

Rezoning Petition Packet

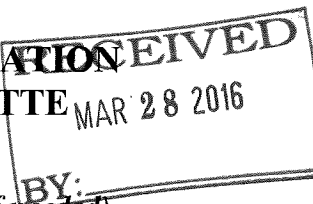
Petitions: **2016-087 through 2016-102**

Petitions that were submitted by April 25, 2016

Staff Review Meeting: **May 19, 2016**

City Public Hearing: **To Be Determined**

I. REZONING APPLICATION
CITY OF CHARLOTTE



Petition #:	<u>2016-087</u>
Date Filed:	<u>3/28/2016</u>
Received By:	<u>[Signature]</u>

Complete All Fields (Use additional pages if needed)

Property Owner (s): SEE SCHEDULE 1 ATTACHED HERETO

Owner's Address(es): SEE SCHEDULE 1 ATTACHED HERETO

Date(s) Propert(ies) Acquired: SEE SCHEDULE 1 ATTACHED HERETO

Property Address(es): SEE SCHEDULE 1 ATTACHED HERETO

Tax Parcel Number(s): SEE SCHEDULE 1 ATTACHED HERETO

Current Land Use: Single Family Homes, Apts & Office Uses Size (Acres): 6.838

Existing Zoning: R-3, O-1(CD), + INST- Institutional District Proposed Zoning: MUDD-O

Overlay: _____
(Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting * with: Sonja Sanders, Mandi Vari, Monica Holmes, Rick Grochoske, and Shannon Frye.

Date of meeting: 2/11/16

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

For Conditional Rezonings Only:

Requesting a vesting period exceeding the 2 year minimum? ☒ Yes ☐ No. Number of years (maximum of 5): 5 years

Purpose/description of Conditional Zoning Plan: To allow the redevelopment of the Site with a high quality student housing community.

Jeff Brown, Keith MacVean,
Bridget Dixon
Name of Rezoning Agent

Haven Campus Communities
(Attn: Brian Miller)
Name of Petitioner

Moore & Van Allen
100 N. Tryon Street, Suite 4700
Agent's Address

3284 Northside Parkway, Suite 500
Address of Petitioner

Charlotte, NC 28202
City, State, Zip

Atlanta, GA 30327
City, State, Zip

704-331-1144 (JB) 704-378-1925 (JB)
704-331-3531 (KM) 704-378-1954 (KM)
704-331-2379 (BD) 704-378-1973 (BD)
Telephone Number Fax Number

770-818-4095 (o)
601-624-2925 (c)
Telephone Number Fax Number

jeffbrown@mvalaw.com, keithmacvean@mvalaw.com
bridgetdixon@mvalaw.com
E-mail Address

brian@havencampuscommunities.com
E-mail Address

See Attachment A, B, C
Signature of Property Owner

See Attachment D
Signature of Petitioner

SCHEDULE 1

REZONING PETITION NO. 2016-_____

<u>Property Owner & Address</u>	<u>Property Address</u>	<u>Tax Parcel Number</u>	<u>Acreage</u>	<u>Date Property Acquired</u>	<u>Existing Zoning Classification</u>
College Station Associates, LLC 5705 Bentway Dr. Charlotte, NC 28226	9304 Univ. City Blvd. 16 9423 Sandburg Av.	049-295-21 049-295-04	3.87 0.389	3/8/02 3/8/02	INST R-3
Cardinal Property Holdings, LLC 13400 Broadwell Ct. Huntersville, NC 28078	9216 Univ. City Blvd. 9208 Univ. City Blvd. 9200 Univ. City Blvd. 9401 Sandburg Ave. 9409 Sandburg Ave.	049-295-24 049-295-25 049-295-26 049-295-01 049-295-02	0.532 0.457 0.464 0.389 0.360	11/19/07 6/30/10 6/30/10 6/30/10 6/25/09	O-1(CD) O-1(CD) INST R-3 R-3
Sonya P. Moore 9415 Sandburg Ave. Charlotte, NC	N/A	049-295-03	0.377	11/03/06	R-3

ATTACHMENT A
ATTACHMENT A

ATTACHMENT A

**REZONING PETITION NO. [2016-____]
Haven Campus Communities**

**PETITIONER JOINDER AGREEMENT
College Station Associates, LLC**

The undersigned, as the owners of the following parcels of land:

- (a) 9304 University City Blvd. 16 Parcel No. 049-295-21
- (b) 9423 Sandburg Ave Parcel No. 049-295-04

which are both subject to the attached Rezoning Application (collectively, the "Parcels"), hereby joins in the Rezoning Applications and consents to the change in zoning for the parcels from INST. and R-3 zoning district to the MUDD-O zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 23 day of March, 2016.

**College Station Associates, LLC
a North Carolina limited liability
company**

By: Dianne F. Biggers
Name: Dianne F BIGGERS
Its: manager/owner

ATTACHMENT B

**REZONING PETITION NO. [2016-____]
Haven Campus Communities**

**PETITIONER JOINDER AGREEMENT
Cardinal Property Holdings, LLC**

The undersigned, as the owners of the following parcels of land:

(a) 9216 Univ. City Bv.	Parcel No. 049-295-24
(b) 9208 Univ. City Bv.	Parcel No. 049-295-25
(c) 9200 Univ. City Bv.	Parcel No. 049-295-26
(d) 9401 Sandburg Ave.	Parcel No. 049-295-01
(e) 9409 Sandburg Ave.	Parcel No. 049-295-02

which are subject to the attached Rezoning Application (collectively, the "Parcels"), hereby joins in the Rezoning Applications and consents to the change in zoning for the parcels from O-1(CD), INST, R-3 zoning district to the MUDD-O zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 23rd day of MARCH, 2016.

**Cardinal Property Holdings, LLC
a North Carolina limited liability
company**

By: 

Name: STEVEN K GOODMAN

Its: MANAGER/OWNER

ATTACHMENT B

ATTACHMENT C

REZONING PETITION NO. [2016-____]


Haven Campus Communities

PETITIONER JOINDER AGREEMENT

Sonya P. Moore

The undersigned, as the owner of the parcel of land located at 9415 Sandburg Ave. that is designated as Tax Parcel No. 049-295-03 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Applications and consents to the change in zoning for the parcels from R-3 zoning district to the MUDD-O zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 23 day of March, 2016.


Sonya P. Moore

ATTACHMENT C

ATTACHMENT D

**REZONING PETITION NO. [2016-]
Haven Campus Communities**

Petitioner:

Haven Campus Communities

By: Brian Miller
Name: BRIAN MILLER
Title: Executive Vice President



**ColeJenest
& Stone**

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Urban Design

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Charlotte, North Carolina 28202
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HAVEN COMMUNITIES

Charlotte
North Carolina 28223

HAVEN CHARLOTTE

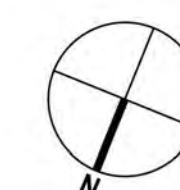
Charlotte
North Carolina 28223

TECHNICAL DATA SHEET

Project No.
4475

Issued
03/28/16

Revised



RZ-1

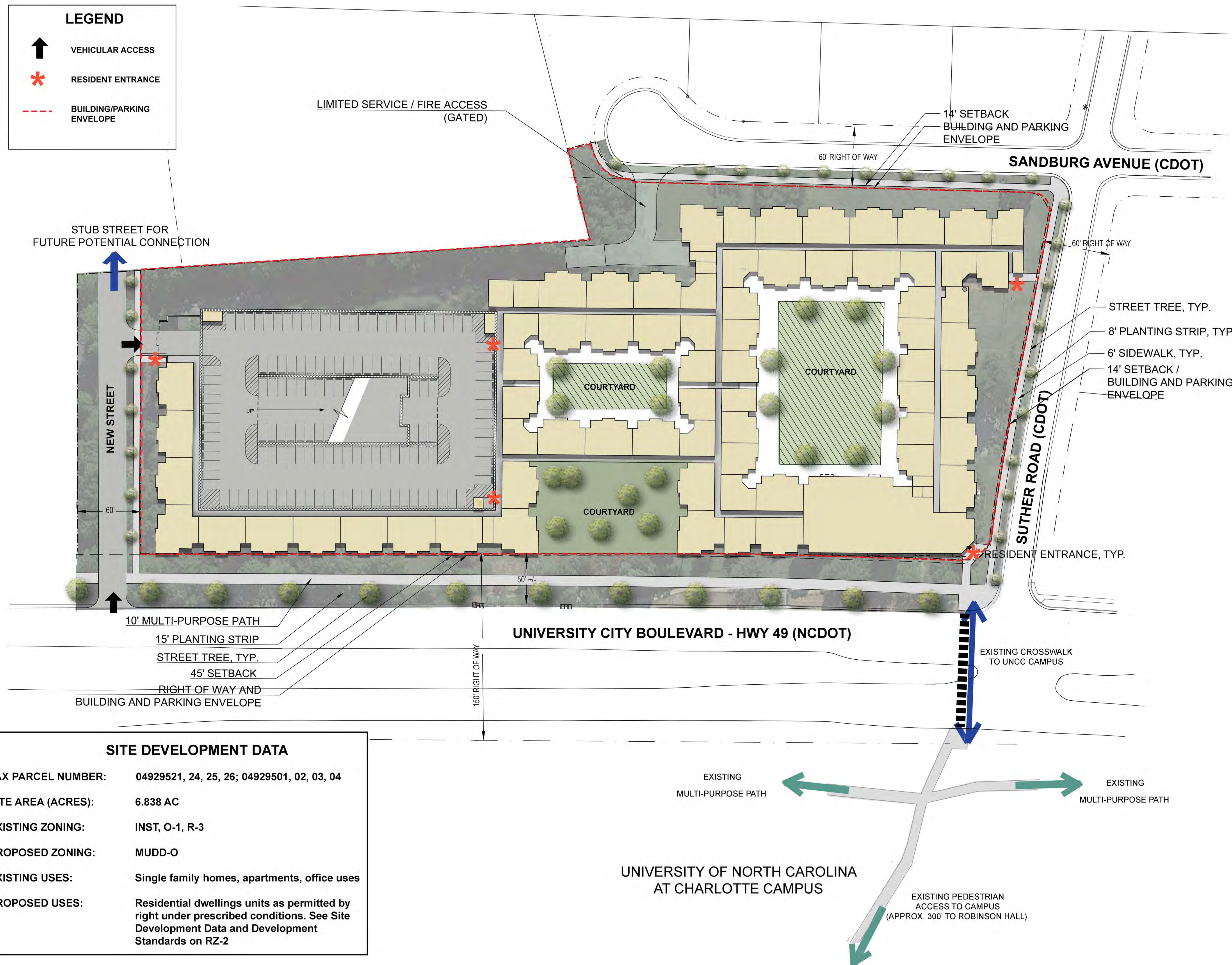
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PET#2016-XXX

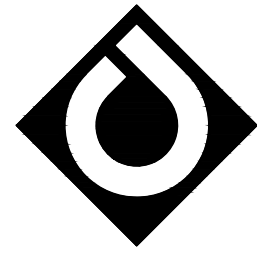
LEGEND

- ↑ VEHICULAR ACCESS
- * RESIDENT ENTRANCE
- - - BUILDING/PARKING ENVELOPE



SITE DEVELOPMENT DATA

TAX PARCEL NUMBER:	04929521, 24, 25, 26; 04929501, 02, 03, 04
SITE AREA (ACRES):	6.838 AC
EXISTING ZONING:	INST, O-1, R-3
PROPOSED ZONING:	MUDD-O
EXISTING USES:	Single family homes, apartments, office uses
PROPOSED USES:	Residential dwellings units as permitted by right under prescribed conditions. See Site Development Data and Development Standards on RZ-2



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HAVEN COMMUNITIES

Charlotte
North Carolina 28223

HAVEN CHARLOTTE

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North Carolina 28223

DEVELOPMENT STANDARDS

Project No.
4475

Issued
03/28/16

Revised

RZ-2

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PET#2016-XXX

HAVEN CAMPUS COMMUNITIES DEVELOPMENT STANDARDS 3/28/16 REZONING PETITION NO. 2016-

SITE DEVELOPMENT DATA:

--**ACREAGE:** ± 6.838 ACRES
--**TAX PARCEL #S:** 049-295-21, 049-295-04, 049-295-24, 049-295-25, 040-295-26, 049-295-01, 049-295-02, 049-295-03
--**EXISTING ZONING:** R-3, O-1, AND INST
--**PROPOSED ZONING:** MUDD-O
--**EXISTING USES:** SINGLE FAMILY HOMES, APARTMENTS, OFFICE USES
--**PROPOSED USES:** RESIDENTIAL DWELLINGS UNITS AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS, AND BY THE OPTIONAL PROVISIONS BELOW, TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT (ALL AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
--**MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:** UP TO 310 RESIDENTIAL DWELLING UNITS AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT.
--**MAXIMUM BUILDING HEIGHT:** MAXIMUM BUILDING HEIGHT FOR RESIDENTIAL BUILDING PORTION IS FOUR (4) STORIES AND THE PARKING FACILITY PORTION OF FIVE (5) STORES; EACH NOT TO EXCEED 65 FEET. BUILDING HEIGHT TO BE MEASURED PER THE ORDINANCE AS MEASURED ALONG UNIVERSITY CITY BOULEVARD.
--**PARKING:** AS REQUIRED BY THE ORDINANCE.

1. GENERAL PROVISIONS:

a. **SITE LOCATION.** THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER SITE PLAN SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY HAVEN CAMPUS COMMUNITIES, ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A HIGH QUALITY CAMPUS HOUSING ON AN APPROXIMATELY 6.8 ACRE SITE LOCATED ON THE SOUTHEAST QUADRANT OF THE INTERSECTION OF UNIVERSITY CITY BOULEVARD AND SUTHER 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 MUDD-O ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

c. **GRAPHICS AND ALTERATIONS.** THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS, PERMISSIBLE BUILDING AREAS (AS DEFINED BELOW) AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH IN THE REZONING PLAN SHOULD BE REVIEWED IN CONNECTION 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:

- MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN; OR
- MODIFICATIONS TO MOVE STRUCTURES GRAPHICALLY DEPICTED ON THE REZONING PLAN CLOSER TO ADJACENT PROPERTIES BUT NO CLOSER THAN THE "EXTERNAL BUILDING LINE" (IN THIS CASE THE EXTERNAL SETBACKS, SIDE OR REAR YARDS) INDICATED ON SHEET RZ-1; OR
- MODIFICATIONS TO ALLOW MINOR INCREASES OR DECREASES IN THE MASS OF THE BUILDINGS THAT DO NOT MATERIALLY CHANGE THE DESIGN INTENT DEPICTED ON OR DESCRIBED IN THE REZONING PLAN.

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.

d. **NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY.** THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO ONE (1). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

e. **EXCLUSIONS FOR CALCULATION OF MAXIMUM DEVELOPMENT LEVELS.** FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FAR REQUIREMENTS), THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALLOWED GROSS FLOOR AREA (FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE: SURFACE OR STRUCTURED PARKING FACILITIES, ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), AND OUTDOOR DINING AREAS WHETHER ON THE ROOF OF THE BUILDING(S) OR AT STREET LEVEL (PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE OR THESE DEVELOPMENT STANDARDS).

2. OPTIONAL PROVISIONS

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

- TO ALLOW WALL SIGNS TO HAVE UP TO 200 SQUARE FEET OF SIGN SURFACE AREA PER WALL OR 10% OF THE WALL AREA TO WHICH THEY ARE ATTACHED, WHICHEVER IS LESS.
- TO ALLOW ONE DETACHED GROUND MOUNTED SIGN PER STREET FRONT WITH A MAXIMUM HEIGHT OF 16 FEET AND CONTAINING UP TO 100 SQUARE FEET OF SIGN AREA.
- TO NOT REQUIRE DOORWAYS TO BE RECESSED INTO THE FACE OF THE BUILDING(S) WHEN THE WIDTH OF THE SIDEWALK IS AT LEAST 12 FEET AND TO NOT REQUIRED DOORWAYS TO BE RECESSED WHEN SLIDING GLASS DOORS ARE USED TO PROVIDE ACCESS.
- TO NOT REQUIRE SURFACE AND STRUCTURE PARKING AREAS, AND LOADING DOCK AREAS (OPEN OR ENCLOSED) TO BE COUNTED AS PART OF THE ALLOW GROSS FLOOR AREA (GROSS FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE.
- TO ALLOW THE USE OF A "GREEN SCREEN" TO MEET THE SCREENING REQUIREMENTS OF THE ORDINANCE FOR SURFACE PARKING AREAS; THE GREEN SCREEN TO BE USED ALONG THE SOUTHERN PROPERTY BOUNDARY.

NOTE: THE OPTIONAL PROVISION REGARDING SIGNS IS AN ADDITION/MODIFICATION TO THE STANDARDS FOR SIGNS IN THE MUDD DISTRICT AND IS TO BE USED WITH THE REMAINDER OF MUDD STANDARDS FOR SIGNS NOT MODIFIED BY THESE OPTIONAL PROVISIONS.

3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

a. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO 310 MULTI-FAMILY RESIDENTIAL DWELLINGS UNITS AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS AND PER THE OPTIONAL PROVISIONS ABOVE TOGETHER WITH ACCESSORY USES ALLOWED IN THE MUDD-O ZONING DISTRICT.

4. TRANSPORTATION IMPROVEMENTS AND ACCESS:

1. PROPOSED IMPROVEMENTS:

a. **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 TO BENEFIT OVERALL TRAFFIC PATTERNS THROUGHOUT THE AREA IN ACCORDANCE WITH THE FOLLOWING IMPLEMENTATION PROVISIONS.]

THE FOLLOWING TRANSPORTATION IMPROVEMENTS ARE ALSO ILLUSTRATED ON FIGURE ____ LOCATED ON SHEET ____ OF THE REZONING PLAN. FIGURE ____ ON SHEET ____ IS TO BE USED IN CONJUNCTION WITH THE FOLLOWING NOTES TO DETERMINE THE EXTENT OF THE PROPOSED IMPROVEMENTS (REFERENCE TO A NUMBER WHEN

DESCRIBING AN IMPROVEMENT CORRESPONDS TO THE NUMBER FOUND ON FIGURE ____ ON SHEET ____ FOR THE PROPOSED IMPROVEMENT).

TO BE COMPLETED AFTER THE REVIEW OF THE PROPOSED DEVELOPMENT BY CDOT.

II. STANDARDS, PHASING AND OTHER PROVISIONS.

CDOT/NC DOT STANDARDS. ALL OF THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AS APPLICABLE. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS

a. TAKING PLACE WITHIN THE AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

b. **SUBSTANTIAL COMPLETION.** REFERENCE TO "SUBSTANTIAL COMPLETION" FOR CERTAIN IMPROVEMENTS AS SET FORTH IN THE PROVISIONS OF SECTION 4.1A, ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 4.1A ABOVE PROVIDED, HOWEVER, IN THE EVENT ALL ROADWAY IMPROVEMENTS 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 THE PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS 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.

c. **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 COMMERCIALY REASONABLE TERMS AND AT MARKET PRICES, THEN CDOT, THE CITY OF CHARLOTTE ENGINEERING DIVISION OR OTHER APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY 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 PROCEEDINGS 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 THE PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS 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.

d. **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 AS APPLICABLE, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.

III. ACCESS.

a. ACCESS TO THE SITE WILL BE FROM UNIVERSITY CITY BOULEVARD, AND A NEW PUBLIC STREET AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.

b. PETITIONER SHALL INSTALL A NEW STREET FROM UNIVERSITY CITY BOULEVARD ALONG NORTHEASTERN BOUNDARY OF THE SITE IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. IN THE EVENT THE STREET IS A PRIVATE STREET, A PUBLIC ACCESS EASEMENT WILL BE PROVIDED ON THIS PRIVATE STREET. THE PUBLIC ACCESS EASEMENT WILL PROHIBIT THE PRIVATE STREET FROM BEING CLOSED OR GATED AND WILL REQUIRE THAT THE PRIVATE STREET BE KEPT OPEN TO ALLOW THE PUBLIC TO USE THE STREET FOR INGRESS AND EGRESS. THE PUBLIC ACCESS EASEMENT WILL BE DOCUMENTED ON APPLICABLE APPROVED BUILDING PERMIT PLANS WHICH WILL INCLUDE A PROVISION STATING THAT THE EASEMENT CAN BE MODIFIED AS PERMITTED HEREIN. THIS PROVISION AND PROVISIONS TO BE INCLUDED ON THE BUILDING PLANS ARE NOT INTENDED TO CREATE PRIVATE EASEMENTS RIGHTS THAT MAY BE ENFORCED BY INDIVIDUAL LAND OWNERS, BUT RATHER ARE INTENDED TO COMPLY WITH DESIRE OF THE CITY TO HAVE A PRIVATE STREET EXTENDED FROM UNIVERSITY CITY BOULEVARD TO THE ADJOINING PROPERTY LOCATED ALONG THE NORTHEASTERN PROPERTY BOUNDARY TO CREATE ADDITIONAL CONNECTIVITY IN THE AREA. PORTIONS OR ALL OF THE STORM WATER MANAGEMENT FEATURES MAY BE LOCATED WITHIN THE PRIVATE STREET.

c. THE ALIGNMENT OF THE 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 THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS SO

LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.

d. THE SITE'S INTERNAL PRIVATE STREET WILL BE DESIGNED TO INCLUDE SIDEWALKS AND PLANTING STRIPS AS GENERALLY DEPICTED ON THE REZONING PLAN.

5. STREETScape, BUFFER, LANDSCAPING OPEN SPACE AND SCREENING:

a. A 45 FOOT SETBACK AS MEASURED FROM THE EXISTING BACK OF CURB OR EXISTING RIGHT-OF-WAY ALONG UNIVERSITY CITY BOULEVARD, WHICHEVER IS GREATER, WILL BE PROVIDED, AS GENERALLY DEPICTED ON THE REZONING PLAN.

a. A 14 FOOT SETBACK, AS MEASURED FROM THE EXISTING BACK OF CURB ALONG SUTHER ROAD AND SANDBURY AVENUE, WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. A 15 FOOT PLANTING STRIP AND A TEN (10) FOOT MULTI-USE PATH WILL BE PROVIDED ALONG UNIVERSITY CITY BOULEVARD, AND AN EIGHT (8) FOOT PLANTING STRIP AND A SIX (6) FOOT SIDEWALK WILL BE PROVIDED ALONG SUTHER ROAD, WITHIN THE REQUIRED SETBACKS AS GENERALLY DEPICTED ON THE REZONING PLAN.

d. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL.

e. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE LEVEL.

6. GENERAL DESIGN GUIDELINES:

a. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTITIOUS FIBER BOARD, STUCCO, EIFS, DECORATIVE BLOCK AND/OR WOOD, VINYL OR ALUMINUM AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS AND ON HANDRAILS/RAILINGS.

b. THE ATTACHED ILLUSTRATIVE BUILDING ELEVATIONS ARE INCLUDED TO REFLECT AN ARCHITECTURAL STYLE AND A QUALITY OF THE BUILDINGS THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDINGS CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS PROVIDED THAT THE DESIGN INTENT IS PRESERVED). (TO BE PROVIDED.)

c. BUILDING STREET WALLS WILL MEET OR EXCEED THE MUDD REQUIREMENTS FOR BLANK WALLS.

d. THE AREA BETWEEN BUILDING FACE AND THE BACK OF THE SIDEWALK LOCATED ALONG UNIVERSITY CITY BOULEVARD WILL BE USED AS TRANSITION ZONE. THE TRANSITION ZONE MAY BE USED FOR ENHANCED LANDSCAPING. STAIRS AND STOOPS MAY ENCRoACH INTO THIS TRANSITION ZONE.

e. THE SCALE AND MASSING OF BUILDINGS LONGER THAN 150 FEET ALONG A STREET SHALL BE MINIMIZED BY UTILIZING A COMBINATION OF THE FOLLOWING OPTIONS: (I) VARIED ROOF LINES THROUGH THE USE OF

SLOPES, MODULATED BUILDINGS HEIGHTS, GABLES, DORMERS OR INNOVATIVE ARCHITECTURAL SOLUTIONS; (II) BUILDING CORNERS TO PROVIDE VISUAL INTEREST AT THE PEDESTRIAN LEVEL AS WELL AS TO DIFFERENTIATE ROOF LINES OR HIGHLIGHT GROUND FLOOR USES; (III) HORIZONTAL AND VERTICAL VARIATIONS IN WALL PLANES; AND/OR (IV) ARCHITECTURAL PROTRUSION TO ACCENTUATE ENCLOSED BALCONIES.

f. THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON ANY FLOOR SHALL NOT EXCEED 20 FEET IN LENGTH. WHERE BLANK OR UNARTICULATED WALLS 20' OR GREATER CANNOT BE ADDRESSED PRINCIPALLY WITH DOORS OR WINDOWS, THEY SHALL BE TREATED WITH A COMBINATION THE FOLLOWING OPTIONS: (I) A HIGHER LEVEL OF TRANSPARENCY ON THE GROUND FLOOR (EXAGGERATED OR LARGER WINDOWS INDICATIVE OF LIVING AREAS); (II) HORIZONTAL AND VERTICAL VARIATIONS IN WALL PLANES; AND/OR (III) ARCHITECTURAL PROTRUSION. IF THE FINAL ARCHITECTURAL DESIGN CANNOT MEET THE DESIGN STANDARDS FOR BLANK WALL ARTICULATION, ALTERNATIVE INNOVATIVE DESIGN SOLUTIONS MAY BE CONSIDERED FOR APPROVAL BY THE PLANNING DIRECTOR.

g. RESIDENTIAL BUILDING ENTRANCES SHALL BE AT OR SLIGHTLY ABOVE GRADE AND SHALL BE HIGHLY VISIBLE AND ARCHITECTURALLY TREATED AS PROMINENT PEDESTRIAN ENTRANCES THROUGH A COMBINATION OF AT LEAST FIVE (5) OF THE FOLLOWING FEATURES: (I) DECORATIVE PEDESTRIAN LIGHTING/SCONCES; (II) ARCHITECTURAL DETAILS CARRIED THROUGH TO UPPER STORIES; (III) COVERED PORCHES, CANOPIES, AWNINGS OR SUNSHADES; (IV) ARCHWAYS; (V) TRANSOM WINDOWS; (VI) TERRACED OR RAISED PLANTERS THAT CAN BE UTILIZED AS SEAT WALLS; (VII) COMMON OUTDOOR SEATING ENHANCED WITH SPECIALTY DETAILS, PAVING, LANDSCAPING OR WATER FEATURES; (VIII) DOUBLE DOORS; (IX) STOOPS OR STAIRS; AND/OR (X) CONTRASTING PAVEMENT FROM PRIMARY SIDEWALK.

h. ALL FACADES SHALL INCORPORATE WINDOWS, ARCHES OR OTHER ARCHITECTURAL DETAILS ALONG WITH VARYING BUILD MATERIALS, OR ROOF LINES OR BUILDING OFFSETS.

7. ENVIRONMENTAL FEATURES:

a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

b. THE LOCATION, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEM DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

c. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

8. SIGNAGE:

a. SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS LISTED ABOVE MAY BE PROVIDED.

b. ON PREMISES DIRECTIONAL AND INSTRUCTIONAL SIGNS MAY BE LOCATED THROUGHOUT THE SITE PER THE STANDARDS OF THE ORDINANCE.

9. LIGHTING:

a. ALL NEW ATTACHED AND DETACHED LIGHTING SHALL BE FULLY SHIELDED DOWNWARDLY DIRECTED AND FULL CUT OFF FIXTURE TYPE LIGHTING EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.

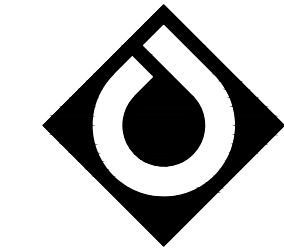
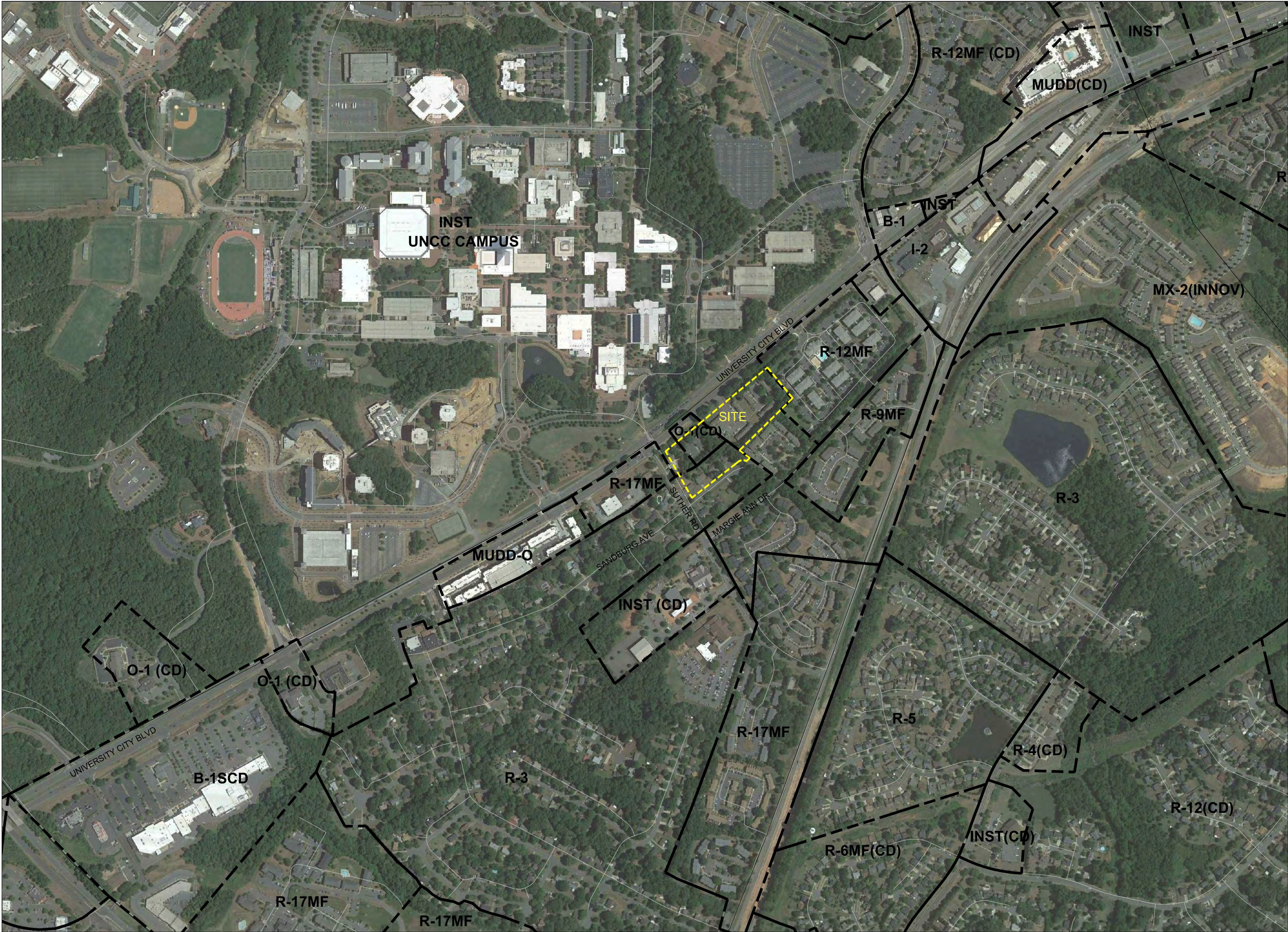
b. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 20 FEET IN HEIGHT.

10. 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.

11. 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 OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



**ColeJenest
& Stone**

Shaping the Environment
Realizing the Possibilities

Land Planning
+ Landscape Architecture
+ Civil Engineering
+ Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704.376.1555 f+ 704.376.7851
url+ www.colejeneststone.com

HAVEN COMMUNITIES

Charlotte
North Carolina 28223

HAVEN CHARLOTTE

Charlotte
North Carolina 28223

SITE LOCATOR MAP

Project No.
4475

Issued
03/28/16

Revised

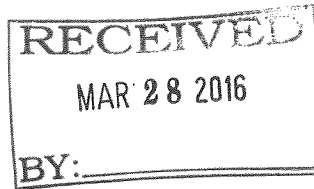
RZ-3

The drawings, the project manual and the design shown thereon are instruments of ColeJenest & Stone, P.A.. The reproduction or unauthorized use of the documents without consent of ColeJenest & Stone, P.A. is prohibited.

ColeJenest & Stone, P.A. 2014 ©

PET#2016-XXX

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #: 2016-088
Date Filed: _____
Received By: Bf

Complete All Fields (Use additional pages if needed)

Property Owner: BRUCE GETTYS
Owner's Address: 4324 BRITLEY LN City, State, Zip: Harrisburg HUNTERSVILLE, NC 28075
Date Property Acquired: 1/20/1984
Property Address: 5508 HICKORY GROVE RD CHARLOTTE NC 28215
Tax Parcel Number(s): 10315109
Current Land Use: VACANT Size (Acres): 1.79
Existing Zoning: R-3 Proposed Zoning: INST(CD)
Overlay: WATERSHED (Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting* with: AMANDA VARI
Date of meeting: 3/15/16

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

For Conditional Rezoning Only:

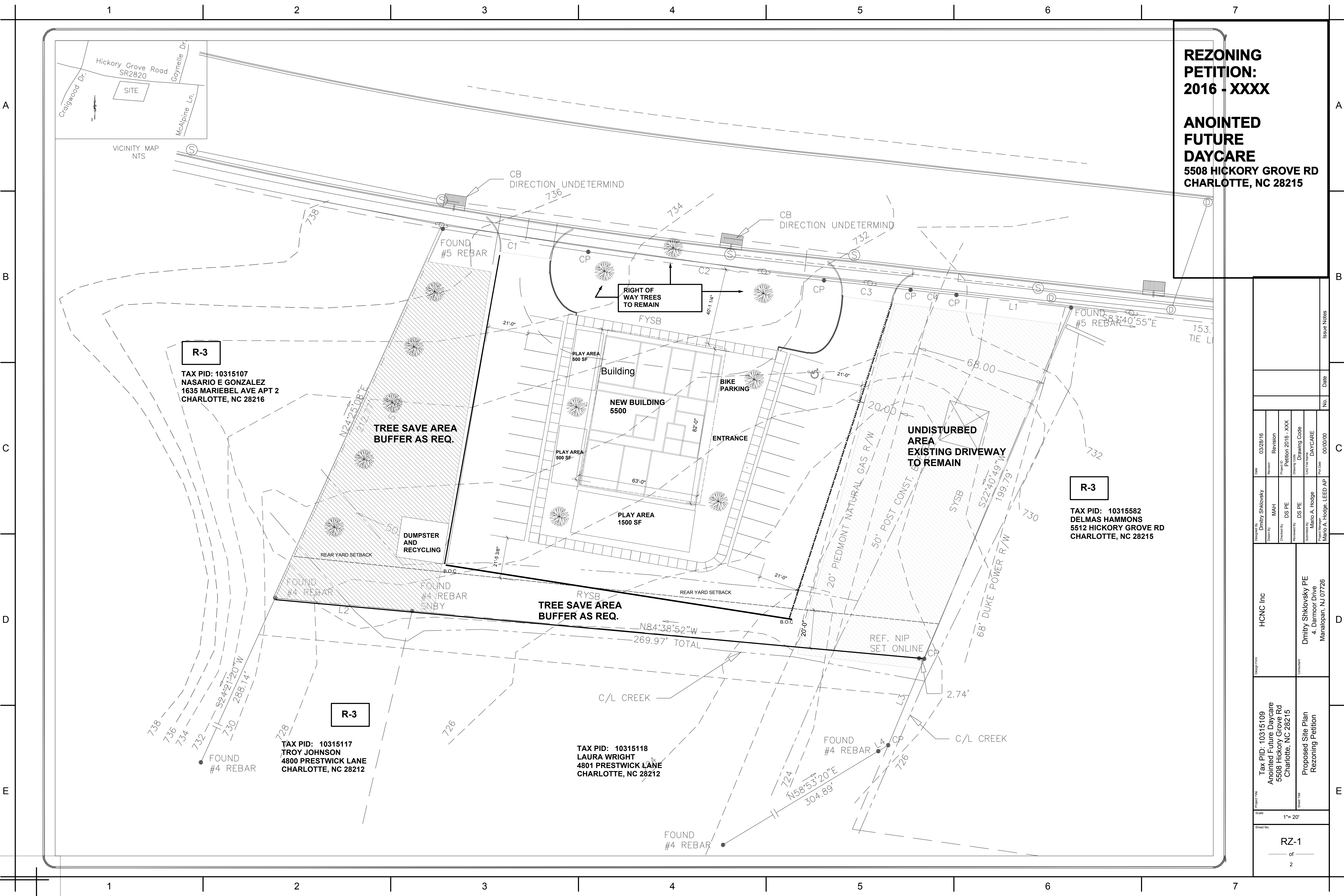
Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): 5
Purpose/description of Conditional Zoning Plan: ADDING DAYCARE TO PROPERTY

MARIO A. HODGE C/O HCNC INC.
Name of Rezoning Agent
9127 BROCKLEHURST LN
Agent's Address
CHARLOTTE, NC 28215
City, State, Zip
704-891-2840 704-531-1681
Telephone Number Fax Number
MARIO@HCNCINC.COM
E-Mail Address

Bruce Gettys by: April G. Feeney POA
Signature of Property Owner
April G. Feeney POA
(Name Typed / Printed)

JANICE WHITE C/O ANNOINTED FUTURE DAYCARE
Name of Petitioner(s)
5610 HICKORY GROVE RD
Address of Petitioner(s)
CHARLOTTE NC 28215
City, State, Zip
704-488-4396
Telephone Number Fax Number
ms.janicewhite66@loveda.com
E-Mail Address

Janice M. White
Signature of Petitioner
Janice M. White
(Name Typed / Printed)



**REZONING
PETITION:
2016 - XXXX**

**ANOINTED
FUTURE
DAYCARE**
5508 HICKORY GROVE RD
CHARLOTTE, NC 28215

R-3
TAX PID: 10315107
NASARIO E GONZALEZ
1635 MARIEBEL AVE APT 2
CHARLOTTE, NC 28216

**TREE SAVE AREA
BUFFER AS REQ.**

**DUMPSTER
AND
RECYCLING**

**TREE SAVE AREA
BUFFER AS REQ.**

**UNDISTURBED
AREA
EXISTING DRIVEWAY
TO REMAIN**

R-3
TAX PID: 10315582
DELMAS HAMMONS
5512 HICKORY GROVE RD
CHARLOTTE, NC 28215

R-3
TAX PID: 10315117
TROY JOHNSON
4800 PRESTWICK LANE
CHARLOTTE, NC 28212

**TAX PID: 10315118
LAURA WRIGHT
4801 PRESTWICK LANE
CHARLOTTE, NC 28212**

Issue Notes		No.	Date
00/00/00			
03/28/16	Revision	Petition 2016 - XXX	Revision
MAH	Drawn By	DS PE	Checked By
DS PE	Designed By	DS PE	Reviewed By
DAYCARE	Project Name	Mario A. Hodge	Submitted By
00/00/00	Plot Date	Mario A. Hodge, LEED AP	Project Manager
HCNC Inc		Dmitry Shklovsky PE	
Tax PID: 10315109 Anointed Future Daycare 5508 Hickory Grove Rd Charlotte, NC 28215		4, Darmoor Drive Manelapan, NJ 07726	
Proposed Site Plan Rezoning Petition			
Scale: 1"= 20'			
Sheet No. RZ-1		of 2	

	1	2	3	4	5	6	7
A							<div>REZONING PETITION: 2016 - XXXX</div> <div>ANOINTED FUTURE DAYCARE</div> <div>5508 HICKORY GROVE RD</div> <div>CHARLOTTE, NC 28215</div>
B							
C							
D							
E							
	1	2	3	4	5	6	7

SITE DEVELOPMENT DATA:

ACREAGE: 1.79 ACRES

TAX PARCEL ID: 10315109

EXISTING ZONING: R-3

PROPOSED ZONING: INST (CD)

EXISTING USES: UNDEVELOPED LOT

PROPOSED USES: CHILD CARE CENTER

BUILDING AREA: 5481 SF

OPEN SPACE: N/A

PARKING REQUIREMENTS:

1 SPACE PER EMPLOYEE
1 SPACE PER 10 CHILDREN
TOTAL OF 24 SPACES

1. GENERAL PROVISIONS

- a. These Development Standards form a part of the Rezoning Plan associated with this INST (CD) patient to redevelop on an approximately 1.79 acres site located on Hickory Grove Road as more particularly shown on the rezoning plan (the “Site”). Development of the Site will be governed by the attached plans and these Development Standards (together with the plans 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 (including these Development standards establish more stringent standards, the regulations established under the Ordinance for the INST Zoning Classification shall govern development on the site.
- b. Except as otherwise expressly specified on the Rezoning Plan, site elements may be subject to alterations or modifications, during the design / development / construction phases, as long as the proposed mprovements are in compliance with the accompanying Development Standards and Section 6.207 of the Ordinance.
- c. To the extent of any conflict between the matters contained in other areas of the Rezoning Plan and the matters set forth in the Development Standards, the more restrictive shall govern.

2. PERMITTED USES:

- a. The Petitioner's intent for the site is to develop a vacant lot and add a 5600 SF building to accommodate 79 child daycare institution.

3. TRANSPORTATION

- a. The site will be accessed via two new type II driveway.
- b. The interior parking shall be located on both sides of the building, tree buffers along curb and side yards. Parking lot will be on paved surface with wheel stops provided.
- c. Covered bike parking and bike racks will be provided according to City of Charlotte requirements.

4. ARCHITECTURAL STANDARDS:

- a. The site will comply with all Architectural standards set forth in the Ordinance.
- b. The building will not exceed the required 40ft. heirht.

5. STREETScape AND LANDSCAPING:

- a. To the extent possible, the Petitioner seeks to protect and preserve as many existing large mature trees on site.
- b. Street planting strips and interior parking lot planting will be maintained.

6. ENVIRONMENTAL FEATURES

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The Site will comply with Chapter 21 - The Tree Ordinance.

7. PARKS, GREENWAYS AND OPEN SPACE:

- a. The Petitioner shall adhere to the requirements of the Ordinance for Open Space within this development area.

8. FIRE PROTECTION:

- a. The Petitioner shall adhere to the requirements of the Charlotte Fire Department for this Development area.

9. SIGNAGE:

- a. All project signs, banners, flags and pennants for identification or decoration must conform to the Ordinance.

10. LIGHTING:

- a. All new lighting shall conform to the Ordinance.

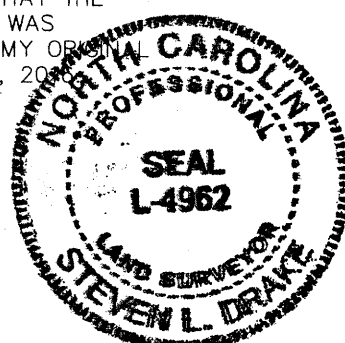
11. PHASING

- a. Development to be constructed in one phase.

Project Title		Design Firm		Date	
Scale		HCNC Inc		03/28/16	
Sheet No.		Tax PID: 10315109 Anointed Future Daycare 5508 Hickory Grove Rd Charlotte, NC 28215		Designed By Dmitry Shklovsky	
N/A		General Provisions		Drawn By MAH	
				Checked By HCNC Inc	
				Reviewed By DS	
				Submitted By MAH	
				City File Name DAYCARE	
				Per Date 00/00/00	
				Project Manager Mario A. Hodge, LEED AP	
				Issue Notes	

I, STEVEN L. DRAKE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME; DEED DESCRIPTION IN DEED BOOK: (AS SHOWN ON PLAT) PAGES: (AS SHOWN ON PLAT); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM DEEDS OF REFERENCE RECORDED IN THE MECKLENBURG COUNTY, NC REGISTER OF DEEDS; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 9TH DAY OF FEB., 2009.

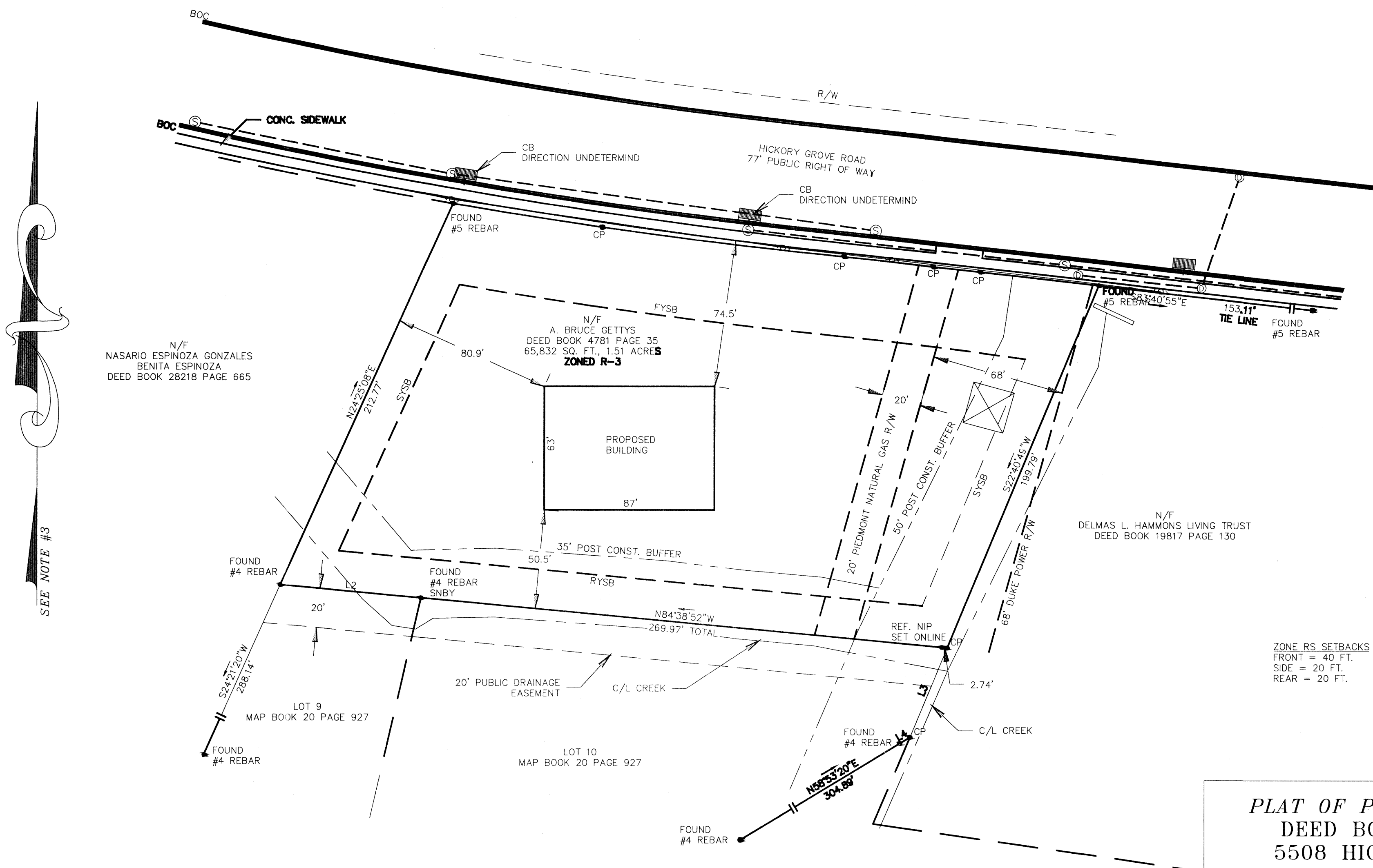
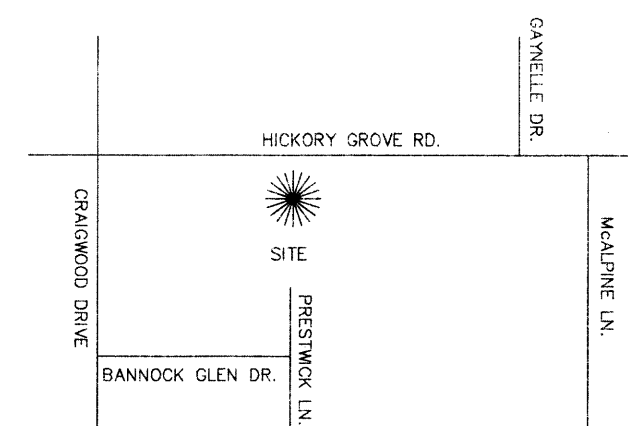
STEVEN L. DRAKE, PLS
LICENSE NUMBER: L-4962



LINE TABLE		
LINE	LENGTH	BEARING
L1	60.51	S83°43'48"E
L2	72.21	N84°38'52"W
L3	49.15	S22°41'01"W
L4	6.03	S58°53'20"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	DIRECTION	LENGTH
C1	77.29	2557.20	S81°01'13"E	77.28
C2	124.66	2883.69	S83°05'50"E	124.65
C3	45.73	2132.80	N83°43'17"W	45.73
C4	24.22	1183.40	S83°41'36"E	24.22

CITY OF CHARLOTTE
MECKLENBURG COUNTY, NC
VICINITY MAP NOT
TO SCALE



LEGEND
N/F = NOW OR FORMERLY
CP = COMPUTED POINT
R/W = RIGHT OF WAY
SQ. FT. = SQUARE FEET
NIP = NEW IRON PIN
EIP = EXISTING IRON PIPE
EIR = EXISTING IRON ROD
RB = REBAR
SNBY = SET NAIL BY
EOP = EDGE OF PAVEMENT
FYSB = FRONT YARD SETBACK
SYSB = SIDE YARD SETBACK
RYSB = REAR YARD SETBACK
--- = NOT TO SCALE
⊗ = SANITARY SEWER MANHOLE
⊙ = STORM DRAIN MANHOLE

ZONE RS SETBACKS
FRONT = 40 FT.
SIDE = 20 FT.
REAR = 20 FT.

PLAT OF PHYSICAL SURVEY of
DEED BOOK 4781 PAGE 35
5508 HICKORY GROVE ROAD
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NC



1525 BEAGLE CLUB RD.
SALISBURY, NC 28146
704.746.4799

F-1256

SURVEY FOR:
HCNC
9127 BROCKLEHURST LN.
CHARLOTTE, NC 28215

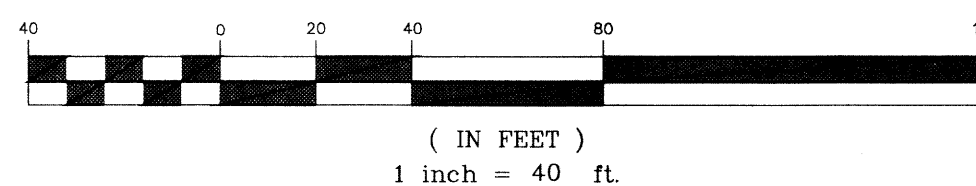
PARCEL ID:
10315109
DATE OF SURVEY
FEB. 9, 2016

SCALE
1"=40'
JOB #
020116

NOTES

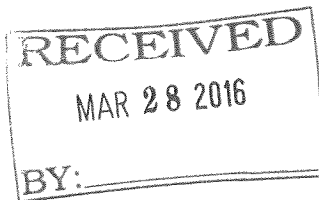
- 1) THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RIGHT OF WAYS, AGREEMENTS OR RESTRICTIVE COVENANTS OF RECORD PRIOR TO DATE OF THIS SURVEY.
- 2) BOUNDARY INFORMATION BASED ON DEED BOOK 4781 PAGE 35, AND THOSE SHOWN ON PLAT AS RECORDED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS.
- 3) NORTH BASED ON MAP BOOK 20 PAGE 927 AS RECORDED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS.
- 4) THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE, CLOSE OR DEDICATE A STREET.
- 5) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE SEARCH.
- 6) THIS PROPERTY DOES NOT LIE WITHIN A FLOOD PLAIN PER FEMA COMMUNITY PANEL #3710458400J DATED 3/2/09.
- 7) THIS PARCEL TO BE SERVICED BY PUBLIC UTILITIES.

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #:	<u>2016 - 089</u>
Date Filed:	<u>3/28/2016</u>
Received By:	<u>PH</u>

Complete All Fields (Use additional pages if needed)

Property Owner: Jerry Ellis

Owner's Address: 12100 DeArmon Road City, State, Zip: Charlotte, NC
28269

Date Property Acquired: August 14, 1978

Property Address: 12100 DeArmon Rd, Charlotte, NC 28269

Tax Parcel Number(s): 02771401

Current Land Use: Residential Size (Acres): 4.35

Existing Zoning: ~~R4~~ R-3 Proposed Zoning: I (Institutional)

Overlay: _____ (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham and Alberto Gonzales

Date of meeting: 12/22/15

(*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): _____

Purpose/description of Conditional Zoning Plan: _____

Randall E. Baker
Name of Rezoning Agent

P.O. Box 187
Agent's Address

Matthews, NC 28106
City, State, Zip

704-847-9851 Fax Number
Telephone Number

randy@pinnaclearchitecture.net
E-Mail Address

Signature of Property Owner

Jerry Ellis
(Name Typed / Printed)

Derita Masonic Lodge
Name of Petitioner(s)

PO Box 26071
Address of Petitioner(s)

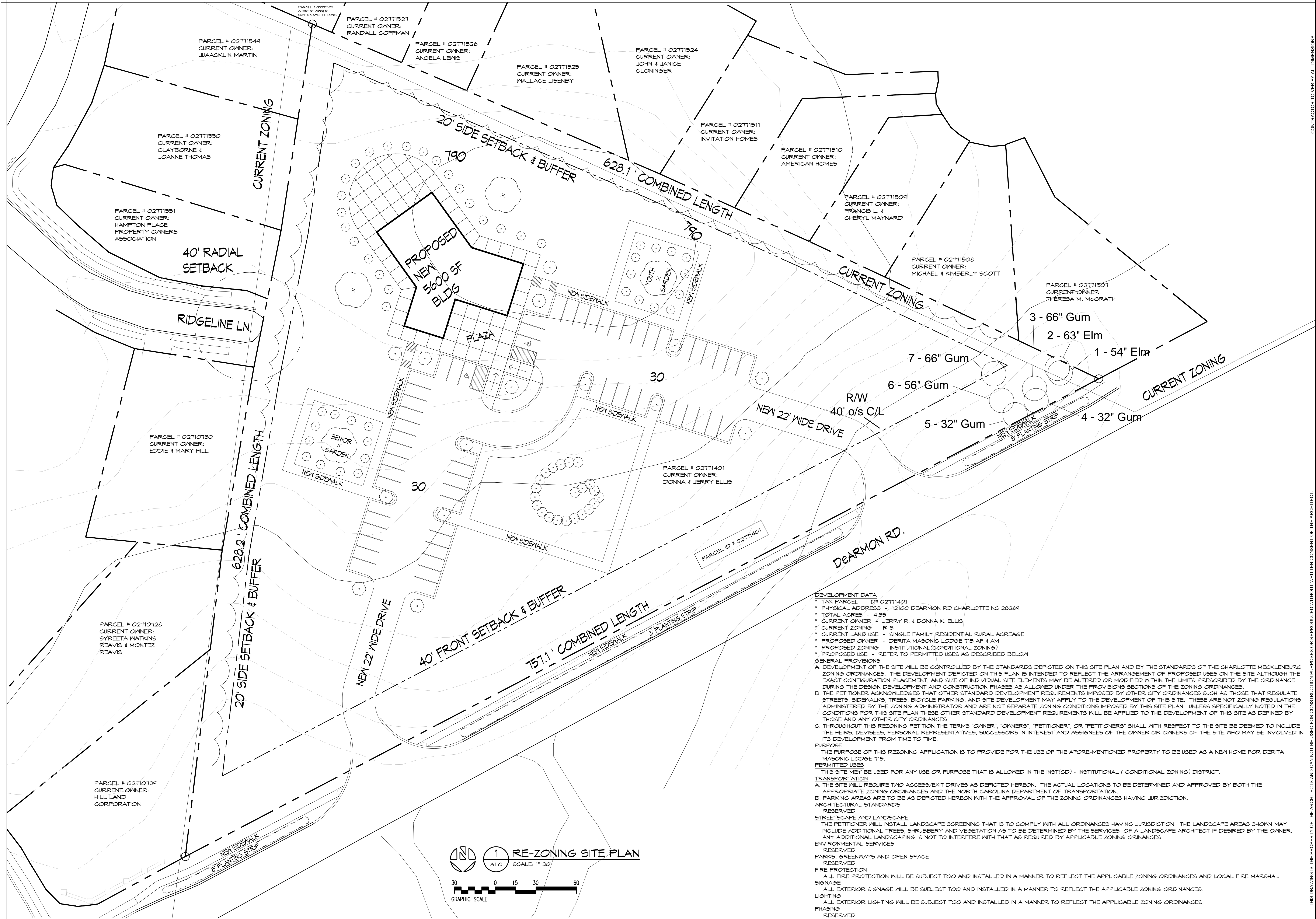
Charlotte, NC 28221
City, State, Zip

(704) 201-1487 Fax Number
Telephone Number

gbarrier@carolina.rr.com
E-Mail Address

by
Signature of Petitioner

by George D. Barrier
(Name Typed / Printed)



DEVELOPMENT DATA

- TAX PARCEL - ID# 02711401
- PHYSICAL ADDRESS - 12100 DEARMON RD CHARLOTTE NC 28269
- TOTAL ACRES - 4.35
- CURRENT OWNER - JERRY R. & DONNA K. ELLIS
- CURRENT ZONING - R-3
- CURRENT LAND USE - SINGLE FAMILY RESIDENTIAL RURAL ACREAGE
- PROPOSED OWNER - DERITA MASONIC LODGE T15 AF & AM
- PROPOSED ZONING - INSTITUTIONAL (CONDITIONAL ZONING)
- PROPOSED USE - REFER TO PERMITTED USES AS DESCRIBED BELOW

GENERAL PROVISIONS

A. DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS OF THE CHARLOTTE-MECKLENBURG ZONING ORDINANCES. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF PROPOSED USES ON THE SITE ALTHOUGH THE EXACT CONFIGURATION, PLACEMENT, AND SIZE OF INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS SECTIONS OF THE ZONING ORDINANCES.

B. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES SUCH AS THOSE THAT REGULATE STREETS, SIDEWALKS, TREES, BICYCLE PARKING, AND SITE DEVELOPMENT MAY APPLY TO THE DEVELOPMENT OF THIS SITE. THESE ARE NOT ZONING REGULATIONS ADMINISTERED BY THE ZONING ADMINISTRATOR AND ARE NOT SEPARATE ZONING CONDITIONS IMPOSED BY THIS SITE PLAN. UNLESS SPECIFICALLY NOTED IN THE CONDITIONS FOR THIS SITE PLAN THESE OTHER STANDARD DEVELOPMENT REQUIREMENTS WILL BE APPLIED TO THE DEVELOPMENT OF THIS SITE AS DEFINED BY THOSE AND ANY OTHER CITY ORDINANCES.

C. THROUGHOUT THIS REZONING PETITION THE TERMS "OWNER", "OWNERS", "PETITIONER", OR "PETITIONERS" SHALL WITH RESPECT TO THE SITE BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNEES OF THE OWNER OR OWNERS OF THE SITE WHO MAY BE INVOLVED IN ITS DEVELOPMENT FROM TIME TO TIME.

PURPOSE

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE USE OF THE AFORE-MENTIONED PROPERTY TO BE USED AS A NEW HOME FOR DERITA MASONIC LODGE T15.

PERMITTED USES

THIS SITE MAY BE USED FOR ANY USE OR PURPOSE THAT IS ALLOWED IN THE INST(CD) - INSTITUTIONAL (CONDITIONAL ZONING) DISTRICT.

TRANSPORTATION

A. THE SITE WILL REQUIRE TWO ACCESS/EXIT DRIVES AS DEPICTED HEREON. THE ACTUAL LOCATIONS TO BE DETERMINED AND APPROVED BY BOTH THE APPROPRIATE ZONING ORDINANCES AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

B. PARKING AREAS ARE TO BE AS DEPICTED HEREON WITH THE APPROVAL OF THE ZONING ORDINANCES HAVING JURISDICTION.

ARCHITECTURAL STANDARDS

RESERVED

STREETSCAPE AND LANDSCAPE

THE PETITIONER WILL INSTALL LANDSCAPE SCREENING THAT IS TO COMPLY WITH ALL ORDINANCES HAVING JURISDICTION. THE LANDSCAPE AREAS SHOWN MAY INCLUDE ADDITIONAL TREES, SHRUBBERY AND VEGETATION AS TO BE DETERMINED BY THE SERVICES OF A LANDSCAPE ARCHITECT IF DESIRED BY THE OWNER. ANY ADDITIONAL LANDSCAPING IS NOT TO INTERFERE WITH THAT AS REQUIRED BY APPLICABLE ZONING ORDINANCES.

ENVIRONMENTAL SERVICES

RESERVED

PARKS, GREENWAYS AND OPEN SPACE

RESERVED

FIRE PROTECTION

ALL FIRE PROTECTION WILL BE SUBJECT TOO AND INSTALLED IN A MANNER TO REFLECT THE APPLICABLE ZONING ORDINANCES AND LOCAL FIRE MARSHAL.

SIGNAGE

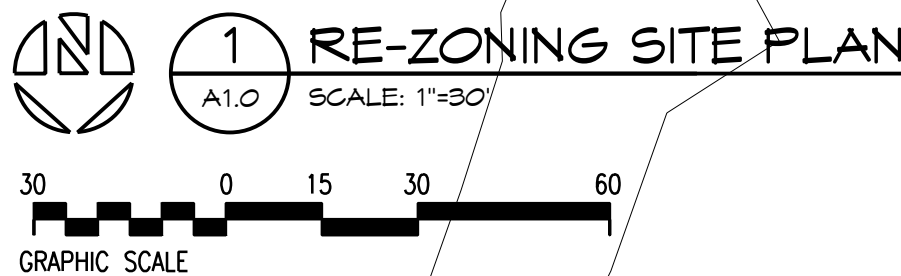
ALL EXTERIOR SIGNAGE WILL BE SUBJECT TOO AND INSTALLED IN A MANNER TO REFLECT THE APPLICABLE ZONING ORDINANCES.

LIGHTING

ALL EXTERIOR LIGHTING WILL BE SUBJECT TOO AND INSTALLED IN A MANNER TO REFLECT THE APPLICABLE ZONING ORDINANCES.

PHASING

RESERVED



THIS DRAWING IS THE PROPERTY OF THE ARCHITECTS AND CANNOT BE USED FOR CONSTRUCTION PURPOSES OR REPRODUCED WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

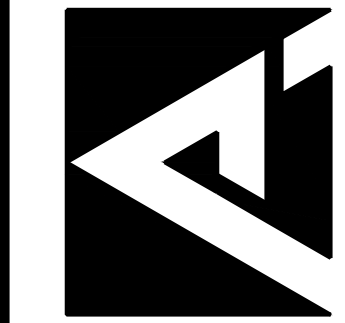
CONTRACTOR TO VERIFY ALL DIMENSIONS.

**PROPOSED NEW BUILDING FOR
DERITA MASONIC LODGE #715 AF & AM
CHARLOTTE, NORTH CAROLINA**

RE-ZONING SITE PLAN

REVISION SCHEDULE	
DATE	REFERENCE

ISSUE DATE 03.28.16
DRAWN BY JAE
CHECKED BY TFW,REB
PROJECT 1526

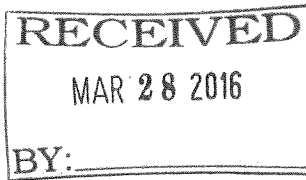


**PINNACLE ARCHITECTURE
PROFESSIONAL ASSOCIATION**

P.O. BOX 187, 630 TEAM ROAD, SUITE 200
MATTHEWS, NORTH CAROLINA 28106
PH: (704) 847-9851 F: (704) 847-9853

**DESIGN DEVELOPMENT
NOT FOR CONSTRUCTION**

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #: 2016-090
Date Filed: 3/28/2016
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: 1620 SCOTT AND FILLMORE, LLC

Owner's Address: 1355 GREENWOOD CLIFF, SUITE 300 City, State, Zip: CHARLOTTE, NC 28204

Date Property Acquired: 10/3/2014

Property Address: 1620 SCOTT AVE

Tax Parcel Number(s): 12312208

Current Land Use: COMMERCIAL OFFICE Size (Acres): 0.21

Existing Zoning: O-2 Proposed Zoning: MUDD-O

Overlay: N/A (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham

Date of meeting: 11-6-2014

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

For Conditional Rezonings Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____

Purpose/description of Conditional Zoning Plan: To accommodate the redevelopment of a 7 unit multi-family/tenant building as more particularly depicted and described on the conditional rezoning plan.

Point of contact

Andrew Rowe
Name of Rezoning Agent

PO Box 5665
Agent's Address

Charlotte, NC 28299
City, State, Zip

704-315-5078 / 704-351-7208
Telephone Number Fax Number

arowe@dcg-construction.com
E-Mail Address

[Signature] managing member
Signature of Property Owner

Paul E. Norris managing member
(Name Typed / Printed)

1620 Scott and Filmore, LLC
Name of Petitioner(s)

1355 Greenwood Cliff, Suite 300
Address of Petitioner(s)

Charlotte, NC 28203
City, State, Zip

704-556-7700 704-554-4800
Telephone Number Fax Number

paulnorris@consortiumsi.com
E-Mail Address

[Signature] managing member
Signature of Petitioner

Paul E. Norris managing member
(Name Typed / Printed)



1 SCOTT AVENUE BUILDING ELEVATION= 1/8" = 1'-0" (@24 x 36)

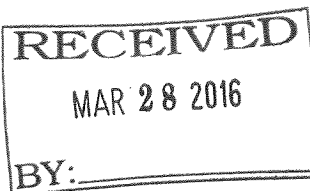


2 FILLMORE STREET BUILDING ELEVATION= 1/8" = 1'-0" (@24 x 36)

FILLMORE AVE. / SCOTT AVE.- PROPOSED BUILDING STREET ELEVATIONS

Charlotte, North Carolina
03.28.15
p | f arch Proj # 1313

peadon | finein
architecture



2016-091

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: _____
Date Filed: 3/28/2016
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: Quadbridge HML Owner, LLCOwner's Address: 3520 Piedmont Road NE, Suite 410 City, State, Zip: Atlanta, GA 30305Date Property Acquired: 12/11/2013Property Address: 2901 N. Davidson Street, Charlotte, NC 28205Tax Parcel Number(s): 08307801Current Land Use: Multi-family, commercialSize (Acres): 9.212Existing Zoning: MUDD-OProposed Zoning: MUDD-O (S.P.A.)Overlay: None

(Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Sonja Sanders, Monica Holmes, Mandi Vari, Rick GrochoskeDate of meeting: 2/23/2016

(*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): Yes (5 years)Purpose/description of Conditional Zoning Plan: to modify re-zoning conditions to accommodate the development of up to 35 townhome units on undeveloped portions of the site.Collin Brown and Bailey Patrick, Jr.

Name of Rezoning Agent

Hearst Tower, 214 North Tryon Street, 47th Floor
Agent's AddressCharlotte, NC 28202
City, State, Zip704-331-7531

Telephone Number

704-353-3231

Fax Number

Collin.brown@klgates.com / bailey.patrick@klgates.com

E-Mail Address

[Signature]
Signature of Property OwnerQuadbridge HML Owner, LLC
(Name Typed / Printed)Saussy Burbank, LLC

Name of Petitioner(s)

3730 Glen Lake Dr #125

Address of Petitioner(s)

Charlotte, NC 28208

City, State, Zip

(704) 945-1515

Telephone Number

Fax Number

Charles.Teal@saussyburbank.com /Peter.Harakas@saussyburbank.com

E-Mail Address

[Signature]
Signature of PetitionerCharles Teal, CEO / Peter Harakas, VP Development
(Name Typed / Printed)

CCH-HIGHLAND MILL, LLC
c/o Saussy Burbank, LLC
Site Plan Amendment

PETITION NO. 2016-xxx
DEVELOPMENT STANDARDS

4/22/2016

Development Data Table

Site Area:	9.2 +/- acres
Tax Parcel:	083-078-01
Existing Zoning:	MUDD-O
Proposed Zoning:	MUDD-O (SPA)
Existing Use:	Mixed Use (Multi-family/retail)
Current Entitlements:	Retail/Office: 10,000 s.f. 220 Residential Units (which may be converted to commercial uses at a ratio of 1000 s.f. of commercial square footage to 1 residential unit) Addition of Townhome Units 35 townhome units 3 stories (45 feet) Shall satisfy or exceed MUDD minimum requirements
Proposed Uses:	
Additional Entitlements:	
Maximum Building Height:	
Parking:	

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Site Plan Amendment filed by CCH-Highland Mill, LLC c/o Saussy Burbank, LLC to rezone the property from the MUDD-O Zoning District to the MUDD-O (SPA) Zoning District in order to accommodate development of an additional 35 townhome units on an approximately 9.2 +/- acre tract at the corner of North Davidson Street and 33rd Street, as depicted on the Technical Data Sheet (the "Site").

This Site Plan Amendment will accommodate development of townhome units in addition to the mix of uses already developed on the Site. The project will seek to meet all of the goals of the 36th Street Station Area Plan.

Rezoning Petition 2001-037 and subsequent Administrative Amendment provide for a minimum of 10,000 square feet or retail/office uses and up to 220 residential uses (which may be converted to commercial uses at a rate of 1000 s.f. of commercial uses to one residential unit). This Site Plan Amendment shall accommodate the development of an additional 35 townhome units, thus the entitlements allowed under 2001-037 and subsequent Administrative Amendment shall not be impacted.

Development of the Site will be governed by the accompanying Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The Technical Data Sheet is intended to reflect maximum development rights, building envelopes, the arrangements and locations of access points, setbacks and dedicated open space areas.

Except as otherwise provided under the MUDD-Optional provisions set forth under Section 3 below and unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MUDD Zoning District shall govern all development taking place on the Site.

Alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development proposed or significantly alter the Technical Data Sheet or these Development Standards, constitute changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

MUDD-Optional Provisions

This Petition proposes utilization of the MUDD-O provisions to allow for the following optional deviations:

- Petitioner requests a deviation from the standard streetscape requirements in order to maintain the mature oak trees in the existing planting strip and sidewalk along the Site's 33rd Street and Brevard Street frontages.
- Petitioner requests a deviation from the standard ordinance requirements to allow stormwater facilities to be located below sidewalks and private drives as long as they are outside of any required setbacks. The following MUDD-O provisions have already been approved as a part of Rezoning Petition 2001-037:
Allow use of 3' decorative fence in lieu of screening parking lots per section 12.303.
- Allow construction of detached signs on Mallory St [Brevard] and Davidson Street.
- Allow 6' minimum planting strip along a portion of N. Davidson St.
- Allow up to 100 sf. of sign area for each of the four sides of the main tower for overall project identification.

Permitted Uses

The Site may be devoted to any commercial uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith.

Maximum Development

- Rezoning Petition 2001-037 and subsequent Administrative Amendment provide for a minimum of 10,000 square feet or retail/office uses and up to 220 residential uses (which may be converted to commercial uses at a rate of 1000 s.f. of commercial uses to one residential unit).
- In addition to the entitlements set forth in Rezoning Petition 2001-037 and subsequent Administrative Amendment, the Site may be developed with up to 35 townhome units.

Transportation

- Vehicular access will be as generally depicted on the Technical Data Sheet. The placements and configurations of the vehicular access points shown on the Technical Data Sheet are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
- Gates may be installed to control vehicular access to the site, but pedestrian access through the site shall not be restricted (except for access points to buildings).

Architectural Standards/Streetscape and Landscaping

- Highland Park Mill No. 3 is listed (mill buildings and site) in the National Historic Register. Prior to any new construction on the site, a Certificate of Appropriateness must be approved by the Charlotte-Mecklenburg Historic Landmarks Commission. Therefore, the architecture and exterior design of the proposed townhomes is subject to review and approval by the Charlotte-Mecklenburg Historic Landmarks Commission.
- Meter boxes, back flow preventers, dumpsters and similar items will be screened from public view.
- A minimum setback of at least fourteen (14) feet from the existing back of curb shall be provided along the Site's North Brevard and 33rd Street frontages and North Davidson Street side yard.

Signage

Except as noted in the Optional provisions above, all signage shall meet the requirements of the MUDD zoning district.

Internal Side Yards and Rear Yards

The Petitioner may subdivide the Site and create lots within Site with no side or rear yards as part of a unified development plan.

Parking

Surface parking will be provided that is sufficient to accommodate all uses at the Site and shall meet or exceed Ordinance requirements.

Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of a particular Tract within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet and these Development Standards will, unless amended in the 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 successors in interest and assigns.

Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in any future development thereof.

NOT FOR
CONSTRUCTION



Prepared for:

Saussy Burbank
3730 Glen Lake Dr. #125
Charlotte, NC 28208
o: 704-945-1515

Mark Date Description

shook kelley

2151 Hawkins Street
Suite 400
Charlotte, NC 28203

704 / 377 0661

www.shookkelley.com

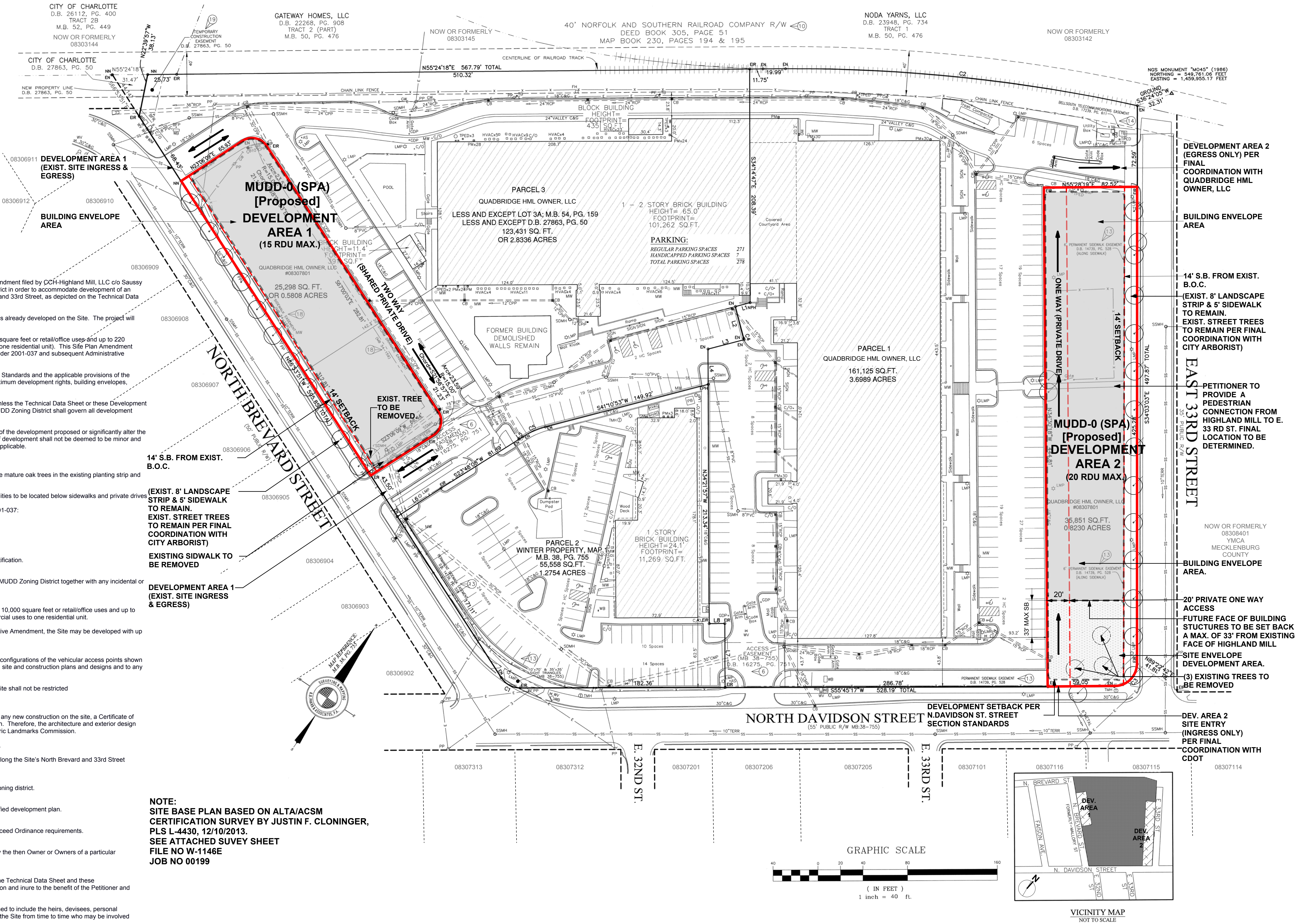
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CCH-Highland Mill, LLC c/o
Saussy Burbank, LLC
Site Plan Amendment

N. Brevard St. & E 33RD St.
4/22/2016 Rezoning Submittal
15029

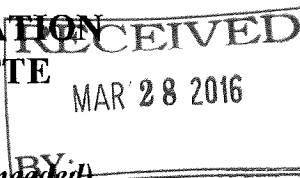
Rezoning Site Plan
& Technial Notes

SP01



This Drawing is the property of Shook Kelley, Inc. and is not to be reproduced in whole or in part. It is to be used for the project and site specifically identified herein and is not to be used on any other project. This Drawing is to be returned upon the written request of Shook Kelley, Inc.

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #:	<u>2016-092</u>
Date Filed:	<u>3/28/2016</u>
Received By:	<u>[Signature]</u>

Complete All Fields (Use additional pages if needed)

Property Owner (s): (a) Mark S. Butler & Susan Butler (b) JDSI, LLC (c) John S. & Lula C. Dunkelberg (Trustees)

Owner's Address(es): (a) 5433 Milhaven Lane, Charlotte, NC 28269 (b) 7537 Jetton Road, Cornelius, NC 28031 (c) 3378 Nottingham Rd. Winston Salem, NC 27104

Date(s) Property Acquired: (a) August 22, 2001 (b) September 11, 2015 (c) Jan. 1975

Property Address(es): (a) 5017 Statesville Road, Charlotte, NC 28269 (b) 2601 Cindy Lane, Charlotte, NC 28269 (c) No address listed.

Tax Parcel Number(s): (a) 041-156-13 (b) 041-131-93 (c) 041-156-12

Current Land Use: single family homes, a duplex, retail and warehouse uses, and vacant. Size (Acres): 5.824 acres

Existing Zoning: R-4 & MX-1 (Innovative) Proposed Zoning: UR-2(CD)
Overlay: _____

(Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting * with: Alberto Gonzalez and Claire Lytle-Graham.

Date of meeting: 3/11/16

(*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): N/A

Purpose/description of Conditional Zoning Plan: To add several parcels to the previously approved conditional plan for O'Dillon Lakes, and to develop the parcels with a variety of residential dwelling units. The total number of units previously approved for O'Dillon Lakes will not be increased.

Jeff Brown, Keith MacVean,
Bridget Dixon
Name of Rezoning Agent

Moore & Van Allen
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)
704-331-2379 (BD) 704-378-1973 (BD)
Telephone Number Fax Number

jeffbrown@mvalaw.com, keithmacvean@mvalaw.com
bridgetdixon@mvalaw.com
E-mail Address

See Attachment A, C and D
Signature of Property Owner

Charlotte- Mecklenburg Housing Partnership, Inc.
(Attn: John Butler)
Name of Petitioner

4601 Charlotte Park Drive, Suite 350
Address of Petitioner

Charlotte, NC 28217
City, State, Zip

704-342-0933 (O) _____
Telephone Number Fax Number

jbutler@cmhp.org
E-mail Address

See Attachment E
Signature of Petitioner

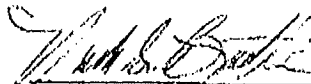
ATTACHMENT A

REZONING PETITION NO. [2016-____]
Charlotte Mecklenburg Housing Partnership, Inc.

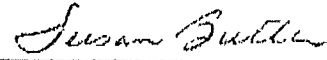
PETITIONER JOINDER AGREEMENT
Mark S. Butler & Susan Butler

The undersigned, as the owners of the parcel of land located at 5017 Statesville Road that is/are designated as Tax Parcel Nos. 041-156-13 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcel from the R-4 zoning district to the UR-2(CD) zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 24th day of MARCH, 2016.



Mark S. Butler



Susan Butler

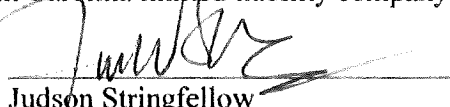
ATTACHMENT C
REZONING PETITION NO. [2016-____]
Charlotte Mecklenburg Housing Partnership, Inc.

PETITIONER JOINDER AGREEMENT
JDSI, LLC

The undersigned, as the owners of the parcel of land located at 2601 Cindy Lane that is/are designated as Tax Parcel Nos. 041-131-93 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcel from the MX-1 (Innovative) zoning district to the UR-2(CD) zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 24th day of March, 2016.

JDSI, LLC,
a North Carolina limited liability company

By: 
Name: Judson Stringfellow
Title: Manager Member

ATTACHMENT D
REZONING PETITION NO. [2016-_____]
Charlotte Mocklenburg Housing Partnership, Inc.

PETITIONER JOINDER AGREEMENT
John S. & Lula C. Dunkelberg (Trustees)

156-13 ^{2nd} ON STATE SUITE Rd 2016
The undersigned, as the owners of the parcel of land located at ~~2601 Cindy Lane~~ that is/are designated as Tax Parcel Nos. 041-131-99 on the Mocklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcel from the R-4 zoning district to the UR-2(CD) zoning district as more particular 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 March, 2016.

John S. & Lula C. Dunkelberg (Trustees)

By: Lula C. Dunkelberg
Name: Lula C. Dunkelberg
Title: trustee

By: John S. Dunkelberg
Name: John S. Dunkelberg
Title: trustee

ATTACHMENT E
REZONING PETITION NO. [2016-____]
Charlotte Mecklenburg Housing Partnership, Inc.

PETITIONER:

Charlotte Mecklenburg Housing Partnership, Inc.
a North Carolina non-profit corporation

By: 

Name: JULIE A. FORTEL

Title: PRESIDENT



Site Development Data:

--Acreage: + 5.824 acres
--Tax Parcel No: 041-156-12 and 13; 041-156-03
--Existing Zoning: R-4 and MX-1(Innovative)
--Proposed Zoning: UR-2(CD)
--Existing Uses: Vacant, single family house, duplex, warehouse and retail store.
--Proposed Uses: Residential uses permitted by right and under prescribed conditions together with accessory uses as allowed in the UR-2 zoning district (as more specifically described and restricted below in Section 3).
--Maximum Development: Up to 200 residential dwellings units; a combination of multi-family dwellings units, single family detached units/lots, and/or attached dwelling units (duplex, triplex, quadplex) subject to the limitations and conversion rights described below.

The units constructed as part of this rezoning petition on the two parcels that make up this Petition will be deducted from the previously approved plan for O'Dillon Lake Rezoning Petition No. 2015-082, so that the total number of units constructed between the two Petitions will be not be more than what was approved as part of Rezoning Petition No. 2015-082. The number of units constructed as part of this rezoning petition will be deducted through and administratively amendment process from Rezoning Petition No. 2015-082, prior to the issuance of a building permit for any of the units to be constructed on the parcels that make up this Petition.

--Maximum Building Height: Building height on the Site will be limited to three (3) stories, for a depth of 90 feet, along the western boundary of Development Area E.1 and four (4) stories elsewhere unless indicated otherwise on Sheet RZ-01 of the Rezoning Plan. Building height will be measured as defined by the Ordinance.
--Parking: As required by the Ordinance for the UR-2 zoning district.

I. General Provisions:

a. **Site Location.** These Development Standards, the Technical Data Sheet and Schematic Site Plan, and related graphics form the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Charlotte-Mecklenburg Housing Partnership ("Petitioner") to accommodate residential multi-family community (e.g. a mix of single-family, duplex, triplex, quadplex and multi-family dwelling units) on an approximately 5.824 acre site located off Cindy Lane and Statesville Road in Charlotte (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 UR-2 zoning classification shall govern all development taking place on the Site.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, streets and buildings, building elevations, driveways, streets 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. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed in 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-01.

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.

d. **Number of Buildings Principal and Accessory; Accessory Building Design.** Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed for the Site shall not exceed 21. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures associated with multi-family residential dwellings developed on the Site will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

e. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site and on the parcels rezoned as part of Rezoning Petition No. 2015-082. Furthermore, the Petitioner and/or owners of the Site reserve the right to subdivide the portions or all of the Site and create lots, but not including lots for single-family detached homes, within the interior of the Site without regard to any such internal separation standards, public street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site (to be defined as the exterior boundary of the parcels included in this petition and petition no. 2015-082) 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 or lots located therein.

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

a. For ease of reference, the Rezoning Plan sets forth two (2) development areas as generally depicted on the Technical Data Sheet as Development Areas B.3, and E.1 (each a "Development Area")

and collectively the "Development Areas"). The Development Areas may be developed with a variety of residential dwelling types as allowed in the UR-2 zoning district and further restricted below.

b. Up to [200] residential dwelling units may be constructed on the Site. The following restrictions will apply to the allowed residential dwelling units:

c. Development Area E.1 may be developed with 96 dwelling units (single family detached units/lots, and/or attached dwelling units (duplex, triplex, quadplex) and multi-family units). Of the allowed units up to 90 age restricted multi-family units may be constructed in Development Area E.1. The aged restricted units will meet the definition of age restricted units established by the department of H.U.D. *generally these units are designed and restricted to persons of age 55 or over.*
d. Development Area B.3 may be developed with up to 104 multi-family residential units.

3. 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 to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

The following Transportation Improvements are also illustrated on Figure INT#1&2 on Sheet RZ-02 of the Rezoning Plan. The figure on Sheet RZ-02 is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on figure INT#1&2 for the proposed improvement).

- Statesville Road & Cochrane Drive/Arvin Drive.**
 - Install a crosswalk on the Cochrane Drive leg of the intersection.
- Cindy Lane & Hutchinson McDonald Road/Proposed Access "A".**
 - Construct an eastbound left turn lane on Cindy Lane with 150 feet of storage and appropriate bay and thru lane tapers.
 - Construct a westbound left lane on Cindy Lane with 100 feet of storage and appropriate bay and thru lane tapers (de-facto left turn lane for the eastbound left turn lane).
 - Construct a westbound right turn lane on Cindy Lane with 100 feet of storage and an appropriate bay taper.
 - Install a five-foot wide bike lane along the property frontage on the north side of Cindy Lane.
 - Construct proposed Access "A" with one entering lane and two exit lanes (a lane that terminates as a left turn lane and a combined thru-right lane with 100 feet of storage and appropriate bay taper).
 - Modify (pavement re-mark) the leg of Hutchinson McDonald Road to include a northbound left turn lane with 100 feet of storage and appropriate bay taper and a

combined thru-right turn lane (to mirror the southbound left turn lane on Proposed Access "A"). This improvement should not require any roadway widening (wide pavement throat at Cindy Lane), however, the existing median on Hutchinson McDonald Road at Cindy Lane may need to be removed.

- Beatties Ford Road & Cindy Lane/Griers Grove Road (signalized).**
 - Install a crosswalk on the proposed Access "A" leg of the intersection.
- Cochrane Drive & Proposed Access "B".**
 - Install a pedestrian crosswalk on the Proposed Access "B" leg of the intersection.
- Statesville Road & Proposed Access "C".**
 - Install a pedestrian crosswalk on Proposed Access "C".

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 applicable (as it relates to the roadway improvements within their applicable 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 north Charlotte area, by way of a private/public partnership effort or other public sector project support.

b. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 3.11 above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 3.11. 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.

c. **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 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, the 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.

d. **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/or NCDOT, as applicable, 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 Statesville Road, Meadow Knoll Drive and from the roads constructed as part of Rezoning Petition No. 2015-082 as generally depicted on the Rezoning Plan.

b. Individual driveway connections to Cindy Lane will not be allowed.

c. The number and location of access points to the internal public streets, other than the access locations indicated above, will be determined during the building permit process and thereafter additional or fewer driveways may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.

d. The public street generally depicted on the Technical Data Sheet will be designed to meet a public street cross-section as defined in City of Charlotte Subdivision Ordinance. The determination of which street cross-section will be used will be determined during the subdivision review process.

e. The new streets constructed on the Site will be Public Streets.

f. Due to the limited area of the Site as it connects to Meadow Knoll Drive, the connection to Meadow Knoll Drive will be designed per the cross-section shown on Sheet RZ-01.

g. The alignment of the proposed internal roadway network may be modified to accommodate wetland areas or other environmentally sensitive areas, and to consolidate Development Areas. The changes to the internal roadway network must comply with the requirements of Subdivision regulations. The alignment of driveways may be modified to accory the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

h. The Petitioner will extend a sidewalk along Cindy Lane from the Site to the west to tie into the existing sidewalk located along the frontage of Tax Parcel # 041-331-05 as part of the construction along the Site's frontage as generally depicted on the Rezoning Plan.

4. Architectural Standards and Parking Location Restrictions:

a. The principal buildings used for multi-family residential uses constructed on the Site 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, soffits and on handrails/railings.

b. Buildings along Cindy Lane will be designed to have the front or the side of the buildings oriented toward Cindy Lane.

c. A 22 foot setback as measured from the future back of curb will be provided along Cindy Lane.

d. A 16 foot setback will be provided along Statesville Road as measured from the existing back of curb.

e. A 20 foot side yard will be provided along the western edge of Development Area E.1 as generally depicted on the Rezoning Plan.

f. A 20 foot Class C Buffer will be provided along the western property boundary of Development Area E.1 as generally depicted on the Rezoning Plan.

g. A 20 foot Class C Buffer will be provided where Development B.3 abuts tax parcel # 041-156-03 as generally depicted on the Rezoning Plan. This buffer may be eliminated if the adjoining parcel is developed with residential uses.

5. Residential Design Guidelines.

a. General Site Considerations

- Orient buildings towards Public Streets to reinforce the street scape.
- The rear of the proposed single-family units will not be oriented toward the Public Streets, except along Cindy Lane where reverse frontage may be utilized.
- Orient buildings in a way to enclose and define public space, open space and green space.
- Building features such as porches, patios, stoops, front walkways and centralized doorways or breezeways shall front the public streets, except where ends of buildings front these streets. When the ends of buildings front streets, walkways will be provided to clearly connect the building entrances with the street network.
- Architectural treatment shall continue on all sides of a building except as specifically noted otherwise.
- Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and landscaping. Blank walls cannot be addressed with landscape elements only.
- All building entrances will be connected to the street network subject to grade and ADA standards (private patios will not be considered a building entrance).

b. Facade Composition

- The Principal Entrance of a building shall be articulated and expressed in greater architectural detail than other building entrances.
- Windows shall be vertically shaped with a height greater than their width. However, in instances of large, feature windows, fenestrations may be used to provide a similar vertical appearance. Square windows may be used as a secondary design element.

Facades shall incorporate windows and doors as follows:

- Windows and doors shall be provided for at least 40% of the total Facade area along the primary and secondary streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height and 20 feet in length.
- The above requirement may be reduced where a Facade is not visible from a public street.
- The Facades of first/ground floor of the buildings along Public Streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone.

Facade articulation:

- Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of three feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total Facade length for Facades over 75 feet in length. Patios and balconies are acceptable projections.

Additional Street Fronting Facade requirements on Public Streets:

- Street fronting Facades and End fronting Facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets.
- On corner lots, the architectural treatment of a building's intersecting Street Fronting Facades shall be substantially similar, except that said building may emphasize the corner location by incorporating additional height at the corner, varying the roof form at the corner, or providing other architectural embellishments at the corner.
- First Story Facades of all buildings along primary and secondary streets shall incorporate columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements.
- Facades shall provide visual divisions between the first and second stories, when the building height is more than two stories, through architectural means such as courses, awnings, or a change in primary facade materials or colors.
- Facades above the first Story shall incorporate windows, arches, balconies, or other architectural details.
- No more than four different materials, textures, colors, or combinations thereof may be used on a single building. This requirement shall not include materials used on windows, doors, porches, balconies, foundations, awnings or architectural details.
- Materials may be combined horizontally or vertically, with the heavier below the lighter when horizontal.
- Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated metal, exposed plywood, and exposed pressboard are prohibited, except when used as a decorative feature or accent.
- Exterior materials of buildings along the Public Streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, cementitious siding, glass, manufactured stone or granite.
- Accessory Structures shall be consistent with the Principal Building in material, texture, and color.
 - Foundations, where provided, shall be constructed as a distinct building element that contrasts with Facade materials. Exposed above-ground foundations shall be coated or faced in cement, stucco, brick, manufactured stone, or natural stone to contrast with facade materials.

c. Roofs

- Pitched or flat roofs are acceptable. The pitch of the building's primary roof shall have a minimum slope of 4:12. Flat roofs shall be screened from the view of Public Streets by a parapet.
- Accessory features on a roof shall be screened from the view of the Public Streets by a parapet or other architectural feature.
- Permitted sloped roof materials are asphalt shingles, composition shingles, wood shingles, tin, standing seam metal, and wood shakes.
- Vents, stacks, and roof fans are to be painted to blend with the roof color and hidden from Public Street view to the greatest extent possible.

d. Additional Design Standards

- No parking or maneuvering for parking will be allowed between the proposed buildings located on the Site and the abutting public streets (except along Cindy Lane if reverse frontage is utilized). Parking areas may be located adjacent and between the allowed residential buildings or behind the allowed residential buildings. This standard does not apply to parking that may occur on driveways for detached, duplex, triplex and quadplex dwelling units.
- If garages are constructed on the Site they may not be oriented toward the existing or proposed public streets, except when the garage is located behind the principal structure.
- The rear of the proposed single-family detached dwelling units may not be oriented toward the proposed or existing public streets.

6. Sidewalks, Streetscape & Buffers:

a. Along Cindy Lane and Statesville Road an eight (8) foot planting strip and a six (6) foot sidewalk will be provided. The streetscape treatments along the Site's interior streets will be in accordance with the Subdivision Regulations.

7. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. 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 with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

b. Trees located in the City of Charlotte public street right-of-way are protected by the Tree Ordinance; Landscape Management must be contacted before any disturbance or removal of trees in the public street right-of-way occurs.

8. Lighting:

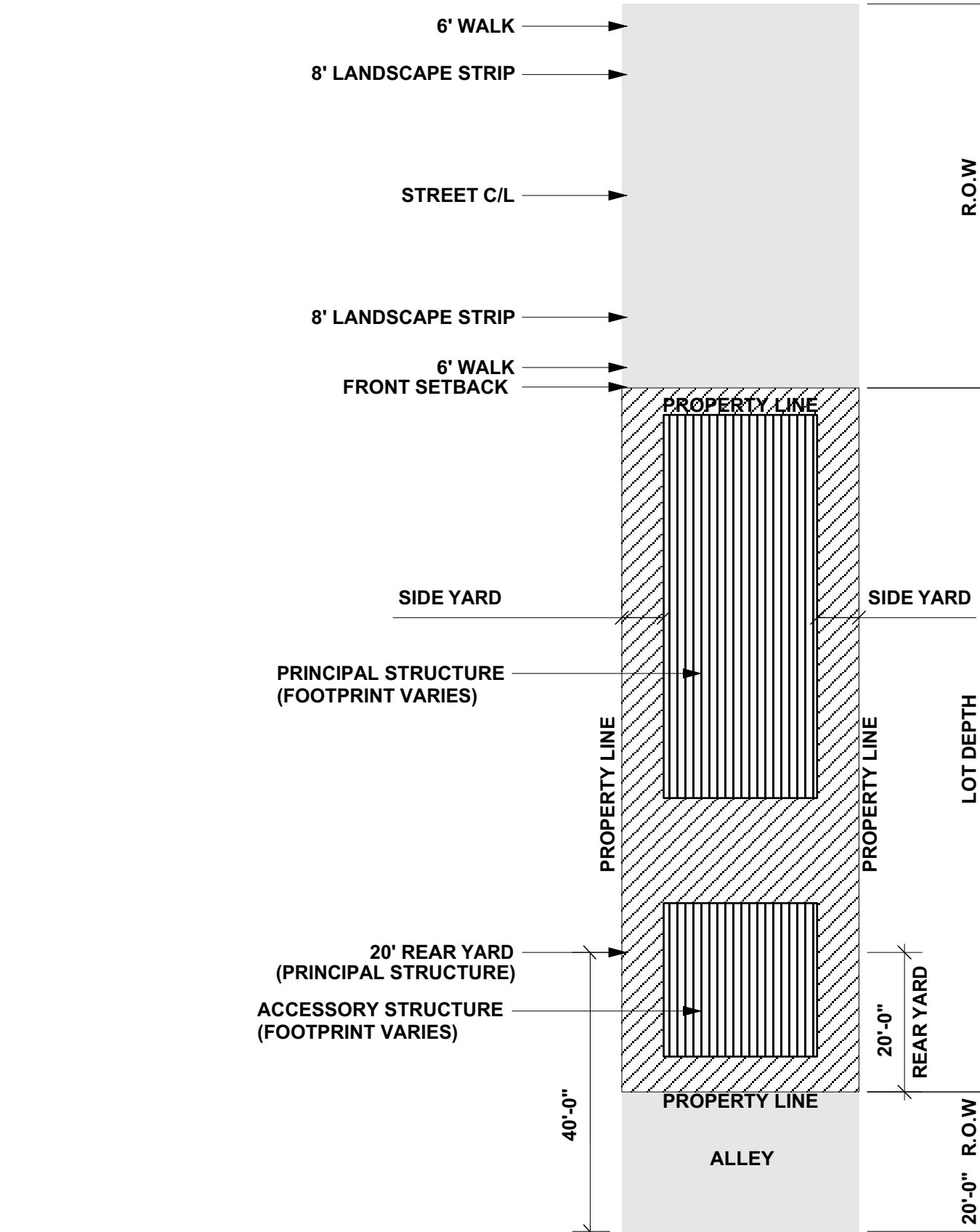
a. Detached lighting on the Site, except street lights located along public streets, will be limited to 20 feet in height.

9. 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 herein and of Chapter 6 of the Ordinance.

10. 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.



TYPICAL SINGLE FAMILY DETACHED DIAGRAM #1

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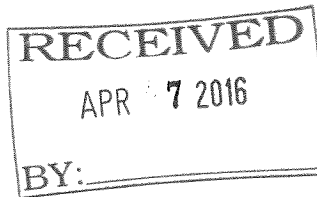
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TYPICAL SINGLE FAMILY DETACHED DIAGRAM #1

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-093

Petition #:	
Date Filed:	4/7/2016
Received By:	BH

Complete All Fields (Use additional pages if needed)

Property Owner: BWN Investments LLC

Owner's Address: 7935 Council Place, Suite 200 City, State, Zip: Matthews, NC 28105

Date Property Acquired: 1/2003

Property Address: 3400 The Plaza

Tax Parcel Number(s): 09305116, 09305108

Current Land Use: Convenience store Size (Acres): Approx. 1.53 ac. +/-

Existing Zoning: B-1 Proposed Zoning: B -2(CD)

Overlay: _____ (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Senja Sanders
~~John Kinley, et. al.~~

Date of meeting: 2/9/16 4/7/16

(*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): _____

Purpose/description of Conditional Zoning Plan: Redevelop the site for a new automated car wash

Walter Fields
Name of Rezoning Agent

1919 South Blvd., Suite 101
Agent's Address

Charlotte, NC 28203
City, State, Zip

704-372-7855 704-372-7856
Telephone Number Fax Number

walter@walterfieldsgroup.com
E-Mail Address

Rima Anabtawi
Signature of Property Owner

Rima Anabtawi
(Name Typed / Printed)

BWN Investments LLC
Name of Petitioner(s)

7935 Council Place, Suite 200
Address of Petitioner(s)

Matthews, NC 28105
City, State, Zip

704-321-8013
Telephone Number Fax Number

pnadimi@samsre.com
E-Mail Address

Rima Anabtawi
Signature of Petitioner

Rima Anabtawi
(Name Typed / Printed)



VICINITY MAP
NOT TO SCALE

B-1
TAX PID - 09109303A
OWNER - FIRST STATES INVESTORS 4100A, LLC &
C/O BURR WOLFF, LP
DEED REFERENCE - DB, 16485, PG. 745
(NOW OR FORMERLY)

B-1

TAX PID - 09305107
OWNER - IDEAL INVESTMENTS & PROPERTY MANAGEMENT, LLC
DEED REFERENCE - DB, 24700, PG. 933
(NOW OR FORMERLY)

B-1

B-1

TAX PID - 09305109
OWNER - BUTLER PROPERTIES, LLC
DEED REFERENCE - DB, 29145, PG. 392
(NOW OR FORMERLY)

SITE AND DEVELOPMENT DATA	
REZONING PETITION #	2016 -
TAX PARCEL(S)	09305108 & 09305116
SITE ADDRESS:	3400 & 3415 THE PLAZA
EXISTING ZONING	B-1
PROPOSED ZONING	B-2 (CD)
EXISTING USE	FUEL STATION / VACANT
PROPOSED USE	AUTOMATED CAR WASH
TOTAL SITE AREA	69,008 SQ. FT. OR 1.58 AC.
AREA IN FUTURE R/W (THE PLAZA)	2,486 SQ. FT. OR 0.06 AC.
RESIDUAL SITE AREA	66,522 SQ. FT. OR 1.52 AC.

EAGLE ENGINEERING
P.O. BOX 551
Alpharetta, GA 30009
Indian Trail, NC 28079
(704) 882-2222
www.eagleonline.net

**PRELIMINARY
NOT FOR
CONSTRUCTION**

SRE
SAM'S REAL ESTATE

**3400 & 3415 THE PLAZA
CHARLOTTE, NC**
SAM'S REAL ESTATE
7935 COUNCIL PLACE, SUITE 102
MATTHEWS, NC 28105

**REZONING
SITE PLAN**

DESIGNED BY	JLR	CHECKED BY	JHR
DRAWN BY	JLR	DATE	03/23/16
SCALE	AS SHOWN	JOB NUMBER	5513

Sheet
RZ-1

GENERAL PROVISIONS.

a. DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS OF THE CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF PROPOSED USES ON THE SITE, BUT THE EXACT CONFIGURATION, PLACEMENT, AND SIZE OF INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS OF SECTION 6.2 OF THE ZONING ORDINANCE.

b. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, SUCH AS THOSE THAT REGULATE STREETS, SIDEWALKS, TREES, BICYCLE PARKING, AND SITE DEVELOPMENT, MAY APPLY TO THE DEVELOPMENT OF THIS SITE. THESE ARE NOT ZONING REGULATIONS, ARE NOT ADMINISTERED BY THE ZONING ADMINISTRATOR, AND ARE NOT SEPARATE ZONING CONDITIONS IMPOSED BY THIS SITE PLAN. UNLESS SPECIFICALLY NOTED IN THE CONDITIONS FOR THIS SITE PLAN, THESE OTHER STANDARD DEVELOPMENT REQUIREMENTS WILL BE APPLIED TO THE DEVELOPMENT OF THIS SITE AS DEFINED BY THOSE OTHER CITY ORDINANCES.

c. THROUGHOUT THIS REZONING PETITION, THE TERMS "OWNER", "OWNERS", "PETITIONER" OR "PETITIONERS" SHALL, WITH RESPECT TO THE SITE, BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNEES OF THE OWNER OR OWNERS OF THE SITE WHO MAY BE INVOLVED IN ITS DEVELOPMENT FROM TIME TO TIME.

PURPOSE
THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE REDEVELOPMENT OF THIS SITE FROM A CONVENIENCE STORE TO A NEW STATE OF THE ART CAR WASH.

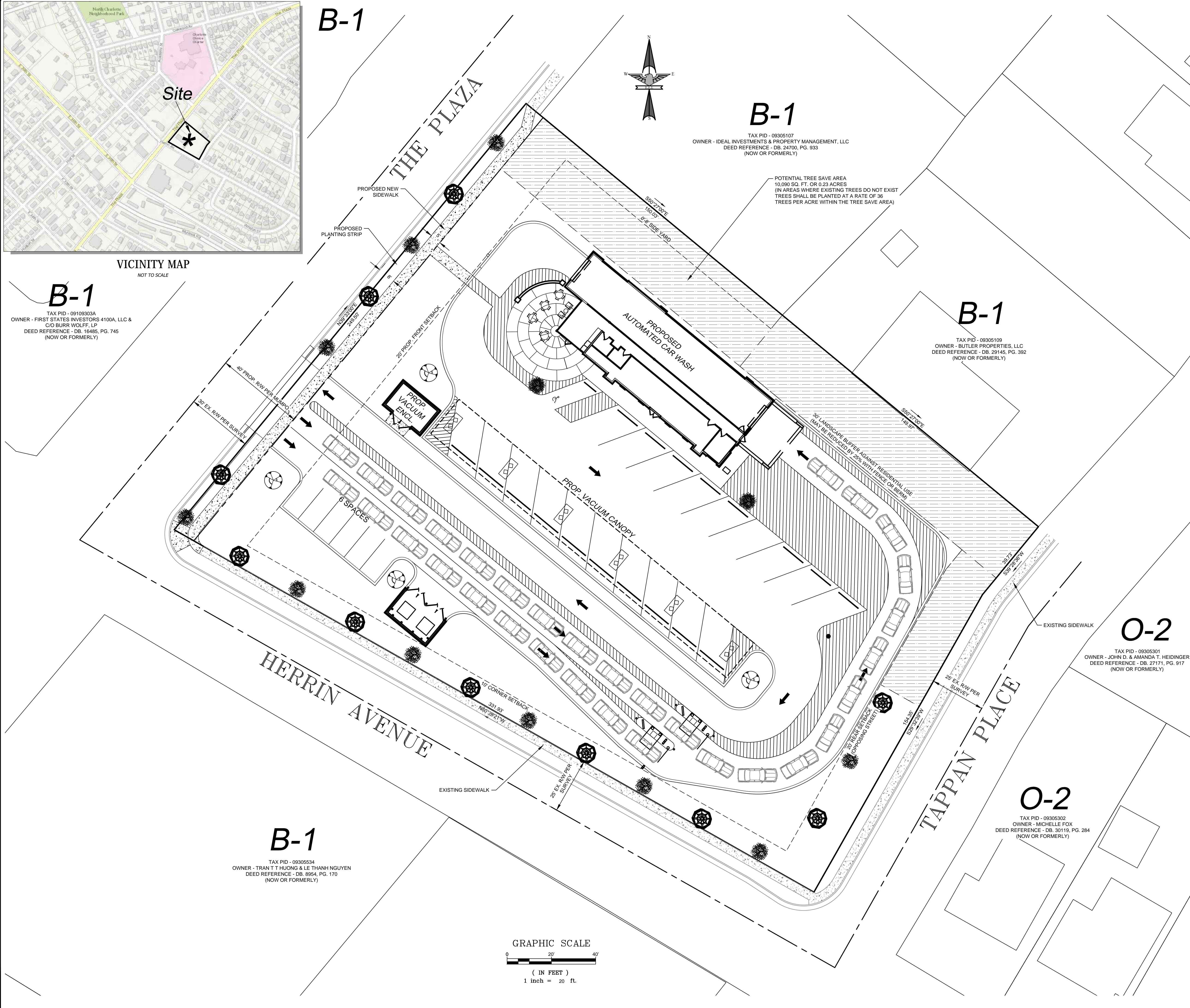
PERMITTED USES
THE SITE MAY BE USED FOR AN AUTOMATED CAR WASH AND ASSOCIATED ACCESSORY USES AND PARKING, AND AS MAY BE FURTHER LIMITED BY THIS SITE PLAN.

TRANSPORTATION
a. THE SITE WILL HAVE A DRIVEWAY ACCESS TO THE PLAZA AS GENERALLY DEPICTED ON THE SITE PLAN.
b. PARKING AREAS ARE GENERALLY DEPICTED ON THE CONCEPT PLAN FOR THE SITE.

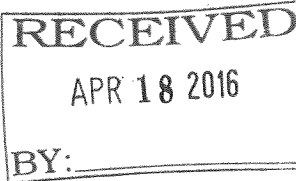
ARCHITECTURAL STANDARDS
RESERVED
STREETSCAPE AND LANDSCAPING
RESERVED
ENVIRONMENTAL FEATURES
RESERVED
PARKS, GREENWAYS, AND OPEN SPACE
RESERVED
FIRE PROTECTION
RESERVED
SIGNAGE
RESERVED
LIGHTING
FREESTANDING LIGHT WILL BE FULLY SHIELDED AND DOWNWARDLY DIRECTED. ALL NEW DETACHED LIGHTING INSTALLED ON THE SITE WILL BE LIMITED TO 20' IN HEIGHT.

PHASING
RESERVED

INITIAL SUBMISSION- 03-26-16, 1.0



**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #: 2016-094
Date Filed: _____
Received By: B

Complete All Fields (Use additional pages if needed)

Property Owner: JOON M. & LENORA NAM
Owner's Address: 7807 MONTANE RYN CT. City, State, Zip: WAXHAW, NC 28173
Date Property Acquired: 11/15/2005
Property Address: 10609 JOHNSTON ROAD
Tax Parcel Number(s): 20924304
Current Land Use: COMMERCIAL Size (Acres): 0.82
Existing Zoning: O-1 Proposed Zoning: MUDD-O
Overlay: N/A (Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting* with: JOHN KINLEY
Date of meeting: 03/24/2016

(*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: MULTI-STORY CLIMATE
CONTROLLED SELF STORAGE

TONY BERRY

Name of Rezoning Agent

11111 CARMEL COMMONS BLVD SUITE 207
Agent's Address

CHARLOTTE, NC 28226
City, State, Zip

704-496-9617 704-496-9618
Telephone Number Fax Number

TONY@TBCDEV.COM
E-Mail Address

[Signature]
Signature of Property Owner

Joan Nam
(Name Typed / Printed)

THE BERRY COMPANY, LLC

Name of Petitioner(s)

11111 CARMEL COMMONS BLVD SUITE 207
Address of Petitioner(s)

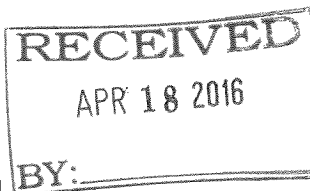
CHARLOTTE, NC 28226
City, State, Zip

704-496-9617 704-496-9618
Telephone Number Fax Number

TONY@TBCDEV.COM
E-Mail Address

[Signature]
Signature of Petitioner

CHARLES A. BERRY, MGR.
(Name Typed / Printed)



2016 - 095

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #:	_____
Date Filed:	_____
Received By:	<u>Bj</u>

Complete All Fields (Use additional pages if needed)

Property Owner: Fairview Plaza Buildings, LLC

Owner's Address: 5950 Fairview Road, Suite 800 City, State, Zip: Charlotte, NC 28210

Date Property Acquired: December 18, 2012

Property Address: 6010 Piedmont Row Drive South

Tax Parcel Number(s): 179-022-53

Current Land Use: Structured parking Size (Acres): +/-5.242 acres

Existing Zoning: O-3 (CD) Proposed Zoning: MUDD-O with 5 year vested rights

Overlay: N/A (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: John Kinley, Grant Meacci, Kent Main, Kory Hedrick et al.

Date of meeting: March 29, 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 accommodate a mixed use development that could contain up to 125,000 square feet of office uses, up to 75,000 square feet of retail and restaurant uses, up to 300 hotel rooms and up to 400 multi-family dwelling units.

John Carmichael (Robinson Bradshaw)
Name of Rezoning Agent

101 N. Tryon Street, Suite 1900
Agent's Address

Charlotte, NC 28246
City, State, Zip

704-377-8341
Telephone Number

jcarmichael@rbh.com
E-Mail Address

FAIRVIEW PLAZA BUILDINGS, LLC
By: David Jarrett
Signature of Property Owner

DAVID JARRETT
(Name Typed / Printed)

Fairview Plaza Buildings, LLC (c/o David Jarrett)
Name of Petitioner(s)

5950 Fairview Road, Suite 800
Address of Petitioner(s)

Charlotte, NC 28210
City, State, Zip

704-295-4005
Telephone Number

djarrett@aacusa.com
E-Mail Address

FAIRVIEW PLAZA BUILDINGS, LLC
By: David Jarrett
Signature of Petitioner

DAVID JARRETT
(Name Typed / Printed)

METES & BOUNDS DESCRIPTIONS:

TAX PARCEL: 179-022-39

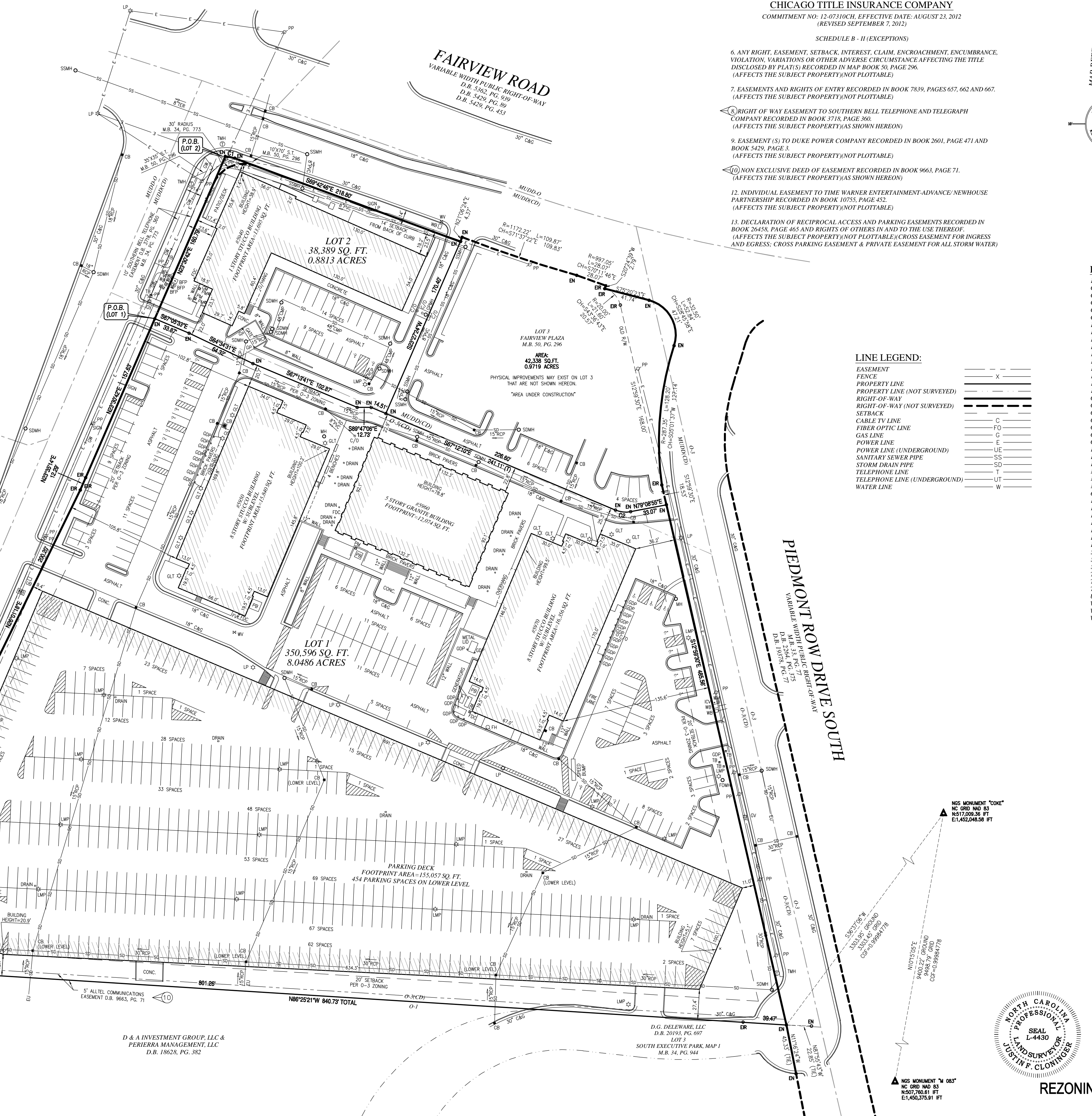
THAT CERTAIN TRACT OR PARCEL OF LAND BEING DESIGNATED AS LOT 1, RECOMBINATION PLAT OF FAIRVIEW PLAZA, AS RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, LYING AND BEING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING NAIL LOCATED AT THE INTERSECTION FORMED BY THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE S 23°30'42" W A DISTANCE OF 160.79 FEET TO AN EXISTING NAIL BEING THE SOUTHWESTERLY CORNER OF LOT 2 AS DEPICTED ON A RECOMBINATION PLAT ENTITLED "FAIRVIEW PLAZA", RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, SAID NAIL ALSO BEING THE POINT AND PLACE OF BEGINNING; THENCE WITH THE SOUTHERLY LINE OF LOT 2 THE FOLLOWING FIVE (5) COURSES AND DISTANCES AS FOLLOWS: 1) S 67°05'33" E A DISTANCE OF 33.87 FEET TO AN EXISTING NAIL 2) S 64°34'31" E A DISTANCE OF 64.32 FEET TO AN EXISTING NAIL 3) S 67°13'41" E A DISTANCE OF 102.87 FEET TO AN EXISTING NAIL 4) S 89°47'06" E A DISTANCE OF 12.73 FEET TO AN EXISTING NAIL 5) S 67°12'10" E A DISTANCE OF 14.51 FEET TO AN EXISTING NAIL BEING THE SOUTHWESTERLY CORNER OF LOT 3 AS DEPICTED IN AFORESAID MAP BOOK 50, PAGE 296; THENCE WITH THE SOUTHERLY LINE OF LOT 3 THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) S 67°12'10" E A DISTANCE OF 226.00 FEET TO AN EXISTING NAIL 2) WITH THE ARC OF A CIRCULAR CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 24.00 FEET, AND AN ARC LENGTH OF 14.09 FEET, (CHORD: S 84°01'38" E A DISTANCE OF 13.89 FEET) TO AN EXISTING NAIL 3) N 79°08'55" E A DISTANCE OF 33.07 FEET TO AN EXISTING NAIL LYING ON THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD; THENCE WITH THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD S 12°59'30" E A DISTANCE OF 485.56 FEET TO AN EXISTING NAIL BEING THE NORTHEASTERLY CORNER OF THE D.G. DELEWARE, LLC PROPERTY AS DESCRIBED IN DEED BOOK 20193, PAGE 907; THENCE WITH THE NORTHERLY LINE OF THE D.G. DELEWARE, LLC PROPERTY AND CONTINUING WITH THE NORTHERLY LINE OF THE D & A INVESTMENT GROUP, LLC AND PERIERRA MANAGEMENT, LLC PROPERTY AS DESCRIBED IN DEED BOOK 18628, PAGE 382, N 86°25'21" W, PASSING AN EXISTING NAIL AT 394.7 FEET, FOR A TOTAL DISTANCE OF: 840.73 FEET TO AN EXISTING IRON ROD LYING ON THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE; THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) N 23°10'50" E A DISTANCE OF 276.59 FEET TO AN EXISTING IRON ROD 2) N 26°01'18" E A DISTANCE OF 200.20 FEET TO AN EXISTING IRON ROD 3) N 23°53'54" E A DISTANCE OF 12.29 FEET TO AN EXISTING IRON ROD 4) N 23°30'42" E A DISTANCE OF 157.63 FEET TO THE POINT OF BEGINNING, CONTAINING 350.596 SQUARE FEET OR 8.0486 ACRES OF LAND.

TAX PARCEL: 179-022-37

THAT CERTAIN TRACT OR PARCEL OF LAND BEING DESIGNATED AS LOT 2, RECOMBINATION PLAT OF FAIRVIEW PLAZA, AS RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, LYING AND BEING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING NAIL LOCATED AT THE INTERSECTION FORMED BY THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE WITH THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) WITH THE ARC OF A CIRCULAR CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AND AN ARC LENGTH OF 8.88 FEET, (CHORD: S 79°53'22" E A DISTANCE OF 8.83 FEET) TO AN EXISTING NAIL 2) S 69°42'46" E A DISTANCE OF 218.80 FEET TO AN EXISTING NAIL BEING THE NORTHWESTERLY CORNER OF LOT 3 AS DEPICTED ON A RECOMBINATION PLAT ENTITLED "FAIRVIEW PLAZA", RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING WITH THE WESTERLY LINE OF LOT 3 S 23°27'24" W A DISTANCE OF 170.40 FEET TO AN EXISTING NAIL LYING ON THE NORTHERLY LINE OF LOT 1 AS DEPICTED IN AFORESAID MAP BOOK 50, PAGE 296; THENCE WITH THE NORTHERLY LINE OF LOT 1 THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) N 67°12'10" W A DISTANCE OF 14.51 FEET TO AN EXISTING NAIL 2) N 89°47'06" W A DISTANCE OF 12.73 FEET TO AN EXISTING NAIL 3) N 67°13'41" W A DISTANCE OF 102.87 FEET TO AN EXISTING NAIL 4) N 64°34'31" W A DISTANCE OF 64.32 FEET TO AN EXISTING NAIL 5) N 67°05'33" W A DISTANCE OF 33.87 FEET TO AN EXISTING NAIL ON THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE; THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE N 23°30'42" E A DISTANCE OF 160.79 FEET TO THE POINT OF BEGINNING, CONTAINING 38.389 SQUARE FEET OR 0.8813 ACRES OF LAND.



CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO: 12-07310CH, EFFECTIVE DATE: AUGUST 23, 2012
(REVISED SEPTEMBER 7, 2012)

SCHEDULE B - II (EXCEPTIONS)

- ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN MAP BOOK 50, PAGE 296. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- EASEMENTS AND RIGHTS OF ENTRY RECORDED IN BOOK 7839, PAGES 657, 662 AND 667. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- RIGHT OF WAY EASEMENT TO SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 3718, PAGE 360. (AFFECTS THE SUBJECT PROPERTY)(AS SHOWN HEREON)
- EASEMENT (S) TO DUKE POWER COMPANY RECORDED IN BOOK 2601, PAGE 471 AND BOOK 3429, PAGE 3. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- NON EXCLUSIVE DEED OF EASEMENT RECORDED IN BOOK 9663, PAGE 71. (AFFECTS THE SUBJECT PROPERTY)(AS SHOWN HEREON)
- INDIVIDUAL EASEMENT TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP RECORDED IN BOOK 10755, PAGE 452. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- DECLARATION OF RECIPROCAL ACCESS AND PARKING EASEMENTS RECORDED IN BOOK 3645, PAGE 465 AND RIGHTS OF OTHERS IN AND TO THE USE THEREOF. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)(CROSS EASEMENT FOR INGRESS AND EGRESS: CROSS PARKING EASEMENT & PRIVATE EASEMENT FOR ALL STORM WATER)

LINE LEGEND:

EASEMENT	---
FENCE	---
PROPERTY LINE (NOT SURVEYED)	---
RIGHT-OF-WAY	---
RIGHT-OF-WAY (NOT SURVEYED)	---
SETBACK	---
CABLE TV LINE	C
FIBER OPTIC LINE	FO
GAS LINE	G
POWER LINE	E
POWER LINE (UNDERGROUND)	UE
SANITARY SEWER PIPE	SS
STORM DRAIN PIPE	SD
TELEPHONE LINE	T
TELEPHONE LINE (UNDERGROUND)	UT
WATER LINE	W

LEGEND:

- BFP - BACK FLOW PREVENTOR
CONC - CONCRETE
C&G - CURB & GUTTER
CB - CATCH BASIN
CMP - CORRUGATED METAL PIPE
C/O - CLEAN OUT
D.B. - DEED BOOK
EIR - EXISTING IRON ROD
EN - EXISTING NAIL
EU - END UNKNOWN
FOB - FIBER OPTIC BOX
FOMH - FIBER OPTIC MANHOLE
FDC - FIRE DEPARTMENT CONNECTION
FH - FIRE HYDRANT
FV - FIRE VALVE
FES - FLARED END SECTION
GM - GAS METER
GP - GATE POST
GV - GAS VALVE
GPMH - GREASE PIT MANHOLE
GLT - GROUND LIGHT
GDP - GUARD POST
GW - GUY WIRE
ICV - IRRIGATION CONTROL VALVE
LMP - LAMP POST
NGS - NATIONAL GEODETIC SURVEY
O/HANG - OVERHANG
PB - POWER BOX
PM - POWER METER
PP - POWER POLE
PG - PAGE
PVC - PLASTIC PIPE
R/W - RIGHT-OF-WAY
RCP - REINFORCED CONCRETE PIPE
S.T. - SIGHT TRIANGLE
SDMH - STORM DRAIN MANHOLE
SSMH - SANITARY SEWER MANHOLE
TB - TELEPHONE BOX
TER - TERRACOTTA PIPE
TMH - TELEPHONE MANHOLE
UB - UTILITY BOX
WB - WATER BOX
WM - WATER METER
WV - WATER VALVE

PARKING:

- MUDD: NO REQUIREMENTS
O-3: 1 PARKING SPACE PER 300 SQ. FT.
- LOT 1:
1,047 REGULAR PARKING SPACES
20 HANDICAPPED PARKING SPACES
1,067 TOTAL PARKING SPACES
- LOT 2:
23 REGULAR PARKING SPACES
2 HANDICAPPED PARKING SPACES
25 TOTAL PARKING SPACES

ZONING:

- ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: MUDD(CD) & O-3(CD)
- MINIMUM SETBACK REQUIREMENTS LOT 2 PER ZONING
PETITION NO. 2006-074
MUDD(CD)
- MINIMUM SETBACK: 14 FT. FROM BACK OF CURB
MINIMUM SIDE YARD: 5'
MINIMUM REAR YARD: 0'
HEIGHT: 120'
- O-3(CD)
- MINIMUM SETBACK: 20'
MINIMUM SIDE YARD: 5'
MINIMUM REAR YARD: 20'
HEIGHT: 9 STORIES, PER SITE PLAN (95-17)
- FOR FURTHER INFORMATION CONTACT THE
CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT
704-336-3569.

NOTES:

- THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
- ALL CORNERS MONUMENTED AS SHOWN.
- NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
- THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- PARK SOUTH DRIVE IS SHOWN AS A "MINOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 55' FROM CENTERLINE.
- FAIRVIEW ROAD IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE.
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT ORDER NO. 12-07310CH WITH AN EFFECTIVE DATE OF AUGUST 23, 2012 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR DERIVED FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

ALTA CERTIFICATION:

TO: JEFFERIES LOANCORE LLC, ITS SUCCESSORS AND ASSIGNS; CHICAGO TITLE INSURANCE COMPANY AND ITS CHICAGO TITLE COMPANY, LLC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11(A), 13, 16, 18 AND 21 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON SEPTEMBER 07, 2012.

JUSTIN F. CLONINGER, NCPLS L-4430 DATE

REZONING PETITION # EXISTING CONDITIONS RZ-1

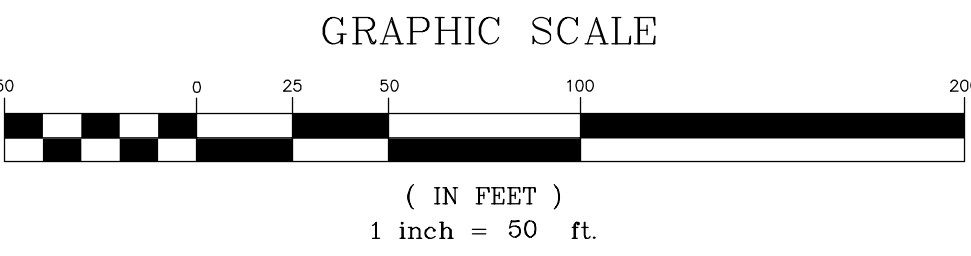
REVISIONS	ALTA/ACSM LAND TITLE SURVEY PREPARED FOR:
09/24/12 - GENERAL CORRECTIONS.	FAIRVIEW PLAZA ASSOCIATES, L.P.
10/01/12 - GENERAL CORRECTIONS.	5940, 5950, 5960 & 5970 FAIRVIEW ROAD 6010 PIEDMONT ROW DRIVE SOUTH CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C. LOTS 1 & 2, FAIRVIEW PLAZA MAP REFERENCE: M.B. 50, PG. 296 DEED REFERENCE: D.B. 4278, PG. 350, D.B. 4637, PG. 155 & D.B. 9869, PG. 952 TAX PARCEL NO: 179-022-37 & 39
	R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING LICENSE NO. C-1471
CREW: DRAWN: REVISED:	420 HAWTHORNE LANE TEL: (704) 376-2186 CHARLOTTE, NC
KD CW CW	SCALE: 1" = 50' DATE: SEPTEMBER 07, 2012 FILE NO. W-3603B JOB NO. 78637

FLOOD CERTIFICATION

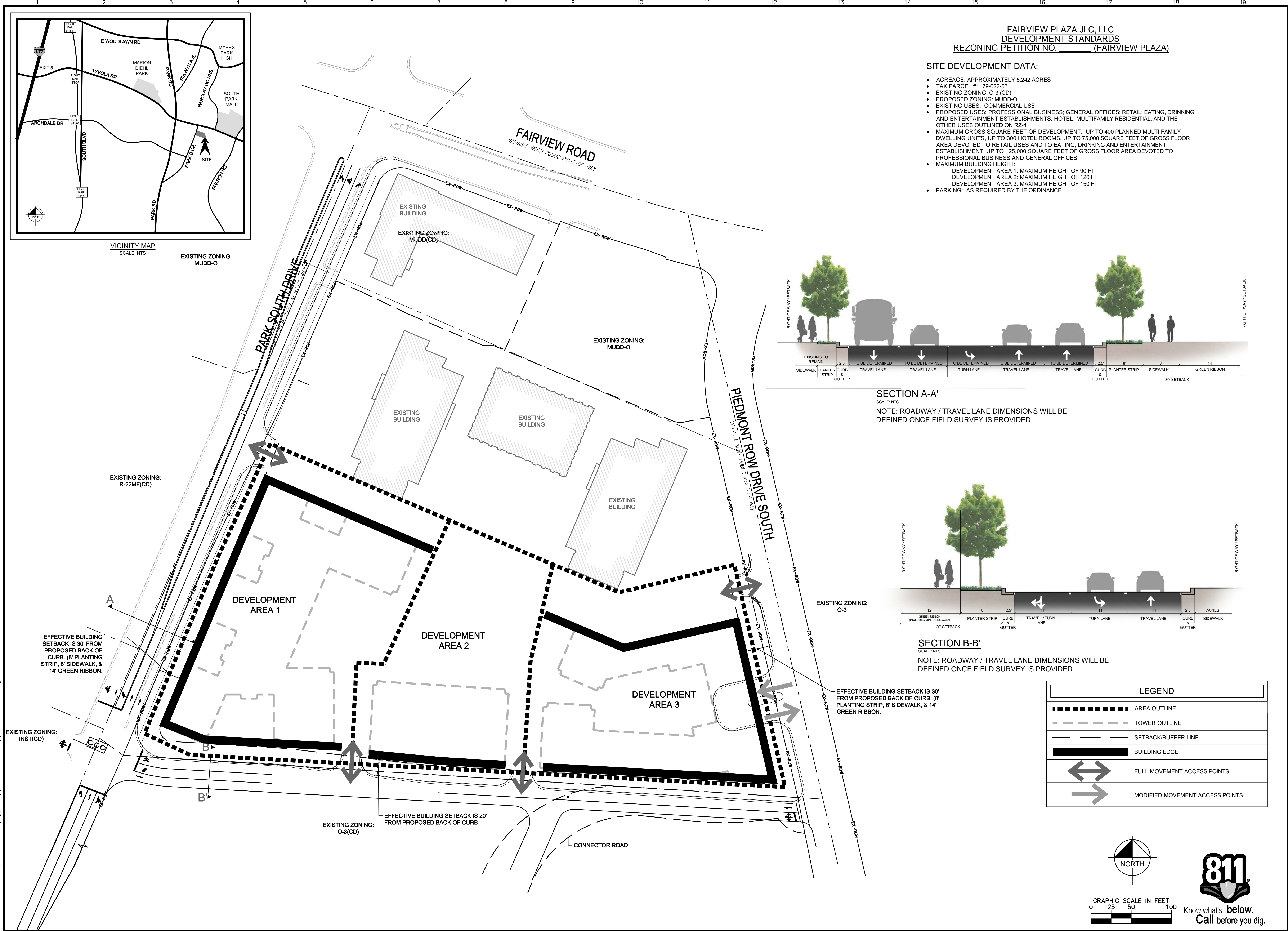
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED MARCH 2, 2009.

THIS IS TO CERTIFY THAT ON THE 9TH DAY OF SEPTEMBER 2012, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED



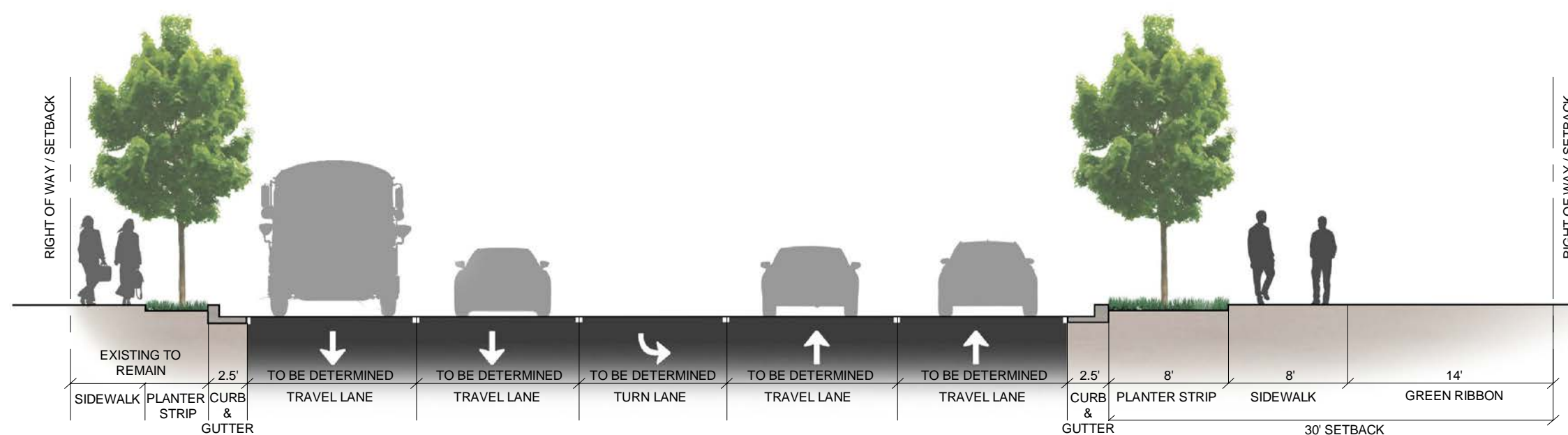
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	25.00'	8.88'	8.83'	S79°53'22"E
C2	24.00'	14.09'	13.89'	S84°01'38"E



FAIRVIEW PLAZA JLC, LLC
DEVELOPMENT STANDARDS
REZONING PETITION NO. _____ (FAIRVIEW PLAZA)

SITE DEVELOPMENT DATA:

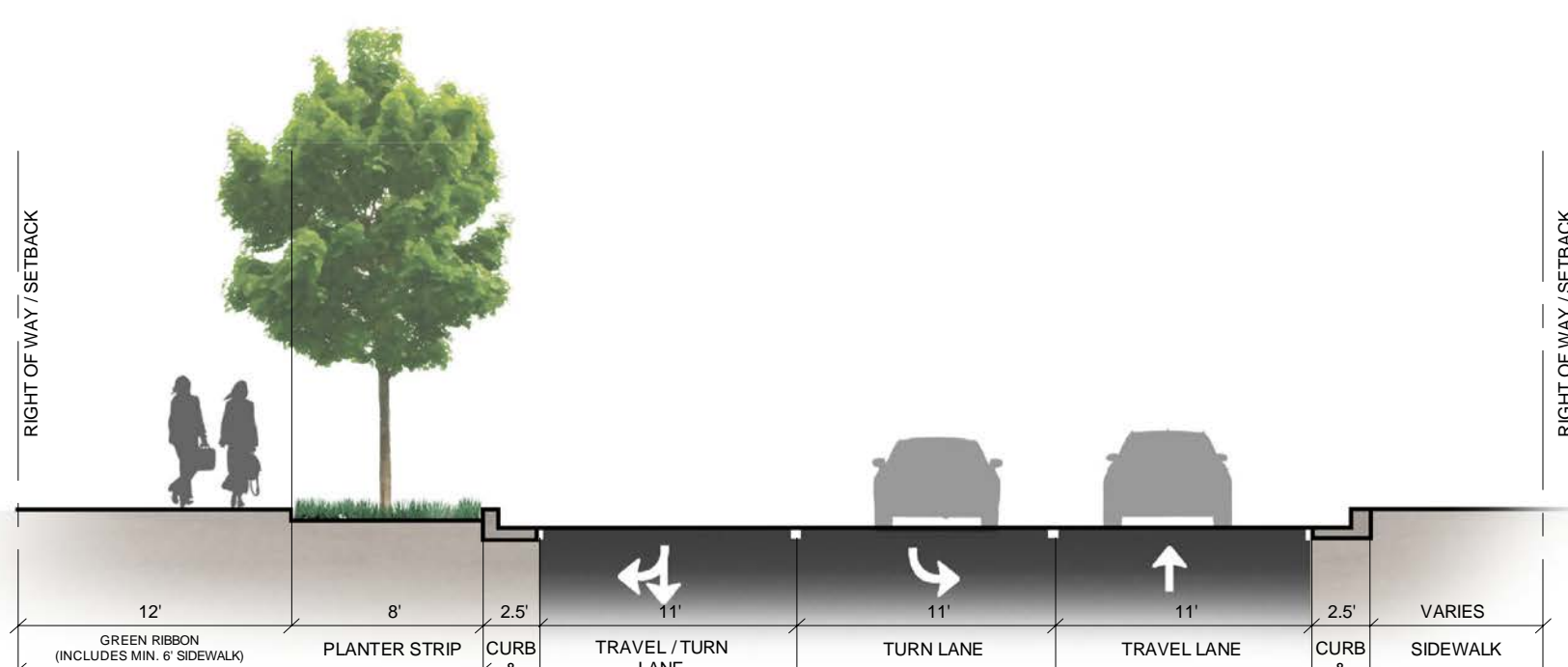
- ACREAGE: APPROXIMATELY 5.242 ACRES
- TAX PARCEL #: 179-022-53
- EXISTING ZONING: O-3 (CD)
- PROPOSED ZONING: MUDD-O
- EXISTING USES: COMMERCIAL USE
- PROPOSED USES: PROFESSIONAL BUSINESS; GENERAL OFFICES; RETAIL; EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS; HOTEL; MULTIFAMILY RESIDENTIAL; AND THE OTHER USES OUTLINED ON RZ-4
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 400 PLANNED MULTI-FAMILY DWELLING UNITS, UP TO 300 HOTEL ROOMS, UP TO 75,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO RETAIL USES AND TO EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT, UP TO 125,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES
- MAXIMUM BUILDING HEIGHT:
 - DEVELOPMENT AREA 1: MAXIMUM HEIGHT OF 90 FT
 - DEVELOPMENT AREA 2: MAXIMUM HEIGHT OF 120 FT
 - DEVELOPMENT AREA 3: MAXIMUM HEIGHT OF 150 FT
- PARKING: AS REQUIRED BY THE ORDINANCE.



SECTION A-A'

SCALE: NTS

NOTE: ROADWAY / TRAVEL LANE DIMENSIONS WILL BE DEFINED ONCE FIELD SURVEY IS PROVIDED

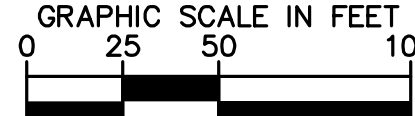
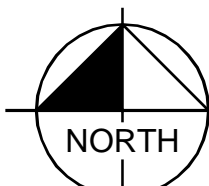


SECTION B-B'

SCALE: NTS

NOTE: ROADWAY / TRAVEL LANE DIMENSIONS WILL BE DEFINED ONCE FIELD SURVEY IS PROVIDED

LEGEND	
■■■■■■■■■■	AREA OUTLINE
----	TOWER OUTLINE
----	SETBACK/BUFFER LINE
■■■■■■■■■■	BUILDING EDGE
↔	FULL MOVEMENT ACCESS POINTS
→	MODIFIED MOVEMENT ACCESS POINTS



811
Know what's below.
Call before you dig.

Kimley»Horn
NC License #F-0102
200 SOUTH TRYON ST
SUITE 200
CHARLOTTE, NORTH
CAROLINA 28202
PHONE: (704) 333-5131
© 2016

CLIENT:
FAIRVIEW PLAZA JLC, LLC
5950 FAIRVIEW ROAD, SUITE 800
CHARLOTTE, NORTH CAROLINA 28210

PROJECT:
FAIRVIEW PLAZA
REZONING PETITION #2014-117
PARK SOUTH DRIVE AT FAIRVIEW ROAD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA

TITLE:
TECHNICAL DATA SHEET

DESIGNED BY: ASP
DRAWN BY: ASP
CHECKED BY: ECH
DATE: 04/15/16
PROJECT#: 015272030
RZ-2



EXISTING ZONING:
MUDD-O

ZONING CODE SUMMARY

PROPOSED REZONING AREA: APPROXIMATELY 5.242 ACRES
JURISDICTION: CITY OF CHARLOTTE

- MINIMUM SETBACK ON PARK SOUTH DRIVE & PIEDMONT ROW DRIVE: 30 FEET
- MINIMUM FROM BACK OF EXISTING OR PROPOSED CURB, WHICHEVER IS GREATER
- MINIMUM SETBACK ON PROPOSED PRIVATE STREET: 20 FEET MINIMUM FROM BACK OF EXISTING OR PROPOSED CURB, WHICHEVER IS GREATER
- MINIMUM SIDE YARDS: NONE, BUT 10' BUILDING SEPARATION REQUIRED TO A RESIDENTIAL USE
- MINIMUM REAR YARD: NONE, BUT 10' BUILDING SEPARATION REQUIRED TO A RESIDENTIAL USE

AUTOMOTIVE PARKING REQUIREMENT	
RESIDENTIAL:	1 SPACE PER DWELLING UNIT
HOTELS / MOTELS:	0.5 SPACE PER ROOM
ALL OTHER USES:	1 SPACE PER 600 GROSS SQUARE FEET

LONG TERM BIKE PARKING	
RESIDENTIAL:	NONE
HOTELS / MOTELS:	1 SPACE PER 20 RENTABLE ROOMS
OFFICE:	2, OR 1 PER 10,000 SF. OR 50 MAXIMUM SPACES
RETAIL:	2 MINIMUM, OR 1 PER 12,000 SF. OR 1 PER 25 EMPLOYEES, OR 30 MAXIMUM SPACES
SHORT TERM BIKE PARKING	
RESIDENTIAL:	2, OR 1 SPACE PER 20 UNITS
HOTELS / MOTELS:	NONE
OFFICE:	2, OR 1 PER 40,000 SF. OR 30 MAXIMUM SPACES
RETAIL:	5% OF AUTO PARKING, OR MAXIMUM OF 30 SPACES

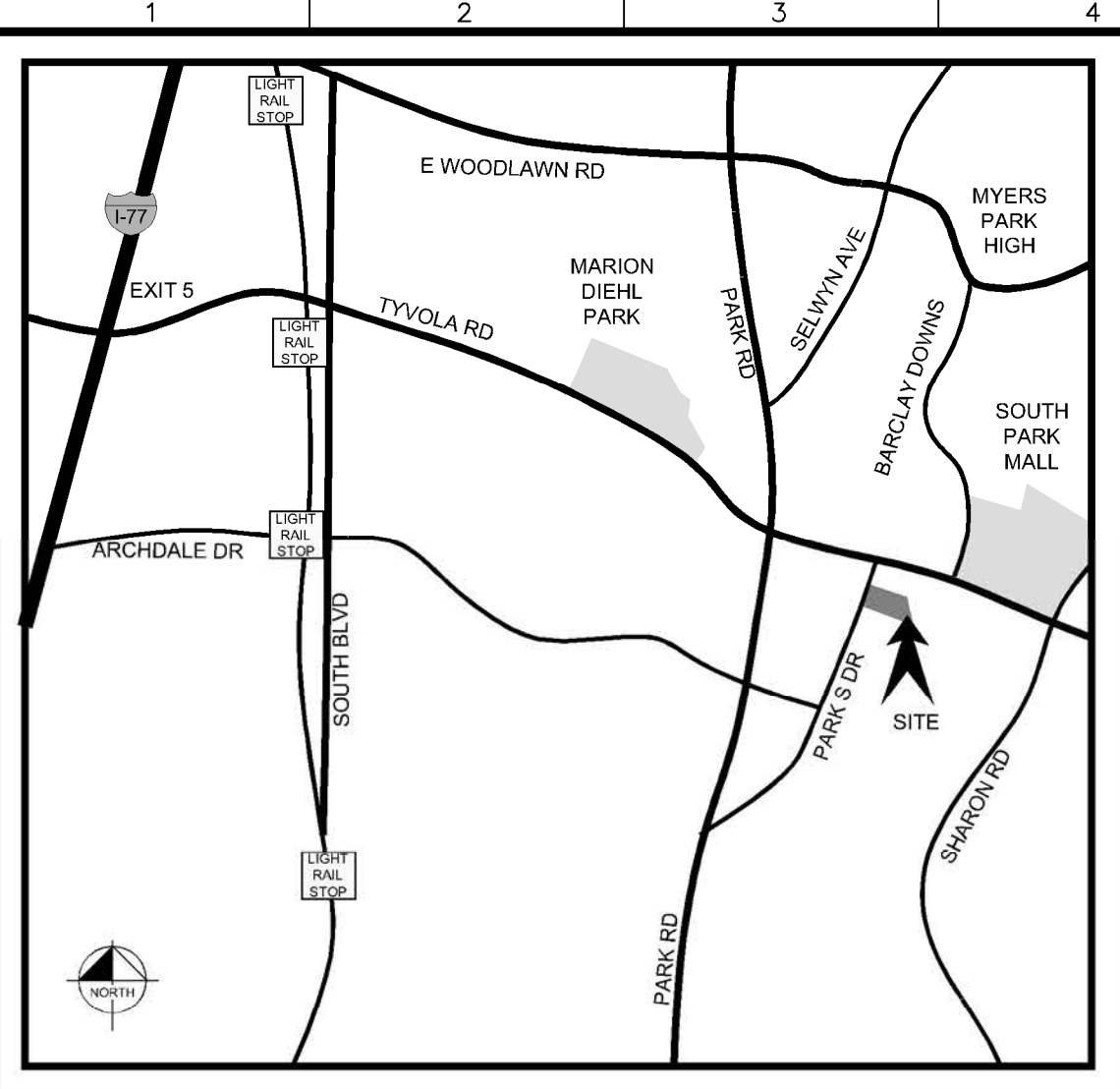
PARKING PROVIDED: AS REQUIRED BY THE APPLICABLE ZONING DISTRICT

1. ALL DIMENSIONS ARE BASED FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. SEE EXISTING CONDITIONS SHEET FOR COMPLETE BOUNDARY DESCRIPTION, ADJACENT PROPERTIES, AND USE.
3. ALL ON-SITE STRIPING IS TO BE PAINTED, UNLESS OTHERWISE NOTED. ALL STRIPING IN PUBLIC RIGHT-OF-WAY TO BE THERMOPLASTIC STRIPING.
4. STREET TREES TO BE SPACED EVENLY AT 40' O.C. WITHIN THE PLANTING STRIP.

[illegible]

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

K:\CHL\PR\A\015272 AC\030 Fairview Road\Map\Access Plan.dwg — Rezoning RZ-4 Fairview Road\Map\Access Plan.dwg April 14, 2016 — 5:57pm By: Homoth.Barrow



VICINITY MAP
SCALE: NTS

EXISTING ZONING:
MUDD-O

EXISTING ZONING:
R-22MF(CD)

EXISTING ZONING:
O-3

D & A INVESTMENT GROUP, LLC &
PERIERRA MANAGEMENT, LLC
D.B. 18626, PG. 382
EXISTING ZONING:
O-3(CD)

EFFECTIVE BUILDING SETBACK IS 20'
FROM PROPOSED BACK OF CURB

EFFECTIVE BUILDING SETBACK IS 30'
FROM PROPOSED BACK OF CURB. (8'
PLANTING STRIP, 8' SIDEWALK, & 14'
GREEN RIBBON.

10' SOUTHERN BELL TELEPHONE
EASEMENT D.B. 3718, PG. 360
M.B. 34, PG. 773

EXISTING ZONING:
INST(CD)

PEDESTRIAN
STAIRS TO
MULTIFAMILY
PLAZA

PEDESTRIAN
RAMP INTO
PARKING DECK

PROPOSED
BUILDING

VEHICULAR RAMP
INTO PARKING DECK

PEDESTRIAN
RAMP/STAIRS TO
PLAZA LEVEL

PEDESTRIAN
ACCESS

PROPOSED PRIVATE STREET

LOT 3
SOUTH EXECUTIVE PARK, MAP 1
M.B. 34, PG. 944

10' SOUTHERN BELL TELEPHONE
EASEMENT D.B. 3718, PG. 360
M.B. 34, PG. 773

10' SOUTHERN BELL TELEPHONE
EASEMENT D.B. 3718, PG. 360
M.B. 34, PG. 773

PEDESTRIAN
ACCESS

PEDESTRIAN
STAIRS TO
MULTIFAMILY
PLAZA

PEDESTRIAN
STAIRS TO
MULTIFAMILY
PLAZA

PROPOSED
BUILDING

VEHICULAR RAMP
WITHIN PARKING
DECK

PEDESTRIAN
ACCESS TO
ELEVATOR

VEHICULAR PATH TO BE
PROVIDED BETWEEN
PROPOSED PRIVATE STREET
AND INTERNAL ACCESS
DRIVE THROUGH PARKING
DECK (VERTICAL RAMPING
REQUIRED)

PROPOSED
BUILDING

PEDESTRIAN
ACCESS

EFFECTIVE BUILDING SETBACK IS 30'
FROM PROPOSED BACK OF CURB. (8'
PLANTING STRIP, 8' SIDEWALK, & 14'
GREEN RIBBON.

FULL MOVEMENT DRIVEWAY

PIEDMONT ROW DRIVE SOUTH
VARIABLE WIDTH PUBLIC RIGHT-OF-WAY

FAIRVIEW ROAD
VARIABLE WIDTH PUBLIC RIGHT-OF-WAY

EXISTING BUILDING

EXISTING ZONING:
MUDD(CD)

LOT 2
38,389 SQ. FT.
0.8813 ACRES

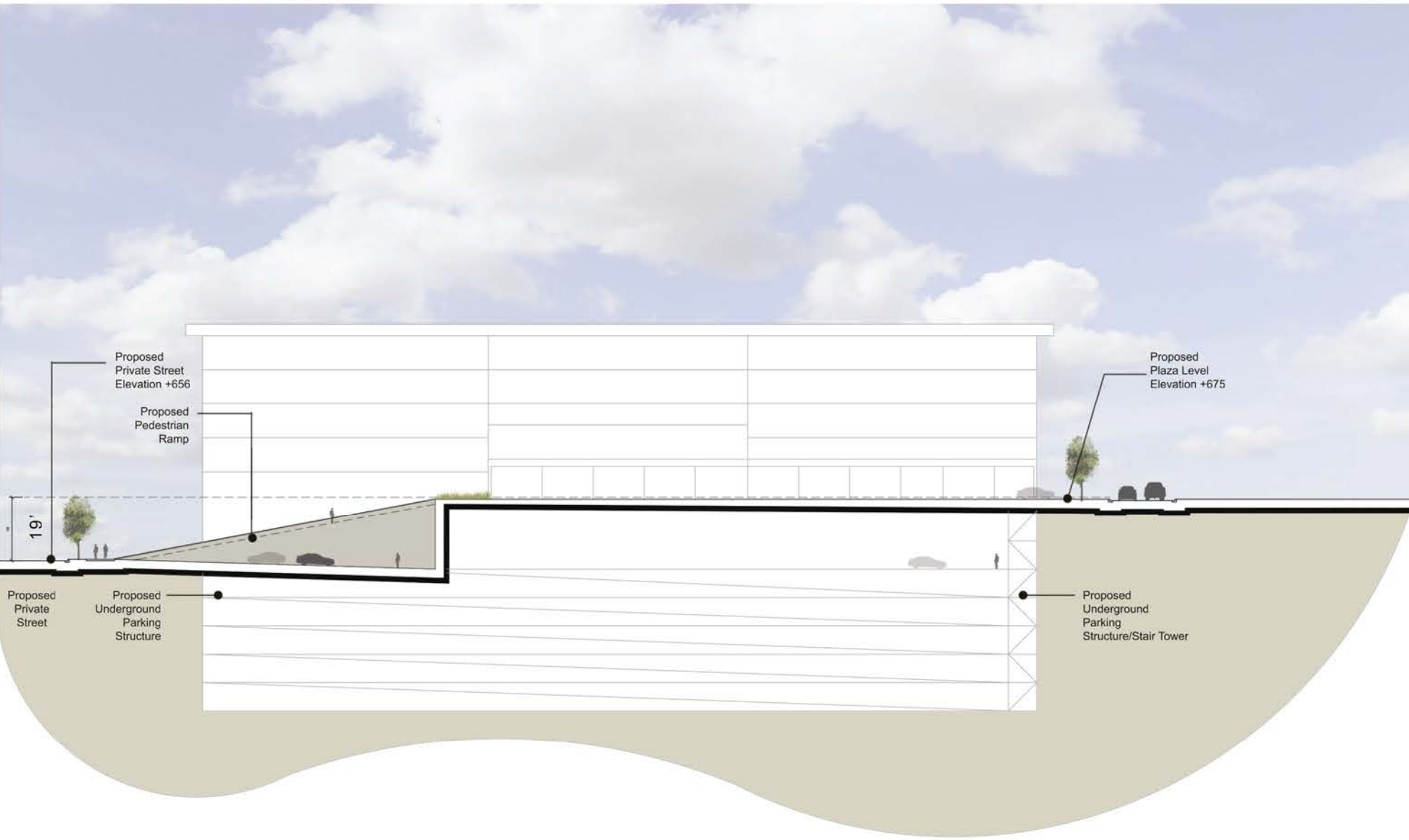
LOT 3
FAIRVIEW PLAZA
M.B. 50, PG. 296
AREA:
42,338 SQ. FT.
0.9719 ACRES

PHYSICAL IMPROVEMENTS MAY EXIST ON LOT 3
THAT ARE NOT SHOWN HEREON.
"AREA UNDER CONSTRUCTION"
EXISTING ZONING:
MUDD-O

EXISTING BUILDING

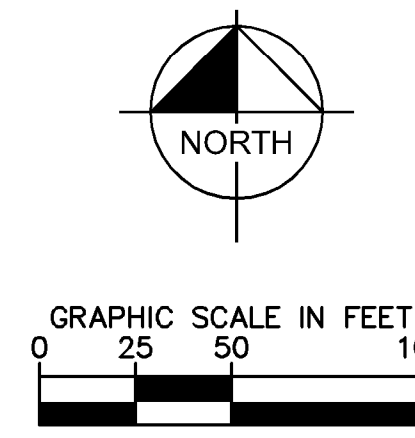
EXISTING BUILDING

EXISTING BUILDING



CROSS SECTION A-A

LEGEND FOR ACCESS PLAN	
	DIAGRAMATIC VEHICULAR ACCESS PATH
	DIAGRAMATIC PEDESTRIAN ACCESS PATH
	AT-GRADE VEHICULAR ACCESS PATH
	AT-GRADE PEDESTRIAN ACCESS PATH



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CLIENT:
FAIRVIEW PLAZA JLC, LLC
5550 FAIRVIEW ROAD, SUITE 800
CHARLOTTE, NORTH CAROLINA 28210

PROJECT:
FAIRVIEW PLAZA
REZONING PETITION #2014-117
PARK SOUTH DRIVE AT FAIRVIEW ROAD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA

TITLE:
**PEDESTRIAN AND VEHICULAR
ACCESS PLAN**

DESIGNED BY: ASP
DRAWN BY: ASP
CHECKED BY: ECH
DATE: 04/15/16
PROJECT#: 015272030

RZ-4

	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
DEVELOPMENT STANDARDS																		
GENERAL PROVISIONS																		
A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY FAIRVIEW PLAZA JLC, LLC ("PETITIONER") TO ACCOMMODATE A MIXED USE DEVELOPMENT THAT COULD CONTAIN OFFICE, RETAIL, HOTEL AND RESIDENTIAL USES ON THAT APPROXIMATELY 5.242 ACRE SITE LOCATED ON PARK SOUTH DRIVE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS A PORTION OF TAX PARCEL NO. 179-022-53.																		
B. 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 OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT OF THE SITE.																		
C. THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK AND YARD REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.																		
D. SIDEWALKS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE ALTERED PROVIDED THAT SUCH ALTERATIONS DO NOT MATERIALLY CHANGE THE DESIGN INTENT GENERALLY DEPICTED ON THE REZONING PLAN.																		
E. THE SITE AND THE ADJACENT PARCEL OF LAND DESIGNATED AS TAX PARCEL NO. 179-022-39 SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. THEREFORE, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION REQUIREMENTS AND OTHER SIMILAR ZONING STANDARDS SHALL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS, USES AND OTHER SITE ELEMENTS LOCATED ON THE SITE AND TAX PARCEL NO. 179-022-39. FURTHERMORE, PETITIONER AND/OR OWNER OF THE SITE AND TAX PARCEL NO. 179-022-39 RESERVE THE RIGHT TO SUBDIVIDE PORTIONS OR ALL OF THE SITE AND THE REMAINDER OF TAX PARCEL NO. 179-022-39 AND TO CREATE LOTS WITHIN THE INTERIOR OF THE SITE AND TAX PARCEL NO. 179-022-39 WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, THAT THE DEVELOPMENT OF THE SITE AND TAX PARCEL NO. 179-022-39 SHALL BE REQUIRED TO MEET ANY APPLICABLE SETBACK, SIDE YARD AND REAR YARD REQUIREMENTS WITH RESPECT TO THE EXTERIOR BOUNDARY OF THE SITE AND TAX PARCEL NO. 179-022-39.																		
F. 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 CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.																		
OPTIONAL PROVISIONS																		
THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE DEVELOPMENT OF THE SITE:																		
A. THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 3 MAY HAVE A MAXIMUM HEIGHT OF 150 FEET.																		
B. THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 2 MAY HAVE A MAXIMUM HEIGHT OF 130.																		
C. DOORS AND BUILDING ENTRANCES SHALL NOT BE REQUIRED TO BE RECESSED.																		
D. REFLECTIVE GLASS MAY BE UTILIZED ON CERTAIN GROUND FLOOR ELEVATIONS AS DESCRIBED BELOW IN PARAGRAPH F UNDER ARCHITECTURAL AND DESIGN STANDARDS.																		
E. HARDSCAPE, LANDSCAPING, CHAIRS AND TABLES, SEAT WALLS AND OTHER SEATING ELEMENTS, BUILDING ENTRANCES AND BUILDING STOOPS MAY BE LOCATED WITHIN THE INNER (SITE SIDE) 14 FEET OF THE 30 FOOT SETBACK LOCATED ALONG THE SITE'S FRONTAGES ON PIEDMONT ROW DRIVE SOUTH AND PARK SOUTH DRIVE.																		
PERMITTED USES																		
A. THE BUILDINGS TO BE LOCATED ON THE SITE MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OR MIXTURE OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT:																		
(1) PLANNED MULTI-FAMILY DWELLING UNITS;																		
(2) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1), AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 2) SUBJECT TO THE APPLICABLE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE;																		
(3) HOTELS;																		
(4) ART GALLERIES;																		
(5) COLLEGES, UNIVERSITIES, COMMERCIAL SCHOOLS AND SCHOOLS PROVIDING ADULT TRAINING IN ANY OF THE SCIENCES, TRADES AND PROFESSIONS;																		
(6) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING, WITHOUT LIMITATION, CLINICS, MEDICAL, DENTAL AND DOCTORS' OFFICES;																		
(7) RETAIL SALES LIMITED TO USES ALLOWED IN THE B-1 ZONING DISTRICT;																		
(8) SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS;																		
(9) POST OFFICES; AND																		
(10) STRUCTURED PARKING DECKS AS AN ACCESSORY USE.																		
DEVELOPMENT LIMITATIONS																		
A. A MAXIMUM OF 400 PLANNED MULTI-FAMILY DWELLING UNITS MAY BE DEVELOPED ON THE SITE.																		
B. A MAXIMUM OF 300 HOTEL ROOMS MAY BE DEVELOPED ON THE SITE.																		
C. A MAXIMUM OF 75,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO RETAIL USES AND TO EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2) MAY BE DEVELOPED ON THE SITE.																		
D. A MAXIMUM OF 125,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND TO THE OTHER USES SET OUT ABOVE UNDER PERMITTED USES (EXCLUDING PLANNED MULTI-FAMILY DWELLING UNITS, HOTEL ROOMS, RETAIL USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2)) MAY BE DEVELOPED ON THE SITE.																		
E. FOR PURPOSES OF THESE DEVELOPMENT LIMITATIONS AND THE DEVELOPMENT STANDARDS IN GENERAL, THE TERM "GROSS FLOOR AREA" SHALL MEAN AND REFER TO THE SUM OF THE GROSS HORIZONTAL AREAS OF EACH FLOOR OF A PRINCIPAL BUILDING ON THE SITE MEASURED FROM THE OUTSIDE OF THE EXTERIOR WALLS OR FROM THE CENTER LINE OF PARTY WALLS; PROVIDED, HOWEVER, SUCH TERM SHALL EXCLUDE ANY SURFACE OR STRUCTURED PARKING FACILITIES, AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS, VESTIBULES, ROOF TOP																		
EQUIPMENT ROOMS AND MAINTENANCE CRAWL SPACES), ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), OUTDOOR COOLERS AND OUTDOOR DINING AREAS WHETHER ON THE ROOF OF THE BUILDING(S) OR AT STREET LEVEL. PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.																		
F. AS PROVIDED IN PARAGRAPH E ABOVE, THE GROSS FLOOR AREA OF ANY STRUCTURED PARKING FACILITIES CONSTRUCTED ON THE SITE SHALL NOT BE CONSIDERED OR COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OR DENSITY ALLOWED ON THE SITE.																		
TRANSPORTATION																		
A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.																		
B. OFF-STREET PARKING SHALL BE LOCATED AS GENERALLY DEPICTED ON THE REZONING PLAN. OFF-STREET PARKING MAY BE LOCATED IN SURFACE PARKING LOTS AND/OR IN STRUCTURED PARKING FACILITIES.																		
C. THE DEVELOPMENT SHALL COMPLY WITH THE PARKING REQUIREMENTS OF THE MUDD ZONING DISTRICT.																		
D. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL DESIGN, CONSTRUCT AND INSTALL THE FOLLOWING TRANSPORTATION IMPROVEMENTS:																		
(1) <u>EAST - WEST CONNECTOR ROAD</u>																		
(a) CONSTRUCT AND INSTALL THE NEW EAST - WEST CONNECTOR ROAD ALONG THE SOUTHERN BOUNDARY OF THE SITE BETWEEN PARK SOUTH DRIVE AND PIEDMONT ROW DRIVE SOUTH (THE "CONNECTOR ROAD") AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN. THE CONNECTOR ROAD SHALL BE A PRIVATE ROAD BUT IT SHALL BE ACCESSIBLE BY THE PUBLIC.																		
(2) <u>PARK SOUTH DRIVE BETWEEN FAIRVIEW ROAD AND THE CONNECTOR ROAD</u>																		
(a) MODIFY THE EXISTING CURB ON THE EASTERN SIDE OF PARK SOUTH DRIVE TO INCLUDE A 5-LANE SECTION WITH 2 NORTHBOUND LANES.																		
(b) CONVERT THE EXISTING TWO-WAY LEFT-TURN LANE TO DEDICATED LEFT-TURN LANES FOR THE INTERSECTIONS. A RAISED MEDIAN OF VARIABLE WIDTH WILL BE INSTALLED BETWEEN FAIRVIEW ROAD AND A POINT SOUTH OF THE SOUTHERN-MOST SITE DRIVE AND NORTH OF THE CONNECTOR ROAD (THE MEDIAN TERMINATES IN THE TAPER THAT CREATES THE SOUTHBOUND LEFT TURN LANE AT THE CONNECTOR ROAD.																		
(c) THE CONSTRUCTION OF THE MEDIAN WILL LIMIT THE RELEVANT EXISTING DRIVEWAYS ALONG PARK SOUTH DRIVE TO RIGHT-IN/RIGHT-OUT ONLY DRIVEWAYS.																		
(d) INSTALL A PEDESTRIAN REFUGE ISLAND WITHIN THE MEDIAN IN THE VICINITY OF WHERE THE DRIVEWAYS ARE ALIGNED WITH BRIGHTON GARDENS AND THE EXISTING FAIRVIEW PLAZA OFFICE DRIVEWAY (APPROXIMATELY 350 FEET SOUTH OF FAIRVIEW ROAD).																		
(3) <u>PARK SOUTH DRIVE AT FAIRVIEW ROAD</u>																		
(a) EXTEND THE EXCLUSIVE NORTHBOUND LEFT-TURN LANE ALONG PARK SOUTH DRIVE TO INCLUDE 250 FEET OF STORAGE.																		
(b) OPTIMIZE INTERSECTION SPLITS AND OFFSETS DURING THE AM AND PM PEAK HOURS (WHILE KEEPING A 150 SECOND CYCLE LENGTH).																		
(4) <u>FAIRVIEW ROAD AT PIEDMONT ROW DRIVE SOUTH</u>																		
(a) OPTIMIZE INTERSECTION SPLITS AND OFFSETS DURING THE AM AND PM PEAK HOURS (WHILE KEEPING A 150 SECOND CYCLE LENGTH).																		
(b) SET THE ROW AND THE NEW BUILDING LOCATIONS ALONG PIEDMONT ROW DRIVE SOUTH TO ALLOW FOR THE FUTURE CONSTRUCTION OF TWO RECEIVING LANES SOUTHBOUND.																		
(5) <u>PIEDMONT ROW DRIVE SOUTH AT THE CONNECTOR ROAD</u>																		
(a) PROVIDE STOP CONTROL ON ALL APPROACHES OF THIS INTERSECTION TO BE CONVERTED TO AN ALL-WAY STOP-CONTROLLED INTERSECTION (AWSI).																		
(6) <u>PARK SOUTH DRIVE AT THE CONNECTOR ROAD/ADULT DAYCARE DRIVEWAY</u>																		
(a) INSTALL A TRAFFIC SIGNAL.																		
(b) OPERATE THE SOUTHBOUND LEFT-TURN MOVEMENT UNDER PROTECTED/PERMISSIVE PHASING.																		
(c) PROVIDE 175 FEET OF SOUTHBOUND LEFT-TURN STORAGE ALONG PARK SOUTH DRIVE.																		
(d) CONSTRUCT A SHARED NORTHBOUND THROUGH/RIGHT-TURN LANE ALONG PARK SOUTH DRIVE WITH 100 FEET OF STORAGE.																		
(e) CONSTRUCT THE WESTBOUND APPROACH OF THE CONNECTOR ROAD TO INCLUDE AN EXCLUSIVE LEFT-TURN LANE (AS THE DROP LANE) AND A SHARED THROUGH/RIGHT LANE WITH 200 FEET OF STORAGE.																		
ARCHITECTURAL AND DESIGN STANDARDS																		
A. SUBJECT TO THE OPTIONAL PROVISIONS SET OUT ABOVE, THE DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE URBAN DESIGN STANDARDS OF SECTION 9.8506 OF THE ORDINANCE.																		
B. THE MAXIMUM HEIGHT OF THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 1 SHALL BE 100 FEET.																		
C. THE MAXIMUM HEIGHT OF THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 2 SHALL BE 130 FEET.																		
D. THE MAXIMUM HEIGHT OF THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 3 SHALL BE 150 FEET. NOTWITHSTANDING THE FOREGOING, THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 3 SHALL BE TERRACED AND SHALL STEP DOWN IN HEIGHT TO A MAXIMUM HEIGHT OF 130 FEET AS GENERALLY DEPICTED ON THE BUILDING MASSING EXHIBIT SET OUT ON SHEET RZ-7 OF THE REZONING PLAN.																		
E. BUILDINGS WILL BE ORIENTED TOWARDS AND HAVE PROMINENT PEDESTRIAN ENTRANCES ON THE ADJACENT PUBLIC STREETS WITH THE EXCEPTION THAT BUILDINGS WILL NOT BE ORIENTED TOWARDS AND HAVE PROMINENT PEDESTRIAN ENTRANCES ON THE PRIVATE CONNECTOR ROAD.																		
F. WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 60% OF THE TOTAL FACADE AREA ALONG PUBLIC STREETS WITH EACH FLOOR CALCULATED INDEPENDENTLY. A MAXIMUM OF 20% OF THE REQUIRED 60% OF WINDOWS AND DOORS LOCATED ON THE GROUND FLOOR MAY BE REFLECTIVE GLASS. THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON THE GROUND FLOOR SHALL NOT EXCEED 10 FEET IN HEIGHT OR 20 FEET IN LENGTH.																		
G. GROUND FLOOR ELEVATIONS SHALL BE TREATED WITH A COMBINATION OF PENETRATION, CLEAR GLASS, PROMINENT ENTRANCES, PORCHES, STOOPS, CHANGE IN MATERIALS, BUILDING STEP BACKS, ART WORK AND LANDSCAPING. BLANK WALLS CANNOT BE ADDRESSED WITH LANDSCAPE ELEMENTS ONLY.																		
H. FACADES OVER 75 FEET IN LENGTH SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF 5 FEET IN DEPTH. THE COMBINED LENGTH OF SAID RECESSES AND PROJECTIONS SHALL CONSTITUTE AT LEAST 20% OF THE TOTAL FACADE LENGTH.																		
I. FACADES SHALL PROVIDE VISUAL DIVISIONS BETWEEN THE FIRST AND SECOND STORIES THROUGH ARCHITECTURAL MEANS SUCH AS COURSES, AWNINGS OR A CHANGE IN PRIMARY FACADE MATERIALS OR COLORS.																		
J. FACADES ABOVE THE FIRST STORY SHALL INCORPORATE WINDOWS, ARCHES, BALCONIES OR OTHER ARCHITECTURAL DETAILS.																		
K. THE SITE WILL INCLUDE A SERIES OF PUBLICLY ACCESSIBLE OPEN SPACES AND PLAZAS AS FOCAL POINTS. THESE FOCAL POINTS WILL INCLUDE SOME COMBINATION OF LANDSCAPING, HARDSCAPE, MONUMENTATION, WATER FEATURES, SEATING AREAS AND/OR ART WORK.																		
L. SET OUT ON SHEETS RZ-6 AND RZ-7 OF THE REZONING PLAN OF THE REZONING PLAN ARE AN AERIAL PERSPECTIVE RENDERING OF THE BUILDINGS PROPOSED TO BE CONSTRUCTED ON THE SITE AND A BUILDING MASSING EXHIBIT THAT ARE INTENDED ONLY TO DEPICT THE GENERAL MASSING AND SCALE OF THE BUILDINGS PROPOSED TO BE DEVELOPED ON THE SITE AND THE BREAKS IN THE BUILDINGS. THE ARCHITECTURAL DESIGN OF THE PROPOSED BUILDINGS MAY VARY FROM THE AERIAL PERSPECTIVE RENDERING AND THE BUILDING MASSING EXHIBIT.																		
M. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.																		
N. EXTERIOR DUMPSTER AREAS AND RECYCLING AREAS WILL BE ENCLOSED BY A SOLID WALL WITH ONE SIDE BEING A DECORATIVE GATE. 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. ADDITIONALLY, DUMPSTER AND RECYCLING AREAS MAY BE LOCATED WITHIN STRUCTURED PARKING FACILITIES OR WITHIN THE INTERIOR OF A BUILDING LOCATED ON THE SITE, AND ANY SUCH DUMPSTER AND RECYCLING AREAS MAY HAVE ROLL UP DOORS AND THE CONTAINERS CAN BE MOVED OUTSIDE TO BE EMPHTED AND THEN RETURNED TO THE INTERIOR OF THE STRUCTURED PARKING FACILITY OR A BUILDING.																		
SETBACK AND YARDS/STREETSCAPE																		
A. SETBACKS AND YARDS SHALL BE PROVIDED AS DEPICTED ON THE REZONING PLAN.																		
B. AS DEPICTED ON SHEETS RZ-2 AND RZ-3 OF THE REZONING PLAN, A 30 FOOT SETBACK FROM THE BACK OF CURB SHALL BE ESTABLISHED ALONG THE SITE'S FRONTAGE ON PIEDMONT ROW DRIVE SOUTH AND PARK SOUTH DRIVE. THE 30 FOOT SETBACK WILL BE COMPRISED OF AN 8 FOOT PLANTING STRIP LOCATED AT THE BACK OF CURB, AN 8 FOOT SIDEWALK, AND A 14 FOOT WIDE GREEN RIBBON TRANSITION AREA. THE GREEN RIBBON TRANSITION AREA SHALL BE A SEMI-PUBLIC TRANSITION ZONE THAT WILL CONTAIN HARDSCAPE AND LANDSCAPING, AND IT MAY CONTAIN CHAIRS AND TABLES, SEAT WALLS AND OTHER SEATING ELEMENTS, BUILDING ENTRANCES AND BUILDING STOOPS.																		
C. AS DEPICTED ON SHEETS RZ-2 AND RZ-3 OF THE REZONING PLAN, A 20 FOOT SETBACK FROM THE BACK OF CURB SHALL BE ESTABLISHED ALONG THE SITE'S FRONTAGE ON THE CONNECTOR ROAD.																		
D. PETITIONER SHALL INSTALL PLANTING STRIPS AND SIDEWALKS ALONG THE SITES PUBLIC STREET FRONTAGES AS GENERALLY DEPICTED ON THE REZONING PLAN.																		
E. SIDEWALKS PROVIDING PEDESTRIAN ACCESS INTO THE SITE FROM THE CONNECTOR ROAD, PARK SOUTH DRIVE AND PIEDMONT ROW DRIVE SOUTH SHALL BE PROVIDED AS GENERALLY DEPICTED ON THE PEDESTRIAN AND VEHICULAR ACCESS PLAN SET OUT ON SHEET RZ-4 OF THE REZONING PLAN (THE "ACCESS PLAN").																		
F. A VEHICULAR ACCESS AND CONNECTION THROUGH THE STRUCTURED PARKING FACILITY THAT PROVIDES A VEHICULAR CONNECTION FROM THE CONNECTOR ROAD TO THE INTERNAL DRIVE WITH THE SITE SHALL BE PROVIDED AS GENERALLY DEPICTED BY THE GREEN LINE ON THE ACCESS PLAN. THE ACTUAL ROUTE OF THIS VEHICULAR CONNECTION THROUGH THE STRUCTURED PARKING FACILITY MAY VARY FROM WHAT IS DEPICTED ON THE ACCESS PLAN PROVIDED THAT THE FOREGOING VEHICULAR CONNECTION IS MADE. THIS VEHICULAR CONNECTION IS LIEU OF A STREET CONNECTION BETWEEN THE CONNECTOR ROAD AND THE INTERNAL DRIVE.																		
ENVIRONMENTAL FEATURES																		
A. DEVELOPMENT OF THE SITE SHALL BE IN COMPLIANCE WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.																		
B. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.																		
C. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.																		
LIGHTING																		
A. ALL NEW FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS) 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.																		
B. THE MAXIMUM HEIGHT OF ANY NEW FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 30 FEET.																		
C. ANY LIGHTING FIXTURES ATTACHED TO THE STRUCTURES TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.																		
BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS																		
A. 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.																		
B. 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.																		
C. 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.																		
D. PURSUANT TO SECTION 1.110 OF THE ORDINANCE AND SECTION 160A-385.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES, AND MARKET CONDITIONS.																		
<div><div>811</div><div>Know what's below. Call before you dig.</div></div>																		



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PROJECT:
FAIRVIEW PLAZA
REZONING PETITION #2014-117
PARK SOUTH DRIVE AT FAIRVIEW ROAD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA

PROPOSED RENDERING

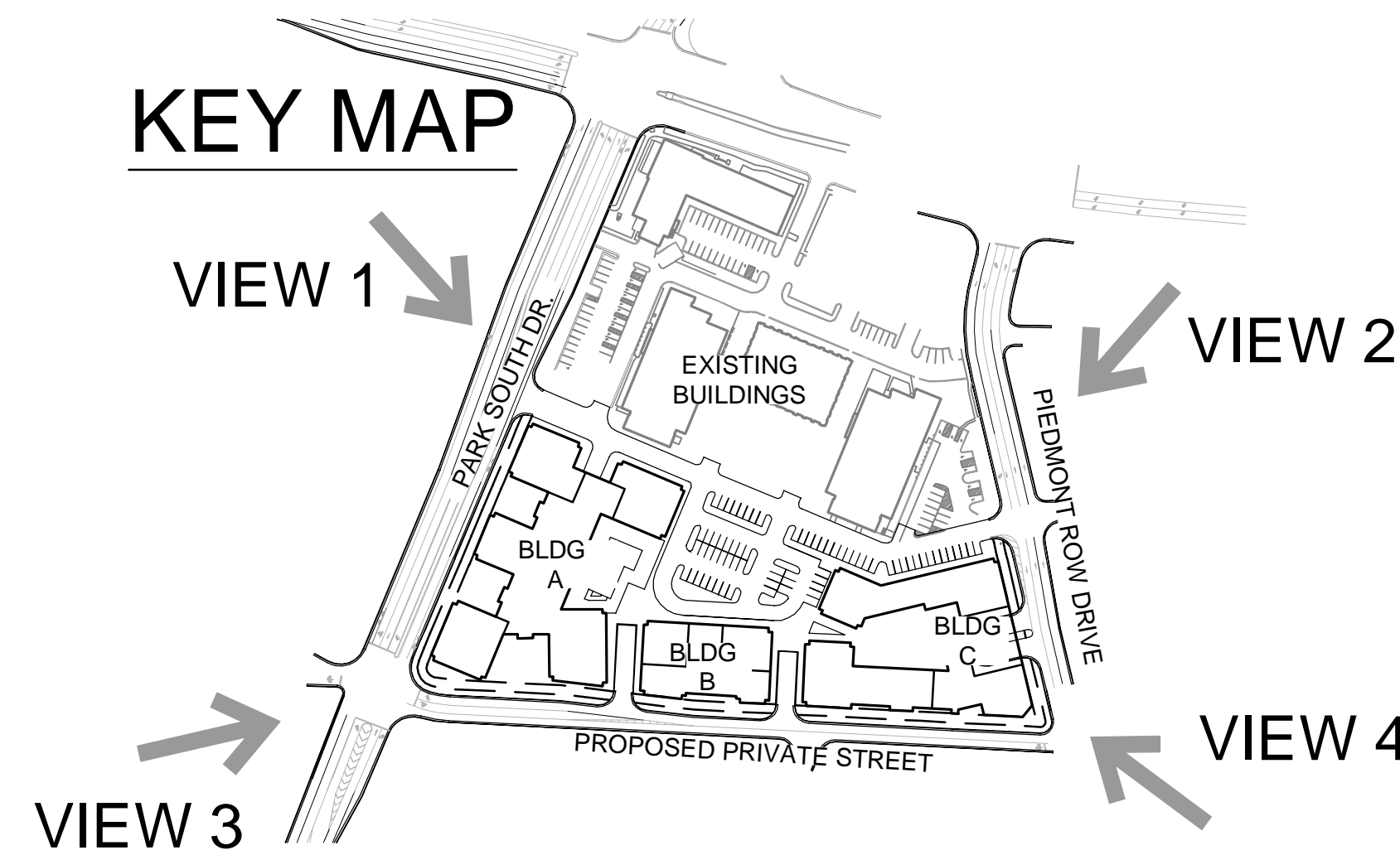
DESIGNED BY:	ASP
DRAWN BY:	ASP
CHECKED BY:	ECH
DATE:	04/15/16
PROJECT#:	015272030

RZ-6

April 13, 2016 - 3:18pm By: HornaBarrow

K:\CHL_P\015272 AAC\030 Fairview Road\Drawings\2016-0413 - Rezoning\02-6 Renderings.dwg

KEY MAP



DATA TABLE

Multi-Family Residential (Building A)
7 Stories = 256 Units (General mix of 2 br/1 br/studio at a 50/40/10% mix)

Office (Building B)
9 Stories Above 2 Floors of Parking/GFR
18,000 SF / floor = 162,000 SF

Hotel / Multi-Family Residential (Building C)
6 Stories Above GFR = 300 Keys
6/7 Stories of Multi-Family residential above hotel along Piedmont Row and 4 stories of residential above hotel along the south = 160 units (General mix of 2 br/1 br/studio at a 50/40/10% mix)

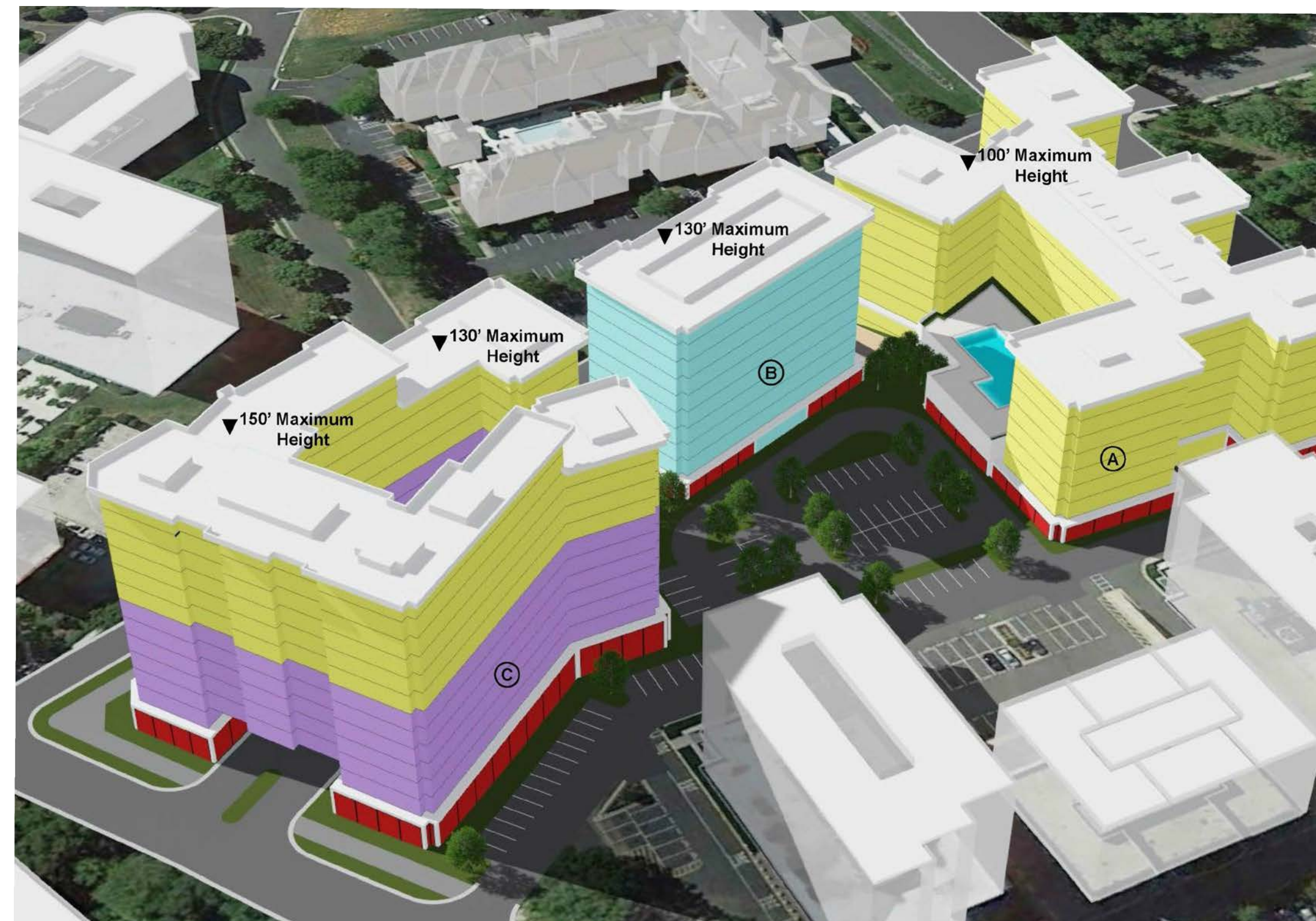
Ground Floor Retail (GFR) (Building A/B/C)
Approximately 75,000 SF

LEGEND

- GROUND FLOOR RETAIL / COMMERCIAL
- MULTI-FAMILY RESIDENTIAL
- OFFICE
- HOTEL
- GROUND FLOOR ACTIVATED COMMERCIAL



VIEW 1



VIEW 2



VIEW 3

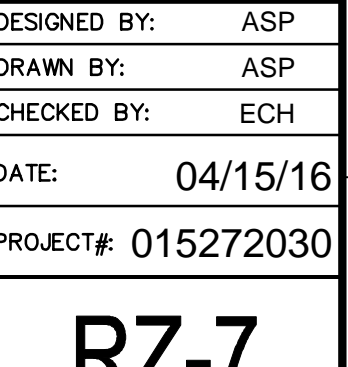
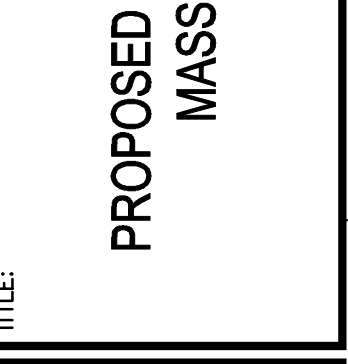
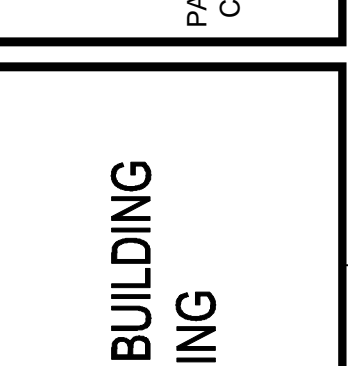
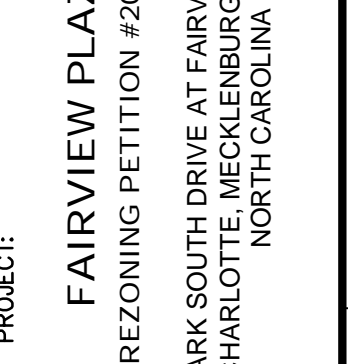
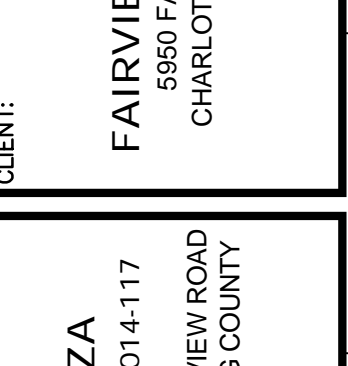
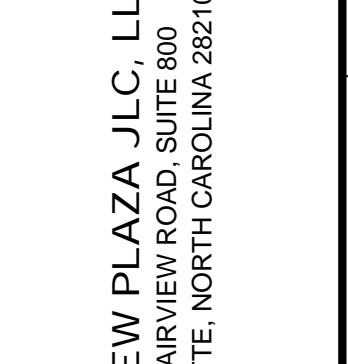
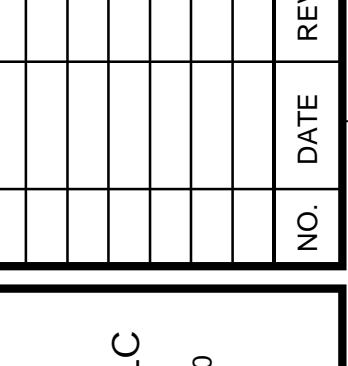
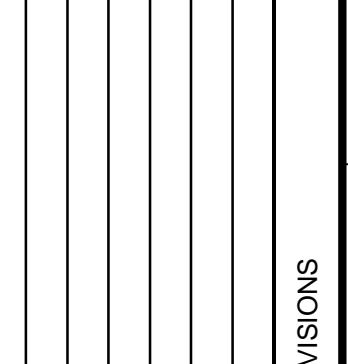
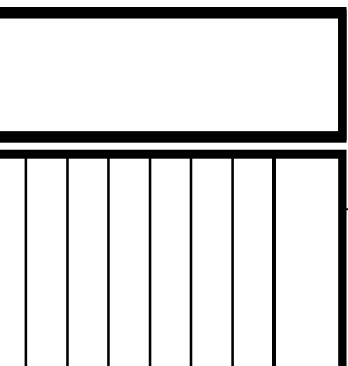
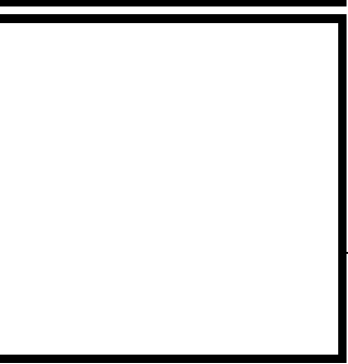
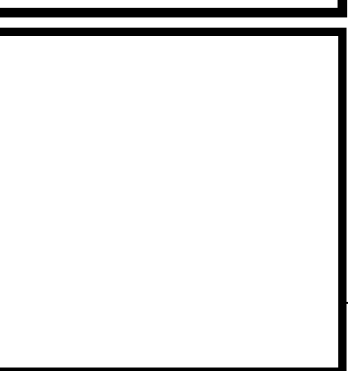


VIEW 4

Kimley»Horn

NC License #F-0102
200 SOUTH TRYON ST
SUITE 200
CHARLOTTE, NORTH
CAROLINA 28202
PHONE: (704) 333-5131

© 2016



REVISIONS

NO. DATE

CLIENT:

FAIRVIEW PLAZA JLC, LLC
5850 FAIRVIEW ROAD, SUITE 800
CHARLOTTE, NORTH CAROLINA 28210

PROJECT:

FAIRVIEW PLAZA
REZONING PETITION #2014-117
PARK SOUTH DRIVE AT FAIRVIEW ROAD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA

TITLE:

PROPOSED BUILDING
MASSING

DESIGNED BY: ASP

DRAWN BY: ASP

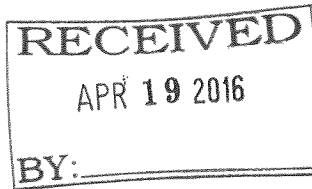
CHECKED BY: ECH

DATE: 04/15/16

PROJECT#: 015272030

RZ-7

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #:	<u>2016-096</u>
Date Filed:	<u>4/19/2016</u>
Received By:	<u>BL</u>

Complete All Fields (Use additional pages if needed)

Property Owner: City of Charlotte

Owner's Address: 600 East 4th Street City, State, Zip: Charlotte, NC 28202

Date Property Acquired: May 15, 2001

Property Address: 7023 Albermarle Rd., Charlotte, NC 28227

Tax Parcel Number(s): 10917111

Current Land Use: Vacant Size (Acres): 1.5 (Polaris approx., map will verify)

Existing Zoning: R-17MF Proposed Zoning: O-2

Overlay: _____ (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Sonja Sanders

Date of meeting: 3/17/2016

(*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): _____

Purpose/description of Conditional Zoning Plan: _____

City of Charlotte

Name of Rezoning Agent

600 East 4th Street

Agent's Address

Charlotte, NC 28202

City, State, Zip

704-336-4469

Telephone Number

704-336-4554

Fax Number

bemiller@charlottenc.gov

E-Mail Address

Bruce E. Miller

Signature of Property Owner

Bruce E. Miller

(Name Typed / Printed)

City of Charlotte

Name of Petitioner(s)

600 East 4th Street

Address of Petitioner(s)

Charlotte, NC 28202

City, State, Zip

704-336-4469

Telephone Number

704-336-4554

Fax Number

bemiller@charlottenc.gov

E-Mail Address

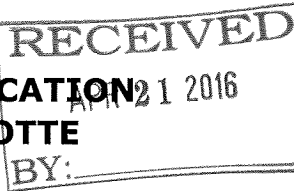
Bruce E. Miller

Signature of Petitioner

Bruce E. Miller

(Name Typed / Printed)

I. REZONING APPLICATION
CITY OF CHARLOTTE



2016-097
Petition #: _____
Date Filed: 4/21/2016
Received By: RF

Property Owners: (Leclair) Marc Leclair and Diane Arvanites Leclair
(McAlister) John W. McAlister, III and Patricia H. McAlister
(Parrott) Michael C. Parrott and Hope E. Parrott
(Steiger) Paul H. Steiger, Jr.

Owner's Addresses: (Leclair) 1919 Sharon Lane, Charlotte, NC 28211
(McAlister) 1911 Sharon Lane, Charlotte, NC 28211
(Parrott) 1901 Sharon Lane, Charlotte, NC 28211
(Steiger) 1927 Sharon Lane, Charlotte, NC 28211

	<u>Tax Parcel ID Number</u>	<u>Property Address</u>	<u>Date Property Acquired</u>
(Leclair)	183-03-227	1919 Sharon Lane	9/19/06
(McAlister)	183-03-226	1911 Sharon Lane	1/22/73
(Parrott)	183-03-225	1901 Sharon Lane	11/20/07
(Steiger)	183-03-228	1927 Sharon Lane	4/19/90
(Steiger)	183-03-229	1955 Sharon Lane	7/20/09

Current Land Use: Single Family Home Size (Acres): ± 6.32

Existing Zoning: R-3 Proposed Zoning: UR-2(CD)

Overlay: N/A
(Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: John Kinley, Jason Prescott, Grant Meacci and

Date of meeting: April 5, 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): N/A

Purpose/description of Conditional Zoning Plan: **To allow the development of the Site with 38 high-quality attached dwellings.**

Jeff Brown, Keith MacVean & Bridget Dixon

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)

704-348-1925 (JB)

704-331-3531 (KM)

704-378-1954 (KM)

Telephone Number

Fax Number

jeffbrown@mvalaw.com keithmacvean@mvalaw.com

E-mail Address

See Attachments A - D

Signature of Property Owner

Simonini Saratoga Foxcroft, LLC (Attn: Ray Wetherington)

Name of Petitioner

10205 Stonemeade Lane

Address of Petitioner

Matthews, NC 28105

City, State, Zip

Telephone Number

Fax Number

ray@saratogaam.com

E-mail Address

See Attachment E

Signature of Petitioner

ATTACHMENT A

REZONING PETITION NO. [2016-____]
Simonini Saratoga Foxcroft, LLC

PETITIONER JOINDER AGREEMENT
Marc Leclair and Diane Arvanites Leclair

The undersigned, as the owners of the parcel of land located at 1919 Sharon Lane that is designated as Tax Parcel No. 183-03-227 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 UR-2(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 20th day of April, 2016.



Marc Leclair



Diane Arvanites Leclair


ATTACHMENT B

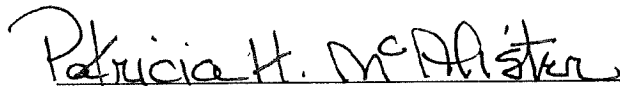
REZONING PETITION NO. [2016-_____] **Simonini Saratoga Foxcroft, LLC**

PETITIONER JOINDER AGREEMENT
John W. McAlister, III and Patricia H. McAlister

The undersigned, as the owners of the parcel of land located at 1911 Sharon Lane that is designated as Tax Parcel No. 183-03-226 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 UR-2(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 20 day of April, 2016.


John W. McAlister, III


Patricia H. McAlister

ATTACHMENT C

REZONING PETITION NO. [2016-_____]
 Simonini Saratoga Foxcroft, LLC

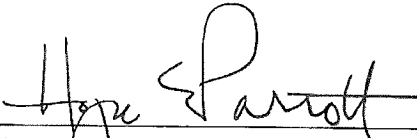
PETITIONER JOINDER AGREEMENT
 Michael C. Parrott and Hope E. Parrott

The undersigned, as the owners of the parcel of land located at 1901 Sharon Lane that is designated as Tax Parcel No. 183-03-225 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 UR-2(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 18th day of April, 2016.



Michael C. Parrott



Hope E. Parrott


ATTACHMENT D

REZONING PETITION NO. [2016-____]
Simonini Saratoga Foxcroft, LLC

PETITIONER JOINDER AGREEMENT
H. Paul Steiger, Jr.

The undersigned, as the owner of the parcels of land located at 1927 and 1955 Sharon Lane that are designated as Tax Parcel Nos. 183-03-228 and 229 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 zoning district to the UR-2(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 18th day of April, 2016.



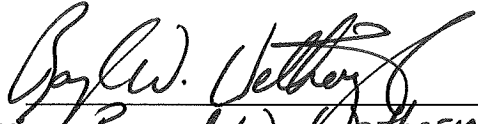
H. Paul Steiger, Jr.

ATTACHMENT E

Simonini Saratoga Foxcroft, LLC

PETITIONER:

Simonini Saratoga Foxcroft, LLC,
a North Carolina limited liability company

By: 
Name: Raymond W. DeTherian
Title: Manager

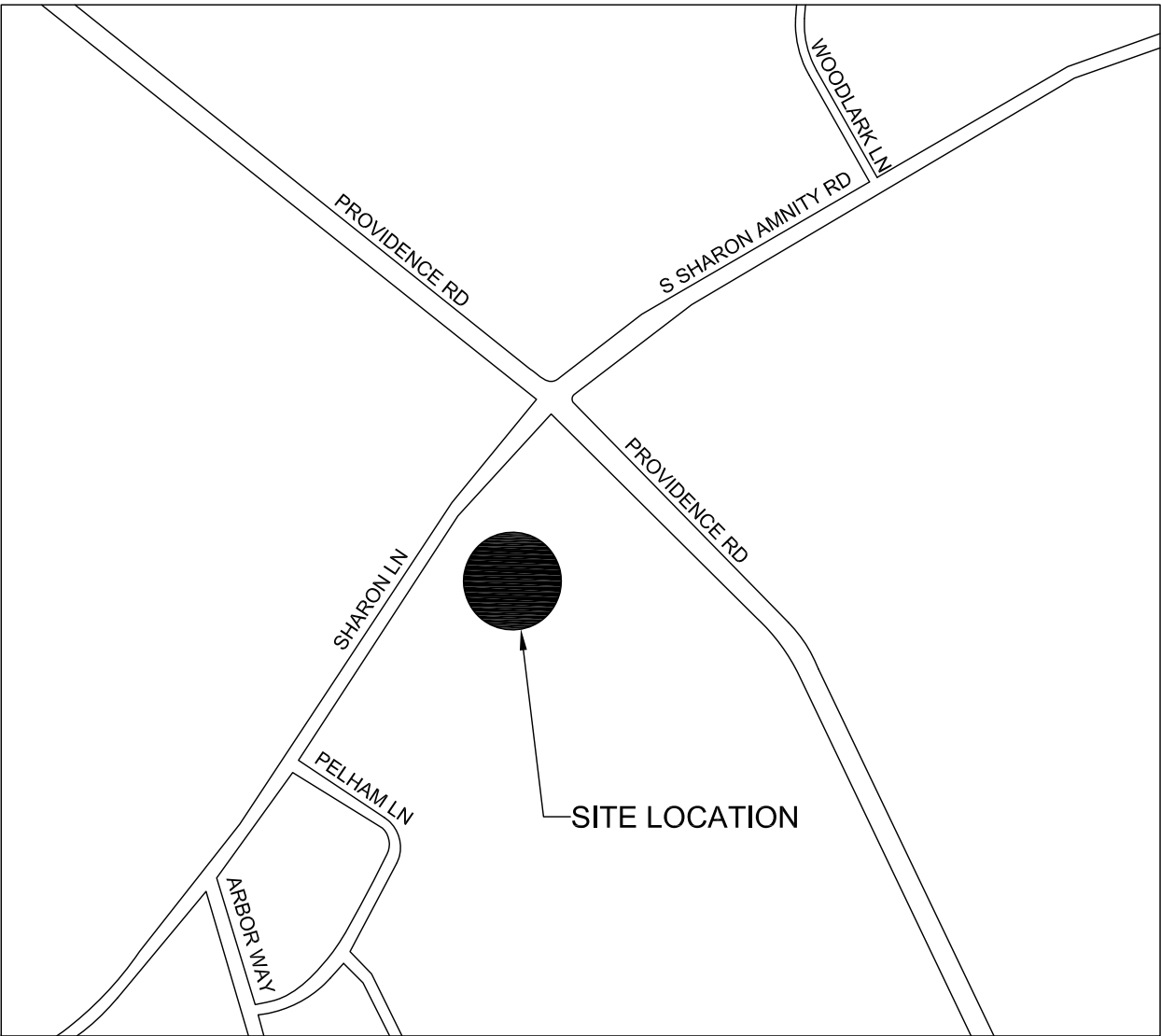
P:\2016 Jobs\16021 - Foxcroft City Homes - Simonini\CAD\16021 Rezoning base.dwg
P:\2016 Jobs\16021 - Foxcroft City Homes - Simonini\CAD\16021 Rezoning base.dwg

DEVELOPMENT STANDARDS

- 1. General Provisions:**
- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Simonini Homes ("Petitioner") to accommodate the development of a duplex and triplex community on approximately 6.32 acre site located on the southeast side of Sharon Lane between Providence Road and Heathmoor Lane (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 UR-2 zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets 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. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- ii. 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-1.
- 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.
- d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed 21. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site. Accessory structures and buildings include structures and buildings such as but not limited to: a mail kiosk, dumpster enclosures, gazebos, trellises, storage buildings, and other structures associated with the on-site open space.
- e. Sidewalks depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for the development on Site but specific locations of sidewalks maybe subject to variations that do not materially change the design intent depicted on the Rezoning Plan.
- f. The petitioner reserves the right to develop the Site in up to two phases.

- 2. Permitted Uses & Development Area Limitation:**
- a. The Site may be developed with up to 38 attached dwelling units, together with accessory uses allowed in the UR-2 zoning district.
- 3. Access and Transportation:**
- a. Access to the Site will be from Sharon Lane in the manner generally depicted on the Rezoning Plan.
- b. The Petitioner will provide an eight (8) foot planting strip and a six (6) foot sidewalk along Sharon Lane as generally depicted on the Rezoning Petition. The sidewalk may meander to save existing large maturing trees.
- c. Along the Site's internal street/alley as generally depicted on the Rezoning Plan, a five (5) foot sidewalk will be provided on at least one side of such street/alley. Street trees will also be provided along the private street as generally depicted on the Rezoning Plan.
- d. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
- e. 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.
- 4. Architectural Standards, Court Yards/Amenity Areas:**
- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood (wood siding may not exceed 25% of the wall surface per unit elevation per side). Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings. The proposed roofing materials will be architectural asphalt shingles and/or metal.
- b. The attached illustrative building elevations (typical unit front elevations and side elevations) are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).
- c. The side elevations of the building along Sharon Lane will contain windows so that blank walls over 20 feet in length will not occur.
- d. Usable porches or stoops shall form an element of the building design and be located on the front and/or side of the building. Stoops and entry level porches may be covered but not be enclosed.
- e. Meter banks will be screened from adjoining properties and from Sharon Lane.
- f. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.
- 5. Streetscape, Buffers, Yards, and Landscaping:**
- a. A 100 foot building setback measured from the back of the existing curb will be provided along Sharon Lane. A private drive and driveways for individual units will be allowed in the 100 foot building setback as generally depicted on the Rezoning Plan.
- b. A 30 foot rear yard will be provided along the southern property boundary of the Site as generally depicted on the Rezoning Plan. A 30 foot side yard will be provided along the eastern property boundary of the Site as generally depicted on the Rezoning Plan. The required private open space for the proposed units may be located within the proposed rear and side yards, but not in the proposed buffers.
- c. A 25 foot buffer planted to Class C standards will be provided along the western property boundary as generally depicted on the Rezoning Plan.

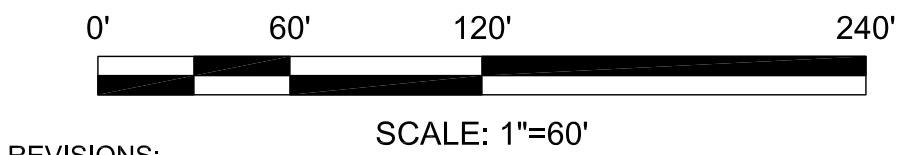
- d. Utilities may cross proposed buffers at angles no greater than 75 degrees. Storm drainage discharge aprons and swales with or without rip-rap may also cross the buffer at angles no greater than 75 degrees in order to allow for the natural flow storm water.
- e. The Petitioner will retain existing vegetation within the Sharon Road setback except to the extent clearing may be required for demolition of existing driveways and construction of the new driveway and sidewalks. The Petitioner will also remove any invasive plant species from the setback areas.
- f. The proposed landscaping along Sharon Lane and within the buffers will be installed prior to the issuance of the first certificate of occupancy. The Petitioner reserves the right to request a seasonal planting delay to avoid planting the materials during the wrong time of the year.
- 6. Environmental Features:**
- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. 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 with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. The two storm water management facility locations labeled as "potential" if not utilized for storm water management will be improved as open space areas or tree save areas.
- c. The Site will comply with the Tree Ordinance.
- d. All utilities within the Site will be placed underground.
- 7. Lighting:**
- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
- b. Detached lighting on the Site will be limited to 15 feet in height.
- c. No exterior "wall pack" lighting will be allowed, however architectural lighting on building facades, such as but not limited to scones, will be permitted.
- 8. Signage:**
- a. Signage as allowed by Ordinance.
- 9. 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.
- 10. 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 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.



VICINITY MAP
NTS

DEVELOPMENT DATA:	
TAX PARCEL ID:	183-03-225, 183-03-226, 183-03-227, 183-03-228, 183-03-229
REZONING SITE AREA:	± 6.32 AC
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2 (CD)
PROPOSED USE:	Up to 38 attached dwelling units together with accessory uses, as allowed in the UR-2 zoning district
DENSITY PROPOSED:	6 UNITS / AC
PROPOSED FLOOR AREA RATIO:	As allowed by the UR-2 Zoning District
STORMWATER:	UG sand filters(s)/detention
DRIVEWAYS:	5'-7' or 20' depth
PROPOSED PARKING:	2-car garage each unit some units with 2-car driveways 15-20 spaces guest parking
FRONT YARD:	As Prescribed in the Zoning Ordinance
MIN. SIDE YARD:	As Prescribed in the Zoning Ordinance
REAR YARD:	As Prescribed in the Zoning Ordinance
PROPOSED BUILDING HEIGHT:	Not to exceed two (2) stories and not to exceed 40 feet; building height to be measured as required by the Ordinance.
PARKING REQUIRED:	Parking as required by the Ordinance will be provided. No less than 15 visitor parking spaces will be provided on the Site.
OPEN SPACE:	A minimum of 15% of the Site will be established as tree save/open space areas as defined by the Ordinance.
WASTE MANAGEMENT:	Rollout Container (Private Contractor)

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



REVISIONS:			
No.	Date	By	Description



FOXCROFT CITY HOMES
SIMONINI HOMES
CHARLOTTE, NC

TECHNICAL
DATA SHEET

Project Manager: MDL
Drawn By: MDL
Checked By:
Date: 4/25/16
Project Number: 16021
Sheet Number:

RZ-1
PETITION#: 2016-XXX
SHEET # 1 OF 2

M-D-YY

Project Manager: MDL

Project Manager: MDL

Drawn By: MDL

Checked By:

Date: 4/25/16

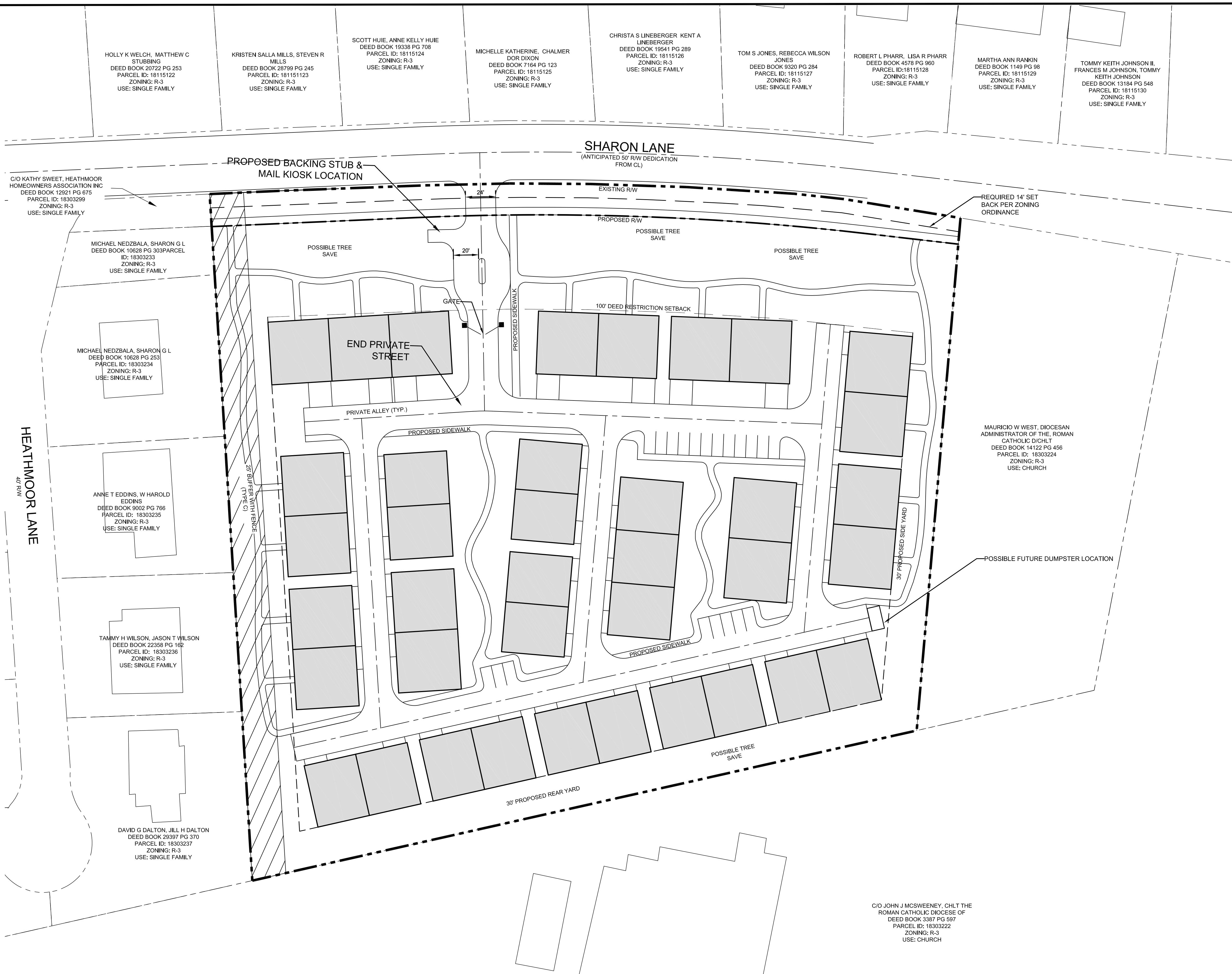
Project Number: 16021

Sheet Number:

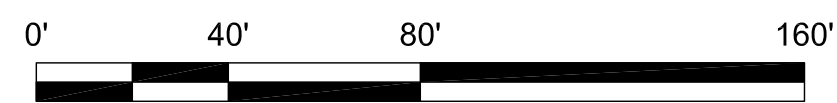
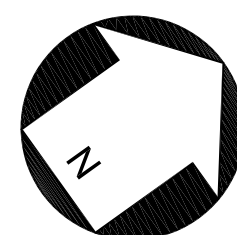
RZ-2

PETITION#: 2016-XXX

SHEET # 2 OF 2



This Plan Is A
Preliminary Design.
NOT Released For
Construction.



SCALE: 1"=40'

REVISIONS:			SCALE: 1"=40'
No.	Date	By	Description

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2016-098
Petition #: _____
Date Filed: 4/22/2016
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: H.L. Bowers Company, Inc, and By Merger, Bowers Fibers, Inc.

Owner's Address: 4001 and 4025 Yancey Rd City, State, Zip: Charlotte, NC 28217

Date Property Acquired: 1975

Property Address: 4025 Yancey Dr.

Tax Parcel Number(s): 14902107, 108

Current Land Use: Industrial Size (Acres): _____ Approx. 5.1 ac. +/-

Existing Zoning: I-2 Proposed Zoning: MUDD-O

Overlay: _____ (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Solomon Fortune, et. al.

Date of meeting: 2/24/16

(*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): _____

Purpose/description of Conditional Zoning Plan: Redevelop the existing industrial buildings for a mixture of retail, restaurant and office uses for up to 75,000 sq. ft.

Walter Fields
Name of Rezoning Agent

1919 South Blvd., Suite 101
Agent's Address

Charlotte, NC 28203
City, State, Zip

704-372-7855 704-372-7856
Telephone Number Fax Number

walter@walterfieldsgroup.com
E-Mail Address

See attached sheet
Signature of Property Owner

see attached sheet
(Name Typed / Printed)

WP Yancey, LLC
Name of Petitioner(s)

4064 Colony Rd., Suite 430
Address of Petitioner(s)

Charlotte, NC 28211
City, State, Zip

704-761-6448
Telephone Number Fax Number

jay@whitepointpartners.com
E-Mail Address

[Signature]
Signature of Petitioner

Jay Levell
(Name Typed / Printed)

RECEIVED
APR 22 2016
[Signature]
8:10 AM

April 18, 2016

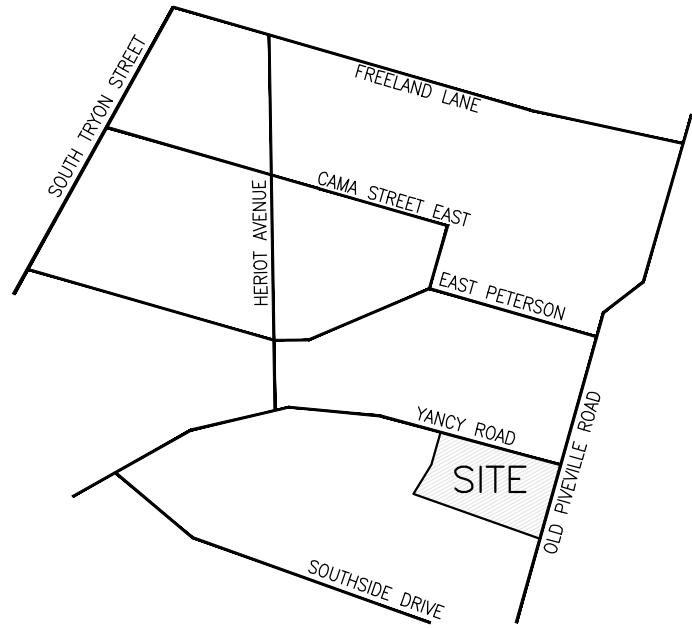
Jay Levell
White Point Partners
Two Morrocroft Centre
4064 Colony Road, Suite 430
Charlotte, NC 28211

This letter serves to notify all interested parties that I/we consent to White Point Partners petitioning for the rezoning of property known as Tax Parcels 14902107 and 108 located in Mecklenburg County, North Carolina, USA. This letter serves to represent my/our signature on the zoning application.

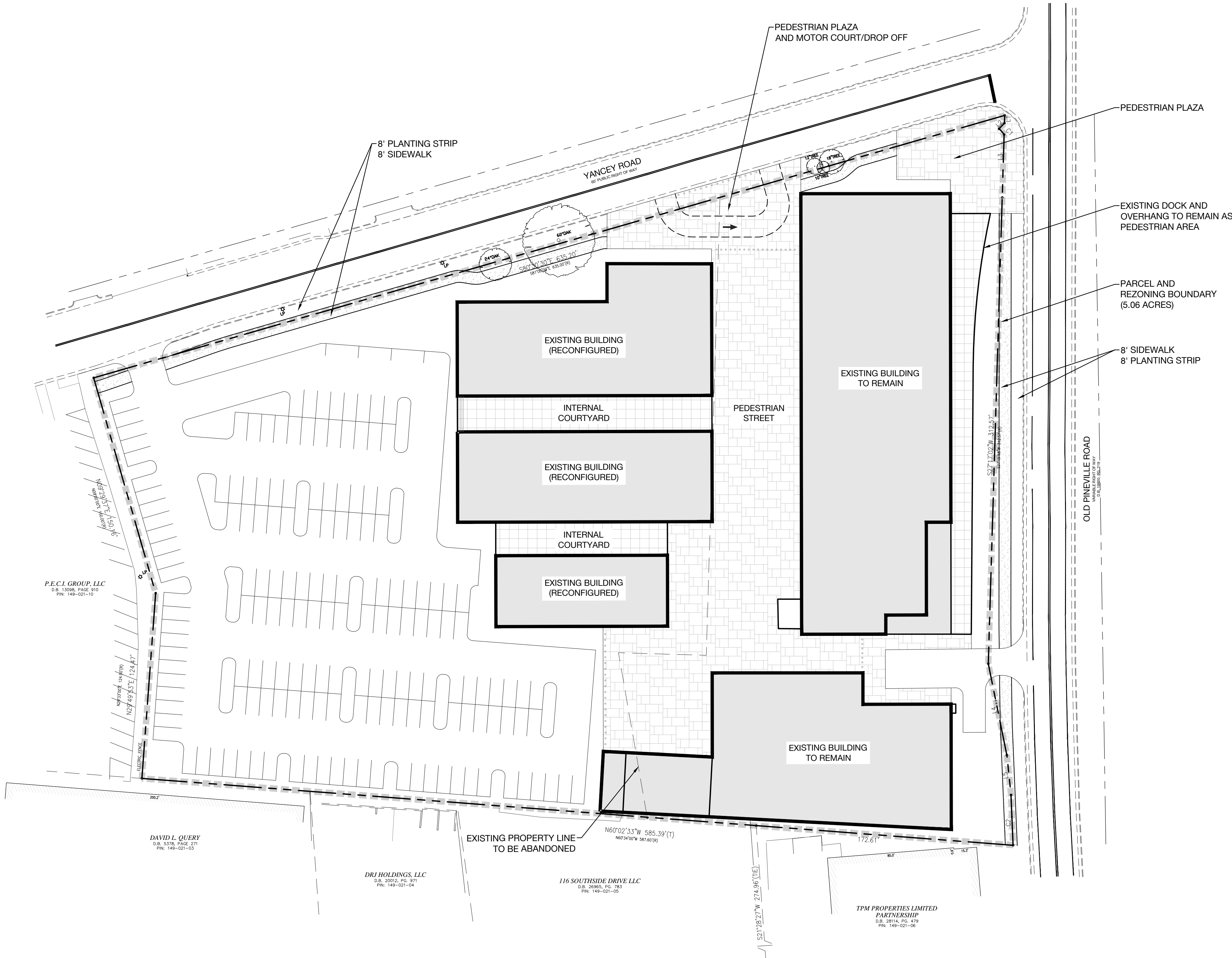
Thank you.

Owner Rich L Bowers President Date 4-19-16
Owner _____ Date _____
Address 4001 Yancey Rd Charlotte NC 28217
Phone Number 704 523 5323

H. L. Bowers Company, Inc.
Bowers Fibers Inc., By Merger
4001 Yancey Rd.
Charlotte, NC 28217



VICINITY MAP



DEVELOPMENT SUMMARY

TAX PARCEL ID #:	149-02-107 & 108
TOTAL SITE AREA:	± 5.06 ACRES
EXISTING ZONING:	I-2
PROPOSED ZONING:	MUDD-O
PROPOSED USE:	SEE DEV. STDS.
TOTAL BUILDING AREA:	± 74,877 SF
VEHICULAR PARKING:	MEET OR EXCEED ORD. REQUIREMENTS

DEVELOPMENT STANDARDS

General Provisions

- A. Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.
- B. The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, trees, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by those other city ordinances.
- C. Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

Purpose

The purpose of this Rezoning application is to provide for the repurposing of industrial buildings to allow for a mixture of uses. The Petitioner also seeks approval of an Optional request to allow for paved and unpaved parking to remain as located between the building and the street. In addition and due to the location and variation in the building walls relative to the Yancey Road curb line, the Petitioner may need to propose alterations to the streetscape plan for this property. To achieve these purposes, the application seeks the rezoning of the site to the MUDD-O district.

Permitted Uses

Uses allowed on the property included in this Petition will be those uses and related accessory uses as are permitted in the MUDD district unless otherwise restricted by the provisions of this plan.

Transportation

- A. The site will have access via a driveway connection to Yancey Street and Old Pineville Rd. as generally identified on the concept plan for the site.
- B. Parking areas, including on street parking, are generally indicated on the concept plan for the site.

Architectural Standards

The development of the site will be governed by the district regulations of the Zoning Ordinance for the MUDD district

Streetscape and Landscaping

Reserved

Environmental Features

Reserved

Parks, Greenways, and Open Space

Reserved

Fire Protection

Reserved

Signage

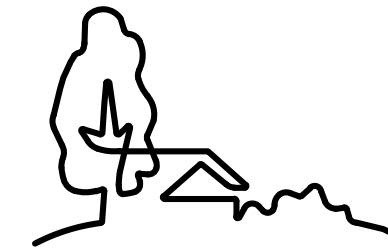
Reserved

Lighting

- A. Freestanding lighting on the site will utilize full cut-off luminaries.

Phasing

Reserved



URBAN
DESIGN
PARTNERS

1318-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com

PERKINS+WILL

White Point Paces
Partners LLC

Two Morrocroft Centre
4064 Colony Road, Suite 430
Charlotte, NC 28211

BOWERS FIBER

Rezoning Site Plan
Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 16-020
Date: 04.25.2016
Designed by: udp
Drawn By: udp
Scale: 1"=30'
Sheet No:

RZ-1.0

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: _____

Date Filed: 4/22/16

Received By: \$AF

12:55 PM

Complete All Fields (Use additional pages if needed)

Property Owner: Cole Properties and Investments, Inc

Owner's Address: 1318-F Central Ave City, State, Zip: Charlotte, NC 28205

Date Property Acquired: various

Property Address: various, generally bounded by Billingsly Rd., Wendover Rd., and Ellington Street

Tax Parcel Number(s): see attached list

Current Land Use: Recently cleared of prior residential uses Size (Acres): Approx. 10 ac. +/-

Existing Zoning: R-22 MF Proposed Zoning: NS and BD(CD)

Overlay: _____
(Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Solomon Fortune, et. al.

Date of meeting: 4/13/16

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

For Conditional Rezonings 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: Develop the site for a mixture of retail, office, neighborhood services, and conditioned storage

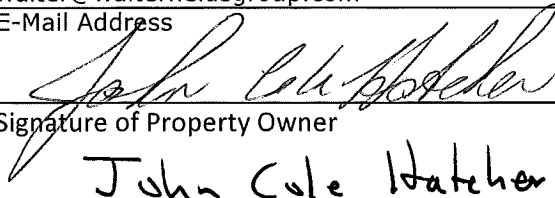
Walter Fields
Name of Rezoning Agent

1919 South Blvd., Suite 101
Agent's Address

Charlotte, NC 28203
City, State, Zip

704-372-7855 704-372-7856
Telephone Number Fax Number

walter@walterfieldsgroup.com
E-Mail Address


Signature of Property Owner
John Cole Hatcher
(Name Typed / Printed)

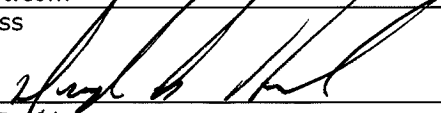
Real Estate Development Partners, LLC
Name of Petitioner(s)

711 Central Ave.
Address of Petitioner(s)

Charlotte, NC 28204
City, State, Zip

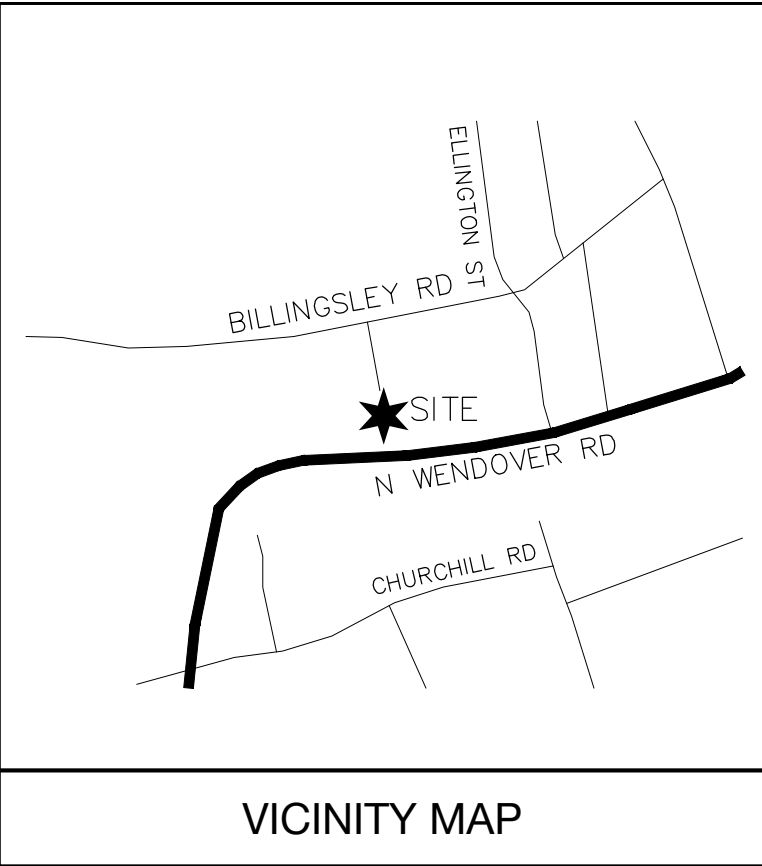
704-333-7997 704-333-7993
Telephone Number Fax Number

judd@redpart.com
E-Mail Address

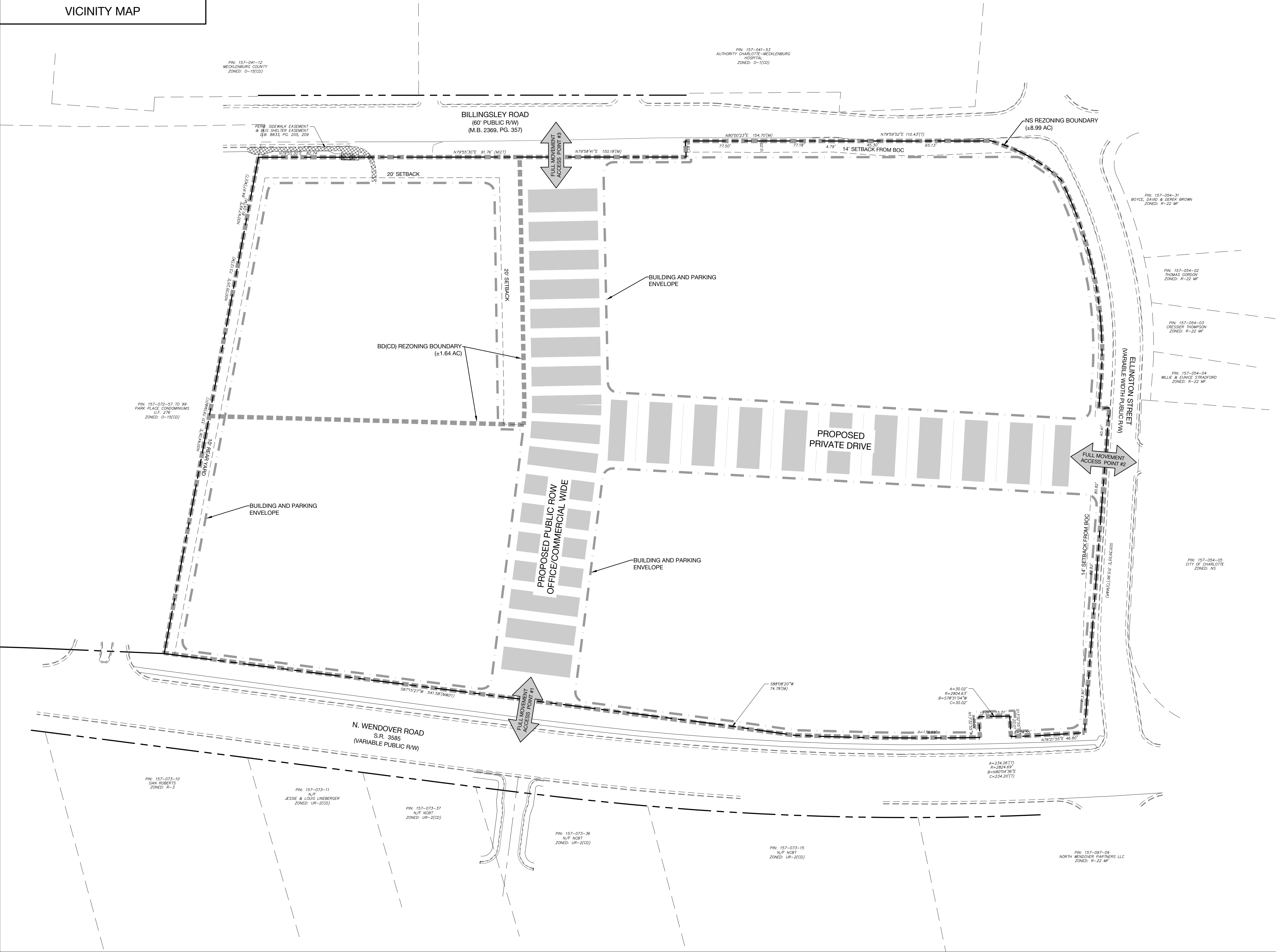

Signature of Petitioner
Douglas A. Hammond
(Name Typed / Printed)

Wendover Road Site Tax Parcel Numbers

- 15707102
- 15707106
- 15707107
- 15707108
- 15707111
- 15707112
- 15707201
- 15707206
- 15707208
- 15707209
- 15707210
- 15707211
- 15707212
- 15707213
- 15707214
- 15707215
- 15707216
- 15707217



VICINITY MAP



DEVELOPMENT SUMMARY

TAX PARCEL ID #:	157-072-01 157-072-06 157-072-(08 to 17) 157-071-02 157-071-(06 to 08) 157-071-(11 to 12)
TOTAL SITE AREA:	±10.20 AC
EXISTING ZONING:	R-22 MF
PROPOSED ZONING:	B-D (CD) NS
PROPOSED USE:	SEE NOTES
SETBACKS:	
B-D (CD)	
FRONT:	20'
SIDE:	10'
REAR:	10'
NS:	
FRONT:	14' FROM BOC
SIDE:	0
REAR:	10'
MAX. BUILDING HEIGHT:	PER ORDINANCE
PARKING:	PER ORDINANCE (VEHICULAR AND BICYCLE)

DEVELOPMENT STANDARDS

General Provisions.

- A. The exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.207 of the Zoning Ordinance.
- B. The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Even if specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by those other city ordinances that may be applicable to the site.
- C. Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

Purpose

To redevelop a tract of land for a combination of uses including limited retail, office, neighborhood services, and conditioned storage.

Permitted Uses

Uses allowed on the property included in this Petition are those uses that are permitted in the Neighborhood Services (NS) district and the Distributive Business (BD) district except as may be further limited by the specific provisions of this site plan.

Transportation

- A. The site will utilize public street and private driveway connections to Wendover Rd, Billingsley Rd, and Ellington Street as generally depicted on the concept site plan.
- B. Parking areas are generally depicted on the concept plan for the site.
- C. The Petitioner will install painted crosswalks, subject to CDOT approval, at all public street intersections that adjoin the site and at all of the driveway connections from the site to public streets to enhance pedestrian safety in the community.

Architectural Standards

Reserved.

Streetscape and Landscaping

Reserved.

Environmental Features

Reserved

Parks, Greenways, and Open Space

Reserved

Fire Protection

Reserved

Signage

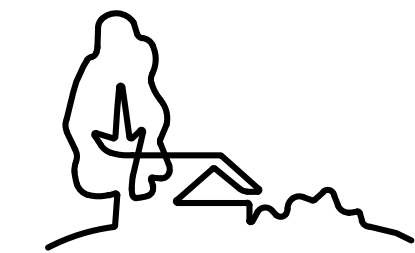
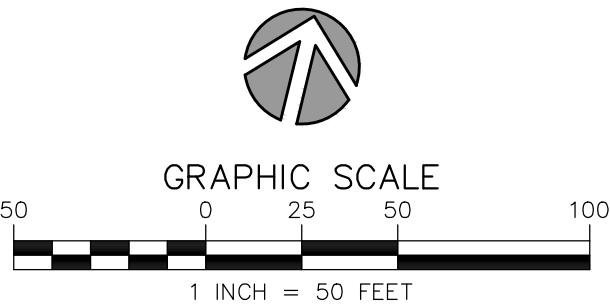
Reserved

Lighting

- A. New freestanding lighting on the site will be limited to 25' in total height and will utilize full cut-off luminaires. No "wall pack" type lighting will be utilized, except that architectural lighting on the exterior of buildings will be permitted.

Phasing

Reserved



URBAN
DESIGN
PARTNERS

1318-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com

RED Partners

Mr. Hall Johnston
711 Central Avenue
Charlotte, NC 28205

Wendover Site

Rezoning Site Plan
Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 15-032
Date: 04.25.2016
Designed by: udp
Drawn By: udp
Scale: 1" = 60'
Sheet No:

RZ-1.0

I. REZONING APPLICATION CITY OF CHARLOTTE

Petition #: 2016-100

Date Filed: _____

Received By: _____

Complete All Fields (Use additional pages if needed)

Property Owner: Steele Creek (1997) Limited Partnership

Owner's Address: 6100 Fairview Road, Suite 640 City, State, Zip: Charlotte, NC 28210

Date Property Acquired: 5/19/1997

Property Address: N/A

Tax Parcel Number(s): 219-061-17

Current Land Use: Vacant Size (Acres): +/- 41 acres

Existing Zoning: R-3(CD); R-17MF(CD) Proposed Zoning: UR-2(CD)

Overlay: None (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting with: Alberto Gonzalez, Claire Lyte-Graham, Joshua Weaver, Grant Meacci, Carlos Alzate

Date of meeting: 02/16/16

(*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): Yes

Purpose/description of Conditional Zoning Plan: to accommodate the development of a multi-family residential community.

Collin Brown and Bailey Patrick Jr.
Name of Rezoning Agent

Hearst Tower, 214 North Tryon Street, 47th Floor
Agent's Address

Charlotte, NC 28202
City, State, Zip

704-331-7531 704-353-3231
Telephone Number Fax Number

Collin.brown@klgates.com / bailey.patrick@klgates.com
E-Mail Address

See attached
Signature of Property Owner

(Name Typed / Printed)

MPV Properties, LLC
Name of Petitioner(s)

521 E Morehead Street #400
Address of Petitioner(s)

Charlotte, NC 28202
City, State, Zip

704-248-2100 704-248-2101
Telephone Number Fax Number

BPatrick@mpvre.com / bwpatrick@mpvre.com
E-Mail Address

See Attached
Signature of Petitioner

(Name Typed / Printed)

RECEIVED
APR 22 2016
BY: *[Signature]*

3:07pm

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: _____
Date Filed: _____
Received By: _____

RECEIVED
APR 22 2016
BY: _____

Complete All Fields (Use additional pages if needed)

Property Owner: Steele Creek (1997) Limited Partnership
Owner's Address: 6100 Fairview Road, Suite 640 City, State, Zip: Charlotte, NC 28210
Date Property Acquired: 5/19/1997
Property Address: N/A
Tax Parcel Number(s): 219-061-17
Current Land Use: Vacant Size (Acres): +/- 41 acres
Existing Zoning: R-3(CD); R-17MF(CD) Proposed Zoning: UR-2 (CD)
Overlay: None (Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting with: Alberto Gonzalez, Claire Lyte-Graham, Joshua Weaver, Grant Mearcl, Carlos Alzale
Date of meeting: 02/16/16

(*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): Yes

Purpose/description of Conditional Zoning Plan: to accommodate the development of a multi-family residential community.

Collin Brown and Bailey Patrick Jr.
Name of Rezoning Agent

Hearst Tower, 214 North Tryon Street, 47th Floor
Agent's Address

Charlotte, NC 28202
City, State, Zip

704-331-7531 704-353-3231
Telephone Number Fax Number

Collin.brown@klqates.com / bailey.patrick@klqates.com
E-Mail Address

[Signature: Sally Belk Gambrell]
Signature of Property Owner

Sally Belk Gambrell
(Name Typed / Printed)

MPV Properties, LLC
Name of Petitioner(s)

521 E Morehead Street #400
Address of Petitioner(s)

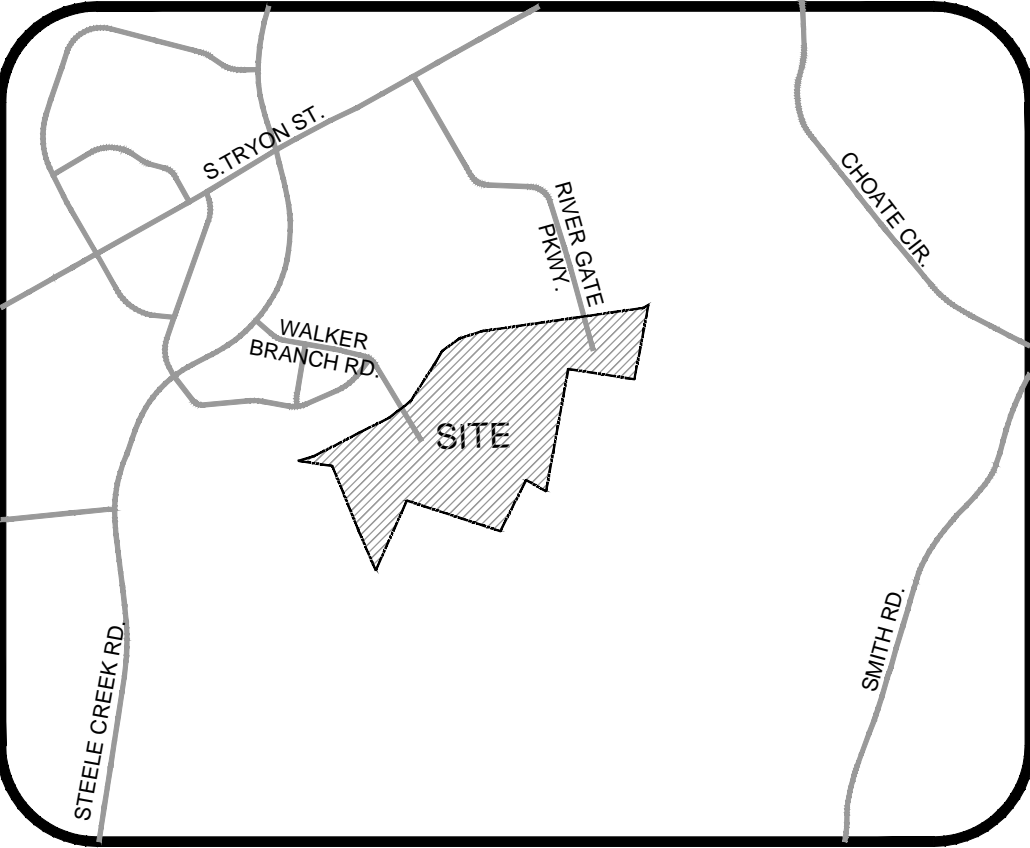
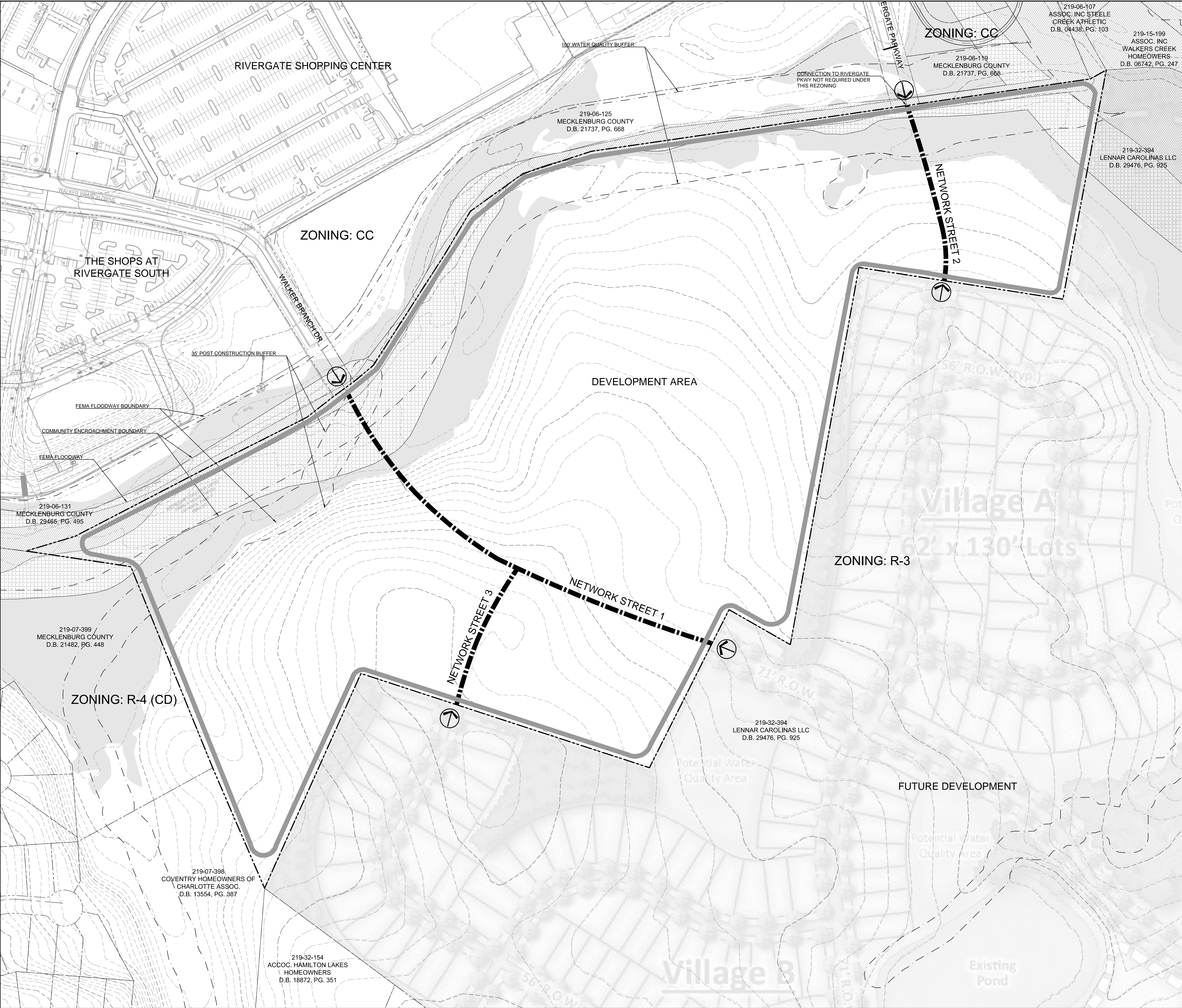
Charlotte, NC 28202
City, State, Zip

704-248-2100 704-248-2101
Telephone Number Fax Number

BPatrick@mpvre.com / bwpatrick@mpvre.com
E-Mail Address

[Signature: Bailey W. Patrick]
Signature of Petitioner

Bailey W. Patrick
(Name Typed / Printed)



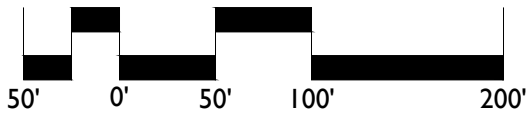
VICINITY MAP
NTS

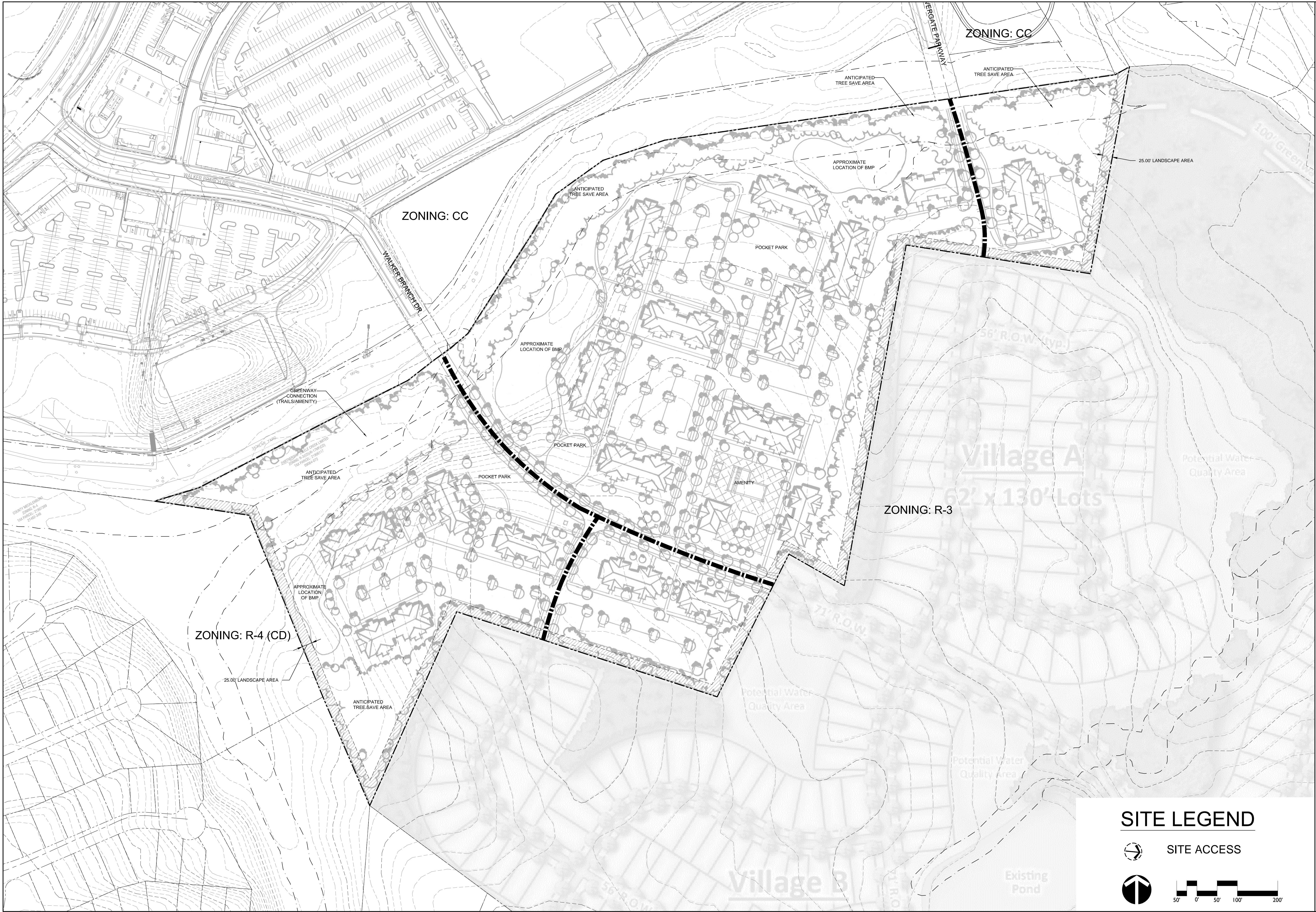
SITE LEGEND

 SITE ACCESS

SITE DEVELOPMENT DATA

ACREAGE: ± 41 ACRES
TAX PARCEL #: 219-06-117
EXISTING ZONING: R-3 (CD), R-17(CD)
PROPOSED ZONING: UR-2
EXISTING USES: VACANT
PROPOSED USES: MULTI-FAMILY RESIDENTIAL
MAX. DWELLING UNITS: 410
MAXIMUM BUILDING HEIGHT: AS PERMITTED BY UR-2 ZONING REQUIREMENTS
MIN. SIDEBACK: 14' FROM PROPOSED BACK OF CURB
MIN. SIDE YARD WIDTH: 5'
MIN. REAR YARD WITH: 10'
PARKING:
REQUIRED - 1 PARKING SPACE/UNIT MIN.
2 PARKING SPACES/UNIT MAX
TREE SAVE AREA:
AS REQUIRED BY THE ORDINANCE





REVISIONS:

DATE: 04/21/16
DESIGNED BY: ST
DRAWN BY: ST
CHECKED BY: ST
SCALE: 1"=100'
PROJECT #: 1015433
SHEET #:

RZ-2

STEELE CREEK MULTI-FAMILY
REZONING PETITION No. 2016-XXX
CHARLOTTE, NC
SCHEMATIC SITE PLAN

MPV
PROPERTIES
Merrifield Patrick Vermillion

LandDesign
223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.333.3246
www.LandDesign.com

MPV PROPERTIES, LLC

PETITION NO. 2016-xxx

DEVELOPMENT STANDARDS

4/22/2016

Site Development Data:

Acreage: ± 41 acres
Tax Parcels: 219-061-17
Existing Zoning: R-3(CD); R-17MF(CD)
Proposed Zoning: UR-2
Existing Uses: Vacant
Proposed Uses: Multi-family Residential
Maximum Dwelling Units: 410
Maximum Building Height: As permitted by UR-2

1. General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by MPV Properties, LLC, to rezone an approximately 41 acre site located along the Walkers Branch Greenway (the “Site”).

The purpose of this Petition is to request a rezoning of the Site to the UR-2 Zoning District in order to accommodate the development of up to 400 Multi-family Dwelling units. UR-2 will enable the Petitioner to develop the Site in a manner that will preserve and emphasize the Site's unique environmental features, create a harmonious transition between the project and the adjoining properties, and provide important pedestrian and vehicular connections that will benefit the surrounding community.

Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 Zoning District shall govern all development taking place on the Site.

The development depicted on the Schematic Site Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configurations, placements and sizes of individual Site elements may be altered or modified so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the UR-2 Zoning District. However, any alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Data Sheet or its respective conditions as well as any changes which increase the intensity of the development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

2. Permitted Uses

The Site may be developed with up to 400 Multi-family Dwelling Units together with accessory structures and uses allowed in the UR-2 Zoning District.

3. Transportation

All transportation improvements described in this section shall be implemented prior to the issuance of the first certificate of occupancy for a building on the Site:

- (a) Petitioner shall cause the design and construction of a creek crossing over Walker's Branch in order to accommodate the extension of Walker Branch from it's current terminus through the Site to the adjacent property lying south of the site, as generally depicted on the Technical Data Sheet.

4. Architectural Standards

- (a) The Conceptual Schematic Architectural Renderings which accompany these Development Standards are intended to depict the general conceptual architectural style, character and elements of the buildings

proposed to be constructed on the Site. Accordingly, any building constructed on the Site must be substantially similar in appearance to the relevant attached Conceptual Schematic Architectural Renderings in terms of its architectural style, character and elements. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.

- (b) The primary exterior building materials for the multi-family dwellings to be constructed on the Site shall be a combination of brick, stone, precast stone, precast concrete, synthetic stone, wood, shake, hardi-plank, or cementious siding material. Vinyl siding shall not be permitted as an exterior building material. However, vinyl elements may be used as architectural access materials.
- (c) At least 20% of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of masonry materials, including but not limited to brick, stone, precast stone, synthetic stone, or precast concrete.

5. Streetscape and Landscape

- (a) Petitioner shall provide eight (8) foot planting strips and six (6) foot sidewalks along all public streets.
- (b) Petitioner shall provide a five (5) foot wide sidewalk and cross-walk network that links the buildings on the Site with one another and links each building to a sidewalk along an adjoining street.
- (c) An amenity area shall be provided in the location generally shown on the Schematic Site Plan. Amenities shall include a swimming pool, seating areas and landscaping.
- (d) Meter boxes and back flow preventors will be screened from view. All other screening and landscaping shall conform to the standards of the Ordinance.

6. Environmental Features

The Site shall comply with the requirements of the Post Construction Controls Ordinance. 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 submitted and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

7. Parks, Greenways and Open Space

- (a) Tree save areas equaling at least 15% of the area of the Site shall be provided.
- (b) Prior to the issuance of the final certificate of occupancy for buildings on the Site, the Petitioner shall convey a portion of the Site to the Mecklenburg County Park and Recreation Department for use as a greenway. The area to be dedicated is generally depicted on the Technical Data Sheet, however the exact parameters of the dedication shall be determined by the Petitioner based on the final BMP and grading design.

8. Signage

Signage shall comply with the requirements of the Ordinance.

9. Lighting

- (a) The maximum height of any detached lighting fixtures erected on the Site shall not exceed twenty (20) feet in height.
- (b) All freestanding lighting fixtures installed within the Site shall be shielded with full cut-off fixtures, capped and downwardly directed. However, low-level decorative lighting may be installed along driveways, sidewalks and parking areas.
- (c) Wall-pak lighting will be prohibited throughout the Site.

10. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, other sheets accompanying the Petition and these Development Standards may be applied for by the then

Owner or Owners in accordance with the provisions of Chapter 6 of the Ordinance.

11. Binding Effect of the Rezoning Document and Definitions

- (a) If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- (b) Throughout these Development Standards, the terms “Petitioner” and “Owner or Owners” shall be deemed to include heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the Owner or Owners of the Site from time to time who may be involved in any future development thereof.
- (c) Any reference to any City of Charlotte Ordinances or Policies herein shall be deemed to refer to the requirements of the Ordinance or Policy in effect as of the date this Rezoning Petition is approved.

REVISIONS:

DATE: 04/22/16
DESIGNED BY: ST
DRAWN BY: NG
CHECKED BY: ST
SCALE: AS SHOWN
PROJECT #: 1015433
SHEET #:

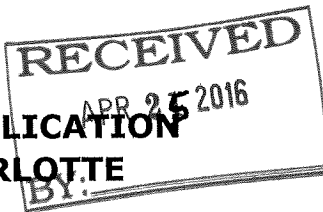
RZ-3

STEELE CREEK MULTI-FAMILY
REZONING PETITION No. 2016-XXX
CHARLOTTE, NC
DEVELOPMENT STANDARDS



LandDesign
223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.332.3246
www.LandDesign.com

I. REZONING APPLICATION **CITY OF CHARLOTTE**



2016-101

Petition #: _____
 Date Filed: 4/25/2016
 Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owners: (Grange) Grange Properties, LLC, a North Carolina limited liability company
 (Kissee) Timothy Wayne Kissee and Brenda Q. Kissee

Owner's Addresses: (Grange) P.O. Box 6929, Statesville, North Carolina 28687
 (Kissee) 3500 Kidd Lane, Charlotte, North Carolina 28216

	<u>Date Property Acquired</u>	<u>Property Address</u>	<u>Tax Parcel Number</u>
(Grange)	11/17/10	3701 Kidd Lane, Charlotte, NC	037-09-201
	11/17/10	3607 Kidd Lane, Charlotte, NC	037-09-213
	1/14/11	3630 Kidd Lane, Charlotte, NC	037-09-227
(Kissee)	6/8/92	3500 Kidd Lane, Charlotte, NC	037-09-225

	<u>Current Land Use</u>	<u>Acres</u>	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
(Grange)	Therapeutic Riding Farm	21.56 (Parcel #201)	INST.(CD)	INST.(CD)SPA
	Therapeutic Riding Farm	0.7794 (Parcel #213)	INST.(CD)	INST.(CD)SPA
	Single-family Residential	11.128 (Parcel #227)	R-3	INST.(CD)
(Kissee)	Single-family Residential	Portion of 15.317	INST.(CD) and R-3	INST.(CD)SPA and INST.(CD)

Overlay: _____
 (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham and Alberto Gonzalez

Date of meeting: 4/22/16

(*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): N/A

Purpose/description of Conditional Zoning Plan: To allow an expansion to the existing Shining Hope Farms therapeutic riding farm.

[signature page follows]

Jeff Brown, Keith MacVean & Bridget Dixon

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)**704-348-1925 (JB)****704-331-3531 (KM)****704-378-1954 (KM)****704-331-2379 (BD)****704-378-1973 (BD)**

Telephone Number

Fax Number

jeffbrown@mvalaw.com **keithmacvean@mvalaw.com****bridgetdixon@mvalaw.com**

E-mail Addresses

See Attachments A - B

Signature of Property Owner

(Name Typed/Printed)

Shining Hope Farms (Attn: Milinda Kirkpatrick)

Name of Petitioner

P.O. Box 1036

Address of Petitioner

Mt. Holly, NC 28120

City, State, Zip

704-608-6449**704-827-3799**

Telephone Number

Fax Number

Milindakirkpatrick.shf@gmail.com

E-mail Address

See Attachment C

Signature of Petitioner

(Name Typed/Printed)

ATTACHMENT A

**REZONING PETITION NO. [2016-____]
Shining Hope Farms**

**PETITIONER JOINDER AGREEMENT
Grange Properties, LLC**

The undersigned, as the owner of the parcels of land located at 3701, 3607, 3630 Kidd Lane and that are designated as Tax Parcel Nos. 037-09-201, 213, and 227, 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 and INST.(CD) zoning districts to the INST.(CD)SPA and INST.(CD) zoning districts 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 APRIL, 2016.

Grange Properties, LLC,
a North Carolina limited liability company

By: 

Name: PATRICK J O'LEARY

Title: MANAGER

ATTACHMENT B

REZONING PETITION NO. [2016-____]
Shining Hope Farms

PETITIONER JOINDER AGREEMENT
Timothy Wayne Kissee and Brenda Q. Kissee

The undersigned, as the owners of the parcel of land located at 3500 Kidd Lane that is designated as a portion of Tax Parcel No. 037-09-225 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 and INST.(CD) zoning districts to the INST.(CD)SPA and INST.(CD) zoning districts 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 21 day of April, 2016.


Timothy Wayne Kissee


Brenda Q. Kissee

ATTACHMENT C

SHINING HOPE FARMS

PETITIONER:

Shining Hope Farms, a non-profit corporation

By: Shining Hope Farms
Name: Milinda Kinkpatrick
Title: Executive Director



dilworthplanningstudio@gmail.com

Shining Hope Farm

REZONING PLAN

Petition # 2016-

Filing Date: 4/26/16

PROJECT NUMBER:

DRAWN BY:

DESIGNED BY:

ISSUE DATE:

NO. DATE: BY: REVISIONS:

Sheet RZ-1

Development Data:

Acreage: \pm 34.47 acres

Tax Parcel #: 037-092-01, 13, 27 and a portion of 037-092-25

Existing Zoning: Inst. (CD) and R-3

Proposed Zoning: Inst. (CD) and Inst. (CD)(SPA)

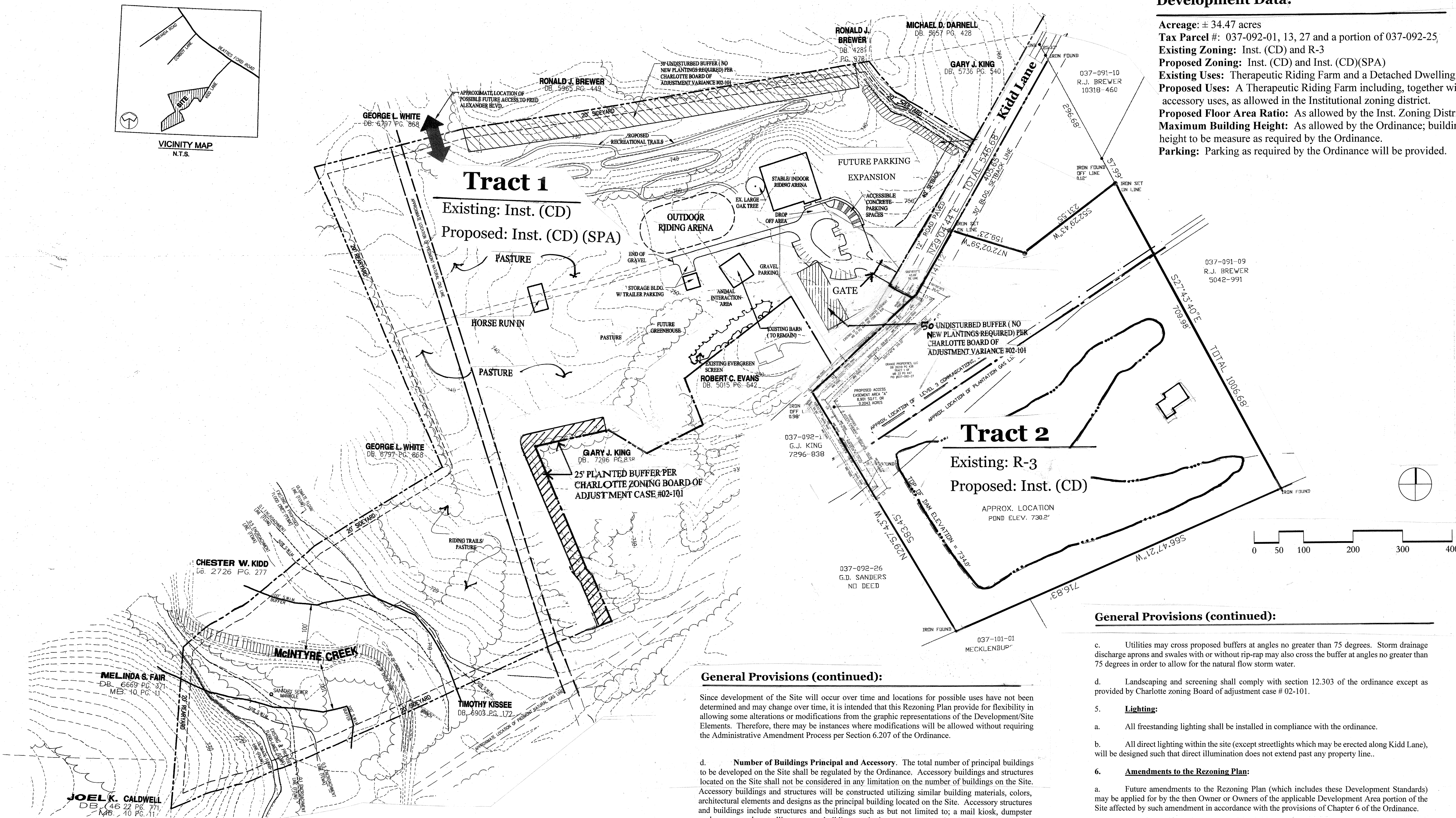
Existing Uses: Therapeutic Riding Farm and a Detached Dwelling.

Proposed Uses: A Therapeutic Riding Farm including, together with accessory uses, as allowed in the Institutional zoning district.

Proposed Floor Area Ratio: As allowed by the Inst. Zoning District.

Maximum Building Height: As allowed by the Ordinance; building height to be measure as required by the Ordinance.

Parking: Parking as required by the Ordinance will be provided.

**General Provisions (continued):**

Since development of the Site will occur over time and locations for possible uses have not been determined and may change over time, it is intended that this Rezoneing 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 modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance.

- Number of Buildings Principal and Accessory:** The total number of principal buildings to be developed on the Site shall be regulated by the Ordinance. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site. Accessory structures and buildings include structures and buildings such as but not limited to; a mail kiosk, dumpster enclosures, gazebos, trellises, storage buildings, and other structures associated with the on-site open space.
- 2. Permitted Uses & Development Area Limitation:**
- a. The Petitioner intends to modify the prior zoning and expand the site limits continuing operation of a therapeutic riding farm. Permitted uses shall be all uses allowed under the Institutional zoning classification including but not limited to therapeutic riding, caretakers residence, animal interaction, farming, food production, forestry, and gardening, together with accessory uses as allowed in the Institutional zoning district.
- 3. Access and Transportation:**
- a. Access to the Site will be from Kidd Lane in the manner generally depicted on the Rezoning Plan.
- 4. Streetscape, Buffers, Yards, and Landscaping:**
- a. New construction will adhere to the setbacks and side and rear yards as required by the Ordinance, except as approved by board adjustment case #02-100.
- b. Buffers as required by the Ordinance, and as per the approved board of adjustment case 02-101 will be provided as generally depicted on the Rezoning Plan. The Petitioner has received a variance from buffer requirements (50', type C), thereby eliminating buffers along all property lines for Tract 1 except planting, undisturbed area, berm, and 25' planted buffer which was completed in the areas indicated on this plan. See Charlotte Zoning Board of Adjustments case #02-101.

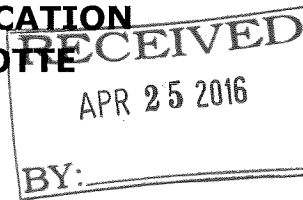
General Provisions (continued):

- c. Utilities may cross proposed buffers at angles no greater than 75 degrees. Storm drainage discharge aprons and swales with or without rip-rap may also cross the buffer at angles no greater than 75 degrees in order to allow for the natural flow storm water.
- d. Landscaping and screening shall comply with section 12.303 of the ordinance except as provided by Charlotte zoning Board of adjustment case # 02-101.
5. **Lighting:**
 - a. All freestanding lighting shall be installed in compliance with the ordinance.
 - b. All direct lighting within the site (except streetlights which may be erected along Kidd Lane), will be designed such that direct illumination does not extend past any property line..
6. **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.
7. **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 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.

General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Shinning Hope Farms ("Petitioner") to accommodate a therapeutic riding farm with allowed accessory uses on approximately 34.47 acre site located on Kidd Lane (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 Institutional zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets 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.

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-102
Petition #: _____
Date Filed: 4/25/2016
Received By: RA

Property Owners: (MACA) MACA Properties LLC, a North Carolina limited liability company
(OMB) OMB PROPERTY HOLDINGS LLC, a North Carolina limited liability company

Owner's Addresses: (MACA) 1011 Bracken Fern Drive, New Bern, North Carolina 28560
(OMB) 215 Southside Drive, Charlotte, North Carolina 28217

Date Properties Acquired: (MACA) 3/24/15
(OMB) 3/28/13

Property Addresses: (MACA) 4210 Yancey Road, Charlotte, NC
(OMB) 4150 Yancey Road and 335 E. Peterson Drive, Charlotte, NC

Tax Parcel Numbers: (MACA) 149-03-201
(OMB) 149-03-202 and 149-03-211

Current Land Use: _____ Size (Acres): ± 6.32

Existing Zoning: I-2 Proposed Zoning: _____

Overlay: TS
(Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Solomon Fortune, Alan Goodwin, Kathy Cornett, Cathering Mahoney, Kory Hedrick

Date of meeting: April 5, 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): N/A

Purpose/description of Conditional Zoning Plan: **To allow flexibility for expansion and redevelopment of the Site with additional EDEE and banquet facilities and amended parking requirements.**

Jeff Brown, Keith MacVean & Bridget Dixon

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)

704-348-1925 (JB)

704-331-3531 (KM)

704-378-1954 (KM)

Telephone Number

Fax Number

jeffbrown@mvalaw.com keithmacvean@mvalaw.com

E-mail Address

See Attachments A - B

Signature of Property Owner

The Olde Mecklenburg Brewery LLC

(Attn: John Marrino)

Name of Petitioner

4150 Yancey Road

Address of Petitioner

Charlotte, NC 28217

City, State, Zip

704-525-5644

Telephone Number

Fax Number

jam@oldemeckbrew.com

E-mail Address

See Attachment C

Signature of Petitioner

SITE DEVELOPMENT DATA:

--ACREAGE: ± 9.52 ACRES
--TAX PARCEL #S: 149-03-201, 149-03-202 AND 149-03-211
--EXISTING ZONING: I-2
--PROPOSED ZONING: I-2 TS-O
--EXISTING USES: BREWERY, EDEE, MANUFACTURING AND OFFICE
--PROPOSED USES: EXPANSION OF THE EXISTING USES AS PERMITTED BY RIGHT, AND UNDER PRESCRIBED CONDITIONS, AND BY THE OPTIONAL PROVISIONS BELOW, TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE TS
OVERLAY ZONING DISTRICT (ALL AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
--MAXIMUM BUILDING HEIGHT: BUILDING HEIGHT AS PERMITTED BY ORDINANCE.
--PARKING: EDEE 1:150, OUTDOOR DINING 1:600, AS REQUIRED BY THE ORDINANCE FOR ALL OTHER USES.

1. GENERAL PROVISIONS

a. **SITE LOCATION:** THESE DEVELOPMENT STANDARDS AND SCHEMATIC SITE PLAN FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY THE OLDE MECKLENBURG BREWERY, LLC. ("PETITIONER") TO ACCOMMODATE THE EXPANSION OF EXISTING USES IN A PATTERN MORE CONSISTENT WITH CURRENT DEVELOPMENT INITIATIVES AND PROXIMITY TO THE SCALEYBARK STATION AND THE AREA OF INFLUENCE FOR THE SCALEYBARK STATION AREA PLAN ON AN APPROXIMATELY 9.52 ACRE SITE LOCATED ON YANCEY ROAD AT THE TERMINUS OF SOUTHSIDE DRIVE WITH FRONTAGE ON TRYON STREET. (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 TS-O ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

C. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS, PERMISSIBLE BUILDING AREAS (AS DEFINED BELOW) 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 FOR FUTURE PROPOSED EXPANSION, 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 MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT AND STAY WITHIN THE SETBACKS AND YARDS DEPICTED ON THE REZONING PLAN;

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 PETITIONERS APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

d. **NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY:** THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED 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. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

2. OPTIONAL PROVISIONS.

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

- a. TO ALLOW FOR AN 8' SIDEWALK TO BE PROVIDED AT THE BACK OF EXISTING CURB ON YANCEY ROAD.
- b. TO ALLOW NEW STREET TREES TO BE PROVIDED BEHIND THE SIDEWALK ON PARCEL 149-03-211 AND FOR THE EXISTING LARGE MATURING TREES PLANTING BEHIND THE EXISTING FENCE ON PARCEL 149-03-211.
- c. TO ALLOW INDOOR EDEE USES TO PARK AT A RATIO OF 1:150.
- d. TO ALLOW OUTDOOR EDEE USES TO PARK AT A RATIO OF 1:600.
- e. TO ALLOW BREWERY USES TO EXCEED 15,000.
- f. TO ALLOW THE EXISTING PARKING AND MANEUVERING AREAS LOCATED BETWEEN THE EXISTING BUILDING AND THE STREETS TO REMAIN.
- g. TO ALLOW THE EXISTING BUILDING TO NOT HAVE TO MEET THE STREET WALL REQUIREMENTS OF THE TS ZONING DISTRICT.
- h. TO ALLOW THE EXISTING SIDEWALK AND PLANTING STRIP ON TRYON STREET TO REMAIN IN ITS CURRENT FORM.
- i. TO ALLOW THE FLOOR AREA RATION OF THE BUILDINGS TO BE LESS THAN .50 SQUARE FEET OF FLOOR AREA TO 1 SQUARE FOOT OF THE DEVELOPMENT SITE.

3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

a. THE EXISTING PRINCIPAL BUILDINGS AND PROPOSED NEW BUILDING CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH BREWERY, OFFICE, MANUFACTURING AND EDEE USES AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS AND PER THE OPTIONAL PROVISIONS ABOVE TOGETHER WITH ACCESSORY USES ALLOWED IN THE TS-O ZONING DISTRICT.

4. ACCESS.

- a. PRIMARY ACCESS TO THE SITE WILL BE FROM YANCEY ROAD WITH SERVICE ACCESS FROM TRYON STREET AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.
- b. THE ALIGNMENT OF THE 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 THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.

5. STREETScape, BUFFER, LANDSCAPING OPEN SPACE AND SCREENING:

- a. A 16 FOOT SETBACK AS MEASURED FROM THE BACK OF EXISTING CURB ALONG YANCEY ROAD AND TRYON STREET WILL BE PROVIDED, AS GENERALLY DEPICTED ON THE REZONING PLAN.
- b. A EIGHT (8) FOOT SIDEWALK WILL BE PROVIDED AT THE BACK OF EXISTING CURB ALONG YANCEY STREET. THE EXISTING SIDEWALK WILL REMAIN ON TRYON STREET.
- c. THE PETITIONER WILL PROVIDE CLASS C BUFFER PLANTING IN THE 20' SIDEYARD.

6. GENERAL DESIGN GUIDELINES:

- a. NOT APPLICABLE

7. ENVIRONMENTAL FEATURES:

- a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
- b. THE LOCATION, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEM DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
- c. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

8. **SIGNAGE:**

- a. **SIGNAGE AS ALLOWED BY THE ORDINANCE.**

9. LIGHTING:

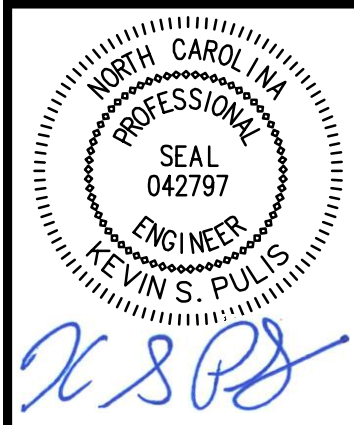
- a. ALL NEW ATTACHED AND DETACHED LIGHTING SHALL BE FULLY SHIELDED DOWNWARDLY DIRECTED AND FULL CUT OFF FIXTURE TYPE LIGHTING EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.
- b. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 21 FEET IN HEIGHT.

10. 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.

11. 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 OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS

[illegible]

CLIENT:

THE OLDE MECKLENBURG BREWERY
4150 YANCEY ROAD
CHARLOTTE, NC 28217

PROJECT:

ECT: **OLDE MECKLENBURG
BREWERY**
4150 AND 4210 YANCEY ROAD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA

TITLE:

DEVELOPMENT STANDARDS

DESIGNED BY:	DMH
DRAWN BY:	DMH
CHECKED BY:	KSP

DATE: 04/20/2010

PROJECT#: 017210001

RZ-2