Scale: 1" = 100'

Title:

REZONING  
SITE PLAN

Project number: X13016.00 Sheet:

Date: 06.24.2013

Drawn by:

Approved by:

RZ100





STEWART

200 S. COLLEGE ST., STE. 720  
CHARLOTTE, NC 28202  
704.334.7925

FIRM LICENSE # C-1051  
www.stewartinc.com  
PROJECT # X13016.00

Client:

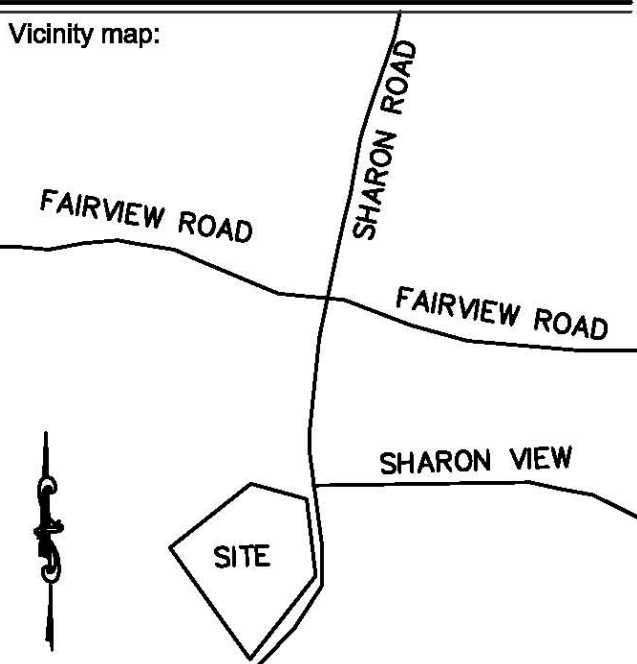


Project:

Sharon Towers

5100 Sharon Road  
Charlotte, NC  
28210

Vicinity map:

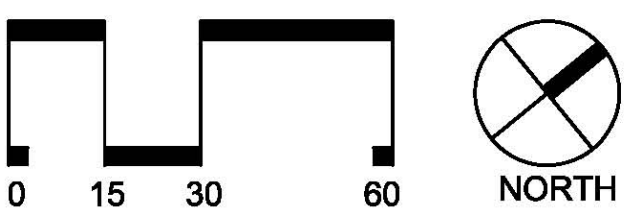


Seal:

Issued for:

No. Date Description

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Scale: 1" = 30'

Title:

NEIGHBORHOOD  
ENTRY  
LANDSCAPE

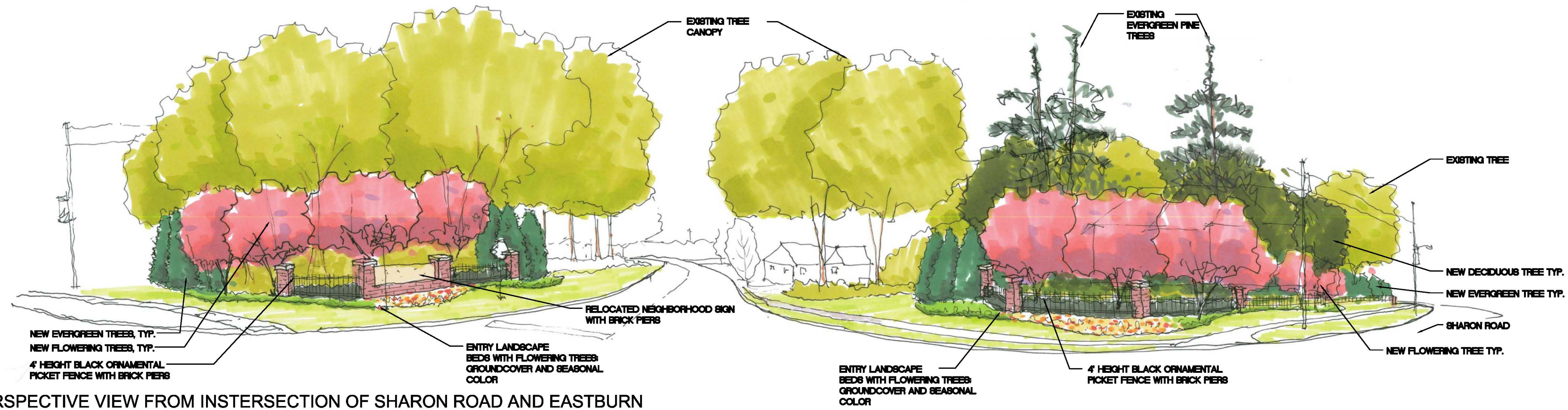
Project number: X13016.00 Sheet:

Date: 11.15.2013

Drawn by:

Approved by:

RZ101



PERSPECTIVE VIEW FROM INTERSECTION OF SHARON ROAD AND EASTBURN



PLAN VIEW









01 BACK ELEVATION: PROPOSED INDEPENDENT LIVING BUILDING (BUILDING "E" ONLY)  
SCALE: 1/8" = 1'-0"