

RECEIVED
JUL-25 2016

2016-128

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 2016-
Date Filed: 7/25/2016
Received By: BH

Complete All Fields (Use additional pages if needed)

Property Owners: SEE SCHEDULE 1 ATTACHED HERETO
Owner's Addresses: SEE SCHEDULE 1 ATTACHED HERETO
Date Properties Acquired: SEE SCHEDULE 1 ATTACHED HERETO
Property Addresses: SEE SCHEDULE 1 ATTACHED HERETO
Tax Parcel Numbers: SEE SCHEDULE 1 ATTACHED HERETO
Current Land Use: Vacant & Residential Uses Total Acres: ±125.13
Existing Zoning: SEE SCHEDULE 1 ATTACHED HERETO
Proposed Zoning: CC, MUDD-O, O-1(CD) & NS(SPA) - all with LLWPA
Overlay: Lower Lake Wylie Protected Area Watersheds (LLWPA)
(Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Alberto Gonzales, Laura Harmon, Rick Grochoske, Mike Davis, Grant Meacci and Josh Weaver.
Date of meeting: July 15, 2016

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team member is held.)

For Conditional Rezoning Only:
Requesting a vesting period exceeding the 2 year minimum? Yes No. Number of years (maximum of 5): 5
Purpose/description of Conditional Zoning Plan: To modify the previously approved conditional to allow additional office square footage, a hotel, a theatre and to add additional property to mixed-use center.

Jeff Brown
Keith MacVean
Name of Rezoning Agent
Moore & Van Allen, PLLC
100 N. Tryon Street, Suite 4700
Agent's Address
Charlotte, NC 28202
City, State, Zip
704-331-1144 (JB) **704-378-1925 (JB)**
704-331-3531 (KM) **704-378-1954 (KM)**
Telephone Number Fax Number
jeffbrown@mvalaw.com keithmacvean@mvalaw.com
E-mail Address
See Attachment A-E
Signature of Property Owners

MT Island Promenade LLC (Attn: David Joseph)
Name of Petitioner
1401 Sunset Dr, Suite B
Address of Petitioner
Greensboro, NC 27408
City, State, Zip
336-706-8270
Telephone Number
djoseph@triad.rr.com, djoseph@sparrowwolf.com
E-mail Address
See Attachment F
Signature of Petitioner

SCHEDULE 1

<u>Property Owner and Address</u>	<u>Property Address</u>	<u>Tax Parcel Number</u>	<u>Acreage</u>	<u>Date Property Acquired</u>	<u>Existing Zoning Classification</u>
William R Allen Betty F Allen 4220 Mount Holly Huntersville Road Charlotte, NC 28216	N/A	033-041-09	.85	01/18/82	R-3
	4228 Mt. Holly-Huntersville Road	033-041-23	1.21	01/18/82	R-3
	4220 Mt. Holly-Huntersville Road	033-041-22	1.06	01/16/82	R-3
Corning Optical Communications, LLC Mike Bell 800 17 th Street NW Hickory, NC 28601	4200 Mt. Holly-Huntersville Road	033-041-19	2.02	06/16	R-3
Strong Willed II LLC PO Box 680816 Charlotte, NC 28216	4140 Mt. Holly-Huntersville Road	033-041-20	.86	08/06/09	R-3
Patricia Hartsfield-Davis David Ray Davis 1600 Stevens Road Matthews, NC 28105	4132 Mt. Holly-Huntersville Road	033-041-17	1.06	05/07/15	R-3
Mt. Island Promenade LLC 1401 Sunset Dr, Suite B Greensboro, NC 27408	4000 and 4110 Mt. Holly-Huntersville Road	033-041-11	4.78	12/11/15	R-3
	N/A	033-201-14	.088	12/11/15	NS
	3950 Mt. Holly-Huntersville Road	033-041-10	114.404	12/31/14	NS/B-D(CD)

City of Charlotte

REZONING PETITION NO. [2016-_____]

PETITIONER JOINDER AGREEMENT

The undersigned, as the owner of the parcels of land located at Mt. Holly-Huntersville Road that are designated as Tax Parcel Nos. 03304122, 03304123 and 03304109, respectively, on the Mecklenburg County Tax Map and which are subject to the attached Rezoning Application (collectively, the "Parcels"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcels from the R-3 to the NS zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 21st day of July 2016.

By:

Betty F. Allen
Betty F. Allen

ATTACHMENT B

REZONING PETITION NO. [2016-____]
MT Island Promenade, LLC

PETITIONER JOINDER AGREEMENT

Corning Optical Communications LLC

The undersigned, as the owner of the parcel of land located at 4200 Mt. Holly-Huntersville Road that is designated as Tax Parcel No. 033-041-19 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (collectively, the "Parcel"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcels from the R-3 zoning district to the O-1(CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This ____ day of July 2016.

Corning Optical Communications LLC

By:  _____

Name: Michael A. Bell

Its: President, COC LLC

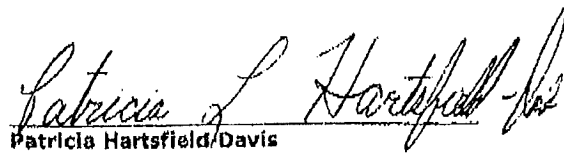
ATTACHMENT D

**REZONING PETITION NO. 2016-
Mt Island Promenade, LLC**

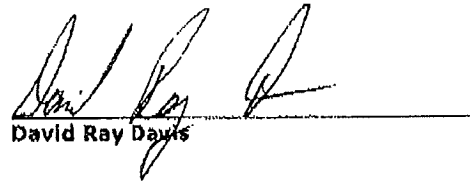
**PETITIONER JOINDER AGREEMENT
Patricia Hartsfield-Davis
David Ray Davis**

The undersigned, as the owners of the parcel of land located at 4132 Mt. Holly-Huntersville Road that is designated as Tax Parcel No. 033-041-17 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby join in this Rezoning Application and consent to the change in zoning for the Parcel from the R-3 zoning district to the O-1(CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 22 day of July, 2016.



Patricia Hartsfield-Davis



David Ray Davis

ATTACHMENT C

REZONING PETITION NO. 12016-
MT Island Promenade, LLC

PETITIONER JOINDER AGREEMENT

Strong Willed II, LLC

The undersigned, as the owner of the parcel of land located at 4140 Mt. Holly-Huntersville Road that is designated as Tax Parcel No. 033-041-20 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (collectively, the "Parcel"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcels from the R-3 zoning district to the O-1(CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 25th day of July 2016.

Strong Willed II, LLC

By:
Name:
Its:

ATTACHMENT A

REZONING PETITION NO. [2016-____]
MT Island Promenade, LLC

PETITIONER JOINDER AGREEMENT

MT Island Promenade, LLC

The undersigned, as the owner of the parcels of land:

- | | | |
|----|---|------------|
| 1. | 4000 and 4110 Mt. Holly-Huntersville Road | 033-041-11 |
| 2. | N/A | 033-201-14 |
| 3. | 3950 Mt. Holly-Huntersville Road | 033-041-10 |

on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (collectively, the "Parcels"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcels from the R-3 zoning district to the O-1(CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This ____ day of July 2016.

MT Island Promenade, LLC

By: _____

Name: _____

Its: _____

ATTACHMENT G

REZONING PETITION NO. 2016-128

MT Island Promenade, LLC

PETITIONER JOINDER AGREEMENT

Harris Teeter Properties, LLC

The undersigned, as owners of the parcels of land located at 3950 Mt. Holly-Huntersville Road that is designated as outparcel M in the Charlotte Mecklenburg County Deed Map Book 59 Page 788 and which is subject to the attached Rezoning Application (the "Parcel"), hereby join in this Rezoning Application and consent to the change in zoning for the Parcel from the NS zoning district to the NS (SPA) zoning districts as more particularly depicted on the related conditional rezoning plan.

This 2nd day of November 2016.

Harris Teeter Properties, LLC

By: 

Name: SCOTT L. WIPAC

Title: PRESIDENT

ATTACHMENT H

REZONING PETITION NO. 2016-128

MT Island Promenade, LLC

PETITIONER JOINDER AGREEMENT

HT Fuel, LLC

The undersigned, as owners of the parcels of land located at 3950 Mt. Holly-Huntersville Road that is designated as outparcel C in the Charlotte Mecklenburg County Deed Map Book 59 Page 788 and which is subject to the attached Rezoning Application (the "Parcel"), hereby join in this Rezoning Application and consent to the change in zoning for the Parcel from the NS zoning district to the NS (SPA) zoning districts as more particularly depicted on the related conditional rezoning plan.

This 2ND day of November 2016.

HT Fuel, LLC

By: Harris Teeter Properties, LLC

By: 

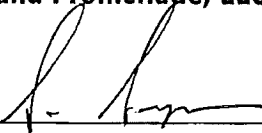
Name: SCOTT L. WIPKE

Title: PRESIDENT

ATTACHMENT F

REZONING PETITION NO. [2016-_____]
 MT Island Promenade, LLC

MT Island Promenade, LLC

By: 

Name: SAM SIMPSON

Its: MANAGER

METES AND BOUNDS DESCRIPTION AREA B

BEING A PARCEL OF LAND LOCATED IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA (HEREINAFTER REFERRED TO AS THE SUBJECT PROPERTY) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF **BEGINNING**, COMMENCE FROM NCGS MONUMENT "M 030", SAID MONUMENT HAVING NC GRID COORDINATES N: 579,273.271 AND E: 1,419,723.987 S64°12'05"E A DISTANCE OF 1017.21' TO A POINT ON THE NORTHWESTERLY CORNER OF AREA D. THENCE PROCEEDING FROM SAID POINT N41°16'16"E A DISTANCE OF 295.58' TO THE **POINT OF BEGINNING**. THENCE FROM THE POINT OF BEGINNING THE FOLLOWING EIGHT (8) CALLS:1) N41° 16' 59"E A DISTANCE OF 934.00' TO A POINT; 2) S48° 44' 30"E A DISTANCE OF 571.34' TO A POINT; 3) S7° 31' 03"E A DISTANCE OF 187.62' TO A POINT; 4) S41° 15' 32"W A DISTANCE OF 487.05' TO A POINT; 5) S79° 03' 15"W A DISTANCE OF 344.13' TO A POINT; 6) N48° 43' 44"W A DISTANCE OF 169.59' TO A POINT; 7) N81° 03' 12"W A DISTANCE OF 95.36' TO A POINT; 8) N48° 50' 30"W A DISTANCE OF 251.77' TO **THE POINT AND PLACE OF BEGINNING**, CONTAINING 13.924 ACRES, MORE OR LESS.

METES AND BOUNDS DESCRIPTION AREA D

BEING A PARCEL OF LAND LOCATED IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA (HEREINAFTER REFERRED TO AS THE SUBJECT PROPERTY) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S64°12'05"E A DISTANCE OF 1017.21' FROM NCGS MONUMENT "M 030", SAID MONUMENT HAVING NC GRID COORDINATES N: 579,273.271 AND E: 1,419,723.987. THENCE COMMENCING FROM THE **POINT OF BEGINNING** THE FOLLOWING FOUR (4) CALLS: 1) N41° 16' 16"E A DISTANCE OF 295.58' TO A POINT; 2) S48° 50' 30"E A DISTANCE OF 251.77' TO A POINT; 3) S41° 29' 44"W A DISTANCE OF 317.30' TO A POINT; 4) N43° 53' 14"W A DISTANCE OF 251.42' TO THE **POINT AND PLACE OF BEGINNING**, CONTAINING 1.767 ACRES, MORE OR LESS.