

**Mecklenburg County, North Carolina & City of Charlotte, North Carolina**

33	19913133	JOHN MORRISON & NANCY MORRISON	R-3
34	19913132	JOHN MORRISON & NANCY MORRISON	R-3
35	19913131	KENNETH ALLEN PARLATO & RENEE VITOGENE PARLATO	R-3
36	19913130	OCIVIA JUAREZ	R-3
37	19913129	ALLEN PRESTON & ORBISON & RACHEL SURFACE ORBISON	R-3
38	19913128	JOHN E PRESTON & LINDA P PRESTON	R-3
39	19906105	ASSOCIATION INC NEELY GLEN HOMEOWNERS	R-3
40	19906128	DARIUS WINOKEN	R-3
41	19906129	ROBERT K KOLLAR & COLLEEN A KOLLER	R-3
42	19906130	JAMES COLEMAN	R-3
43	19906131	WILLIAM BORDO & VIRGINIA F BORDO	R-3
44	19906132	FORCE ALAMIELLO & MARIA MARTHA ALAMIELLO	R-3
45	19906133	JEFFREY CUNNINGHAM & MARILEY CUNNINGHAM	R-3
46	19906122	JAMES K NEELY & BARBARA W NEELY	R-3
47	19906167	ASSOCIATION INC NEELY GLEN HOMEOWNERS	R-3
48	19906167	ASSOCIATION INC NEELY GLEN HOMEOWNERS	R-3
49	19906117	JAMES K NEELY & BARBARA W NEELY	R-3
50	19906116	JOSE GRETZ	R-3
51	19906114	FIRST CAROLINA SOUTH LLC	R-3
52	19912335	KONSTANTIN IWANOV	R-3
53	19912122	MARK F JAMES & DEBORAH JAMES	R-3
54	19912191	AMH NC DEVELOPMENT LP	R-3
55	19912103	SAMUEL RICHARD JR STEWART & HAZEL ELIZABETH THOMPSON STEWART	R-3
56	19912104	SAMUEL RICHARD JR STEWART & HAZEL ELIZABETH THOMPSON STEWART	R-3
57	19912114	SAMUEL RICHARD JR STEWART & HAZEL ELIZABETH THOMPSON STEWART	R-3
58	19912110	DAVID L SURFACE & DEBRA ANN SURFACE	R-3
59	19912108	THOMAS H TAYLOR & BESSIE H TAYLOR	R-3
60	19912336	HARTWELL HOA INC	R-3
61	19912337	HARTWELL HOA INC	R-3
62	19912316	HARTWELL HOA INC	R-3
63	19912128	HARTWELL HOA INC	R-3
64	19912113	VICTORIA C PEREZ & GUADALUPE PEREZ	R-3
65	19912190	CHARLES A BEATTY & ANGELA R BEATTY	R-3
66	19912123	CHARLES A BEATTY & ANGELA R BEATTY	R-3
67	19909707	CI BLACKWOOD LLC	R-3
68	19912116	C J PHILLIPS & MARY W PHILLIPS	R-3
69	19912199	REAL ESTATE PROPERTIES HOLDING LLC	R-3
70	19912101	BRIAN KUNGER, JEL KUNGER, & LIVING TRUST KUNGER FAMILY REVOCABLE	R-3



### Proposed Pedestrian Connection



Gambrell Site - Petition #2019-XXX  
Rezoning - Development Standards 08/22/2019

Site Development Data:

--Acreage: ± 271.6 acres  
--Tax Parcel #: 199-07-102, 199-07-105, 199-05-101, 199-06-107, 199-07-101, 199-51-106  
--Existing Zoning: R-3  
--Proposed Zoning: MX-3 (Innovative) and UR-2 (CD)  
--Existing Uses: vacant  
--Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses as allowed in the MX-3 (Innovative) zoning district on the portion of the Site zoned MX-3 (Innovative) and uses permitted by right and under prescribed conditions together with accessory uses as allowed in the UR-2 zoning district on the portion of the Site zoned UR-2 (as more specifically described and restricted below in Section 3).  
--Maximum Gross Square feet of Development: Within the MX-3 (Innovative) zoning district: (i) up to 697 single family residential dwelling units of which no more than 200 can be developed as single family attached dwelling units, and (ii) 15,000 square feet of indoor recreation uses, subject to the limitations and Innovative Provisions described below. Within the UR-2 (CD) zoning district, 120 acre restricted (as defined by the department of HUD) dwelling units,  
--Maximum Building Height: Building height as specified by the Ordinance will be allowed. Building height will be measured as defined by the Ordinance.  
--Parking: As required by the Ordinance.

1. General Provisions:

- a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan, and related graphics form the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Pulte Group ("Petitioner") to accommodate development of a residential community, an age restricted continuing care/retirement use, as well as an indoor/outdoor recreation use with associated facilities on the approximately 271.6 acre site located off of Steele Creek Road/Highway 160 and Sledge Road (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by 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 MX-3 (Innovative) zoning classification shall govern all development taking place on the Site, subject to the Innovative Provisions provided below.
- c. **Development Areas.** For ease of reference and as an organizing principal associated with the master planned community, the Rezoning Plan sets forth three (3) development areas (and other sub-areas within the Development Areas) as generally depicted on the Technical Data Sheet as Development Areas A, B, and C (each a "Development Area" and collectively the "Development Areas"). The exact boundaries of the Development Areas may be subject to modifications to account for Development/Site Elements (as defined below) and other modifications needed to fulfill the design and development intent of the Rezoning Plan.
- d. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Development Areas (as defined below), open space areas and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or
- ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on Sheet RZ-2.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

- e. **Number of Buildings Principal and Accessory: Accessory Building Design.** Notwithstanding the number of buildings or lots shown on the Rezoning Plan, the total number of principal buildings to be developed: (i) on the portion of the Site designated as Development Area A on the Rezoning Plan and to be developed for detached and/or attached single family residential dwellings, shall not exceed 697 principal buildings or residences; (ii) on the portion of the Site designated as Development Area B on the Rezoning Plan and to be developed for continuing care/retirement community, shall not exceed two (2) principal buildings; and (iii) on the portion of the Site designated as Development Area C and to be developed for indoor/outdoor recreation uses, shall not exceed two (2) principal buildings. Accessory buildings and structures located on the Site, including, without limitation, the community clubhouse, picnic/gathering pavilions, recreation and related uses, equipment storage structures and the like shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing generally similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.
- f. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the Development/Site Elements, Development Areas and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, public/private street frontage requirements, FAR requirements, and other similar zoning/subdivision standards will not be required internally between improvements and other Development/Site Elements located on the Site. Furthermore, the Petitioner and/or owners of the applicable portion of the Site under development reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 3 below as to the Site as a whole and not individual portions, Development Areas or lots located therein.
- g. **Five Year Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development, the level of investment, the timing of development and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.
- h. **Gross Floor Area Clarification.** When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities), enclosed loading dock/service areas, and outdoor dining and gathering areas whether on the roof of the building or at street level.

2. Innovative Provisions for MX-3(Innovative) Area

- a. **Single-Family Detached.** The Petitioner hereby seeks the following Innovative Development Standards in connection with single-family detached development taking place within Development Area A to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian friendly residential community:
- i. A minimum lot size for single-family detached lots of 4,000 square feet.
- ii. A minimum lot width for single-family detached lots of thirty-five feet (35').
- iii. A minimum front setback for single-family detached lots of ten feet (10') as measured from the proposed public right-of-way; in the event a driveway is provided, the setback shall be increased to allow parking in the driveway that does not block the sidewalk.
- iv. A minimum rear yard for single-family detached of twenty feet (20'); and
- v. The ability to allow single-family lots to front on private streets (if private streets are used they will not be gated) or common open space.
- b. **Single-Family Attached.** The Petitioner hereby seeks the following Innovative Development Standards in connection with single-family detached development taking place within Development Area A to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian friendly residential community:
- i. A minimum lot size for single-family attached lots of 2,000 sf.
- ii. A minimum lot width for single-family attached lots of 15'.
- iii. Petitioner shall provide a minimum setback of at least fourteen (14) feet from the proposed right-of-way for both front-loaded units and alley-loaded single-family attached units fronting public streets. Stoops and stairs may encroach three (3) feet into the setback as a "transition zone."
- iv. For alley loaded single-family attached units, driveway lengths shall be a minimum of 5-7' or 20' and greater measured from the back of curb to face of garage.
- v. For front loaded single-family attached units, driveway lengths shall be a minimum of 22' measured from the proposed right-of-way to face of garage.
- vi. The clear sight triangles at street intersection restriction shall not apply to single-family attached lots.
- b. In addition, the Petitioner reserves the right to modify the Innovative Provisions described above or seek other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

3. Permitted Uses, Development Area Limitations, and Transfer & Conversion Rights:

- a. Development Area A may be developed with up to 697 single family residential units, of which no more than 200 can be developed as single family attached dwelling units as allowed by right and under prescribed conditions, together with accessory uses as permitted in the MX-3 Innovative zoning district, including, without limitation, community clubhouse, recreation, open space and related uses (e.g. improved passive and active open spaces, /gathering shelters, gazebos, ball fields, maintenance buildings, outdoor recreational uses, and other uses typically associated with residential communities).
- b. Development Area B may be developed with up to one hundred twenty (120) continuing care/retirement community age restricted residential dwelling units, as allowed by right and under prescribed conditions, together with accessory uses as permitted in the UR-2 zoning district, including, without limitation, community clubhouse, recreation, open space and related uses (e.g. improved passive and active open spaces, picnic/gathering shelters, gazebos, ball fields, maintenance buildings, outdoor recreational uses, and other uses typically associated with residential communities etc.).

A continuing care retirement community (CCRC) is a nursing home made up of both independent and dependent living facilities.

Per current department of HUD standards, age restricted or an age restricted community shall mean: (i) a community intended and operated for occupancy by persons 55 years of age or older; (ii) a community where at least 80% of the units have at least one occupant who is 55 years of age or older; (iii) the community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and (iv) the community must comply with HUD's regulatory requirements for age verification of residents.

- c. Development Area C may be developed with up to 15,000 square feet of gross floor area of indoor recreation uses and to the extent deemed a principal use outdoor recreation uses & associated facilities without square footage limitations, as allowed by right and under prescribed conditions, together with accessory uses as permitted in the MX-3 Innovative zoning district, including, without limitation, outdoor recreation uses and associated facilities (e.g. improved passive and active open spaces, picnic/gathering shelters, gazebos, ball fields, maintenance buildings, swimming pools, and other uses typically associated with indoor and/or outdoor recreation facilities etc.).

4. Transportation Improvements and Access:

I. Proposed Improvements:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below in accordance with the following implementation provisions:

TO BE FORTHCOMING

II. Standards, Phasing and Other Provisions:

- a. **CDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT and/or NCDOT (as it relates to the roadway improvements within their respective road system authority). It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

b. Phasing.

Notwithstanding the commitments of the Petitioner to provide for the roadway improvements described in Section 4.I above, the following provisions shall permit development to take place prior to completion of all of the above-referenced improvements:

- (i) The Petitioner has the right to construct up to the maximum amount of land use densities shown below by constructing the appropriate roadway improvements listed, or by submitting construction plans for the appropriate roadway improvements as indicated in a particular phase, for each level of development without being required to construct the remainder of the required transportation improvements listed above in Section 4.I. until the development density levels shown below are exceeded: **[TO BE FORTHCOMING IF NEEDED]**

- c. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.II above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.II.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

- d. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body may agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

- e. **Alternative Improvements.** Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT and the Planning Director; provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

III. Access, and Pedestrian Circulation:

- a. Access to the Site will be from Sledge Road, Steele Creek Road, and Shopton Road West as well as other public street extensions and connections made from the Site and into the Site from adjoining properties as generally depicted on Sheet RZ1 & Sheet RZ2.
- b. The number and location of access points to the internal public streets will be determined during the building permit process and thereafter additional or fewer driveways and/or additional private/public streets may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.
- c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

5. Design Intent Statement:

- a. The Petitioner proposes to develop a walkable residential community where the residents of the community will have convenient and easy access to a series of passive and active open spaces that are interconnected by a network of streets, sidewalks, and trails. The emphasis of the design will be to provide alternative modes of transportation to the residents of the community which will allow them to access the community's amenity areas as well as the proposed indoor/outdoor recreation uses located along the Site's frontage on Steele Creek Road.

6. General Architectural Standards and Parking Location Restrictions:

- a. The principal buildings constructed on the Site (Development Areas A, B, and C) may use a variety of building materials. The building materials used for buildings (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
- b. Buildings located with Development Area C will be designed so that the building facades orient to the new or the existing streets and will not have lengths of uninterrupted blank building walls over 20 feet in length. Building walls may be interrupted with glass display windows, glass entry doors, windows, and changes in building materials and other treatments that help create visual interest and to encourage pedestrian activity.
- c. The principal entrance to buildings in Development Areas B and C, both functionally and architecturally, shall front on the primary streets or a public open space such as a square, plaza, or courtyard.
- d. The service areas of the new buildings constructed within Development Areas B and C will be screened from the adjoining streets with walls designed to complement the building architecture of the adjacent buildings. Architectural features such as, but not limited to, bandings, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls and to encourage pedestrian activity.

7. Streetscape, Landscaping and Buffer:

- a. Setbacks and yards as required by the MX-3 (Innovative) zoning district and as allowed by the Innovative Provisions above will be provided.

- b. Within Development Area C, a minimum building and parking setback of 20 feet as measured from the existing right-of-way will be provided along Steele Creek Road.

- c. Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links all of the principal buildings on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. The minimum width for these internal sidewalks will be a minimum of five (5) feet except as follows:

- i. Public Street A shall have an eight (8) foot planting strip and a ten (10) foot multi-use path on the southern side of Public Street A from Steele Creek Road to Sledge Road as generally depicted on Sheet RZ-2.

8. Environmental Features

- a. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved from and engineering perspective with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

- b. Storm water detention areas and water quality areas located along an interior public street will be landscaped to create an attractive street edge.

- c. The Site will comply with the requirements of the City of Charlotte Tree Ordinance.

9. Plazas and Open Space:

- a. The Petitioner will provide a series of passive and active open space areas throughout the residential community as generally depicted on Sheet RZ-2 (the exact location and configuration of these open space areas may vary from what is illustrated; the final locations and configuration of the open space areas will be determined/finalized during each phase of the subdivision approval process). A minimum of 10% of the Development Area A will be provided as passive open space areas and a minimum of 5% of the MX-3 area will be provided and improved as active open space areas. Active open space areas will be areas improved with seating areas, trails, recreation fields, tennis courts, play grounds, swimming pools, amenitized ponds (i.e. water quality ponds/areas improved with trails, seating areas and other amenities), a club house or other amenity areas designed to be used and enjoyed by the residents and guests of the community. Passive open space areas will be environmental areas such as tree save areas, water quality buffers, slopes, tree save areas, water quality areas or other open space areas of the community.

11. Signage:

- a. Signage as allowed by the Ordinance may be provided. The Site will be viewed as a Planned/Unified Development as defined by the Ordinance; consequently uses located on the interior of the Site may be identified on the allowed signs for the use in Development Area B and C, and vice versa uses located on along Steele Creek Road may be identified on signs located on the interior of the Site.

12. Lighting:

- a. All new lighting shall be decorative, capped, and downwardly directed.

- b. Detached lighting on the Site, except street lights located along public streets, will be limited to 25 feet in height in the portions of the Site used for non-residential uses and 15 feet in height in the portions of the Site used for residential uses.

13. 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 or portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

14. Binding Effect 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 herein and 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.

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BY					
REVISION					
DATE					
NO.					

Technical Data Sheet  
(Sheet 2 of 3)  
Petition # 2019-XXX

GAMBRELL SITE

City of Charlotte, NC & Mecklenburg County, NC

Pulte Group

PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	AB
DRAWN BY:	SW
PROJECT NUMBER:	DM20.101
ORIGINAL DATE:	08/22/2019
SHEET:	

RZ - 2



