

Rezoning Petition Packet

Petitions:

2016-140 through 2016-150

Text Amendments:

2016-143

2016-S001

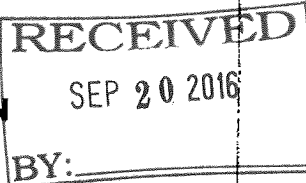
2016-MV001

Petitions that were submitted by September 26, 2016

Staff Review Meeting: **October 20, 2016**

City Public Hearing: **To Be Determined**

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-140

Petition #:	_____
Date Filed:	9/20/2016
Received By:	Bx

Complete All Fields (Use additional pages if needed)

Property Owner: Harris and Rocky INC.

Owner's Address: 11617 Elizabeth Madison Ct.,

City, State, Zip: Charlotte NC 28277

Date Property Acquired: 10/26/2015

Property Address: 2010 Rocky River Road, Charlotte NC 28213

Tax Parcel Number(s): 10501227

Current Land Use: Gas Station, Vacant Land

Size (Acres): 6.63

Existing Zoning: NS

Proposed Zoning: ~~BD~~ BD AND NS SPA

Overlay: NA

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

Required Rezoning Pre-Application Meeting* with: Amanda Vari and Kory Hedrick CDOT

Date of meeting: 8/18/2016

(*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: provide a mix use of retail, restaurant, office and climate controlled self-storage

Babak Emadi

Name of Rezoning Agent

1307 West Morehead St. #107

Agent's Address

Charlotte NC 28208

City, State, Zip

704 408 1647

Telephone Number

Fax Number

Bemadi@providencecommercial.com

E-Mail Address



Signature of Property Owner

Hanumantha Chekuri

(Name Typed / Printed)

Michael Adams

Name of Petitioner(s)

PO Box 958

Address of Petitioner(s)

Davidson NC 28036

City, State, Zip

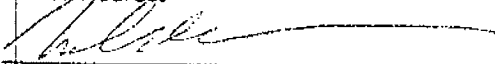
704 241 5358

Telephone Number

Fax Number

Madams@Hawthornespizza.com

E-Mail Address



Signature of Petitioner

Michael Adams

(Name Typed / Printed)

DEVELOPMENT DATA TABLE

SITE ACREAGE:	±6.63 AC
TAX PARCEL:	105-012-27
EXISTING ZONING:	NS
PROPOSED ZONING:	BD & NS WITH 5 YEAR VESTING (SEE SITE PLAN FOR PROPOSED LOCATIONS)
SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE (RETAIL, OFFICE, INDUSTRIAL, ETC.):	
— BUILDING A, ONE LEVEL RETAIL/RESTAURANT, UP TO 5500 SF.	
— BUILDING B, ONE LEVEL OFFICE, RETAIL, RESTAURANT, UP TO 9000 SF.	
— BUILDINGS A AND B MAY BE SEPARATE OR COMBINED AS ONE BUILDING.	
— BUILDING C, 3 LEVELS, CLIMATE CONTROLLED SELF-STORAGE WITH ASSOCIATED OFFICES, UP TO 100,000 SF.	
— BUILDING D, ONE OR TWO LEVELS, OFFICE, RETAIL, RESTAURANT, UP TO 7000 SF AT ONE LEVEL AND 14000 SF AT 2 LEVELS WITH A POTENTIAL DRIVE THROUGH.	
— BUILDING E, ONE OR TWO LEVELS, OFFICE, RETAIL, RESTAURANT, UP TO 2500 SF AT ONE LEVEL AND 5000 SF AT 2 LEVELS.	
— BUILDING F, ONE LEVEL KIOSK, OFFICE, RETAIL, UP TO 500 SF.	
— BUILDING G, ONE LEVEL, RETAIL, RESTAURANT, UP TO 1500 SF WITH POTENTIAL DRIVE THROUGH.	
FLOOR AREA RATIO: NS = 2 & BD = 0.7	
MAX. BUILDING HEIGHT: 40'	
MAX. # OF BUILDINGS: 8 BLDG.	
NUMBER AND/OR RATIO OF PARKING SPACES: APPROXIMATELY 87 PARKING SPACES REQUIRED, APPROXIMATELY 144 PARKING SPACES PROVIDED	
OPEN SPACE: PER ORDINANCE REQUIREMENTS	

1. GENERAL PROVISIONS

- a. THE FOLLOWING DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLANS FILED BY THE PETITIONER, TO ACCOMMODATE THE DEVELOPMENT OF MIX USES OF OFFICE, RETAIL, RESTAURANTS, CLIMATE CONTROLLED SELF-STORAGE, AND ASSOCIATED PARKING ON A PARCEL APPROXIMATELY 6.63 ACRES AT THE INTERSECTION OF W.T. HARRIS BLVD (NC 24) AND ROCKY RIVER ROAD (SR 2828).
- b. SITE DEVELOPMENT WILL BE GOVERNED BY THE REZONING PLAN AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE FOR BD AND NS ZONING CLASSIFICATIONS, IN THE AREAS INDICATED ON THE PLAN.
- c. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS TO THE SITE. ACCORDINGLY, THE PLAN MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES AS PERMITTED BY THESE DEVELOPMENT STANDARDS AND THE ORDINANCE CHANGES OR MODIFICATIONS TO THE PLAN SHALL COMPLY WITH SECTION 6.207 OF THE ORDINANCE.

2. TRANSPORTATION

- a. THE SITE SHALL BE ACCESSED FROM AN EXISTING PRIVATE SHARED DRIVE, HARRIS STATION BLVD THAT CONNECTS ROCKY RIVER ROAD AND E.W.T. HARRIS BLVD, FOR WHICH AN ACCESS EASEMENT WITH THE OVERALL DEVELOPMENT HAS BEEN PREVIOUSLY ESTABLISHED. THIS REZONING PETITION DOES NOT COMMIT TO ANY IMPROVEMENTS ON ANY PERIMETER PUBLIC STREETS.

6. ARCHITECTURAL STANDARDS

- a. THE HEIGHT FOR ALL BUILDINGS SHALL NOT EXCEED 40'.
- b. THE BUILDING MATERIALS/FINISHES WILL BE A COMBINATION OF PORTIONS OF SOME OR ALL OF THE FOLLOWING: BRICK, CONCRETE, DECORATIVE CONCRETE MASONRY UNITS, EIFS, EIFS BRICK, ARCHITECTURAL METAL, METAL PANELS, STOREFRONT CLEAR GLASS, SPANDREL GLASS, ARCHITECTURAL METAL AND VINYL RAILINGS AND ACCESSORIES. WINDOWS WILL BE A COMBINATION OF CLEAR VISION GLASS, SPANDREL GLASS, SCREENED FRAMED OPENINGS. BUILDING ENTRANCES WILL HAVE ARCHITECTURAL METAL OR FABRIC CANOPIES AND AWNINGS.

7. STREETScape AND LANDSCAPING

- a. ALONG W.T. HARRIS BOULEVARD, THE DEVELOPER SHALL PRESERVE TO THE EXTENT POSSIBLE EXISTING TREES WITHIN THE EXISTING SETBACK. THESE TREES MAY BE THINNED/PRUNED TO IMPROVE THE HEALTH OF THE TREES AND PROVIDE A CLEAN EDGE TO THE STREETScape. THE DEVELOPER MAY ALSO INSTALL ADDITIONAL TREES, LANDSCAPE MATERIALS, AND OTHER IMPROVEMENTS IN THIS AREA TO PROVIDE A CLEAN, ATTRACTIVE STREETScape ALONG THE PROJECT FRONTAGE SIMILAR TO THE UNIVERSITY COMMONS DEVELOPMENT ACROSS ROCKY RIVER RD.
- b. ALONG ROCKY RIVER ROAD, EXISTING CURB, PLANTING STRIP AND SIDE WALK TO REMAIN.
- c. ADJACENT TO THE EXISTING SINGLE FAMILY HOMES ALONG THE NORTH-WESTERN BOUNDARY OF THE PROJECT, ALTHOUGH NOT REQUIRED, THE PETITIONER WILL PROVIDE A HEAVILY PLANTED SCREENING WITH A MIX OF TREE VARIETIES INCLUDING EVERGREEN TREES, AND ADDITIONAL LANDSCAPE MATERIALS.
- d. ALL OFF STREET PARKING AREAS SHALL BE SCREENED PER ORDINANCE REQUIREMENTS.

8. ENVIRONMENTAL FEATURES

- a. THE PETITIONER WILL COMPLY WITH THE CHARLOTTE TREE SAVE ORDINANCE.
- b. THE PETITIONER WILL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED POST CONSTRUCTION CONTROLS ORDINANCE.

9. PARKS, GREENWAYS, AND OPEN SPACE

- a. THE SITE WILL MEET THE PRIVATE AND PUBLIC OPEN SPACE REQUIREMENTS.
- b. THERE EXISTS AT THE WESTERN EDGE OF THE SITE A PARTIALLY COMPLETED TRAIL LEADING TO BACK CREEK GREENWAY. FUTURE EXTENSIONS/IMPROVMENTS TO THIS TRAIL NETWORK SHALL BE BY MECKLENBURG COUNTY/OTHERS.
- c. THERE EXISTS AT THE NORTH-WESTERN EDGE OF THE PROJECT A SIDEWALK CONNECTION FROM THE EXISTING SINGLE FAMILY HOMES TO THE SITE. THE PETITIONER SHALL CONNECT TO THIS EXISTING SIDEWALK WITH A PROPOSED SIDEWALK NETWORK THROUGH THE SITE TO PROMOTE CONNECTIVITY OF THE COMMUNITY.

10. FIRE PROTECTION

- a. THE SITE SHALL COMPLY WITH ALL FIRE ACCESS REQUIREMENTS.

11. SIGNAGE

- a. THE SITE SHALL COMPLY WITH THE SIGNAGE ORDINANCE.

12. LIGHTING

- a. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE, EXCLUDING STREET LIGHTS, LOWER DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS, AND LANDSCAPE LIGHTING, 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.

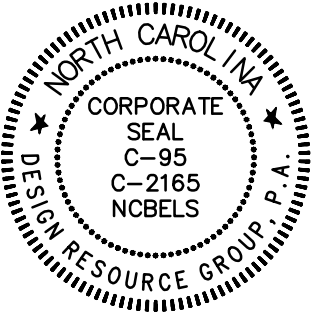
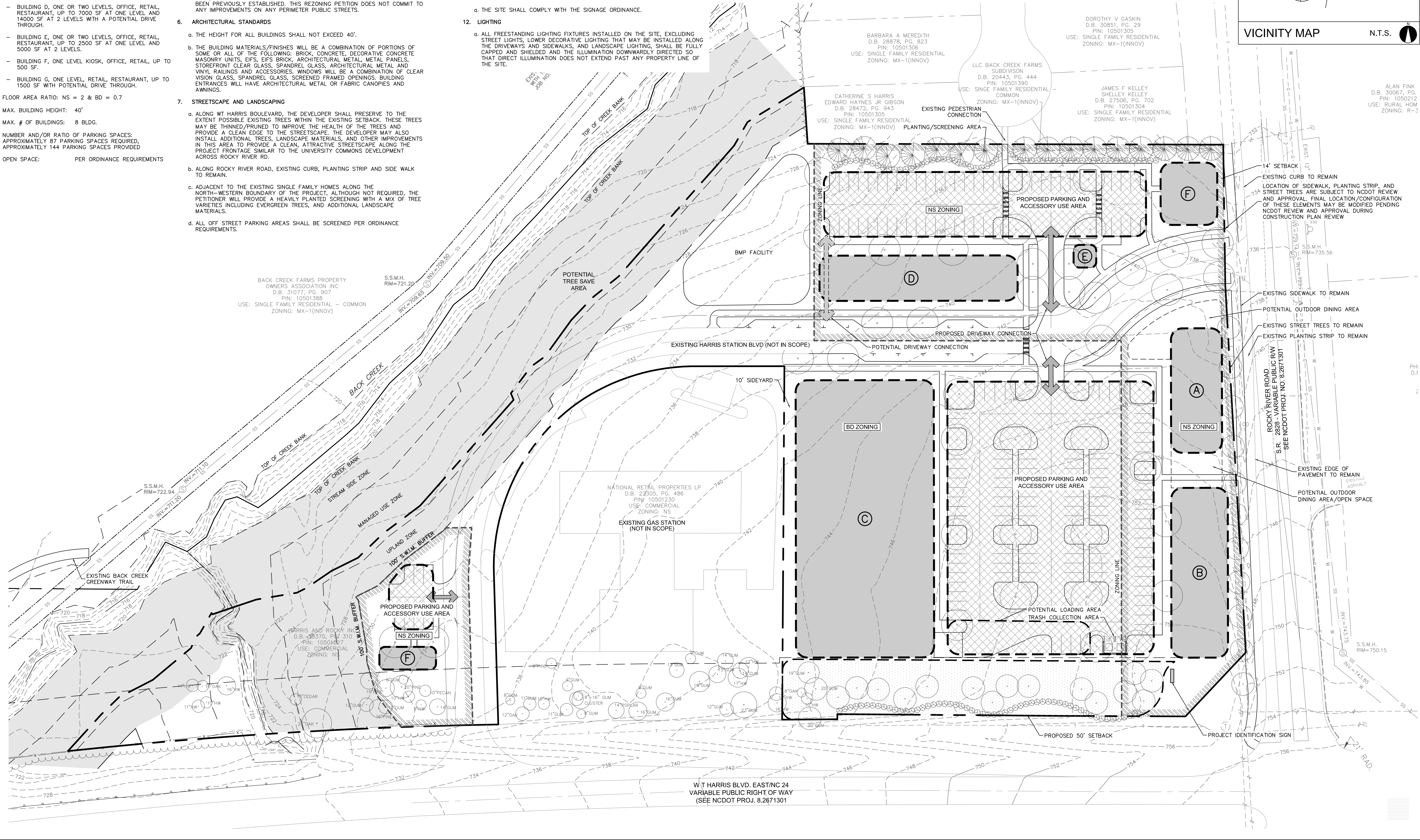
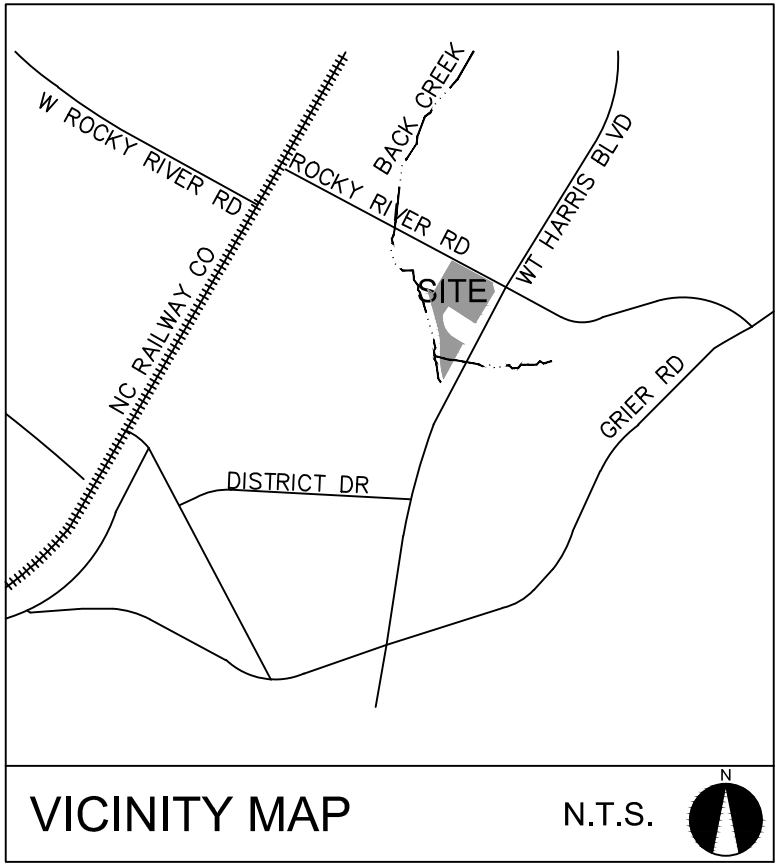
- b. THE MAXIMUM HEIGHT OF ANY PEDESTRIAN SCALE FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE, INCLUDING ITS BASE, SHALL NOT EXCEED 22 FEET.

14. AMENDMENTS TO THE REZONING PLAN

- a. CURRENT APPLICATION OR SUCCESSORS WITH THE CONSENT OF THE OWNER OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT MAY APPLY FOR FUTURE AMENDMENTS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

15. BINDING EFFECT OF THE REZONING APPLICATION

- 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, SHALL 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 TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE 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.



REZONING PETITION
FOR PUBLIC HEARING:
2016-XXX

REZONING PLANS

HARRIS STATION
CHARLOTTE, NC

HAWTHORN HOLDING GROUP
PO BOX 958
DAVIDSON, NC 28036

SCHEMATIC
SITE PLAN

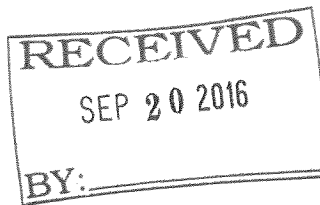
SCALE: 1" = 40'

PROJECT #: 647-001
DRAWN BY: SK
CHECKED BY: TH

SEPTEMBER 19, 2016

REVISIONS:

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016 - 141

Petition #:	
Date Filed:	9/20/2016
Received By:	[Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: See Schedule 1 Attached

Owner's Address: See Schedule 1 Attached City, State, Zip: See Schedule 1 Attached

Date Property Acquired: See Schedule 1 Attached

Property Address: See Schedule 1 Attached

Tax Parcel Number(s): See Schedule 1 Attached

Current Land Use: See Schedule 1 Attached Size (Acres): 41.49 acres

Existing Zoning: See Schedule 1 Attached Proposed Zoning: B-2 (CD)

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

Required Rezoning Pre-Application Meeting* with: Tammie Keplinger, Monica Carney Holmes, Sonja Sanders, Shannon Frye and Amanda Vari

Date of meeting: 9/08/2016

(*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: The rezoning will allow for the expansion and growth of the Hendrick Automotive franchises along Independence Boulevard.

Jeff Brown/Keith MacVean, Moore and Van Allen

Name of Rezoning Agent

100 North Tryon Street, Suite 4700

Agent's Address

Charlotte, NC 28202

City, State, Zip

704-331-1144

Telephone Number Fax Number

jeffbrown@mvalaw.com

E-Mail Address

See Attachments A - C

Signature of Property Owner

See Schedule 1 Attached

(Name Typed / Printed)

RENC CH, LLC

Name of Petitioner(s)

6000 Monroe Road, Suite 100

Address of Petitioner(s)

Charlotte, NC 28212

City, State, Zip

704-567-3635 704-566-3295

Telephone Number Fax Number

jennifer.bowers@hendrickauto.com

E-Mail Address

[Signature]

Signature of Petitioner

Gene Cocchi, VP Real Estate

(Name Typed / Printed)

Schedule 1

Property Owner and Address	Property Address	Tax Parcel Number	Acreage	Date Property Acquired	Existing Zoning Classification
Hassan Radmanesh Nahid Radmanesh 8811 Gruenewald Ln. Charlotte, NC 28210	7510 Wallace Rd	19106106	1.22 Acres	May 28, 1999	UR-2 (CD)
	7600 Wallace Rd	19106108	7.84 Acres	May 28, 1999	UR-2 (CD)
Carolina Evangelistic Association of Charlotte, LLC PO Box 1936 Charlotte, NC 28201	7640 and 7700 Wallace Road	19106107	8.42 Acres	January 1, 1975	R-3
	Lumarka Dr.	19106112	18.02 Acres	December 15, 1977	R-3
	Pebblestone Dr.	19110190	0.64 Acres	December 15, 1977	R-3
Hendrick Automotive Group 6000 Monroe Road Charlotte, NC 28212	Lumarka Dr.	19106121	3.71 Acres	November 9, 1995	B-2 (CD)
	6706 E. Independence Blvd	19106119	1.64 Acres	November 7, 2012	B-2

ATTACHMENT A

City of Charlotte

REZONING PETITION NO. (2016-___)

PETITIONER JOINER AGREEMENT

The undersigned, as the owner of the parcels of land located at 7510 and 7600 Wallace Road that are designated as Tax Parcel Nos. 19106106 and 19106108, 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 current UR-2 (CD) zoning to the proposed B-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 13 day of September 2016.

By: Hassan Radmanesh
Hassan Radmanesh

By: Hassan Radmanesh
ATTORNEY AT LAW
Nahid Radmanesh

ATTACHMENT B

City of Charlotte

REZONING PETITION NO. (2016-___)

PETITIONER JOINER AGREEMENT

CAROLINA EVANGELISTIC ASSOCIATION OF CHARLOTTE, LLC

The undersigned, as the owner of the parcels of land located at 7640 and 7700 Wallace Road, Pebblestone Drive, and Lumarka Drive that are designated as Tax Parcel Nos. 19106107, 19106112, and 19110190 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 current R-3 zoning to the proposed B-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 ___ day of September 2016.

Carolina Evangelistic Association of Charlotte, LLC

By: Randy R. Briscoe

Name: Randy R. Briscoe

Its: Pastor / Chairman of the Board

ATTACHMENT C

City of Charlotte

REZONING PETITION NO. (2016-___)

PETITIONER JOINER AGREEMENT

HENDRICK AUTOMOTIVE GROUP

The undersigned, as the owner of the parcels of land located at 6706 E. Independence Blvd and Lumarka Drive that are designated as Tax Parcel Nos. 19106121 and 19106119 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 current B-2 and B-2 (CD) zoning to the proposed B-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 13th day of September 2016.

Hendrick Automotive Group

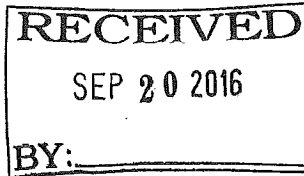
By:  _____

Name: Gene Cocchi

Its: Vice President

VICINITY MAP
SCALE: 1" = 2000'

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #: 2016-142
Date Filed: 9/20/2016
Received By: By

Complete All Fields (Use additional pages if needed)

Property Owner: PATRICK J. STAUB & BEATRIZ C. STAUB

Owner's Address: 16946 ASHTON OAKS DR City, State, Zip: CHARLOTTE, NC 28278

Date Property Acquired: JANUARY 1995

Property Address: 1423 S. TRYON STREET CHARLOTTE, NC 28203

Tax Parcel Number(s): 12304104

Current Land Use: BAR/LIVE MUSIC VENUE Size (Acres): .33 ACRES

Existing Zoning: NEIGHBORHOOD SERVICES Proposed Zoning: TOD-M

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

Required Rezoning Pre-Application Meeting* with: CATHERINE MAHONEY, RICHARD HOBBS & OTHERS

Date of meeting: 9/14/2016

(*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: _____

Name of Rezoning Agent

Agent's Address

City, State, Zip

Telephone Number Fax Number

E-Mail Address

Patrick Staub Beatriz C Staub
Signature of Property Owner

PATRICK J. STAUB & BEATRIZ C. STAUB
(Name Typed / Printed)

PATRICK J. STAUB & BEATRIZ C. STAUB
Name of Petitioner(s)

16946 ASHTON OAKS DR
Address of Petitioner(s)

CHARLOTTE, NC 28278
City, State, Zip

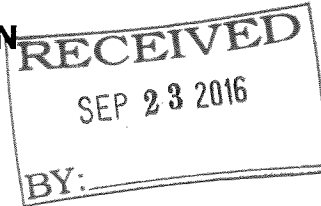
(704)618-4350
Telephone Number Fax Number

pat@patstaub.com
E-Mail Address

Patrick Staub Beatriz C Staub
Signature of Petitioner

PATRICK J. STAUB & BEATRIZ C. STAUB
(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-199

Petition #:	
Date Filed:	9/23/2016
Received By:	Bj

Property Owners: SEE ATTACHMENT A

Owner's Addresses: SEE ATTACHMENT A

Date Properties
Acquired: SEE ATTACHMENT A

Property Addresses: SEE ATTACHMENT A

Tax Parcel Numbers: SEE ATTACHMENT A

Current Land Use: single family/commercial/vacant

Size (Acres): ± 3.02

Existing Zoning: I-2

Proposed Zoning: TOD-M(O)

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

Required Rezoning Pre-Application Meeting* with: Monica Holmes, Sonja Sanders, Mandy Vari and Kory Hendrick

Date of meeting: 8.11.16

(*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 develop the site with a high-quality transit-oriented residential community with ground floor retail and active amenity space that adheres to the recommendations of the Blue Line Extension Plan.

Jeff Brown & Bridget Dixon

Name of Rezoning Agent

Moore & Van Allen, PLLC

100 N. Tryon Street, Suite 4700

Agent's Address

Charlotte, NC 28202

704-331-1144 (JB)

704-378-1925 (JB)

704-331-2379 (BD)

704-378-1973 (BD)

Telephone Number

Fax Number

jeffbrown@mvalaw.com bridgetdixon@mvalaw.com

E-mail Address

SEE ATTACHMENTS B-D

Signature of Property Owner

**MV Residential Development LLC (Attn: Charlie
Rulick)**

Name of Petitioner

6135 Park South Drive, Ste 510

Address of Petitioner

Charlotte, NC 28210

City, State, Zip

980.613.8109

Telephone Number

Fax Number

Charles.rulick@mvg.com

E-mail Address

SEE ATTACHMENT E

Signature of Petitioner

ATTACHMENT A

Parcel	Parcel Owner	Property Address	Acreage	Date Acquired
083-044-08	Ideal Investments & Property Management 1331 Emerald Shores Road Mt. Gilead, NC 27306	501 E 21st Street Charlotte, NC 28206	0.192	5/1/2009
083-044-09	Ideal Investments & Property Management 1331 Emerald Shores Road Mt. Gilead, NC 27307	505 E 21st Street Charlotte, NC 28206	0.214	5/4/2009
083-044-10	Ideal Investments & Property Management 1331 Emerald Shores Road Mt. Gilead, NC 27308	509 E 21st Street Charlotte, NC 28206	0.214	5/1/2009
083-044-15	North Mecklenburg Animal Rescue Inc. 2023 Oakdale Road Old Fort, NC 28762	529 E 21st Street Charlotte, NC 28206	0.166	9/14/2010
083-044-16	North Mecklenburg Animal Rescue Inc. 2023 Oakdale Road Old Fort, NC 28763	533 E 21st Street Charlotte, NC 28206	0.166	9/14/2010
083-044-17	Southeast Lighting Inc. PO Box 790945 Charlotte, NC 28206	520 E 22nd Street Charlotte, NC 28206	2.106	2/2/2000

ATTACHMENT B

**REZONING PETITION NO. [2016-____]
MV Residential Development LLC**

**PETITIONER JOINDER AGREEMENT
Ideal Investments & Property Management**


The undersigned, as the owner of the parcel of land located at

1. 501 E 21st Street, Charlotte, NC that is designated as Tax Parcel No. 083-044-08;
2. 505 E 21st Street, Charlotte, NC that is designated as Tax Parcel No. 083-044-09; and
3. 509 E 21st Street, Charlotte, NC that is designated as Tax Parcel No. 083-044-10

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 I-2 zoning district to the ~~TOD-M10~~ 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 20th day of September, 2016.

Ideal Investments & Property Management

By: 
Name: Mike S. Waples
Title: President

ATTACHMENT C

**REZONING PETITION NO. [2016-____]
MV Residential Development LLC**

**PETITIONER JOINDER AGREEMENT
North Mecklenburg Animal Rescue**

The undersigned, as the owner of the parcel of land located at

1. 529 E 21st Street, Charlotte, NC that is designated as Tax Parcel No. 083-044-15; and
2. 533 E 21st Street, Charlotte, NC that is designated as Tax Parcel No. 083-044-16

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 I-2 zoning district to the ~~TOD-MO~~ 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 _____ day of _____, 2016.

North Mecklenburg Animal Rescue

By: Beth Phillips
Name: Beth Phillips
Title: President

ATTACHMENT D

**REZONING PETITION NO. [2016-____]
MV Residential Development LLC**

**PETITIONER JOINDER AGREEMENT
Southeast Lighting Inc.**

The undersigned, as the owner of the parcel of land located at 520 E 22nd Street, Charlotte, NC that is designated as Tax Parcel No. 083-044-17 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 I-2 zoning district to the ~~TOD-M/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 19 day of SEPT., 2016.

Southeast Lighting Inc.


By: Robert M. Strable
Name: ROBERT M. STRABLE
Title: PRESIDENT

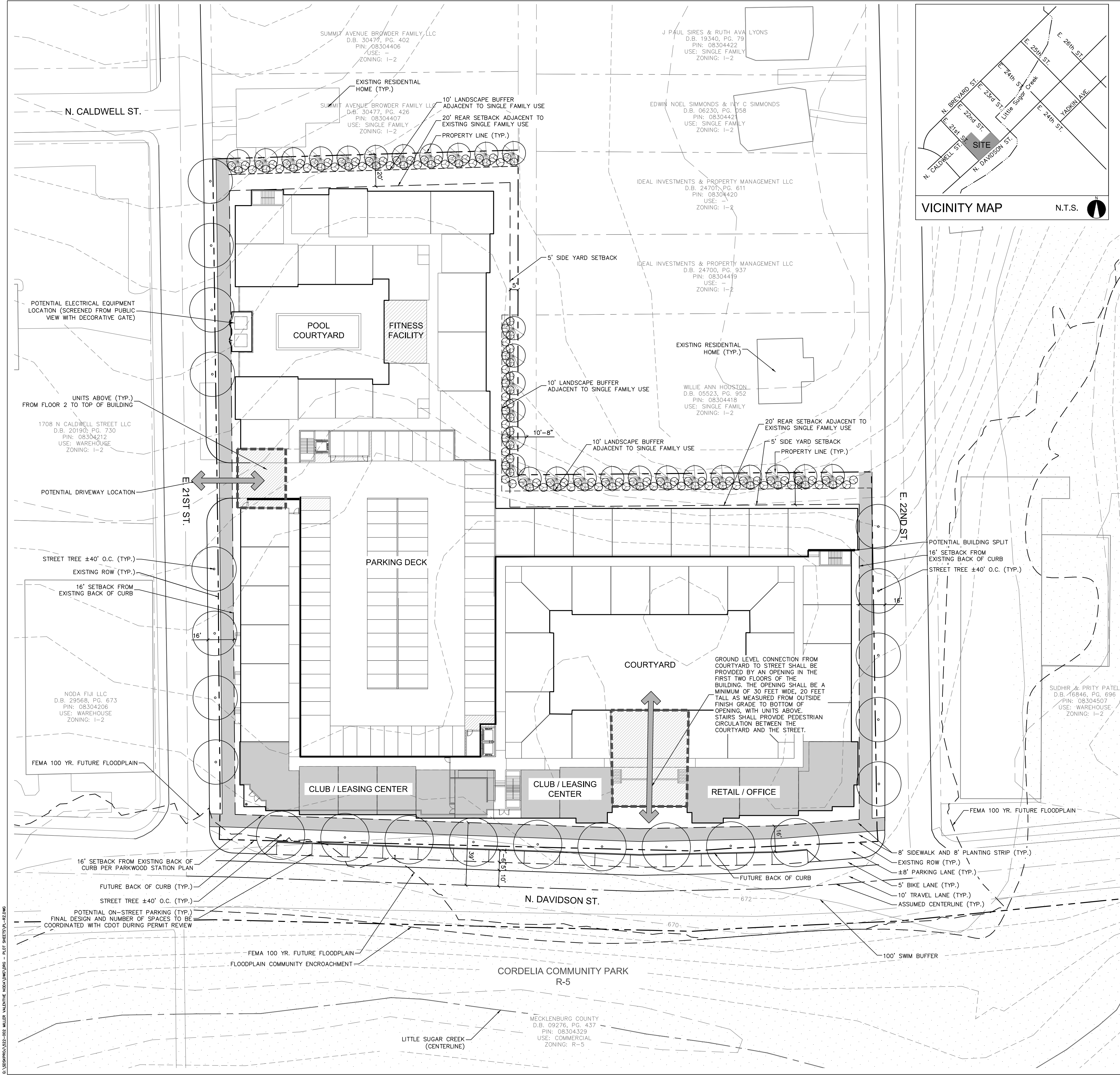
ATTACHMENT E

**REZONING PETITION NO. [2016-]
MV Residential Development LLC**

Petitioner:

MV Residential Development LLC

By: 
Name: Charles A. Kulick, Jr.
Title: vp



SITE DATA

SITE AREA:	+/- 3.058 AC (+/- 133,206 SF)
TAX MAP NO:	08304417, 08304416, 08304415, 08304410, 08304409, 08304408
EXISTING ZONING:	I-2
EXISTING USES:	COMMERCIAL/RESIDENTIAL/VACANT
PROPOSED ZONING:	TOD-M(O)
PROPOSED USES:	THE SITE MAY BE DEVELOPED WITH RESIDENTIAL AND NON-RESIDENTIAL USE TOGETHER WITH ACCESSORY USES AS ALLOWED, IN THE TOD-M ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
MAXIMUM AMOUNT OF DEVELOPMENT:	AS PERMITTED AND ALLOWED BY THE TOD-M ZONING DISTRICT.
MAXIMUM BUILDING HEIGHT:	A MAXIMUM BUILDING HEIGHT OF FIVE (5) STORIES AND UP TO 75 FEET. BUILDING HEIGHT TO BE MEASURED AS REQUIRED BY THE ORDINANCE.
PARKING REQUIRED:	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 MV RESIDENTIAL DEVELOPMENT, LLC ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF TRANSIT SUPPORTIVE USES ON AN APPROXIMATELY 3.058 ACRE SITE LOCATED ON THE NORTHEAST QUADRANT OF THE INTERSECTION OF E. 21ST STREET AND N. DAVIDSON 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 TOD-M ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

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 MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT 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 PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

d. **NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY.** NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE MAY VARY AS ALLOWED BY TOD-M ZONING DISTRICT. 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.**
g. TO ALLOW A MAXIMUM BUILDING HEIGHT OF 75 FEET.

3. **PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:**

a. THE SITE MAY BE DEVELOPED WITH RESIDENTIAL AND NON-RESIDENTIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE TOD-M ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE TOD-M ZONING DISTRICT.

4. **ACCESS AND RIGHT-OF-WAY DEDICATION:**

a. VEHICULAR ACCESS TO THE SITE WILL BE FROM E. 21ST STREET AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. THE LOCATION OF THE DRIVEWAY 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.

c. THE REQUIRED TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE SITE'S FINAL CERTIFICATE OF OCCUPANCY. 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, 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.

5. **STREETSCAPE, LANDSCAPING OPEN SPACE AND SCREENING:**

a. ALONG N. DAVIDSON STREET, E. 21ST STREET AND E. 22ND STREET A MINIMUM OF A 16 FOOT SETBACK AS MEASURED FROM THE FUTURE BACK OF CURB WITH AN 8 FOOT SIDEWALK AND 8 FOOT PLANTING STRIP WILL BE PROVIDED.

b. ON STREET PARKING AND A 5 FOOT BIKE LANE WILL BE PROVIDED ON N. DAVIDSON STREET.

c. THE OPEN SPACE AND COURT YARD AREAS ON THE SITE WILL BE IMPROVED WITH LANDSCAPING, LIGHTING, SEATING AND HARDSCAPE ELEMENTS.

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

6. **ARCHITECTURAL STANDARDS.**

a. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF SOME OF THE FOLLOWING: BRICK, STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTATION SIDING (SUCH AS HARDI-PLANK), STUCCO, EIFS, DECORATIVE METAL PANELS, DECORATIVE BLOCK AND/OR WOOD. VINYL AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, AND ON HANDRAILS/RAILINGS

b. THE GROUND FLOOR RESIDENTIAL UNITS FACING E. 21ST AND E. 22ND STREETS WILL HAVE BUILDING ENTRANCES WITH DIRECT ACCESS TO THESE PUBLIC STREETS.

c. THE GROUND FLOOR SHALL BE TALLER THAN AND ARCHITECTURALLY DIFFERENT THAN UPPER FLOORS WITH MORE TRANSPARENCY THAN UPPER FLOORS, THIS STANDARD WILL ONLY APPLY TO BUILDING WALLS LOCATED ALONG N. DAVIDSON STREET.

d. IN ADDITION TO THE BLANK WALL PROVISIONS OF THE TOD-M ZONING DISTRICT BLANK WALLS SHALL BE TREATED WITH BOTH HORIZONTAL AND VERTICAL VARIATIONS IN WALL PLANES.

e. IF GROUND FLOOR RESIDENTIAL UNITS PRIMARILY FACING 21st STREET, 22nd STREET, AND NORTH DAVIDSON STREET ARE DESIGNED WITH BALCONIES/PATIOS, THESE UNITS SHALL ALSO PROVIDE DIRECT ACCESS TO THE ADJOINING PUBLIC STREET.

7. **ENVIRONMENTAL FEATURES:**

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

b. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

8. **LIGHTING:**

a. ALL NEW DETACHED AND ATTACHED LIGHTING SHALL BE FULL CUT-OFF TYPE INSTALLED FIXTURES EXCLUDING; LOW LANDSCAPE, DECORATIVE, SPECIALTY, AND ACCENT LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, OPEN SPACE/AMENITY AREAS, AND PARKING AREAS.

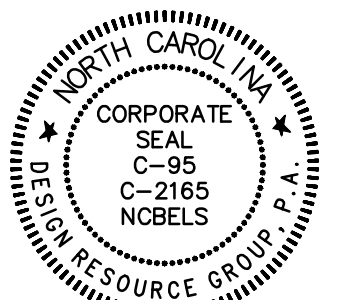
b. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 22 FEET IN HEIGHT.

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



REZONING PETITION
FOR PUBLIC HEARING:
2016-XXX

REZONING DOCUMENTS

MV OPTIMIST PARK
OPTIMIST PARK NEIGHBORHOOD, CHARLOTTE, NC

MV RESIDENTIAL DEVELOPMENT, LLC
9349 WATERSTONE BLVD, SUITE 200
CINCINNATI, OH 45249
980-613-8109

SCHEMATIC
SITE PLAN

15 0 15 30
SCALE: 1" = 30'

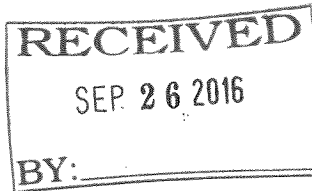
PROJECT #: 522-002
DRAWN BY: SK
CHECKED BY: TH

SEPTEMBER 23, 2016

REVISIONS:



**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-145
Petition #: _____
Date Filed: 9/26/2016
Received By: B+

Complete All Fields (Use additional pages if needed)

Property Owner: Mechanics and Farmers Bank
Owner's Address: 100 S. Murrow Blvd. City, State, Zip: Greensboro, NC 27401
Date Property Acquired: 09/24/2009
Property Address: 3811 Prosperity Church Road Charlotte NC 28269
Tax Parcel Number(s): 02733108
Current Land Use: Day Care Center Size (Acres): 1.18
Existing Zoning: R8MFCD Proposed Zoning: O-1
Overlay: None (Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham
Date of meeting: 08-23-2016

(*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: _____

Dana Check

Name of Rezoning Agent

2315 W Arbors Drive Suite 208B

Agent's Address

Charlotte, NC 28262

City, State, Zip

704-659-5286 ext 106 & 704-706-9256

Telephone Number

Fax Number

closer@bowmanproperties.com

E-Mail Address

Mechanics and Farmers Bank
by: Virginia Carter, SRVP

Signature of Property Owner

Virginia Carter, Sr. VP

(Name Typed / Printed)

Bowman Real Estate, LLC (under contract with seller)

Name of Petitioner(s)

2315 W Arbors Drive Suite 208B

Address of Petitioner(s)

Charlotte, NC 28262

City, State, Zip

704-659-5286 ext 106

Telephone Number

704-706-9256

Fax Number

closer@bowmanproperties.com

E-Mail Address

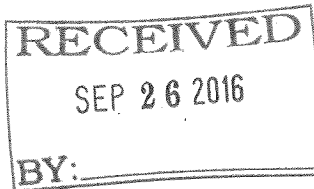
Michael Bowman

Signature of Petitioner

Michael Bowman

(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-196

Petition #:	
Date Filed:	9/26/2016
Received By:	Bf

Complete All Fields (Use additional pages if needed)

Property Owner: Barringer Capital, LLC

Owner's Address: 333 West Trade Street, Suite 370 City, State, Zip: Charlotte, NC 28202

Date Property Acquired: April 28, 2016

Property Address: 232 West Tremont Avenue, 228 West Tremont Avenue and 224 West Tremont Avenue

Tax Parcel Number(s): 121-033-08, 121-033-09 and 121-033-10

Current Land Use: Industrial Size (Acres): +/- .739 acres

Existing Zoning: I-2 Proposed Zoning: TOD-RO

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

Required Rezoning Pre-Application Meeting* with: Solomon Fortune, Katherine Mahoney, Alan Goodwin et al.

Date of meeting: September 14, 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 No Number of years (maximum of 5): N/A

Purpose/description of Conditional Zoning Plan: To accommodate the development of a residential community on the site containing up to 19 single family attached 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 Fax Number

jcarmichael@rbh.com
E-Mail Address

BARRINGER CAPITAL, LLC
By: [Signature]
Signature of Property Owner

(Name Typed / Printed)

Barringer Capital, LLC (c/o David Smith)
Name of Petitioner(s)

333 West Trade Street, Suite 370
Address of Petitioner(s)

Charlotte, NC 28202
City, State, Zip

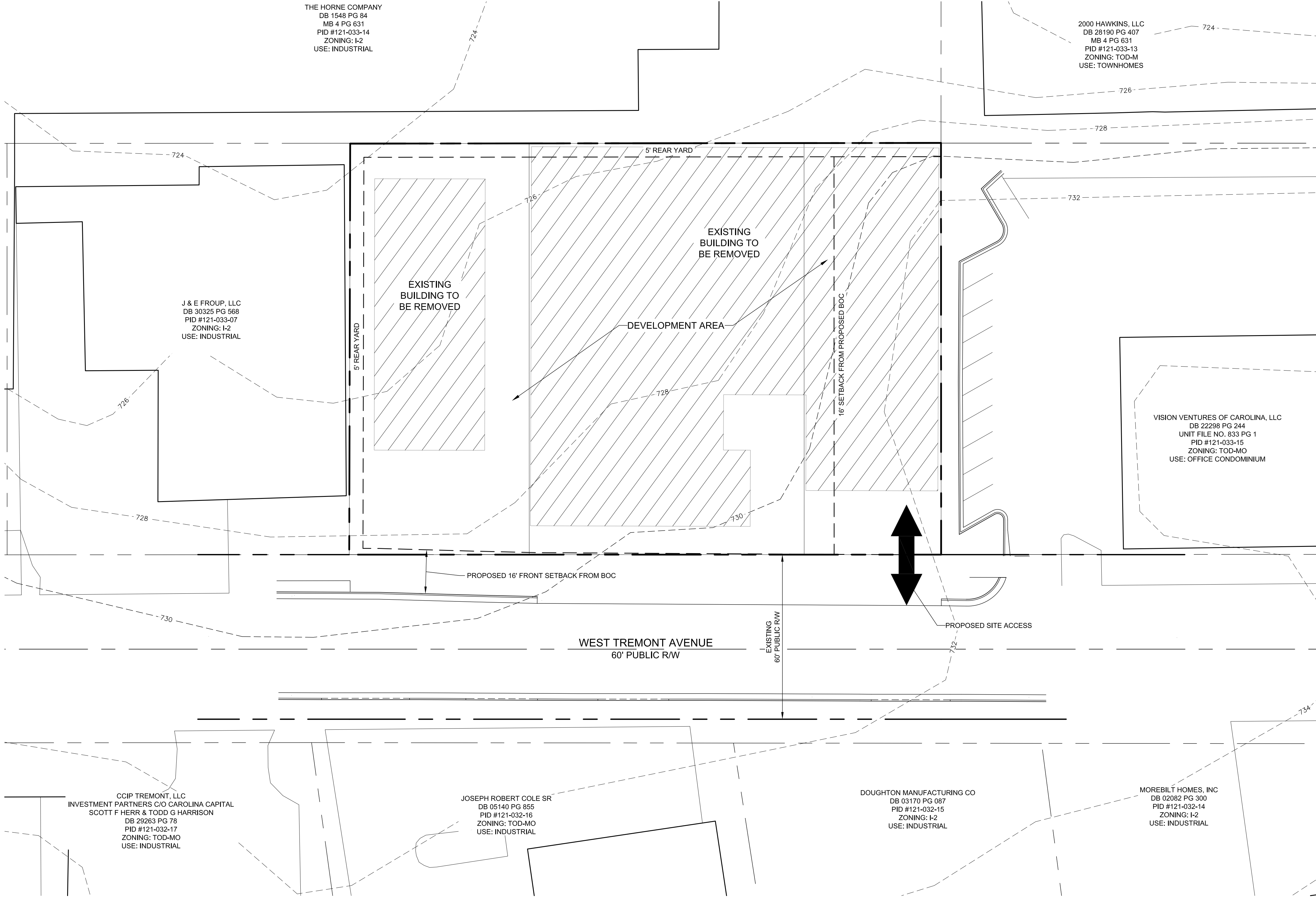
704-964-8845
Telephone Number Fax Number

david.smith.1087@gmail.com
E-Mail Address

BARRINGER CAPITAL, LLC
By: [Signature]
Signature of Petitioner

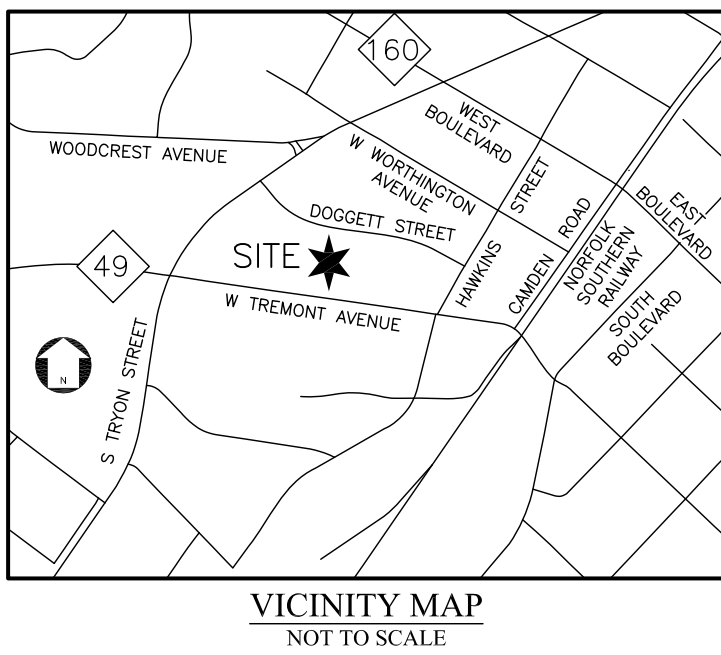
(Name Typed / Printed)

P:\2016 Jobs\16053 - Tremont TH - Barringer\CAD\Sketch Planning\REZONE\16053 RZ Base.dwg
P:\2016 Jobs\16053 - Tremont TH - Barringer\CAD\Sketch Planning\REZONE\16053 RZ Base.dwg



SITE DEVELOPMENT DATA:

ACREAGE:	.74 AC
TAX PARCEL ID:	12103308, 12103309, 12103310
EXISTING ZONING:	I-2
PROPOSED ZONING:	TOD-R
EXISTING USE:	INDUSTRIAL
PROPOSED USE:	FOR SALE SINGLE FAMILY ATTACHED DWELLING UNITS
UNITS PROPOSED:	18 UNITS (SEE OPTIONAL PROVISIONS)
DENSITY PROPOSED:	24.3 UNITS/ AC
FRONT SETBACK:	16' FROM BOC
MIN. SIDE YARD:	N/A; 5' MIN. IF PROVIDED
MIN. REAR YARD:	N/A; 5' MIN. IF PROVIDED
FLOOR AREA RATIO:	(SEE OPTIONAL PROVISIONS)
MAX. PROPOSED BUILDING HEIGHT:	50', 3 STORY PLUS POSSIBLE ROOFTOP TERRACES
PARKING REQUIRED:	MIN. = 1 PER UNIT; MAX. = 1.6 PER UNIT
URBAN OPEN SPACE:	1 SQ. FT./100 SQ. FT. GROSS FLOOR AREA
WATER QUALITY:	UNDERGROUND DETENTION
WASTE MANAGEMENT:	ROLLOUT CONTAINER



DEVELOPMENT STANDARDS:

A. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Barringer Capital, LLC ("Petitioner") to accommodate the development of a residential community on that approximately .739 acre site located on the north side of West Tremont Avenue between South Tryon Street and Hawkins Street, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 121-033-08, 121-033-09 and 121-033-10.
- 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 TOD-R zoning district shall govern the development and use of the Site.
- The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and the 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.
- 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.

B. Permitted Uses

- The Site may be devoted only to a residential community containing a maximum of 18 single family attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the TOR-R zoning district.

C. Optional Provisions

The optional provisions set out below shall apply to the development of the Site.

- The Site shall not be required to meet the minimum residential density and/or the minimum floor area ratio requirements of the TOD-R zoning district.
- The public street to be constructed along the Site's eastern boundary line that shall terminate at the Site's northern boundary line may be constructed in accordance with the cross section depicted on the Rezoning Plan, and the width and location of the right of way to be dedicated to accommodate this public street shall be as depicted on the Rezoning Plan.

D. Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
- As depicted on the Rezoning Plan, the single family attached dwelling units shall be served by an internal private drive, and minor adjustments to the location of the internal private drive shall be allowed during the construction permitting process. The internal private drive may be constructed as a woonerf-style motor court.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may meander to save existing trees.

E. Architectural Standards

The maximum height in stories of the single family attached dwelling units to be located on the Site shall be 3 stories, plus possible rooftop terraces.

- The maximum height in feet of each building containing single family attached dwelling units shall be 50 feet as measured from the average grade at the base of the building.

F. Streetscape

- A minimum 8 foot wide planting strip and a minimum 8 foot wide sidewalk shall be installed along the Site's frontage on West Tremont Avenue as generally depicted on the Rezoning Plan. Notwithstanding the foregoing, the width of the planting strip and the width of the sidewalk may be reduced as required where the sidewalk ties into the existing sidewalk located on the Site's western and eastern boundary lines.

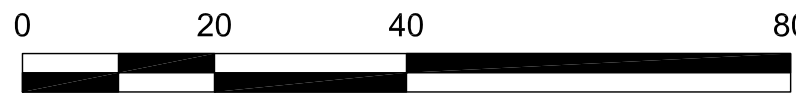
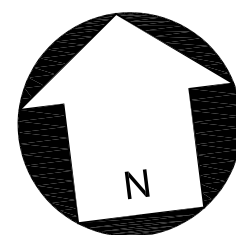
G. Lighting

- All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks and landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 21 feet.
- Any lighting fixtures attached to the buildings to be constructed on the Site shall be decorative, capped and downwardly directed.

H. Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

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



SCALE: 1"=20'

REVISIONS:

No.	Date	By	Description

CORPORATE CERTIFICATIONS
NC PE : C-2930 NC LA : C-253
SC ENG : NO. 3599 SCL A : NO. 211

Project Manager: MDL

Drawn By: DRW

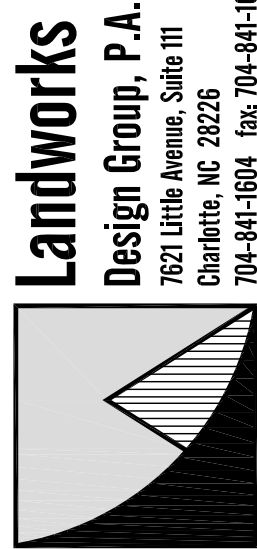
Checked By: MDL

Date: 9/26/16

Project Number: 16053

Sheet Number:

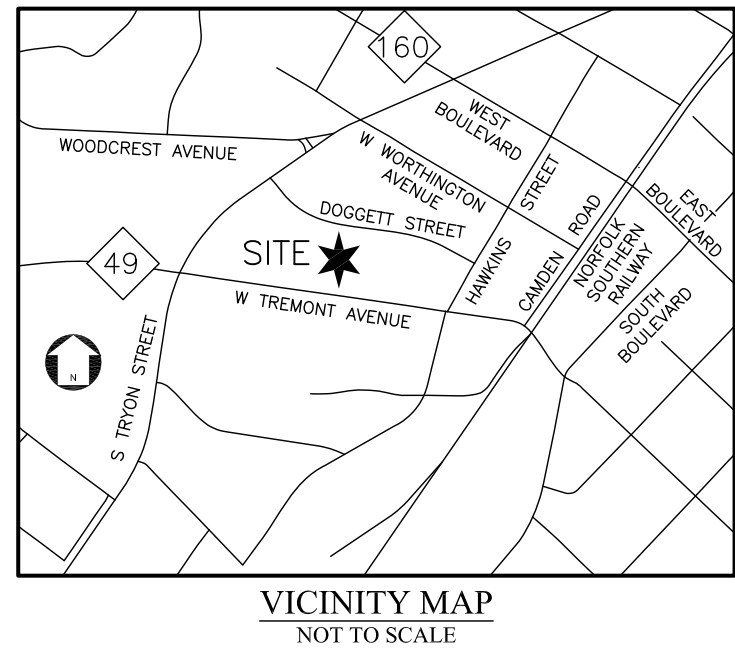
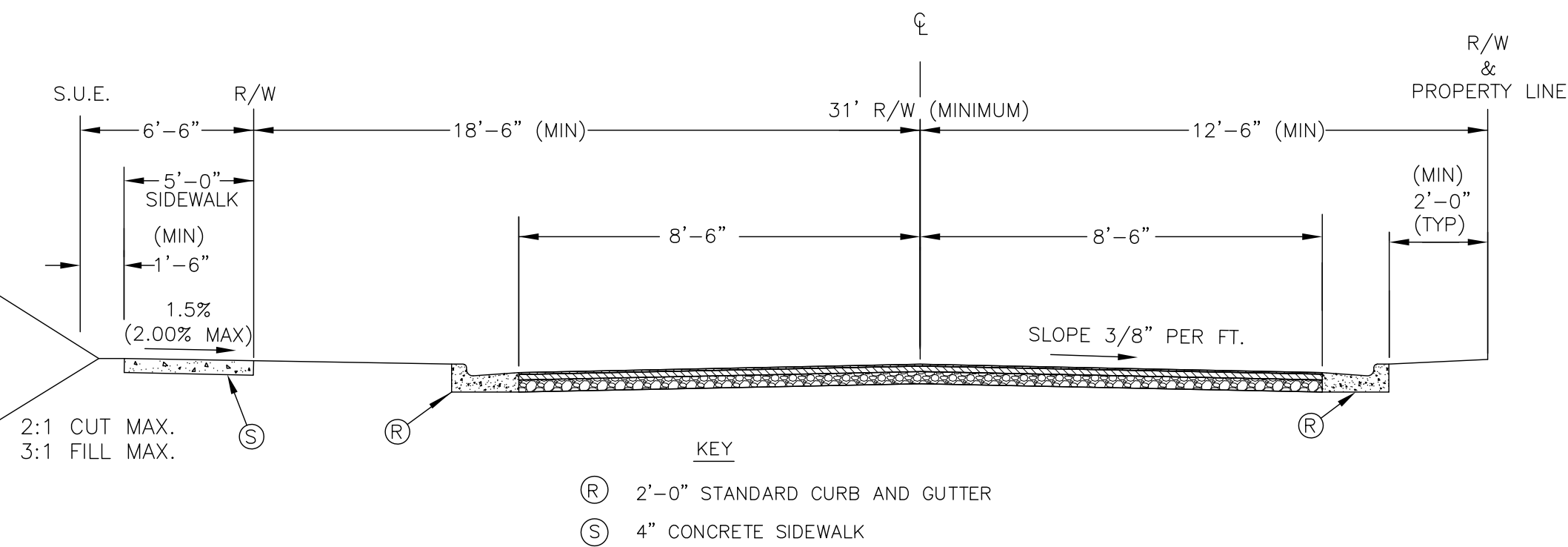
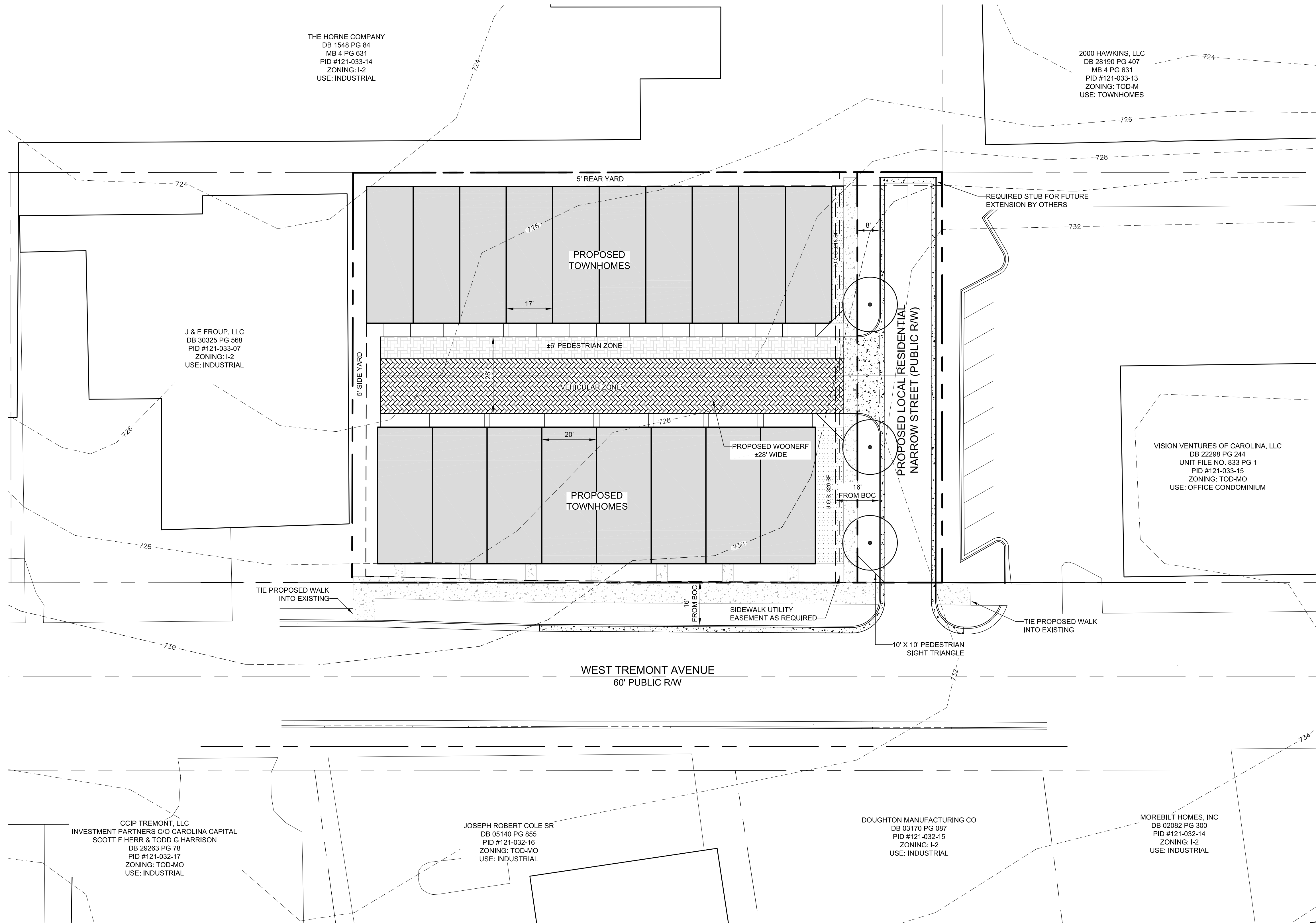
RZ-1
PETITION #: 2016- XX
SHEET # 1 OF 2



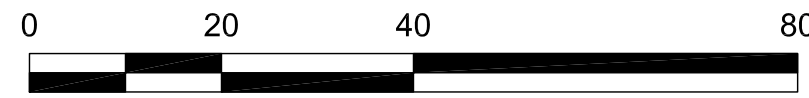
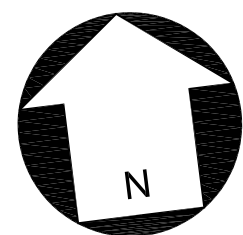
WEST TREMONT TOWNHOMES
BARRINGER CAPITAL, LLC
CHARLOTTE, NC

**TECHNICAL
DATE SHEET**

P:\2016 Jobs\16053 - Tremont TH - Barringer\CAD\Sketch Planning\REZONE\16053 RZ Base.dwg



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



REVISIONS:

No.	Date	By	Description

CORPORATE CERTIFICATIONS
NC PE: C-2930 NC LA: C-253
SC ENG: NO. 3599 SC LA: NO. 211

Project Manager: MDL

Drawn By: DRW

Checked By: MDL

Date: 9/26/16

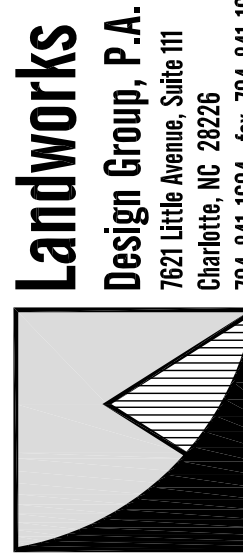
Project Number: 16053

Sheet Number:

RZ-2

PETITION #: 2016- XX

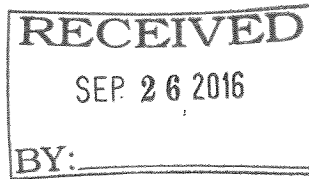
SHEET # 2 OF 2



WEST TREMONT TOWNHOMES
BARRINGER CAPITAL, LLC
CHARLOTTE, NC

CONCEPTUAL
SITE PLAN

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-147

Petition #:	
Date Filed:	9/26/2016
Received By:	BH

Property Owners: (Mallard Creek): Mallard Creek Associates #1, LLC, a North Carolina limited liability company
(Golden): Golden Triangle #3, LLC, a North Carolina limited liability company

Owner's Addresses: (Mallard Creek) c/o Raley Miller Properties, Inc.
10815 Sikes Place, Suite 300, Charlotte, NC 28277
(Golden) 8514 McAlpine Park Drive, Suite 190, Charlotte, NC 28211

Date Properties Acquired: (Mallard Creek): 10/17/05
(Golden): 12/10/14

Property Addresses: (Mallard Creek): 4250 Providence Road and 4140, 4142, 4144, 4146, 4148, 4150, 4202, 4204, 4208, 4212, 4216, 4224, 4220, 4228 Knob Oak Lane
(Golden): 4234 Providence Road

Tax Parcel Numbers: (Mallard Creek): 183-121-10
(Golden): 183-121-14

Current Land Use: Multi family/Retail Size (Acres): ± 10.80

Existing Zoning: MUDD-O Proposed Zoning: MUDD-O SPA

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

Required Rezoning Pre-Application Meeting* with: Laura Harmon, Solomon Fortune, John Kinley, Jason Prescott and Kent Main

Date of meeting: Monday, August 1, 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 amend the site plan to allow additional uses permitted by MUDD and make minimal modifications to residential building height and amenity areas

Jeff Brown & Bridget Dixon

Name of Rezoning Agent

Moore & Van Allen, PLLC
100 N. Tryon Street, Suite 4700

Agent's Address

Charlotte, NC 28202

704-331-1144 (JB) **704-378-1925 (JB)**
704-331-2379 (BD) **704-378-1973 (BD)**

Telephone Number Fax Number

jeffbrown@mvalaw.com bridgetdixon@mvalaw.com

E-mail Address

SEE ATTACHMENT A

Signature of Property Owner

Mallard Creek Associates #1, LLC (Attn: David Miller)

Name of Petitioner

c/o Raley Miller Properties, Inc.
10815 Sikes Place, Suite 300

Address of Petitioner

Charlotte, NC 28277

City, State, Zip

704.321.1000

Telephone Number Fax Number

david@raleymiller.com

E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

ATTACHMENT A

**REZONING PETITION NO. [2016-____]
Mallard Creek Associates #1, LLC**

**PETITIONER JOINDER AGREEMENT
Golden Triangle #3, LLC**

The undersigned, as the owner of the parcel of land located at

1. 4234 Providence Road that is designated as Tax Parcel No. 183-121-14; and

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 MUDD-O zoning district to the MUDD-O SPA 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 26 day of September, 2016.

Golden Triangle #3, LLC

By: 

Name: Daniel Levine

Title: Manager

ATTACHMENT B

**REZONING PETITION NO. [2016-]
Mallard Creek Associates #1, LLC**

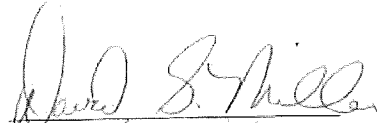
Petitioner:

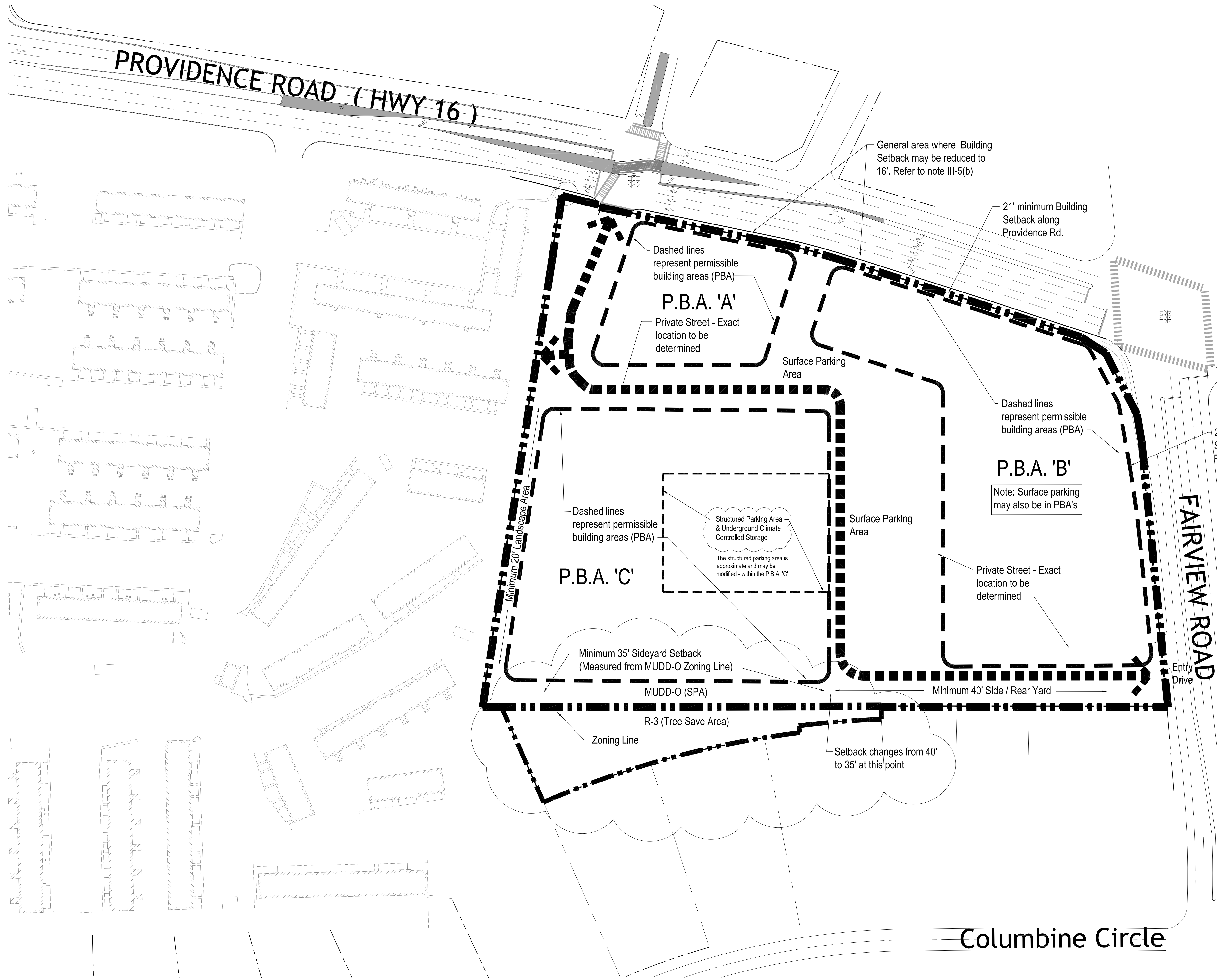
Mallard Creek Associates #1, LLC

By:

Name:

Title:


David S. Miller
CEO



VICINITY PLAN

Site Development Data:

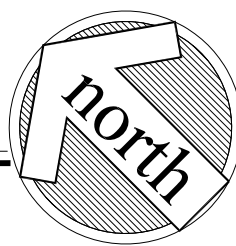
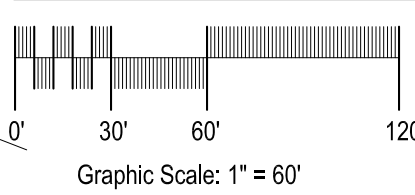
- Acreage: ± 10.80 acres
- Tax Parcel #s: 183-121-10 and 14
- Existing Zoning: MUDD-O
- Proposed Zoning: MUDD-O(SPA)
- Existing Uses: A convenience store and a multi-family complex.
- Proposed Uses: Retail; Eating, Drinking, Entertainment, Establishments (EDEE); Residential Dwelling units; general and medical office uses; warehousing within an enclosed building for self-storage; and Personal Service Uses as permitted by right, under prescribed conditions, and by the Optional provisions below together with accessory uses, as allowed in the MUDD zoning district (as more specifically described and restricted below in Section 3).
- Maximum Gross Square feet of Development: Within Permissible Building Areas A, B and C up to 95,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses and personal service uses; and within Permissible Building Area C up to 201 residential dwellings units and up to 135,000 square feet of gross floor area of underground warehousing within an enclosed building for self-storage as allowed by right and under prescribed conditions in the MUDD zoning district, (subject to the conversion provisions below) provided, however, a loading docks (open or enclosed), outdoor dining areas and surface and structure parking areas shall not be counted toward the allowed gross floor area (floor area as defined by the ordinance) proposed by this rezoning petition.
- Maximum Building Height: Buildings developed principally with residential uses will be limited to a maximum building height of six (6) stories, not to exceed 75 feet; buildings developed principally with non-residential uses will be limited to a maximum building height of two (2) stories, not to exceed 45 feet. The maximum building height of 75 feet for the building located within Permissible Building Area C and abutting the existing single-family lots on Columbine Circle will be measured from a grade elevation of 691 feet above sea level.
- Parking: A minimum of one parking space per 500 square feet of non-residential gross floor area and 1.0 spaces per dwelling unit will be provided. Parking for the warehousing within an enclosed building for self-storage will be provided as required by the Ordinance.



LEVINE PROPERTIES

RALEY & MILLER
PROPERTIES, INC.

Technical Data Sheet



Sheet 1 of 2

Carmel at Providence, CHARLOTTE, NC

HODGES
&
ASSOCIATES
Architecture
PLLC

architecture planning
13642 Omega Dallas, Texas 75244-4514
phone: 972.387-1000 fax: 972.960-1129
www.hodgesusa.com

project no.	drawn	date
07107	KO	09-25-16

SCHEME

Mallard Creek Associates #1, LLC.
Development Standards
09/25/15
Rezoning Petition No. 2016-000

Site Development Data:

- Acreage:** ± 10.80 acres
--**Tax Parcel #s:** 183-121-10 and 14
--**Existing Zoning:** MUDD-O
--**Proposed Zoning:** MUDD-O (SPA)
--**Existing Uses:** A convenience store and a multi-family complex.
--**Proposed Uses:** Retail, Eating, Drinking, Entertainment Establishments (EDEE); Residential Dwelling units; general and medical office uses; warehousing (within an enclosed building for self-storage; and Personal Service Uses as permitted by right, under prescribed conditions; and by the Optional provisions below together with accessory uses, as allowed in the MUDD zoning district (as more specifically described and restricted below in Section 3).
--**Maximum Gross Square feet of Development:** Within Permissible Building Areas A, B and C up to 95,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses and personal service uses; and within Permissible Building Area C up to 201 residential dwellings units (and up to 135,000 square feet of gross floor area of underground warehousing within an enclosed building for self-storage as allowed by right and under prescribed conditions in the MUDD zoning district; (subject to the conversion provisions below) provided; however, a loading docks (open or enclosed), outdoor dining areas and surface and structure parking areas shall not be counted toward the allowed gross floor area (floor area as defined by the ordinance) proposed by this rezoning petition.
--**Maximum Building Height:** Buildings developed principally with residential uses will be limited to a maximum building height of six (6) stories, not to exceed 75 feet; buildings developed principally with non-residential uses will be limited to a maximum building height of two (2) stories; not to exceed 45 feet. The maximum building height of 75 feet for the building located within Permissible Building Area C and abutting the existing single-family lots on Columbine Circle will be measured from a grade elevation of 691 feet above sea level.
--**Parking:** A minimum of one parking space per 500 square feet of non-residential gross floor area and 1.0 spaces per dwelling unit will be provided. Parking for the warehousing within an enclosed building for self-storage will be provided as required by the Ordinance.

1. General Provisions:

a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-1 and RZ-2 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Mallard Creek Associates #1, LLC. ("Petitioner") to accommodate the development of a high quality retail uses; Eating, Drinking Entertainment Establishments; Residential Dwellings units; General and Medical office uses; and underground self-storage facility, and Personal Service uses on an approximately 10.80 acre site located on the northeast quadrant of the intersection of Providence Road and Fairview 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 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:

- 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,
- 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 five (5), and may be located on the Site as follows: one (1) building may be located within each Permissible Building Area A and C, and up to three (3) buildings may be located within Permissible Building Area B. 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 wall signs to have up to 220 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.

b. To allow one detached ground mounted sign per street front with a maximum height of 20 feet and containing up to 150 square feet of sign area.

c. To allow, free-standing single-use buildings, to have a detached sign up to four (4) feet high with up to 32 square feet of sign area.

d. To allow up to two uses with accessory drive-through windows in the configuration and with vehicular storage as generally depicted on Sheet SP-2 of the Rezoning Plan. The allowed accessory windows will be designed so that they do not circulate between the proposed building and Providence Road and Fairview Road, and in addition within Permissible Building Area A between the building and the private street as generally depicted on the Rezoning Plan. An EDEE with an accessory drive-through window will not be allowed.

e. To not require doorways to be recessed into the face of the building(s) when the width of the sidewalk is at least 10 feet and to not required doorways to be recessed when sliding glass doors are used to provide access.

f. To not require surface and structure parking areas, outdoor dining areas, and loading dock areas (open or enclosed) to be counted as part of the allow Gross Floor Area (floor area as defined by the ordinance) for the Site.

g. To allow parking between the buildings in Permissible Building Areas A and B and Providence Road as generally depicted on the Rezoning Plan.

h. To allow windows and window boxes located on the building within Permissible Building Area A that face Providence Road to have graphic images (not signs) applied to 100% of the glazing of the window or window box. These windows and graphic images may be used to meet the Street Wall requirements of the Ordinance and will be generally located at the ground floor level of the building to help enhance the pedestrian environment at the base of the building. This optional provision does not prohibit the installation of Window Signs as allowed by Ordinance as part of the images applied to the windows or window boxes.

i. To allow windows and window boxes located on the larger of the two buildings within Permissible Building Area B that face Providence Road, and Fairview Road to have graphic images (not signs) applied to 50% of the glazing of the window or window box. These windows and graphic images may be used to meet the Street Wall requirements of the Ordinance and will be generally located at the ground floor level of the building to help enhance the pedestrian environment at the base of the building. This optional provision does not prohibit the installation of Window Signs as allowed by Ordinance as part of the images applied to the windows or window boxes.

j. To allow windows and window boxes located on the smaller of the two buildings within Permissible Building Area B that faces Providence Road to have graphic images (not signs) applied to 50% of the glazing of the window or window box. These windows and graphic images may be used to meet the Street Wall requirements of the Ordinance and will be generally located at the ground floor level of the building to help enhance the pedestrian environment at the base of the building. This optional provision does not prohibit the installation of Window Signs as allowed by Ordinance as part of the images applied to the windows or window boxes.

k. The optional provision to allow the retail and multi-family uses located above the underground climate controlled self-storage facility to meet the requirements for active ground floor uses.

l. The optional provision to not require entrances to the underground self-storage facility from each of the abutting private streets.

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. For ease of reference, the Rezoning Plan sets forth three (3) Permissible Building Areas as generally depicted on the Technical Data Sheet as Permissible Building Areas A, B, and C (each a "Permissible Building Area" and collectively the "Permissible Building Areas").

b. Subject to the restrictions, limitations, and conversion rights listed below, the principal buildings constructed on the Site and located within Permissible Building Area A, B, and C may be developed with up to 95,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, and personal service uses; and within Permissible Building Area C up to 201 residential dwellings units; and 135,000 square feet of gross floor area of (underground warehousing within and enclosed building for self-storage facility as permitted by right, under prescribed conditions and per the Optional provisions above together with accessory uses allowed in the MUDD-O zoning district

Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spa's, Yoga and exercise studios, nail salons, massage shops, martial art training studios, dry cleaning establishments, locksmiths, and alike.

c. Up to 30 additional dwelling units may be developed within the Permissible Building Area C by converting allowed non-residential square footage at the rate of 200 square feet of non-residential square footage for each additional dwelling unit added up to a maximum of 30 units or 6,000 square feet of non-residential floor area.

d. Approximately 150 linear feet of the ground floor of the building constructed within Permissible Building Area C must contain non-residential uses (not including accessory non-residential uses associated with the proposed residential units). These non-residential uses will be oriented toward the internal private street as generally depicted on the Rezoning Plan.

e. Up to two (2) uses with an accessory drive through window will be permitted on the Site. The two (2) uses allowed to have an accessory drive through window may by general retail uses or office uses such as but not limited to a grocery store, a drug store or a financial institution. One of the allowed accessory drive through windows will be utilized by the proposed grocery store as a grocery pick, pharmacy pick up, and home delivery pick up as generally depicted on the Rezoning Plan.

f. The following uses will not be allowed; gasoline service stations with or without a convenience store; and EDEE (restaurants) with accessory drive-through windows.

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).

4. Transportation Improvements and Access:

I. Proposed Improvements:

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

The following Transportation Improvements are also illustrated on figure 17 located on Sheet SP-4 of the Rezoning Plan. Figure 17 on Sheet SP-4 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 17 on Sheet SP-4 for the proposed improvement).

The following roadway improvements will be made by the Petitioner as part of the redevelopment of the Site as proposed by the Rezoning Plan:

a. Providence Road (NC 16) & Fairview Road/Sardis Road (signalized)

- Extend the two existing southbound left turn lanes on Providence Road from 275 feet each to a total of approximately 900 feet. This will modify the two-way left-turn lane located north of the existing southbound left turn lanes to a directional crossover (see intersection #7).
- Extend the existing southbound right turn lane on Providence Road from 475 feet to the north property line

b. Sardis Road & Randolph Road (signalized) (intersection # 2 on figure 17 on Sheet SP-4).

- Modify the lane markings on the southbound combined left-thru lane on Randolph Road to a combined left-thru-right lane (this improvement is subject to further review and approval by CDOT).
- Install pedestrian amenities such as crosswalk, pedestrian signal heads and pushbuttons on the east leg of the intersection across Sardis Road.

c. Providence Road (NC 16) & Access 'A'/Future Street (signalized x-over; intersection #7 on figure 17 on Sheet SP-4).

- Construct a full directional crossover with 150 feet of storage and a 100-foot bay taper for the northbound left turn movement (utilizing the existing two-way left-turn lane) and extend the 130 feet of storage to 250 feet of storage with appropriate bay taper for the southbound left turn movement.
- Extend the existing raised median on Providence Road from Fairview Road/Sardis Road that currently terminates prior to Old Sardis Road (located on the east side of Providence Road) to Access 'A'/Future Street (a length of approximately 290 feet). This will convert the intersection of Providence Road & Old Sardis Road and two driveways for the existing gas station located on the east side of Providence Road from full movement to right-in/right-out only while improving overall access management.
 - The median for the directional crossover will eliminate exiting left and thru movements from Access 'A' and the Future Street located on the east side of Providence Road.
- Install a traffic signal with protected signal phasing for the northbound/southbound left turns from Providence Road to Access 'A' and Future Street.
- Install pedestrian amenities such as crosswalk, pedestrian signal heads and pushbuttons on four legs of the intersection.
- All traffic signal equipment, etc. for the intersection, which will need to follow CDOT/NCDOT's standard protocol, which includes a signal plan, plan review, and all construction costs will be the responsibility of the developer.
- Since the traffic signals on Providence Road are in a coordinated signal system, this new traffic signal will need to tie into the adjacent intersections on Providence Road (Fairview Road/Sardis Road and Sharon Amity Road/Sharon Lane) through the existing cable configuration. In addition, coordinated signal timings (as part of the signal plan) will need to be provided to ensure the intersections retain their synchronization with one another.

d. Fairview Road & Proposed Right-In/Right-Out Only Access "B" (unsignalized)

- The Proposed Right-In/Right-Out Only Access "B" should include one ingress lane and one egress lane that terminates as a right turn exit lane. A raised median currently in place on Fairview Road will restrict left entering and left exiting movements.

II. Standards, Phasing and Other Provisions.

a. **CDOT/NCDOT 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 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.III.b. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.III.a. 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 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 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 roadway 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 provided (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition. The proposed signalized directional cross-over along Providence Road may not be replaced with other improvements.

III. Access:

a. Access to the Site will be from Providence Road and Fairview Road as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The Petitioner as part of the development of Site will construct a Private Street through the Site from the access point on Providence Road to the access point on Fairview Road as generally depicted on the Rezoning Plan. The Private Street will also provide access to the adjoining property located along the Site's northern boundary. 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 open to the public between Providence Road and Fairview Road. 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 except as provided for in section 5.f below.

5. Streetscape, Buffer, Landscaping Open Space and Screening:

a. A 25 foot setback as measured from the existing back of curb along Fairview Road will be provided, as measured from the existing back of curb along Fairview Road will be provided all as generally depicted on the Rezoning Plan. Detached signs will be allowed within the 25 foot setback established along Fairview Road.

b. A 21 foot setback, reduced to 16 feet for a limited area (approximately 135 feet), as measured from the existing or future back of curb along Providence Road will be provided all as generally depicted on the Rezoning Plan. Detached signs, and a low masonry wall used to screen the parking areas will be allowed within the 21 and/or 16 foot setback established along Providence Road. The 21 foot setback provided along Providence Road may be reduced to 16 feet between the building located in Permissible Building Area A and the building in Permissible Building B that directly front on Providence Road; the reduction of the setback may occur for approximately 135 linear feet.

c. The Street Wall of the building constructed within Permissible Building Area B abutting Fairview Road will be treated with a combination of the following features: (i) windows with applied graphics images; (ii) internally illuminated window boxes with applied graphics images; (iii) vertical elements such as art work and/or decorative garden and landscape elements; (iv) decorative lighting elements; and (v) heavy landscaped areas composed of a combination of large and small maturing evergreen and deciduous trees, evergreen and deciduous shrubs and seasonal color as generally depicted on Sheet EL-4 of the Rezoning Plans.

d. A low masonry wall (3.0 feet high) will be used to screen the parking located along Providence Road as generally depicted on the Rezoning Plan. This low wall will be constructed of masonry materials that match the masonry materials used on the retail buildings.

e. An eight (8) foot planting strip and a minimum six (6) foot sidewalk will be provided along Providence Road and Fairview Road within the required setbacks as generally depicted on the Rezoning Plan.

f. An internal network of sidewalks (minimum of six (6) feet wide) will be provided on the interior of the Site linking each of the buildings and urban open space area on the Site. Where crosswalks are required to link the proposed sidewalk network to the proposed uses on the Site the crosswalks will be designed with either pavers or stamped asphalt to help create a clear pedestrian path to the buildings within the Site.

g. Along the portion of the private street that provides access to the Site from Fairview Road; the proposed six (6) foot sidewalk and a five (5) foot planting strip may be located on either side of the private street as long the width of the sidewalk is maintained and the sidewalk is separated by a five (5) foot planting strip from the private street.

h. A 35 foot side setback as measured from the MUDD-O zoning line will be provided were the Site abuts the existing single-family homes on Columbine Circle; a portion of this side setback may be used for required fire truck access as generally depicted on the Rezoning Plan. This side setback will be landscaped with a mix of large maturing evergreen and deciduous trees, and shrubs. The large maturing trees (evergreen or deciduous) planted in this side/rear yard will be a minimum of 10 to 12 feet tall at installation.

i. A solid eight (8) foot brick wall will be provided along the western property line adjacent to the homes on Columbine Circle as generally depicted on the (Rezoning Plan (the location of the wall will not follow the MUDD-O zoning line but will follow the new property line). The location of this wall may vary along this property line to save existing trees. The height of the proposed wall will be measured on the outside of the wall (i.e. from the adjoining property owners' side of the wall).

j. A 20 foot landscape area will be provided along the north property line adjacent to the Pinehurst Apartments. This landscape area will contain a variety of trees and shrubs, except in the portions of the landscape area required to be used to provide fire access to the building as generally depicted on the Rezoning Plan.

k. Utilities may cross required buffers at angles no greater than 75 degrees.

l. The possible location of some of the proposed Urban Open Space is generally depicted on the Rezoning Plan.

m. The urban open space area located at the corner of Providence Road and Fairview Road will be improved with seating areas, landscaping and hardscape improvements.

n. A minimum of 10,000 square feet of urban open space will be provided on the Site. This urban open space area will be improved with landscaping, seating and hardscape areas. The urban open space areas will not include, private outdoor dining areas, areas located in buffers or the building setbacks/yards as generally indicated on the Rezoning Plan.

o. Outdoor dining areas may be provided along the internal private street, adjacent to the proposed buildings, in the urban open space and open space areas provided on the Site. The location and size of outdoor dining areas will be determined during the urban review process for the Site.

p. Meter banks will be screened where visible from public view at grade level.

q. 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. The use of decorative block will be limited to a maximum of 25% of any building elevation.

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. The use of colors (red hues) that are typically associated with brick materials on the attached elevations does not imply that the material illustrated is a brick material).

c. The building elevations of the western and northern facades of the building proposed to be constructed within Permissible Building Area C will be similar to the building elevations provided on Sheet EL-3 with the exception that the first floor level will have either residential units or parking within a parking structure (i.e. not non-residential store fronts).

d. The buildings constructed on the Site will be constructed so at least 40% of the exterior building facades of each building constructed on the Site, exclusive of windows, doors, and roofs, will be constructed utilizing the following materials: brick, stone, precast stone, precast concrete, synthetic stone, and decorative block.

e. Building Street Walls will meet or exceed the MUDD requirements for blank walls. The attached building elevations are representative of the Street Wall treatments proposed along Providence Road and Fairview Road as well as along the Site's internal private street. These building elevations reflect combinations of materials, material changes, building off-sets and window boxes that will be used to meet or exceed the MUDD requirements for street walls.

f. Within Permissible Building Area C the ground floor retail uses developed along the internal private street will be designed and constructed with variety of architectural treatments to create a variety of store front appearances as generally depicted on Sheet EL-3 of the Rezoning Plan.

g. Within Permissible Building Area B surface parking areas and maneuvering for parking will not be allowed to occur between the proposed buildings and Providence Road and Fairview Road.

h. Within Permissible Building Area A surface parking areas will not be allowed to occur between the building constructed within Permissible Building Area A and Providence Road.

i. The building constructed within Permissible Building Area C will be designed so the portion of building oriented toward the western property line will have at least one (1) open space/amenity court yard that breaks up the building mass as generally depicted on the Rezoning Plan.

j. One of the proposed open space/amenity court yards located along the western property boundary of the building constructed within Permissible Building Area C may be located above one-level of parking as generally depicted on the Rezoning Plan.

k. Other than angled (including ninety-degree parking), or parallel parking along the internal private street, surface parking areas will not be allowed within Permissible Building Area C.

l. Each operable pedestrian entrance (defined as an entrance design to provide customers access to the proposed non-residential uses) will be designed to be clearly identifiable and prominent elements within the building facades in which they are located.

m. The proposed building located within Permissible Building Area B with frontage on Fairview Road will have an operable pedestrian entrance from the building to the urban open space area located at the intersection of Providence Road and Fairview Road.

n. The proposed building/service area of the proposed building located within Permissible Building Area B adjacent to the internal private street and along the western property boundary will be screened from the internal private street with either; a wall a minimum of eight (8) feet tall, or tall evergreen landscaping, or a combination of a wall and landscaping as generally depicted on the Rezoning Plan. The design of the wall, if used, will include openings or other design features so that the upper two (2) feet of the wall is not solid.

o. The Petitioner will provide along the internal private street landscaping and landscape structures such as but not limited to; trellises, pergolas, sculptures, benches, decorative fountains, or other similar features, to define, separate, and enhance the pedestrian zone along the internal private street as generally depicted on the Rezoning Plan. The intent of these site elements is to create a separation, between the sidewalks along the private street, and adjoining surface parking areas. The use of landscape hedge alone to create this separation will not be allowed.

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 25 feet in height.

10. CATS Relocated Bus Stop and Concrete Bus Passenger Waiting Pad.

a. The Petitioner will relocate the existing CATs bus stop along the Site frontage on Providence Road. The new location will be determined during the building permit process for the Site, however, the Petitioner will work with CATs to locate the stop in close proximity to the proposed pedestrian refuge island that will be constructed within Providence Road. The Petitioner will construct a concrete bus passenger waiting pad per CLDSM std. 60.01B as part of the relocated bus stop.

11. 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.

12. 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.



LEVINE PROPERTIES

RALEY I MILLER
PROPERTIES, INC.

Technical Data Sheet

Carmel at Providence, CHARLOTTE, NC

HODGES & ASSOCIATES
Architecture PLLC

architecture planning
13642 Omega Dallas, Texas 75244-4514
phone: 972.387-1000 fax: 972.960-1129
www.hodgesusa.com

project no.	drawn	date
07107	KO	09-25-16

SCHEME

Sheet 2 of 2



VICINITY PLAN


LEVINE PROPERTIES

RALEY I MILLER
PROPERTIES, INC.

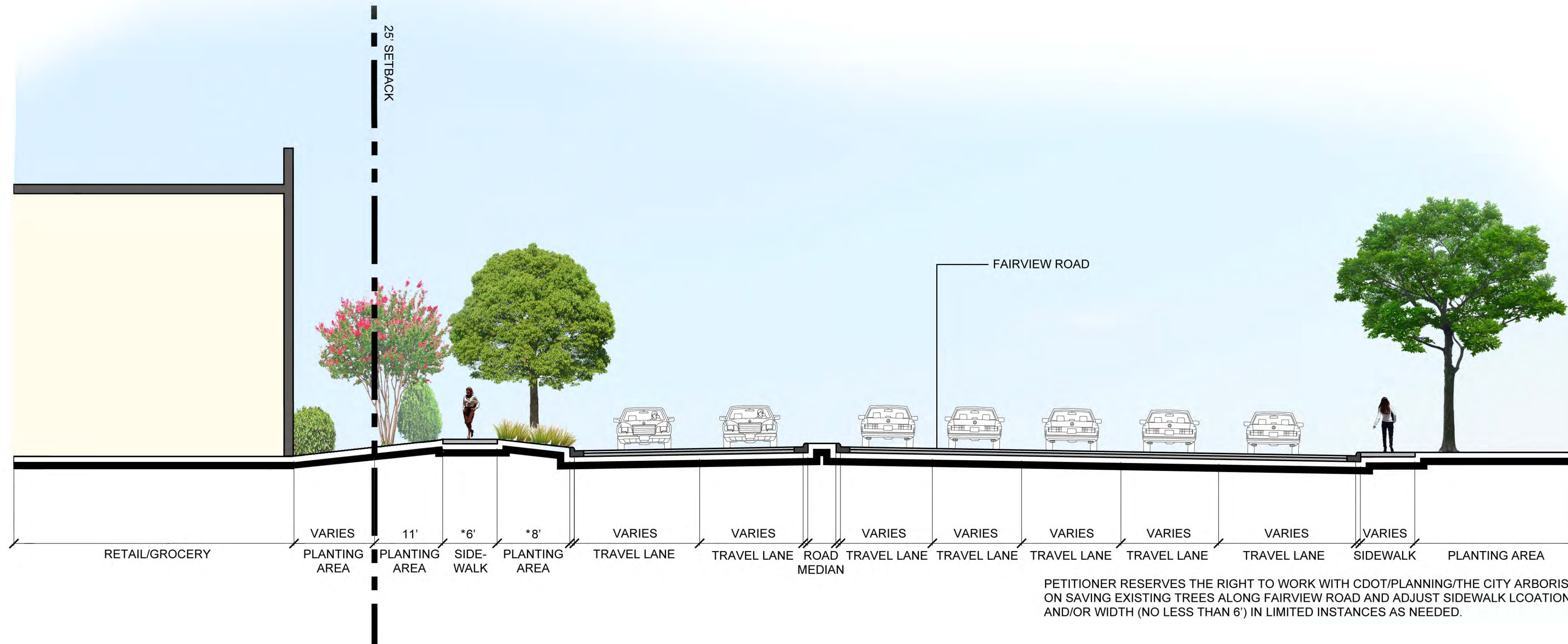
Schematic Site Plan




Graphic Scale: 1" = 60'

Carmel at Providence, CHARLOTTE, NC

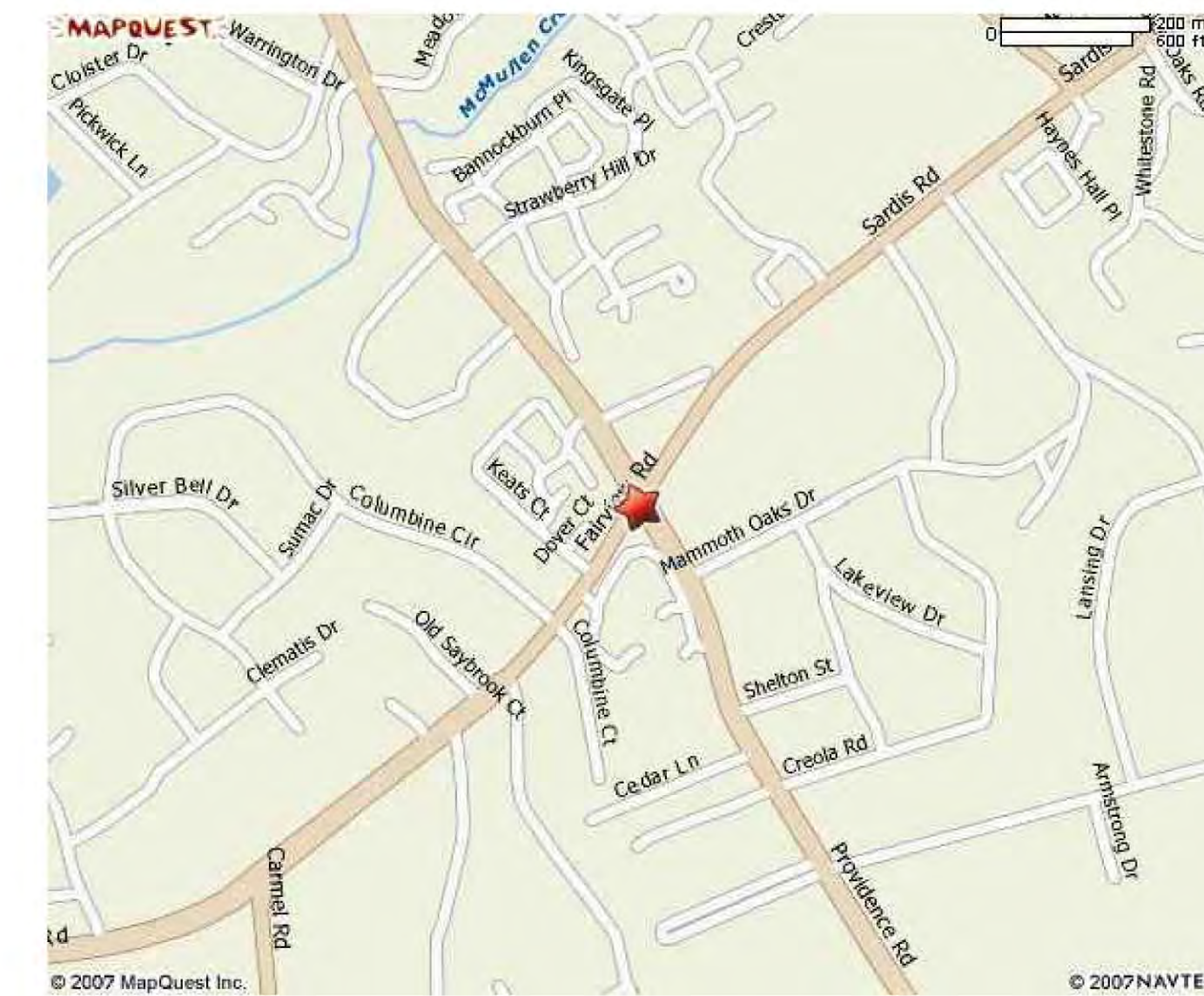
HODGES & ASSOCIATES ARCHITECTURE PLANNING P.L.L.C.	architecture planning	project no.	drawn	date	SCHEME SP-1
	13642 Omega Dallas, Texas 75244-4514	07107	GSD	9-21-16	
	phone: 972 387-1000 fax: 972 960-1129				
	www.hodgesusa.com				



SECTION A 1/8"=1'



SECTION B 1/8"=1'



VICINITY PLAN



LEVINE PROPERTIES

RALEY I MILLER
PROPERTIES, INC.

Schematic Sections



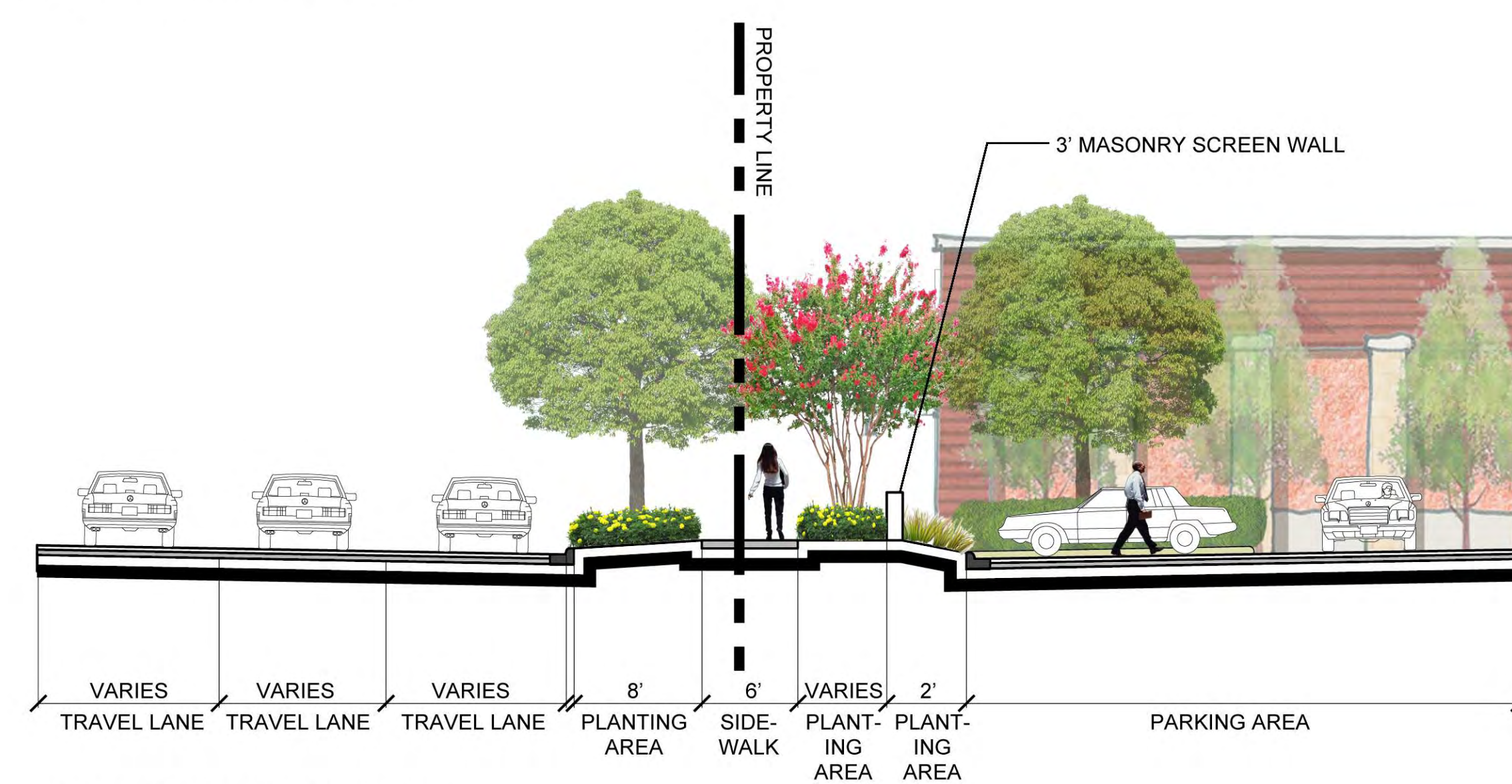
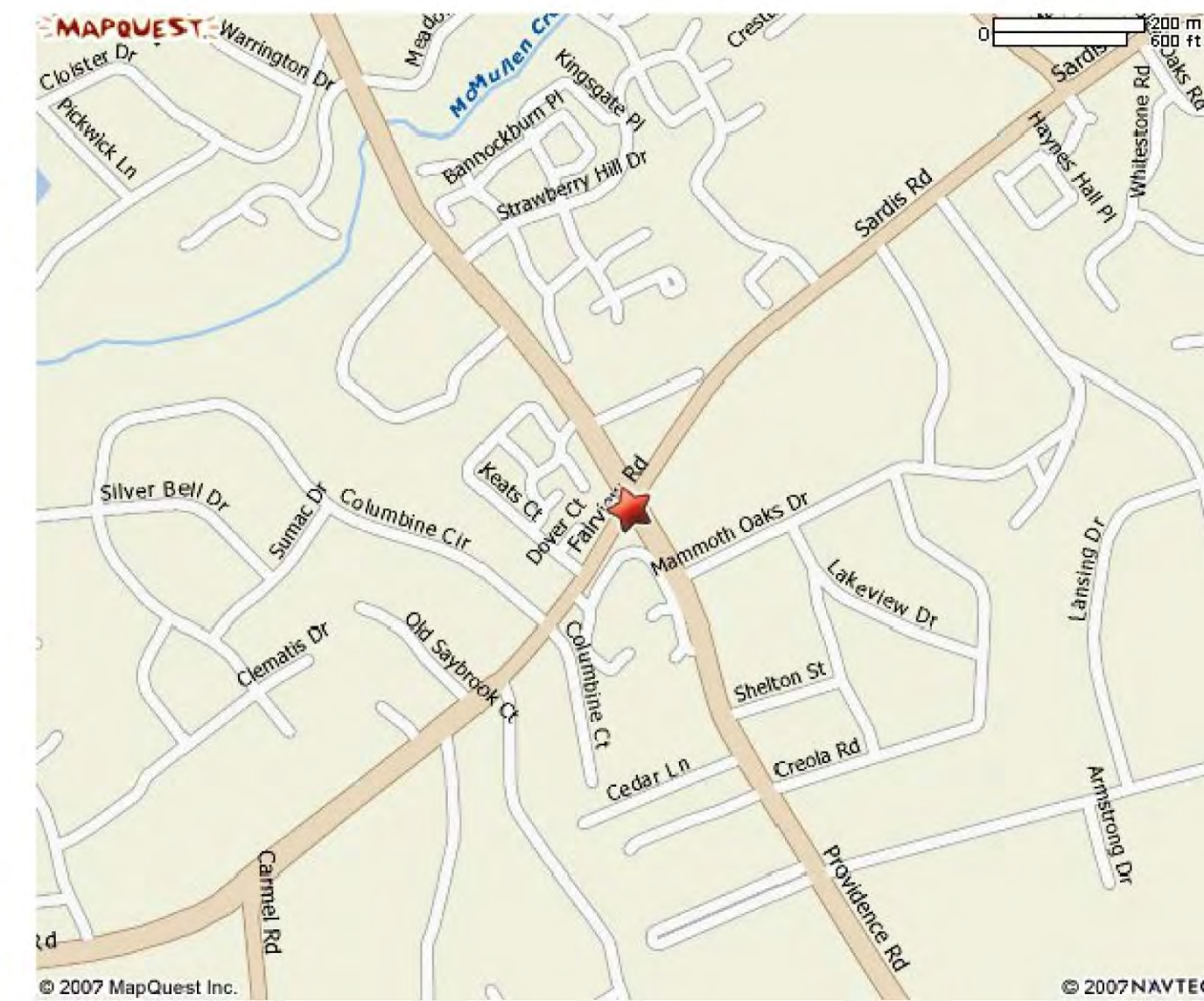
Carmel at Providence, CHARLOTTE, NC



architecture planning
13642 Omega Dallas, Texas 75244-4514
phone: 972 387-1000 fax: 972 960-1129
www.hodgesusa.com

project no.	drawn	date
07107	WX	10-13-15

SCHEME
SP-2




LEVINE PROPERTIES
RALEY I MILLER
 PROPERTIES, INC.

Schematic Sections

Carmel at Providence, CHARLOTTE, NC

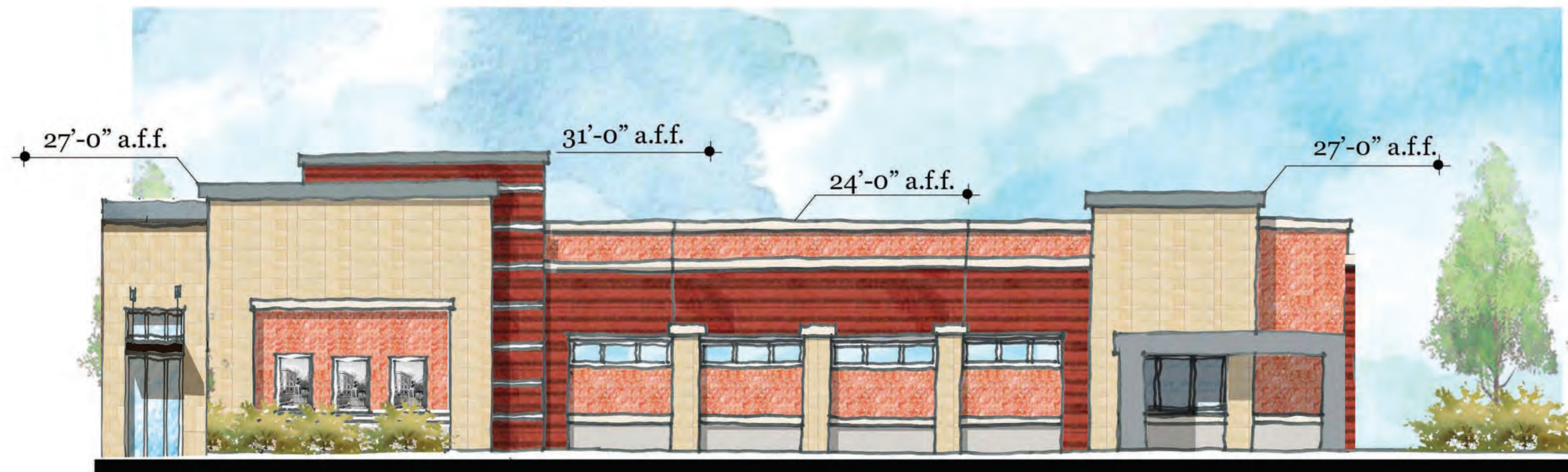
HODGES & ASSOCIATES architecture planning
 13642 Omega Dallas, Texas 75244-4514
 phone: 972 387-1000 fax: 972 960-1129
 www.hodgesusa.com

project no.	drawn	date
07107	DW	8-19-16

SCHEME
SP-3



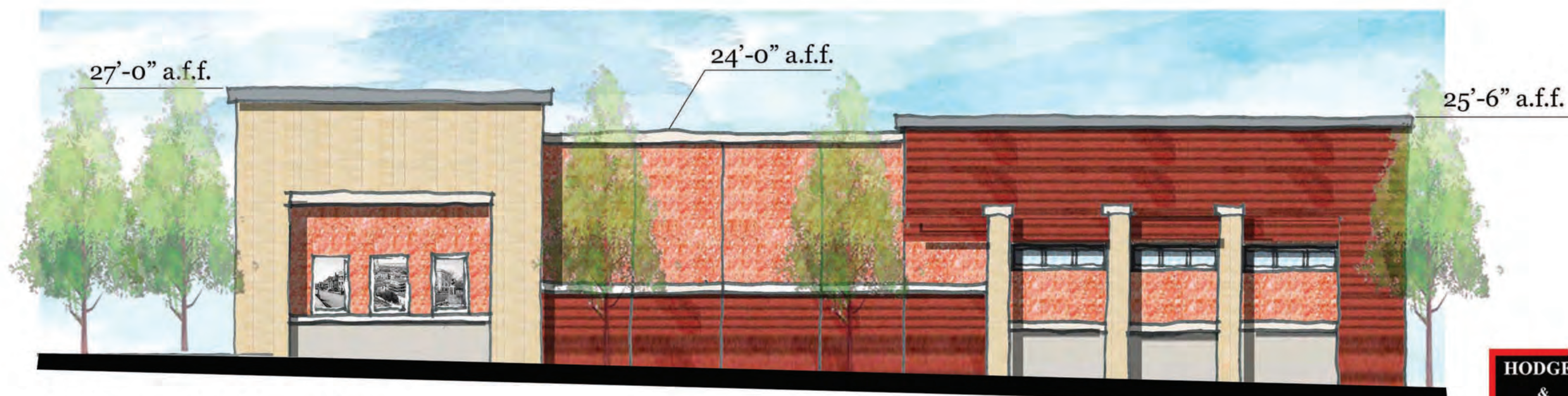
01 West Elevation



02 South Elevation

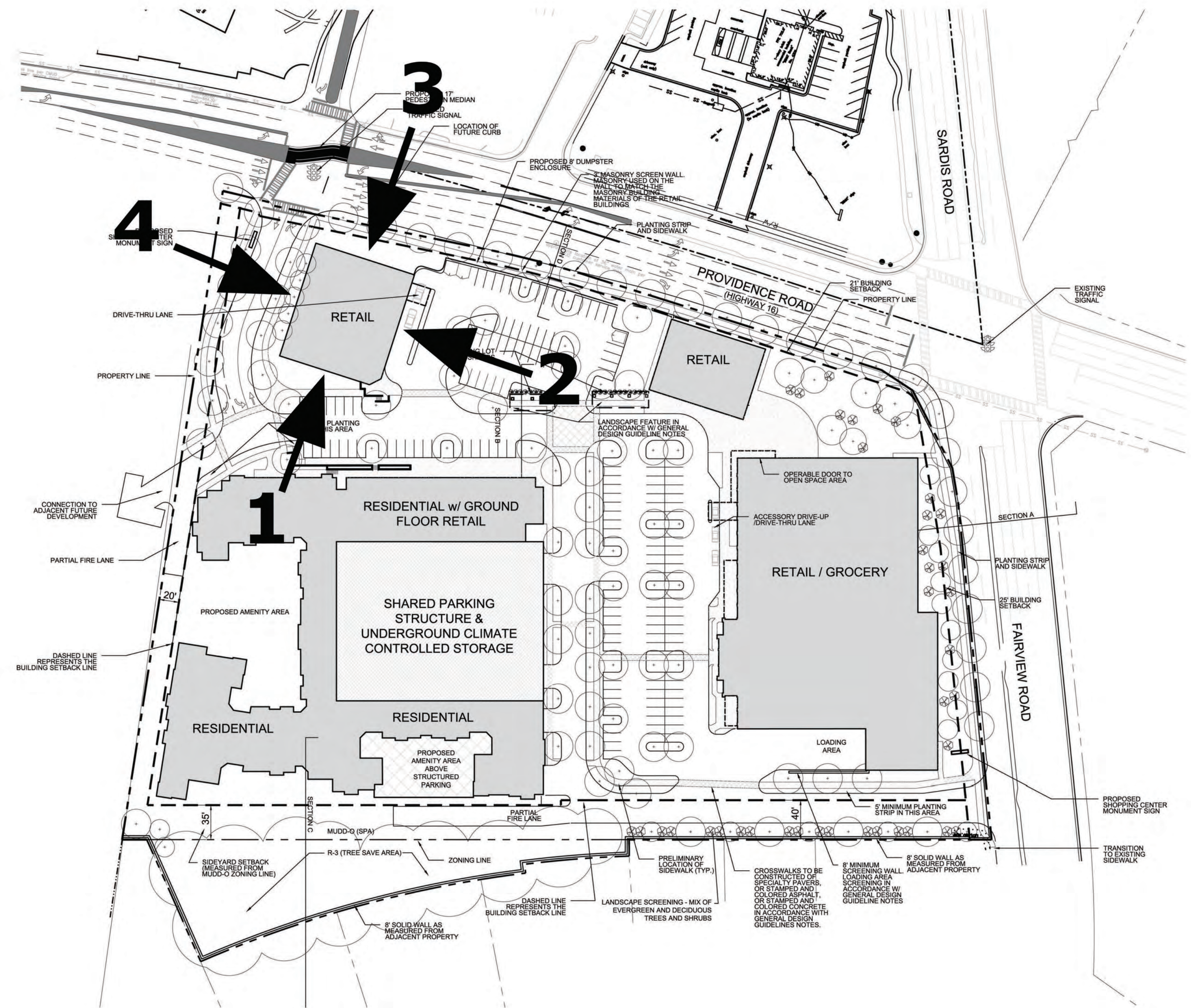


03 East Elevation



04 North Elevation

**HODGES
&
ASSOCIATES**
Architecture



Carmel at Providence

Charlotte, NC, 07107-01, 08-17-2016



01 West Elevation



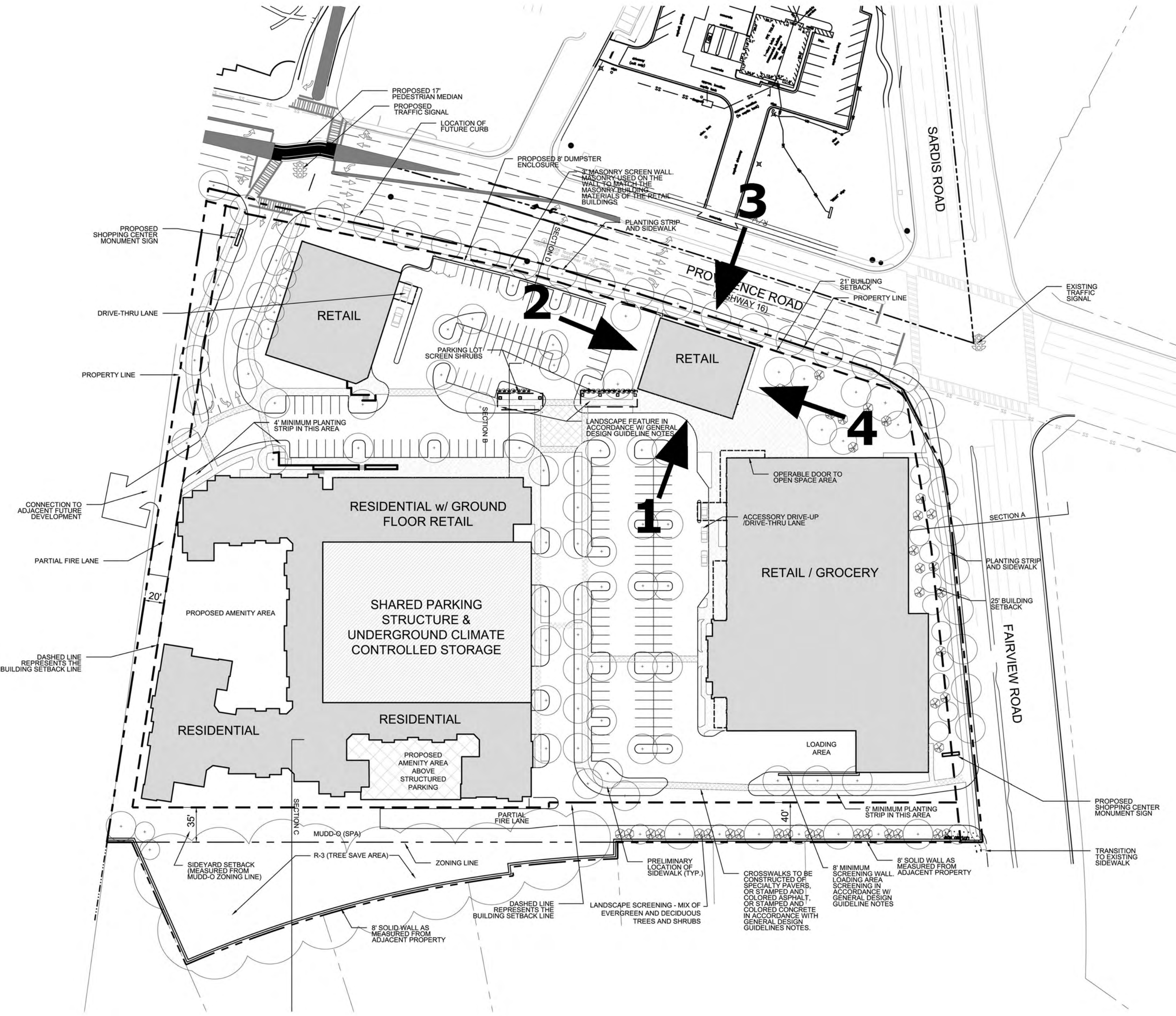
02 North Elevation



03 East Elevation

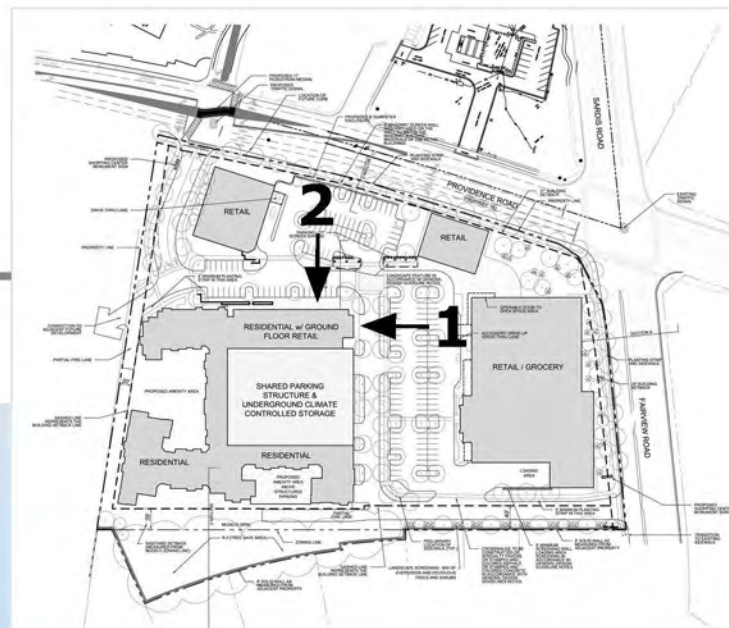


04 South Elevation

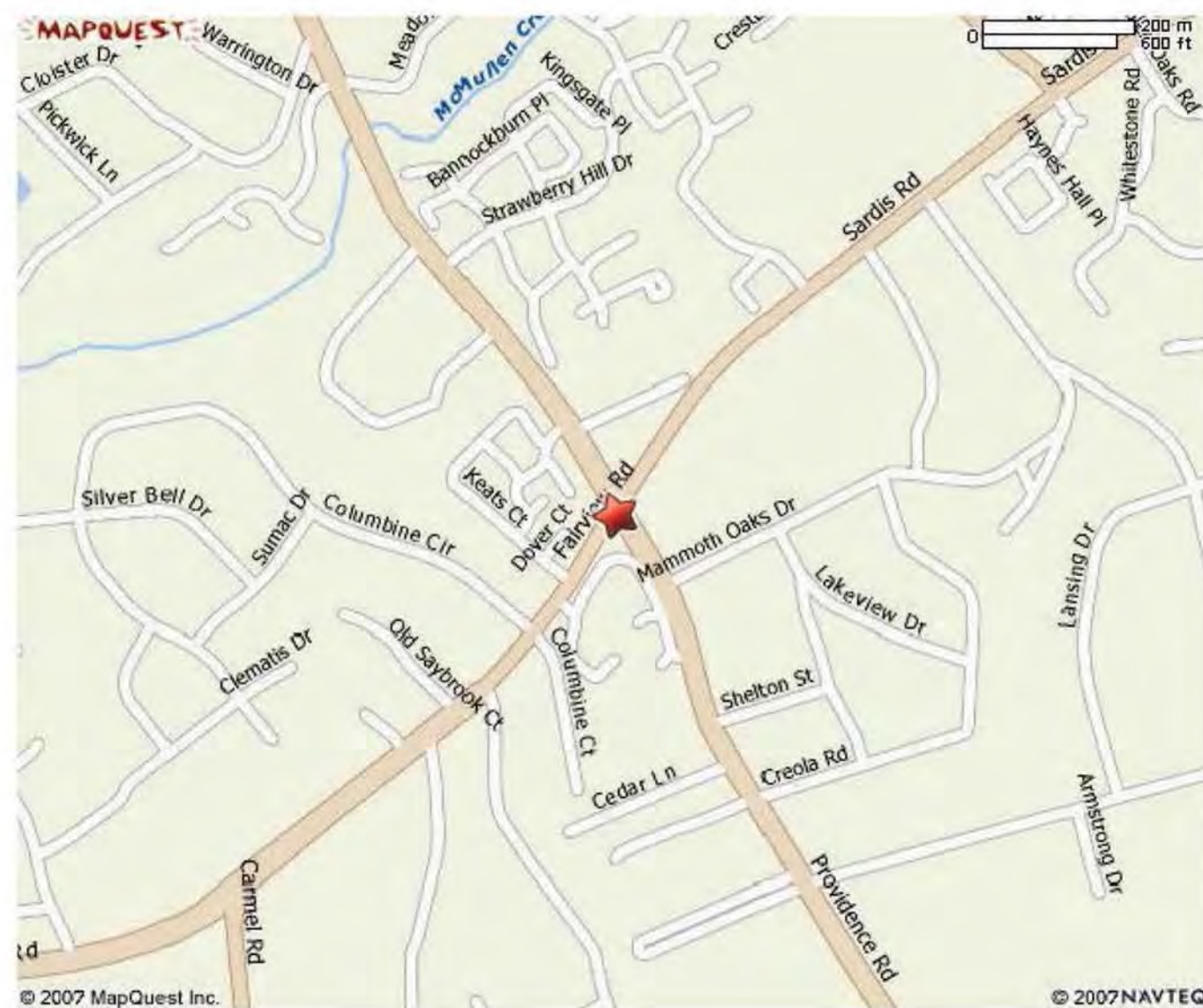




01 SCHEMATIC ELEVATION DESIGN (FAIRVIEW ROAD)



02 SCHEMATIC ELEVATION DESIGN (PROVIDENCE ROAD)



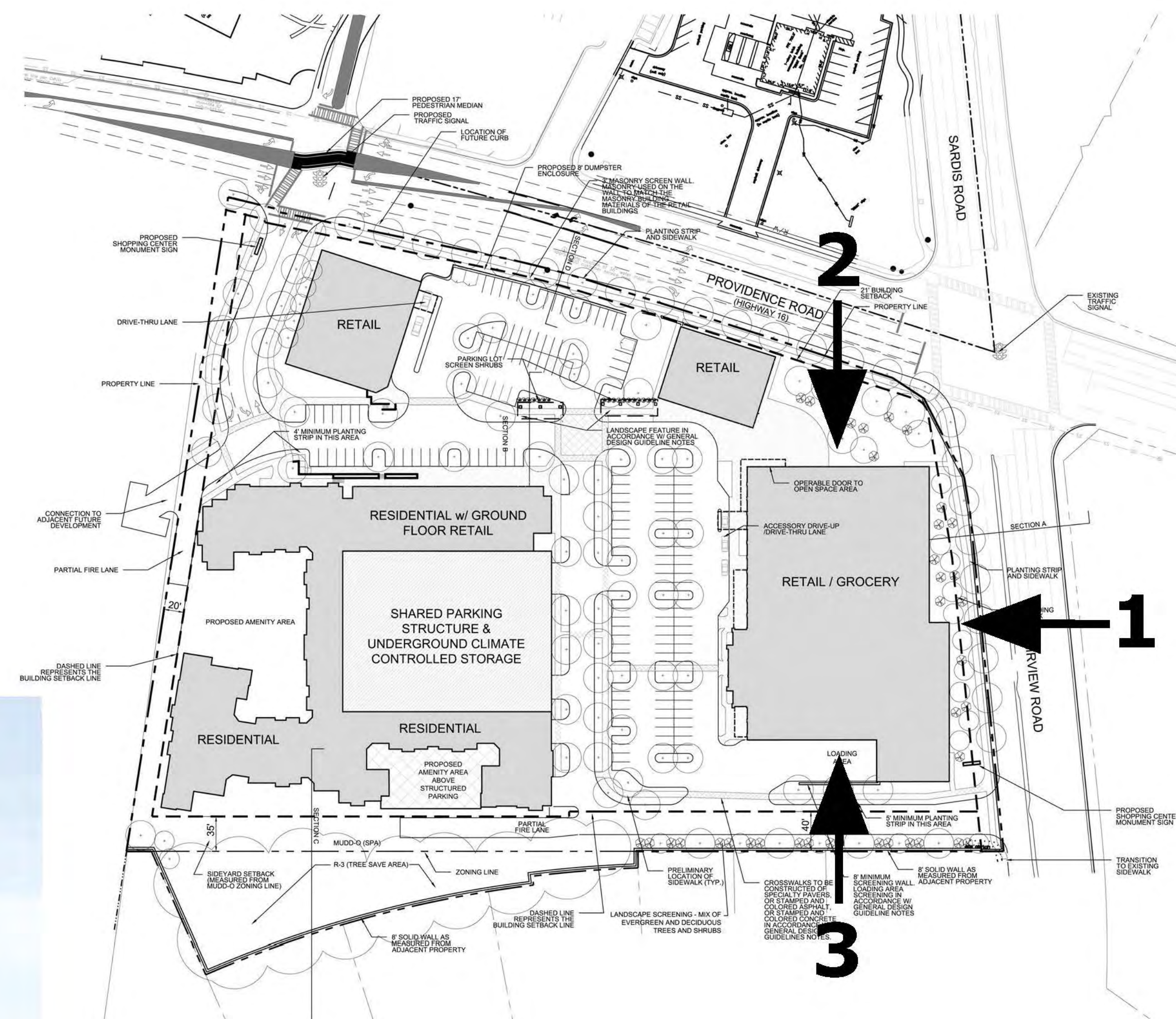
VICINITY MAP

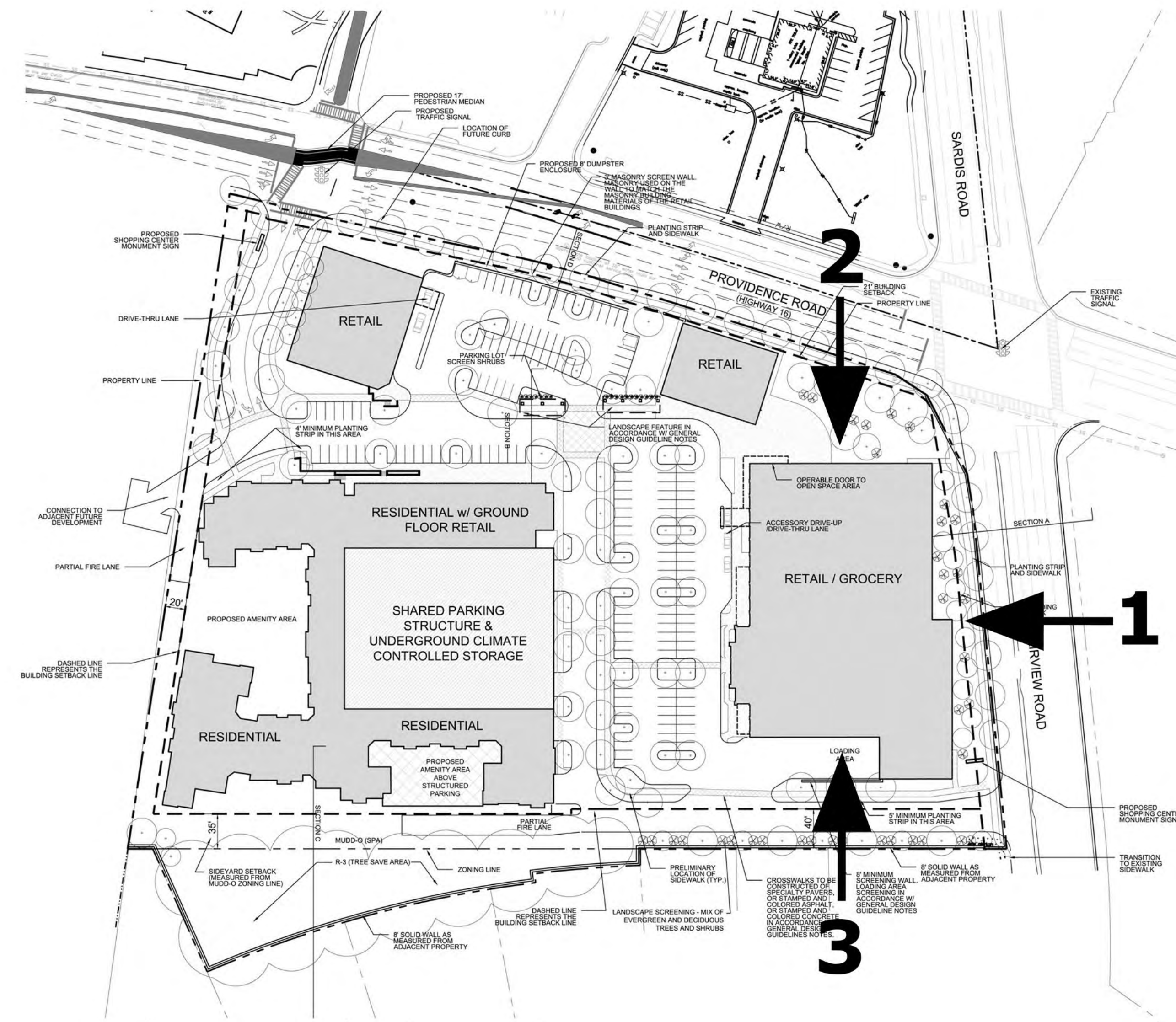


2 - LEFT SIDE ELEVATION



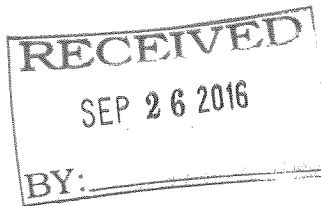
1 - REAR ELEVATION





3 - RIGHT SIDE ELEVATION

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-148

Petition #:	_____
Date Filed:	9/26/2012
Received By:	BK

Complete All Fields (Use additional pages if needed)

Property Owner: Pembroke Partners LP

Owner's Address: 300 East Boulevard, Suite B-4 City, State, Zip: Charlotte, NC 28203

Date Property Acquired: September 5, 2013

Property Address: 8149 Williams Pond Lane, Charlotte, NC 28277

Tax Parcel Number(s): 22910116

Current Land Use: ~~G700~~ Vacant Land Size (Acres): .9 acres

Existing Zoning: NS - Neighborhood Services Proposed Zoning: NSSPA - Neighborhood Services

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

Required Rezoning Pre-Application Meeting* with: John Kinley, Kent Main, Carlos Alzate

Date of meeting: 4-12-16

(*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: New construction for retail store

n/a
Name of Rezoning Agent

n/a
Agent's Address

n/a
City, State, Zip

n/a
Telephone Number Fax Number

E-Mail Address

JP Houser Jr.
Signature of Property Owner *Venerap Partner*

James P. Houser, Jr.
(Name Typed / Printed)

Michael L. Lavelle
Name of Petitioner(s)

1000 Medinah Court
Address of Petitioner(s)

Marvin, NC 28173
City, State, Zip

704-705-5411
Telephone Number Fax Number

michael@harperlavelle.com
E-Mail Address

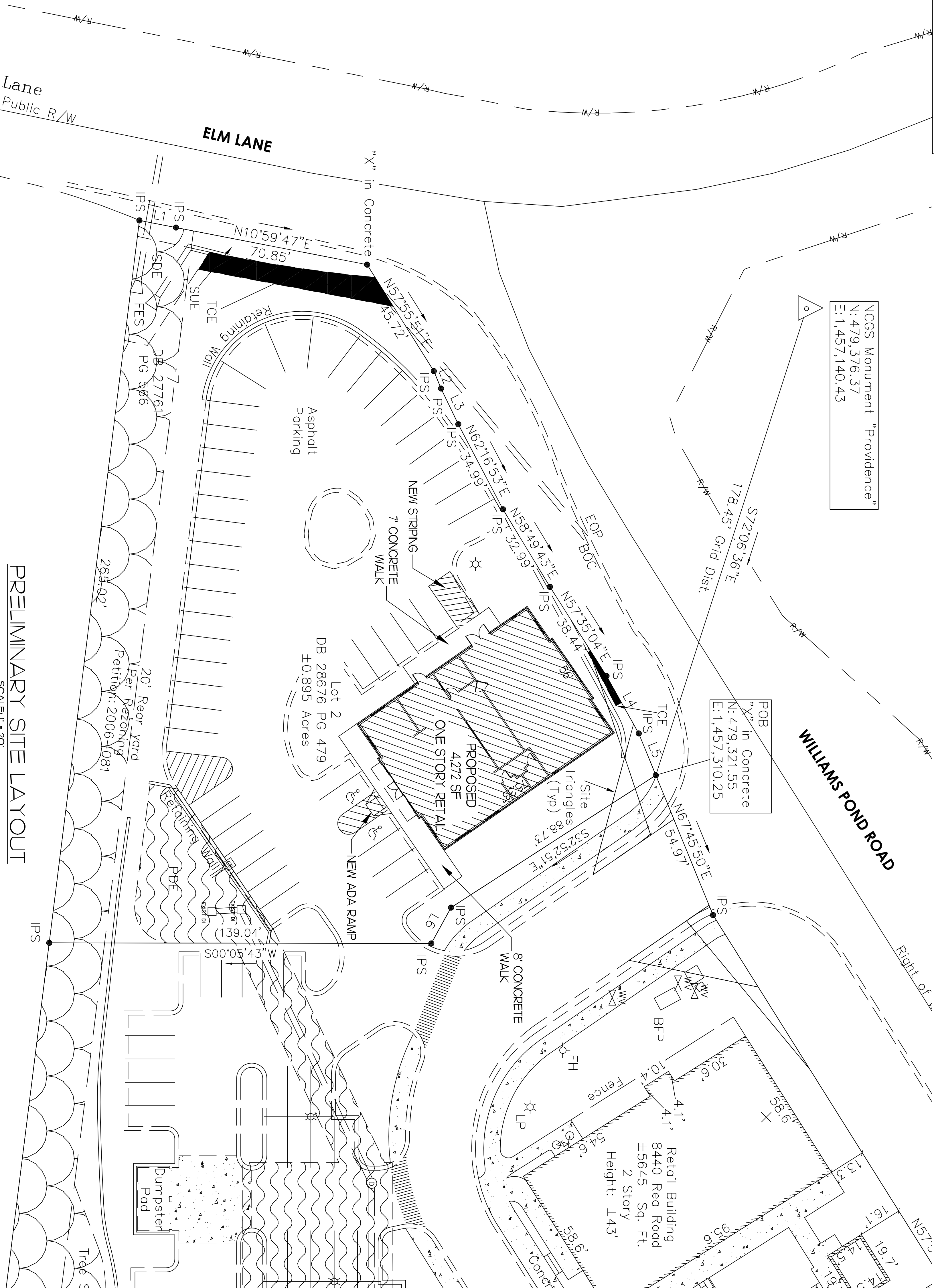
MLL
Signature of Petitioner

Michael L. Lavelle
(Name Typed / Printed)

GENERAL NOTES:
1. THIS BUILDING HAS BEEN BASED ON THE FOLLOWING ASSUMPTIONS:
A) THIS SETBACKS SHOWN ARE CORRECT OR MORE THAN THE MINIMUM REQUIRED.
B) STORM WATER AND WATER QUALITY DETENTION IS REQUIRED AND WILL BE ABLE TO BE ACCOMMODATED ON THIS SITE.
C) LANDSCAPING REQUIREMENTS CAN BE ACCOMMODATED.
D) THE BOUNDARIES SHOWN ARE CORRECT.
E) THE DRIVEWAYS SHOWN DO NOT HAVE TO LINE UP WITH THOSE ACROSS THE STREET.
F) THE DRIVEWAYS AS SHOWN MEET ALL SIGHT TRIANGLES AND SIGHT DISTANCES.
G) THERE ARE NO EXISTING TREES THAT WILL INTERFERE.
H) REQUIRED TRUCK MANEUVERING CAN NOT BE ACCOMMODATED ON THIS SITE.
I) NO WETLANDS EXIST ON SITE.
J) REQUIREMENTS OF WATER SHED REGULATIONS MAY BE MET.
K) THE TOPOGRAPHY OF THIS SITE SHALL BE VERIFIED BY A LICENSED CIVIL ENGINEER TO ACCOMMODATE THE LAYOUT SHOWN.

NCGS Monument "Providence"
N: 479,376.37
E: 1,457,140.43

POB "X" in Concrete
N: 479,321.55
E: 1,457,310.25



PRELIMINARY SITE LAYOUT


SCALE: 1" = 20'

DEVELOPMENT DATA TABLE	
a.	Site Acreage: 38,998 SF (.89 acres)
b.	Tax Parcel included in Rezoning: 22910116
c.	Existing Zoning (Including overlays and vesting): NS - Neighborhood Services
d.	Proposed Zoning: (Including overlays and vesting): NSSPA - Neighborhood Services
e.	Existing and Proposed Uses: All Uses in NSSPA
f.	Number of Residential Units by Housing Type: N/A
g.	Residential Density: N/A

NOTE: THESE DRAWINGS ARE PRELIMINARY CONCEPTUAL DRAWINGS ONLY AND ARE SUBJECT TO APPROVAL BY LOCAL AUTHORITIES

NOTE: THIS DESIGN IS THE PROPERTY OF CUMMINGS CONSTRUCTION CORPORATION. IT CANNOT BE USED OR DUPLICATED BY ANYONE WITHOUT THE WRITTEN APPROVAL OF CUMMINGS CONSTRUCTION CORPORATION.

PRELIMINARY PLANS
NOT FOR CONSTRUCTION



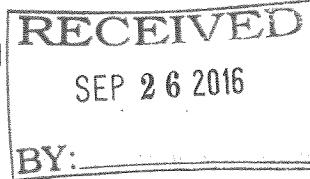
CUMMINGS
CONSTRUCTION CORPORATION

POST OFFICE BOX 692
MATTHEWS, NC 28106

(704) 845-9868
www.cummingsconst.com

SHERWIN WILLIAMS		
WILLIAMS POND ROAD		
CHARLOTTE, NORTH CAROLINA		
REVISIONS	SCALE	DRAWN BY: CTC
9/6/2016	9/7/2016	NOTED
PROPOSED NEW FACILITY - FLOOR PLAN		
DATE		SHEET NO.
6/1/2015		SP-1

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-149

Petition #:	
Date Filed:	9/26/2016
Received By:	BH

Property Owners: (Parcel 1 and 2) Steele Creek (1997) LLC
(Parcel 3) Dre Holdings-SW Charlotte, LLC

Owner's Addresses: (Parcel 1 and 2) 6100 Fairview Road, Ste. 640, Charlotte, NC 28210
(Parcel 3) 1985 Tate Boulevard SE, Ste 756, Hickory, NC

Date Properties
Acquired: (Parcel 1) 05/19/1997
(Parcel 2) 01/20/15
(Parcel 3) N/A

Property Addresses: (Parcel 1) Parcel of land bound by Hoover Creek Blvd and Steele Creek Road, Charlotte, NC
(Parcel 2) Parcel of land bound by Hoover Creek Blvd, S Tryon St and Steele Creek Rd
(Parcel 3) 14166 Steele Creek Road, Charlotte, NC

Tax Parcel Numbers: (Parcel 1) 219-061-09
(Parcel 2) 219-061-05
(Parcel 3) 219-061-33

Current Land Use: Vacant/Retail/Office Size (Acres): ± 11.723

Existing Zoning: CC Proposed Zoning: CC SPA and NS

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

Required Rezoning Pre-Application Meeting* with: Alberto Gonzales, Carlos Alzate, Grant Meacci, Solomon Fortune, Josh Weaver.

Date of meeting: July 14, 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: Shift of retail square footage allowances and change of zoning designation on a portion of the site to permit a minor increase of the maximum building size and permit an alternate location for the allowed area with an accessory drive-thru window use.

Bridget Dixon and Jeff Brown

Name of Rezoning Agent

Moore & Van Allen, PLLC

100 N. Tryon Street, Suite 4700

Agent's Address

Charlotte, NC 28202

City, State, Zip

704-331-2379 (BD)

704-331-1144 (JB)

Telephone Number

704-378-1973 (BD)

704-378-1925 (JB)

Fax Number

Steele Creek (1997) LLC

Attn: Chris Thomas

Name of Petitioner

301 South College Street

Address of Petitioner

Charlotte, NC 28202

City, State, Zip

704.343.4315

Telephone Number

Fax Number

bridgetdixon@mvalaw.com, jeffbrown@mvalaw.com

E-mail Address

See Attachment A

Signature of Property Owner

Chris.thomas@childressklein.com

E-mail Address

See Attachment B

Signature of Petitioner

ATTACHMENT A
REZONING PETITION NO. [2016-____]
Steele Creek (1997), LLC

PETITIONER JOINDER AGREEMENT
Dre Holdings-SW Charlotte, LLC

The undersigned, as the owner of the parcels of land located at 14166 Steele Creek Road, Charlotte, NC That is designated as Tax Parcel No. 219-061-33 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 CC zoning district to the CC SPA 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.

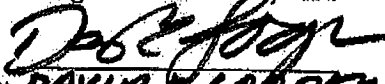
This 23 ^{September} day of July, 2016.

Dre Holdings-SW Charlotte, LLC

By:

Name:

Its:



DAVID E. COOPER

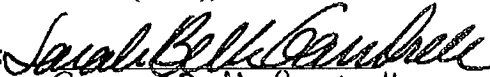
MEMBER/MANAGER

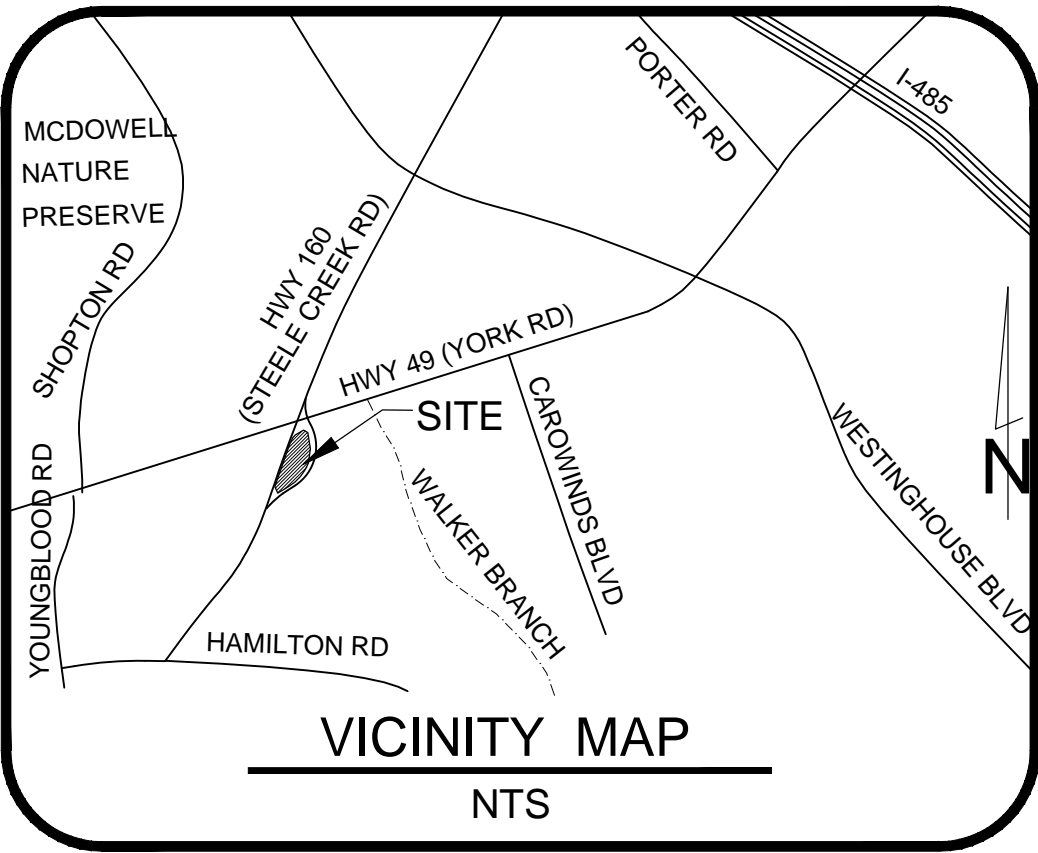
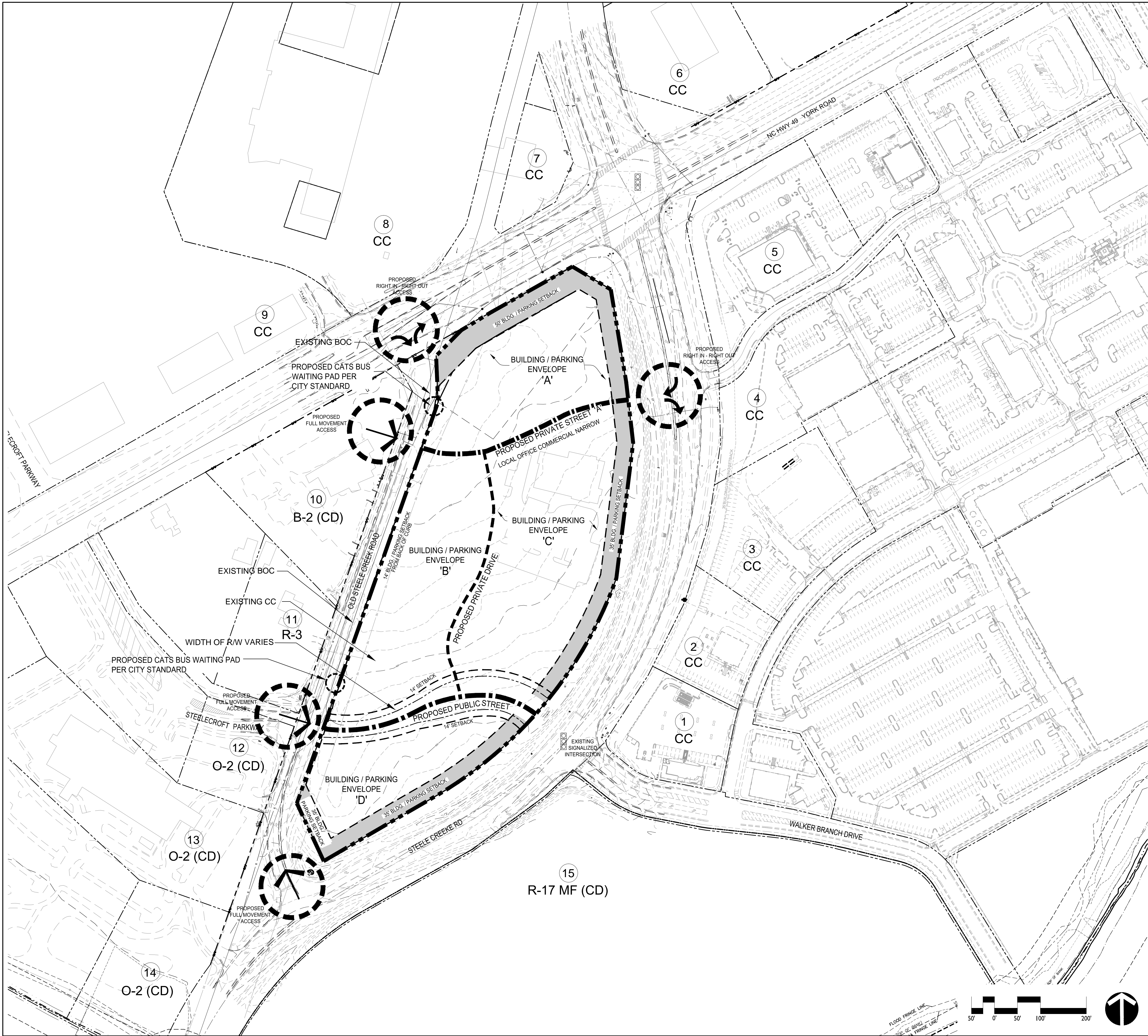
ATTACHMENT B

REZONING PETITION NO. [2016-]
Steele Creek (1997), LLC

Petitioner:

Steele Creek (1997), LLC

By: 
Name: Sarah Belk Gombrell
Title: manager



SITE DEVELOPMENT DATA

--Acreage:	11.0
--Tax Parcel #:	219-061-05 and 09
--Existing Zoning:	CC
--Proposed Zoning:	CC SPA
--Existing Uses:	Vacant and Office Building
--Proposed Uses:	Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC zoning district (as more specifically restricted below)
--Maximum Gross Square feet of Development:	Up to 90,000 square feet of gross floor area (including building(s) already constructed on the Site).
--Maximum Building Height:	As allowed by the Ordinance, but not to exceed four (4) stories
--Parking:	As required by the Ordinance.

ADJACENT PROPERTY OWNERS

1 CC 21906121 HAWTHORNE CO PO BOX 32064 CHARLOTTE, NC 28232	9 CC 19965125 STEELECROFT OFFICE LLC 521 EAST MOREHEAD ST #400 CHARLOTTE, NC 28202
2 CC 21906128 SUNTRUST BANK 919 E MAIN ST 14TH FL RICHMOND, VA 23219	10 B-2 (CD) 21912303 RCR PROPERTIES LLC 16026 KIKI CT TEGA CAY, SC 29715
3 CC 21906127 CK RIVERGATE LLC 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202	11 R-3 21912302 CARLTON & LYERLY INVESTMENTS 1215 MCDOWELL FARMS DR CHARLOTTE, NC 28217
4 CC 21906112 LLC % CHILDRESS KLEIN PRO CK RIVERGATE SHOPPING CENTER %CHILDRESS KLEIN PROPERTIES 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202	12 O-2 (CD) 21912202 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
5 CC 21906113 C/O CVS CORPORATION CVS ONE CVS DRIVE WOONSOCKET, RI 02895	13 O-2 (CD) 21912201 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
6 CC 20123112 WRI STEELE CREEK LLC PO BOX 450233 ATLANTA, GA 31145	14 O-2 (CD) 21912105 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
7 CC 19965198 LLC WATERS CONVICIENCE STORES 301 S MCDOWELL ST #210 CHARLOTTE, NC 28204	15 R-17 MF (CD) 21906110 LLC CHILDRESS KLEIN PRO CK RIVERGATE SHOPPING CENTER CHILDRESS KLEIN PROPERTIES 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202
8 CC 19965109 WFC STEEELECROFT FUND ILLC 11440 SAN VICENTE BV #200 LOS ANGELES, CA 90049	

LEGEND

--- --	OFFICE / RETAIL SITE BOUNDARY
---	INTERIOR PRIVATE STREET
---	SETBACK / REAR YARD
---	EXISTING TREES

REVISIONS:

DATE: 09/26/16
DESIGNED BY: SKT
CHECKED BY: SKT
SCALE: 1"=100'
PROJECT #1016239
SHEET #

RIVERGATE - OFFICE
TECHNICAL DATA SHEET

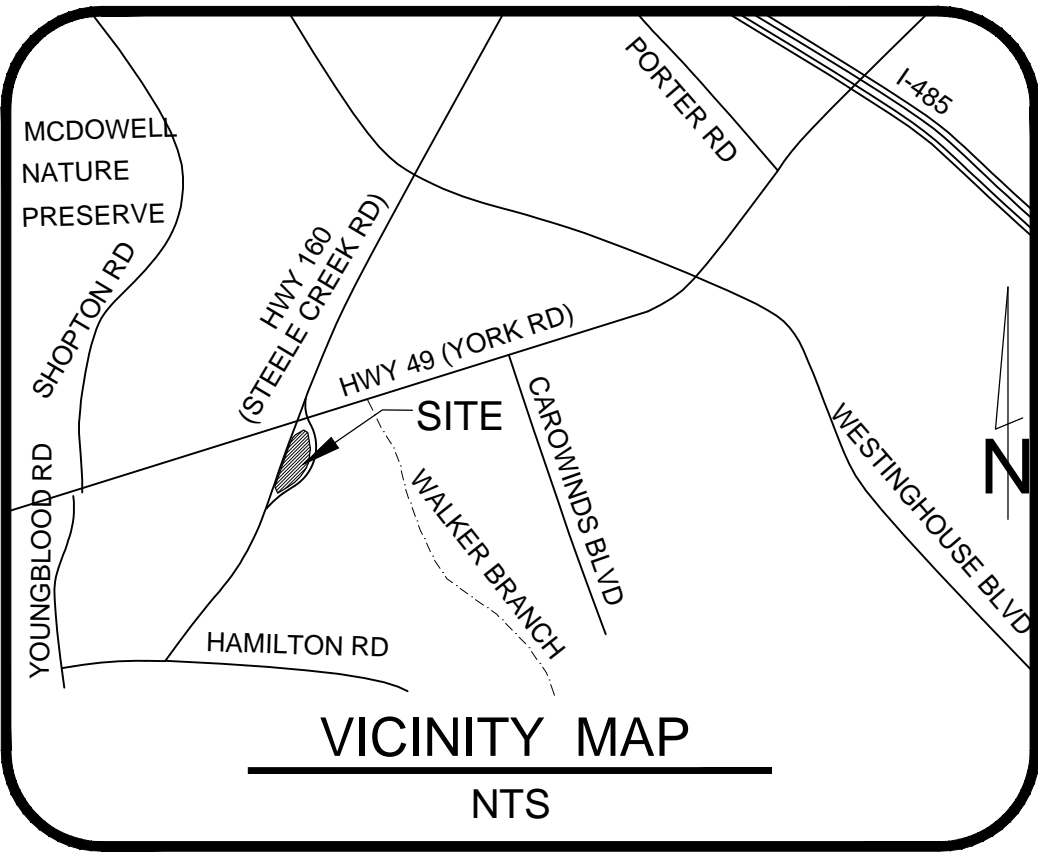
Childress Klein, Steele Creek 1997 Limited Partnership, Mecklenburg Co., NC

REZONING PETITION NO. 2016-000 SPA

CHILDRESS KLEIN
PROPERTIES



LandDesign
223 N. Graham Street, Charlotte, NC 28202
P: 704.333.0335 F: 704.332.3246
www.LandDesign.com
NC License# C-0658



- LEGEND**
- Office / Retail Site Boundary
 - Interior Private Street
 - Setback / Rear Yard
 - Existing Trees

REVISIONS:

DATE: 09/26/16
DESIGNED BY: SKT
CHECKED BY: SKT
O.C. BY: SKT
SCALE: 1"=100'
PROJECT #1016239

SHEET #
RZ-2

RIVERGATE - OFFICE SCHEMATIC SITE PLAN

Childress Klein, Steele Creek 1997 Limited Partnership, Mecklenburg Co., NC

REZONING PETITION NO. 2016-000 SPA

CHILDRESS KLEIN
PROPERTIES



LandDesign
223 N. Graham Street, Charlotte, NC 28202
P: 704.333.0325 F: 704.332.3246
www.LandDesign.com
NC License# C-0658

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

1. General Provisions

- Since the majority of 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:

- 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.

- 3. Street Network/Connectivity.** Proposed circulation and street network/connectivity is generally shown on the Rezoning Plan to illustrate: (i) a public street connecting Walker Branch Drive to Steeplecroft Parkway, (ii) a private street running east to west along the northern portion of the Site, and (iii) a private drive running north to south connecting the street on the southern portion of the Site to the private street on the northern portion of the Site. To allow for the future market demand and the accompanying flexibility in the specific design of the Site, the final location and alignment of these proposed connections will be determined at the time of development and the site plan approval process.

Only one use with accessory drive-through windows will be allowed on the Site in Development Area D. No other uses with accessory drive-through windows will be allowed. The location of the drive-through window and associated lanes will be allowed as illustrated on Sheet K-22; the intent being that the drive-through lane associated with such use will be permitted to be located on the east side of the building.

4. A "Building Eave" has been provided within portions of the proposed building/parking envelope generally depicted on the Technical Data Sheet. When a building is constructed within a building/parking envelope that contains such a "Building Eave," the building must be constructed along the "Building Eave" depicted. If a building/parking envelope contains more than one "Building Eave" location, the building constructed within such envelope must be placed along one of the "Building Eave" locations depicted but not all of such locations. Parking spaces may be located within the building/parking envelope, but the building must be constructed within the building/parking envelope. The provisions of this Section may be altered to permit greater flexibility in development with the prior written consent of the Planning Director.

Access to the Site will be from Steele Creek Road and Old Steele Creek Road as generally depicted on the Roaming Plan.
The vehicular connection of Steele Creek Road to South Town Street will be limited to right-of-way only.
The placement and configuration of vehicle access points will be subject to any major modifications required to accommodate final site and construction plans and designs and to any constraints for approval by the DOT and/or the North Carolina Department of Transportation.
A public street will be provided through the Site linking Walker Branch Road to SteeleCreek Parkway as generally depicted on the Roaming Plan.
A private street designed to meet the "Local Official Commercial Narrow" cross-section will be provided along the northern portion of the Site connecting Old Steele Creek Road to the Site.
The number and location of driveways connecting to the interior streets and drives is not limited by what is indicated on the Technical Data Sheet. The location and number will be determined during the final development process.
The location and number of driveways connecting to the interior streets and drives may be modified by the Permittee to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by NCDOT in accordance with published standards.

The Petitioner plans to provide or cause to be provided, some of which as noted below have been provided and substantially completed, 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:

a. **Private Road between Steele Creek Road and Old Steele Creek Road.** Project ☐ 1 Up to 25,000 square feet of gross floor area within Building/Parking Envelopes A and C may be constructed on the Site upon the construction of: (i) Private Road A connecting Steele Creek Road to Old Steele Creek Road, (ii) the asphalt pavement connections of Old Steele Creek Road to S. Tryon Street; and (iii) curb and gutter, six (6) foot sidewalks and eight (8) foot planting strips along the portion of the Site's public street frontage under development as may be required by City Ordinances, such curb and gutter to accommodate a five (5) foot bike lane along Steele Creek Road. NOTE: the above-referenced improvements have been completed.

- Provided, however, the commitment referenced in subsection b. above is subject to reimbursement to the Petitioner by the City, as called for by adopted City Policy, for any improvements provided along Old Steele Creek Road, Steel Creek Road and/or S. Tryon Street not directly referenced above.

- c. **Order of improvements.** The roadway improvements referenced in subsections a. and b. above are not required to be completed in any sequence, but rather the level of development is subject to substantial completion of the applicable roadway improvements set forth for such corresponding development.

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

- c. **Timing of Completion.** Except as to financial contributions referenced in subsection b. above, the roadway improvements referenced in subsections b. above must be substantially completed prior to the issuance of the certificate of occupancy for the first space located on the Site other than any buildings permitted prior to the date of August 22, 2016, subject to the ability of the Petitioner to post a letter of credit or a bond for any improvements not in place at the time such first certificate of occupancy is issued to a secure completion of the applicable improvements.

- f. Right-of-Way Availability.** It is understood that some of the roadway improvements referenced in subsection a and b. above, may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts, 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, and to the extent that the applicable area in which the right of way is located is within the City of Charlotte, then CDOT, the City of Charlotte Engineering Division or other applicable agency or department agrees to proceed with condemnation of any such land. In such event, the Petitioner shall reimburse the applicable agency or department for the cost of any such condemnation proceedings including compensation paid by the applicable agency or department for any such land and the expenses of such proceedings.

- a. The buildings constructed on the Site will use a variety of building materials. The building materials used will be a combination of the following: brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, EIFS or wood.
- b. Meter banks will be located behind the building and will be screened.
- c. Roof top HVAC and related mechanical equipment will be screened from public view at grade.

- d. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building. 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.

[illegible]

- d. Along the Sites internal private roads, the Petitioner will provide a sidewalk and crosswalk network that links the buildings on the Site with one another and links the buildings to the sidewalks along the abutting public streets. The minimum width for this internal sidewalk will be six (6) feet. Street trees will also be provided along the Site's internal private roads.

7. Environmental Features:

b. The location, size and type of storm water management systems depicted on the Reasoning Plan is subject to review and approval as part of the full development plan submittal and is not implicitly approved with this reasoning. 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.

- k. Parks, Green: ways and Open Space:**
- a. Open space areas equalling 15% of the Site area will be provided. The open space areas depicted on the Reasoning Plan may be relocated to other locations on the Site. However, the open space areas identified at the intersections of Hwy. 49 and Steele Creek Road and Steele Creek Road and Old Steele Creek Road shall remain at those locations and be designed as focal points for the overall development. These focal points will be improved with enhanced landscaping, which may include existing vegetation that will buffer parking areas beyond the minimum screening standards. Some of the internal open space area(s) will be improved with seating areas and landscaping. Other open space areas will be left as natural areas with existing trees or improved with additional landscaping. Internal improved open space will be linked to the buildings on the Site via the Site's internal sidewalk and cross-walk network.

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site will be limited to 22 feet in height.

10. CATS Passenger Shelter Pad and Preferred Parking for "Clean Commuters";
- a. The Petitioner will install two concrete passenger shelter pads along Old Steele Creek Road in the locations generally indicated on the Rezoning Plan.

- The Petitioner will provide "Preferred" (attractive, conveniently located) parking spaces for "Clean Commuters" (carpool, vanpool, hybrid vehicles or electric vehicles) equal to 5% of the total number of required parking spaces.

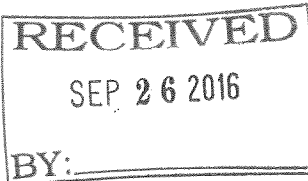
II. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable development area or portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

14. Binding Effect of the Reasoning 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.

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-150
Petition #: _____
Date Filed: 9/26/2016
Received By: Bf

Property Owners: W Sutton Alexander, Jr. and Dorothy Ann Eleazer Alexander

Owner's Addresses: 5912 Old Providence Road, Charlotte, NC 28226

Date Properties
Acquired: 03/26/1991
03/31/2014

Property Addresses: 5906 Old Providence Road, Charlotte, NC 28226
5912 Old Providence Road, Charlotte, NC 28226

Tax Parcel Numbers: 187-271-42
187-271-36

Current Land Use: residential Size (Acres): ± 4.13

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, Kent Main, and Grant Meacci.

Date of meeting: 8/16

(*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 the development of the Site with a high quality town home for sale community.

Keith MacVean & Bridget Dixon

Name of Rezoning Agent

Moore & Van Allen, PLLC

100 N. Tryon Street, Suite 4700

Agent's Address

Charlotte, NC 28202

704-331-3531 (KM)

704-378-1954 (KM)

704-331-2379 (BD)

704-378-1973 (BD)

Telephone Number

Fax Number

keithmacvean@mvalaw.com

bridgetdixon@mvalaw.com

E-mail Address

SEE ATTACHMENT A

Signature of Property Owner

CW Development (attn.: David Helfrich)

Name of Petitioner

200 Unionville-Indian Trail Road West

Address of Petitioner

Indian Trail, NC 28079

City, State, Zip

704-821-5599

Telephone Number

Fax Number

DHelfrich@cwonsite.com

E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

ATTACHMENT A

CW Development

PETITIONER JOINDER AGREEMENT

**W Sutton Alexander, Jr.
Dorothy Ann Eleazer Alexander**

The undersigned, as the owner of the parcel of land located at

1. 5906 Old Providence Road that is designated as Tax Parcel No. 187-271-42; and
2. 5912 Old Providence Road that is designated as Tax Parcel No. 187-271-36

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-3 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 23rd day of Sept., 2016.

W Sutton Alexander, Jr.

W. Sutton Alexander, Jr.

Dorothy Ann Eleazer Alexander

Dorothy Ann Eleazer Alexander

ATTACHMENT B

REZONING PETITION NO. [2016-]
CW Development

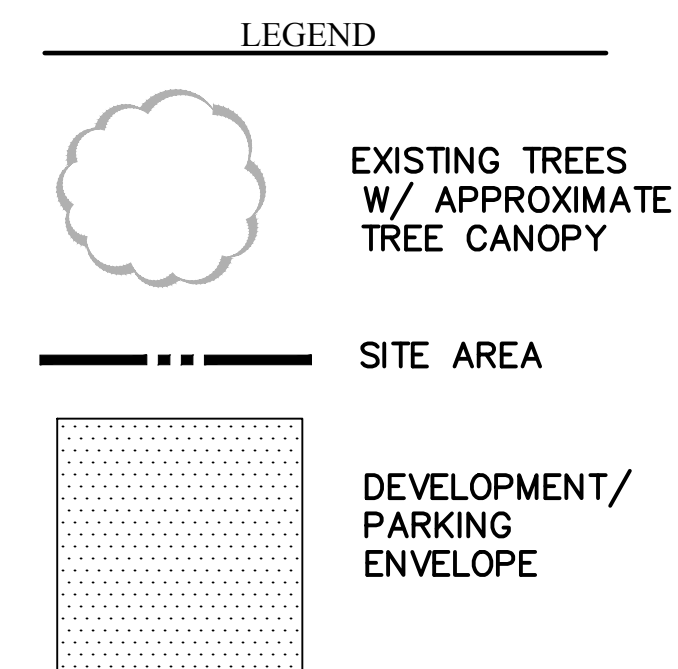
Petitioner:

CW Development

By: 

Name: David Helfrich

Title: _____



SITE DATA	
DEVELOPER	EASTWOOD HOMES
ATTN: JOE DORITY (JDORITY@EASTWOODHOMES.COM)	
P.O. BOX 667	
2857 WESTPORT ROAD	
CHARLOTTE, NC 28208	
PARCELS	TAX ID
TRACT 1	18727136
TRACT 2	18727142
AC	ZONING
2.96	R-3
1.16	R-3
LOT AREA	
ACERAGE: 4.13	
EXISTING ZONING:	R-3
CURRENT USE:	RESIDENTIAL
PROPOSED ZONING:	UR-2(CD)
TOTAL NUMBER OF UNITS ALLOWED:	N/A
TOTAL NUMBER OF UNITS PROPOSED:	20
PROPOSED DENSITY:	4.8 UNITS/AC
BUFFER TYPE:	VARIABLE
FLOOR AREA RATIO	1.0


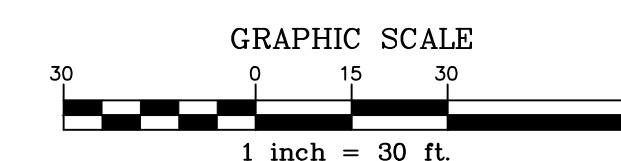
NOTES:
PLAN ASSUMES THAT UR-2 RE-ZONING WILL BE ALLOWED WITH THE
ABOVE DENSITY REQUIREMENTS.

STORM WATER MANAGEMENT FACILITY IS CONCEPTUAL AND SUBJECT TO CHANGE

TRASH COLLECTION TO BE ROLL OUT.

SEE RZ-2 FOR SETBACKS PERTAINING TO INDIVIDUAL LOTS

ALL ZONING CLASSIFICATIONS ARE FROM MECKLENBERG COUNTY
POLARIS DATA.



McADAMS

REVISIONS:



200 UNIONVILLE-INDIAN TRAIL ROAD W

OWNER:

OLD PROVIDENCE ROAD TOWN HOMES
OLD PROVIDENCE RD
CHARLOTTE, NC

EXISTING CONDITIONS

PROJECT NO. CPW-15010

FILENAME: CPW15010

CHECKED BY: JDM

DRAWN BY: PMV

SCALE: 1" = 30'

DATE: 00 26 2016

09-20-2010
CHARGE NO.

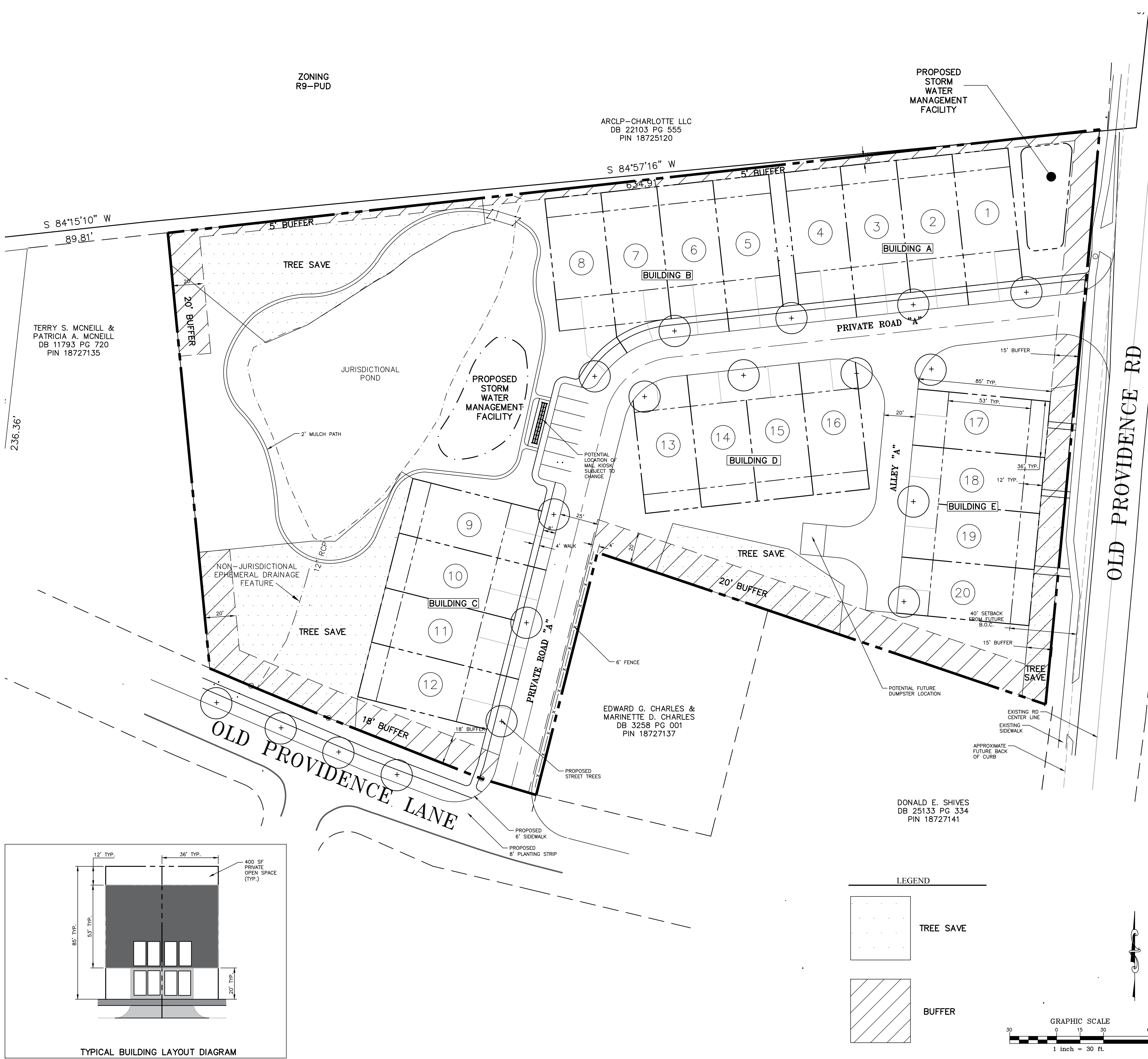
R7-1

121

McADAMS

— MCADAMS

Y:\Projects\CPW-15010\Land\Current\Drawings\CPW15010 RZ.dwg, 9/28/2016 1:49:40 PM, Low, Nick



Site Development Data:

- Acreage: 4.13 acres
- Tax Parcel #: 187-271-36 and 42
- Existing Zoning: R-3
- Proposed Zoning: UR-2(CD)
- Existing Uses: Detached dwellings.
- Proposed Uses: Up to 20 attached dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
- Proposed Floor Area Ratio: As allowed by the UR-2 Zoning District.
- Maximum Building Height: Not to exceed three (3) stories; building height to be measured as required by the Ordinance.
- Parking: Parking as required by the Ordinance will be provided. No less than five (5) visitor parking spaces will be provided on the Site.

1. General Provisions:

- Site Location:** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by CW Development ("Petitioner") to accommodate the development of a townhome community on approximately 4.13-acre site located on Old Providence Road just north of Old Providence Lane (the "Site").
- 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.
- 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:
 - 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 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.
- Number of Buildings Principal and Accessory:** The total number of principal buildings to be developed on the Site shall not exceed six (6). 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 buildings 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.
- Parking layouts for surface parking** may be modified to accommodate final building locations and parking spaces may be located within the development area boundaries to the extent permitted by the Ordinance. Sidewalks 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.

2. Permitted Uses & Development Area Limitation:

- The Site may be developed with up to 20 attached dwelling units, together with accessory uses allowed in the UR-2 zoning district.

3. Access and Transportation:

- Access to the Site will be from Old Providence Road and Old Providence Lane in the manner generally depicted on the Rezoning Plan.
- The Petitioner will provide an eight (8) foot planting strip and a six (6) foot sidewalk along Old Providence Lane as generally depicted on the Rezoning Plan. The Petitioner will require that the existing sidewalk and planting strip widths along Old Providence Road be allowed to remain as allowed by Section 9.407, (4)(k) of the Ordinance.
- Along the Site's internal private drive, a six (6) foot planting strip with a five (5) foot sidewalk will be provided on at least one side of the proposed private drive as generally depicted on the Rezoning Plan. Street trees will also be provided along the private drive as generally depicted on the Rezoning Plan. Decorative pedestrian scale lights will be provided along the internal private drive.
- Parking areas nor a private drive will be allowed between the units and Providence Road and Providence Lane as generally depicted on the Rezoning Plan.
- 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.
- 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:

- 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; metal type roofing materials may also be used.
- 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).
- The side elevations of the building along Old Providence Road and Old Providence Lane will contain windows so that blank walls over 20 feet in length will not occur.
- Each unit will have a two (2) car garage.
- The proposed garage doors utilized throughout the Site be decorative carriage style doors. A projecting element with a depth of at least 12" will be provided over the proposed garage doors.
- To provide privacy, all residential entrances within 15 feet of the sidewalk shall be raised from the average sidewalk grade a minimum of 24 inches.
- Pitched roofs, if provided, shall be symmetrical sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.
- 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.
- Townhome buildings shall be limited to five units or less.
- A decorative six (6) foot wooden fence will be provided on the east side of the private drive and the adjoining property (tax parcel # 187-271-37) as generally depicted on the Rezoning Plan.
- Meter banks will be screened from adjoining properties and from Old Providence Road and Old Providence Lane.
- HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.
- Garbage pickup for the Site will be via roll out containers from each unit.

5. Streetscape, Buffers, Yards, and Landscaping:

- A 40-foot building setback measured from the back of the future back of curb will be provided along Old Providence Road and Old Providence Lane.
- A 5-foot rear yard for buildings A and B will be provided along the northern property boundary of the Site as generally depicted on the Rezoning Plan. Building C will have a 20-foot rear yard as generally depicted on the rezoning plan, building D will have a 25-foot rear yard and building E will have a 20-foot side yard. 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.
- A 20-foot Class C Buffer will be provided adjacent to building D and E along the southern property line as generally depicted on the Rezoning Plan. A 6' wood privacy fence shall be provided along the eastern side of private road A adjacent to the Charles Parcel.
- The existing pond located on the Site will be preserved.
- The existing vegetation between building C and building B and the western property boundary will be maintained, except for areas required to be cleared for the construction of the buildings site infrastructure, and associated utilities. The vegetation on the existing slope of the dam will have to be cleared in order for the dam to meet state dam regulations.
- 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.
- Screening requirements of the Ordinance will be met.
- Above ground backflow preventers will be screened from public view and will be located behind the existing right-of-way of Old Providence Road.

6. Environmental Features:

- 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 submitted and are not implementing approval 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.
- The Site will comply with the Tree Ordinance.
- All utilities within the Site will be placed underground.

7. Lighting:

- 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.
- Detached lighting on the Site will be limited to 15 feet in height.
- 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:

- Reserved.

9. Amendments to the Rezoning Plan:

- 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:

- 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.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

THE JOHN R. MCADAMS
COMPANY, INC.
3436 Turtletown Way
Suite 100
Charlotte, North Carolina 28277
License No.: C-02983
(800) 733-5646 • McAdamsCo.com



REVISIONS:

OWNER:



OWNER:

OLD PROVIDENCE ROAD TOWN HOMES
OLD PROVIDENCE RD
CHARLOTTE, NC

PROJECT NO. CPW-15010
FILENAME: CPW15010
CHECKED BY: JDM
DRAWN BY: PMV
SCALE: 1"=30'
DATE: 09-26-2016
SHEET NO. RZ-2

McAdams



Site Development Data:

- **Acres:** ± 4.13 acres
- **Tax Parcel #:** 187-271-36 and 42
- **Existing Zoning:** R-3
- **Proposed Zoning:** UR-2(CD)
- **Existing Uses:** Detached dwellings.
- **Proposed Uses:** Up to 20 attached dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
- **Proposed Floor Area Ratio:** As allowed by the UR-2 Zoning District.
- **Maximum Building Height:** Not to exceed three (3) stories; building height to be measured as required by the Ordinance.
- **Parking:** Parking as required by the Ordinance will be provided. No less than five (5) visitor parking spaces will be provided on the Site.

1. General Provisions:

- a. Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning petition filed by CW Development ("Petitioner") to accommodate the development of a townhome community on approximately 41.3-acre site located on Old Providence Road, located in the City of Charlotte, North Carolina.
- 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 in the Ordinance shall apply to the development of the Site.
- c. Graphics and Alterations.** The schematic depictions of 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 are not intended to be a final design of the development. The graphic representations of the development Site Elements 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 6.20 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.

- a. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed six (6). 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, garages, trellises, storage buildings, and other structures associated with the on-site open space.
- Parking layouts for surface parking may be modified to accommodate final building locations and parking spaces may be located within the developed area of the site, subject to the City Engineer's review and approval. Sidewalks depicted on the Site Plan are intended to reflect the general pedestrian circulation for the development on the Site but specific locations of sidewalks may subject to variations that do not materially change the design intent depicted on the Reasoning Plan.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 20 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 Old Providence Road and Old Providence Lane in the manner generally depicted on the Rezoning Plan.
- b. The Petitioner will provide eight (8) feet planting strip and a six (6) foot sidewalk along Old Providence Lane as generally depicted on the Rezoning Plan. The Petitioner will also provide existing sidewalk and planting strip widths along Old Providence Road be allowed to remain as depicted by Section 9.407, (4)(c) of the Ordinance.
- c. Along the Site's internal private drive, a six (6) foot planting strip with a five (5) foot sidewalk will be provided on at least one side of the proposed private drive as generally depicted on the Rezoning Plan. Street trees will also be provided along the private drive as generally depicted on the Rezoning Plan.
- d. Parking areas nor a private drive will be allowed between the units and Providence Road and Providence Lane as generally depicted on the Rezoning Plan.
- e. The alignment 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.
- f. The alignment of the internal vehicular circulation and driveway 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 be used on the main wall and shall not be used on the side/side/side). Vinyl or aluminum as a building material may only be used on the windows, eaves and on handrails/railings. The proposed roofing materials will be architectural asphaltic shingles; metal type roofing materials may also be used.
- b. The attached illustrating 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).
- c. The side elevations of the building along Old Providence Road and Old Providence Lane will contain windows so that black walls over 20 feet in length will not occur.
- d. Each unit will have a two (2) car garage.
- e. The proposed garage doors utilized throughout the Site be decorative carriage style doors. A projecting element with a depth of at least 12" will be provided over the proposed garage doors.
- f. To provide privacy, all residential entrances within 15 feet of the sidewalk shall be raised from the average sidewalk grade a minimum of 24 inches.
- g. Pitched roofs, if provided, shall be symmetrical sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 3:12.
- h. 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.
- i. Townhome buildings shall be limited to five units or less.
- j. A decorative six (6) foot wooden fence will be provided on the east side the private drive and the adjoining property (tax parcel # 187-371-13) as a screening device.
- k. Meter banks will be screened from adjoining properties and from Old Providence Road and Old Providence Lane.
- l. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.
- m. Garage pickup for the Site will be via roll out containers from each unit.

5. Streetscape, Buffers, Yards, and Landscaping:

- a. A 40-foot building setback measured from the back of the future back of curb will be provided along Old Providence Road and Old Providence Lane.
- b. A 5-foot rear yard for building A and B will be provided along the northern property boundary of the Site as generally depicted on the Reasoning Plan. Building E will have a 5-foot side yard and building D will have a 12-foot rear yard, and building C will have a 12 rear yard 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 Class C buffer.
- c. A 20-foot Class C buffer will be provided between building D and E and the southern property line as generally depicted on the Reasoning Plan.
- d. The existing pond located on the Site will be preserved.
- e. The existing vegetation between building C and building B and the western property boundary will be maintained, except for areas required to be cleared for the construction of the buildings site infrastructure, and associated utilities. The vegetation on the existing slope of the dam will have to be cleared in order for the dam to meet state dam regulations.
- f. 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 proposed buffers at angles no greater than 75 degrees in order to allow for the natural flow storm water.
- g. Screening operations of the Ordinance will be met.
- h. Above ground backflow preventers will be screened from public view and will be located behind the existing right-of-way of Carmel Road.

6. Environmental Features:

- 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. 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.
- The Site will comply with the Tree Ordinance.
- All utilities within the Site will be placed underground.

7. Lighting:

- 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.
- Detached lighting on the Site will be limited to 15 feet in height.
- 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. Reserved

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.

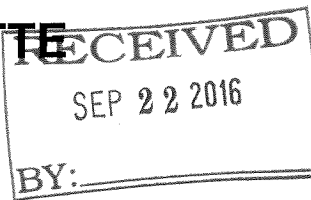
10. Binding Effect of the Rezoning Application:

- 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.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE



FY2016	
Petition #:	2016- 143
Date Filed:	9/22/2016
Received By:	H
Office Use Only	

Section #:	2.201	Definitions
	3.501	Planning Commission Staff; powers and duties
	9.303	Uses permitted under prescribed conditions (Multi-family districts)
	12.103	Requirements for lots along thoroughfares
	12.506	Religious institutions in residential districts

Purpose of Change:

This text amendment modifies references to the Charlotte-Mecklenburg Thoroughfare Plan, by changing the name to the Charlotte Thoroughfare Map, which aligns with the name of the new map in the Comprehensive Transportation Plan being adopted by City Council.

Charlotte-Mecklenburg Planning Department &
Charlotte Department of Transportation

Name of Agent

600 East Fourth St
Agent's Address

Charlotte, NC 28202
City, State, Zip

704 336-3938 (Mike Davis) 704 336-5722
Telephone Number Fax Number

mdavis@charlottenc.gov and smontgomery@charlottenc.gov
E-Mail Address

Signature of Agent

Charlotte-Mecklenburg Planning Dept. &
Charlotte Department of Transportation

Name of Petitioner(s)

600 East Fourth Street
Address of Petitioner(s)

Charlotte, North Carolina 28202
City, State, Zip

704 336-3938 (Mike Davis) 704-336-5722
Telephone Number Fax Number

mdavis@charlottenc.gov and smontgomery@charlottenc.gov
E-Mail Address

Signature
Sandra Montgomery
Mike Davis / SKM

Petition No. 2016-

Petitioner: Charlotte-Mecklenburg Planning Department &
Charlotte Department of Transportation

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by modifying the definitions for "thoroughfare" and "thoroughfare plan" by updating references to the Charlotte Thoroughfare Map and Charlotte City Council as follows:

Thoroughfare.

Any street designated on the adopted Charlotte-Mecklenburg Thoroughfare ~~Plan~~ Map, or any street, which is an extension of any street on the adopted Thoroughfare ~~Plan~~ Map. The words thoroughfare and arterial are used synonymously and indicate streets, which are designed as Class I, II, III, III-C, or IV.

Thoroughfare ~~Plan~~ Map.

The most recent map approved by Charlotte City Council ~~the local Metropolitan Planning Organization~~ which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation. The words thoroughfare ~~plan~~ map and arterial street plan are used interchangeably.

B. CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES

1. PART 5: PROFESSIONAL STAFF

- a. Amend Section 3.501, "Planning Commission Staff; powers and duties", item (7) by updating references to the Charlotte Thoroughfare Map. The revised item shall read as follows:

(7) To determine street classification not otherwise specified on the adopted

Charlotte-Mecklenburg Thoroughfare ~~Plan~~ Map.

C. CHAPTER 9: GENERAL DISTRICTS

1. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, item (19), “Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building”, subsection (c), subsection (i) by changing the term, “plan” to “map”. The revised item shall read as follows:

(i) Adopted thoroughfare map ~~plan~~;

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.103, “Requirements for lots along thoroughfares”, subsection (1), Footnote #1 to the table, by changing the term, “plan” to “map”. The revised footnote shall read as follows:

¹The distance from thoroughfare centerline to proposed right-of-way line for Class III and IV thoroughfares located within the area bounded by Route 4 and I-85 shall measure 40 feet for Class III streets and 30 feet for Class IV streets. These standards represent the normally required rights-of-way. However, additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis by the City Department of Transportation. In addition, in those areas in which the existing street right-of-way exceeds the above noted dimension, the right-of-way width may not be reduced and certain thoroughfares will exceed this dimension as indicated by the Thoroughfare Map ~~Plan~~.

- b. Amend Section 12.506, “Religious institutions in residential districts”, subsection (1), “Maximum floor area ratio”, subsection (a), “Small religious institutions”, subsection (1), subsection (b), by updating the reference to the Charlotte Thoroughfare Map. The revised item shall read as follows:

(1) Maximum floor area ratio:

(a) Small Religious Institutions

(1) Located in a single family residential zoning districts (R-3, R-4, R-5, R-6, R-8) and

a. Located on a collector street (as classified

on the most recent *Collector Road System*) and as defined in the Subdivision Ordinance and the Zoning Ordinance): Maximum FAR: .25

- b. Located on a minor or major thoroughfare (as classified on the most recent ~~*Mecklenburg-Union County Metropolitan Planning Organization-Charlotte Thoroughfare Map Plan*~~): Maximum FAR: .50

- c. Amend Section 12.506, “Religious institutions in residential districts”, subsection (6), “Street classifications”, subsection (d) by updating the reference to the Charlotte Thoroughfare Map. The revised item shall read as follows:

(6) Street Classifications. Religious institutions shall be permitted only on lots fronting the following street and thoroughfare classifications:

- (a) Small religious institutions with a FAR of .25 or less shall be permitted only on a lot with frontage on a collector street, minor thoroughfare, or major thoroughfare.
- (b) Small religious institutions with a FAR between .25 to .50 shall be permitted only on a lot with frontage on a minor or major thoroughfare.
(Petition No. 2011-075, §12.506, (6)(a)(b)(c)(d), 02/20/2012)
- (c) Medium religious institutions shall be permitted only on a lot with frontage on a minor or major thoroughfare.
- (d) Large religious institutions shall be permitted only on a lot with frontage on a minor or major thoroughfare.

Street classification for the purpose of this section shall be based the most recent ~~*Mecklenburg-Union County Metropolitan Planning Organization Charlotte Thoroughfare Map Plan*~~, the *Collector Road System*, and as defined in the Subdivision Ordinance and the Zoning Ordinance.

(Petition No. 2011-075, §12.506, (6)(a)(b)(c)(d), 02/20/2012)

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

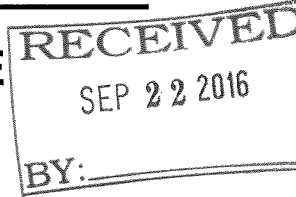
City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 2016, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____ day of _____, 2016.

SUBDIVISION ORDINANCE **TEXT AMENDMENT APPLICATION**

CITY OF CHARLOTTE



FY2016	
Petition #:	2016-S001
Date Filed:	9/22/2016
Received By:	B
Office Use Only	

Section #: **20-6 Definitions**
 20-22 Design standards for streets

Purpose of Change:

This text amendment modifies references to the "MUMPO Thoroughfare Plan", by changing the name to the "Charlotte Thoroughfare Map", which aligns with the name of new map in the Comprehensive Transportation Plan being adopted by City Council.

Charlotte-Mecklenburg Planning Department &
Charlotte Department of Transportation
Name of Agent

600 East Fourth St
Agent's Address

Charlotte, NC 28202
City, State, Zip

704 336-3938 (Mike Davis) 704 336-5722
Telephone Number Fax Number

mdavis@charlottenc.gov and smontgomery@charlottenc.gov
E-Mail Address

Signature of Agent

Charlotte-Mecklenburg Planning Dept. &
Charlotte Department of Transportation
Name of Petitioner(s)

600 East Fourth Street
Address of Petitioner(s)

Charlotte, North Carolina 28202
City, State, Zip

704 336-3938 (Mike Davis) 704-336-5722
Telephone Number Fax Number

mdavis@charlottenc.gov and smontgomery@charlottenc.gov
E-Mail Address

Samira Montgomery
Signature
Mike Davis/SM

Petition No. 2016-

Petitioner: Charlotte-Mecklenburg Planning Department &
Charlotte Department of Transportation

**AN ORDINANCE AMENDING THE CITY CODE –
CHAPTER 20 - SUBDIVISION ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Chapter 20 of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 20: SUBDIVISION ORDINANCE

1. ARTICLE I: IN GENERAL

- a. Amend Section 20-6, "Definitions", by updating references to the Charlotte Thoroughfare Map and correcting misspellings of the term "thoroughfare" in the definitions for "Major arterial" and "Minor arterial". In addition, update the definition of "Thoroughfare" and "Thoroughfare plan" by updating references to the Charlotte Thoroughfare Map and the fact that it is adopted by the Charlotte City Council. The revised section shall read as follows:

Major arterial means a major thoroughfare on the ~~MUMPO~~ Charlotte Thoroughfare Map Plan.

Minor arterial means a minor thoroughfare on the ~~MUMPO~~ Charlotte Thoroughfare Map Plan. It is typically designed to accommodate moderate volumes of traffic at moderate speeds, and usually only handles trips for short to moderate distances.

Thoroughfare means any street designated on the ~~adopted~~ thoroughfare Map plan adopted by the Charlotte City Council or any street which is an extension of any street on the Charlotte Thoroughfare Map plan and which extends into the area not covered by the Charlotte Thoroughfare Map plan. The terms "thoroughfare" and "arterial" are used synonymously.

Thoroughfare Map plan means the most recent Map ~~approved~~ adopted by the ~~Mecklenburg-Union Metropolitan Planning Organization~~ Charlotte City Council which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation. *Through lot* means a lot other than a corner lot, with a frontage on more than one street. A "through lot" may also be referred to as a "double frontage lot", or a "reverse frontage lot."

- b. Amend Section 20-22, “Design standards for streets” by updating the table by changing the name of major and minor arterials to major and minor thoroughfares. The revised table shall read as follows:

Street Type	Minimum Right-of-Way (in feet)
Freeway or Expressway other than U.S. 74 from southeast to the City Limits	350
U.S. 74 between I-277 and Albemarle Road	Existing right-of-way
U.S. 74 between Albemarle Road and W.T. Harris Boulevard	2502
U.S. 74 from W.T. Harris Boulevard southeast to the City limits	2803
Limited-access Arterial	200
Commercial Arterial	150
Major Arterial <u>Thoroughfare</u>	1001
Minor Arterial <u>Thoroughfare</u>	701

- c. Amend Section 20-22, “Design standards for streets”, subsection (c), “Non-local street right-of-way”, subsections (3) and (5) by replacing the phrase, “ plan approved by the Mecklenburg Union Metropolitan Planning Organization” with “map”. The revised subsections shall read as follows. All other subsections shall remain unchanged.

- (3) Whenever a tract of land to be subdivided includes any part of a thoroughfare shown on the thoroughfare map ~~plan approved by the Mecklenburg Union Metropolitan Planning Organization~~ and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the thoroughfare must be platted in the location and to the width specified in the plan.(4) The subdivider is responsible for the dedication of the rights-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with Section 20-52. The remainder of the minimum right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat.
- (5) Freeways. Whenever a tract of land is to be subdivided includes any part of the proposed right-of-way for a freeway, as shown on the thoroughfare map ~~plan approved by the Mecklenburg Union~~

~~Metropolitan Planning Organization~~ and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit. The subdivider must reserve the proposed right-of-way in accordance with the requirements

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

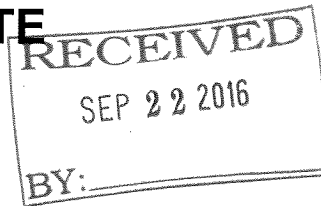
City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 2016, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____ day of _____, 2016.

**CHAPTER 14 OF CITY CODE
MOTOR VEHICLES AND TRAFFIC
TEXT AMENDMENT APPLICATION**

CITY OF CHARLOTTE



FY2016
Petition #: <u>2016- MV001</u>
Date Filed: <u>9/26/2016</u>
Received By: <u>[Signature]</u>
Office Use Only

Section #: Chapter 14, Article IV, Division 2, Section 14-157

Purpose of Change:

This text amendment modifies references to the "Mecklenburg Thoroughfare Map Plan", by changing the name to the "Charlotte Thoroughfare Map", which aligns with the name of new map in the Comprehensive Transportation Plan being adopted by City Council.

Charlotte-Mecklenburg Planning Department &

Charlotte Department of Transportation

Name of Agent

600 East Fourth St
Agent's Address

Charlotte, NC 28202
City, State, Zip

704 336-3938 (Mike Davis) 704 336-5722
Telephone Number Fax Number

mdavis@charlottenc.gov and smontgomery@charlottenc.gov
E-Mail Address

Signature of Agent

Charlotte-Mecklenburg Planning Dept. &

Charlotte Department of Transportation

Name of Petitioner(s)

600 East Fourth Street
Address of Petitioner(s)

Charlotte, North Carolina 28202
City, State, Zip

704 336-3938 (Mike Davis) 704-336-5722
Telephone Number Fax Number

mdavis@charlottenc.gov and smontgomery@charlottenc.gov
E-Mail Address

[Signature]
Signature
Mike Davis/SLM

Petition No. 2016-
Petitioner: Charlotte-Mecklenburg Planning Department and
Charlotte Department of Transportation

**AN ORDINANCE AMENDING THE CITY CODE,
CHAPTER 14 – MOTOR VEHICLES AND TRAFFIC**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Chapter 14 the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 14: MOTOR VEHICLES AND TRAFFIC

1. ARTICLE IV: OPERATION OF VEHICLES

a. Division 2: Commercial Trucks

- (1) Amend Section 14-157, “Commercial truck in residential zones” by updating references to the Charlotte Thoroughfare Map. The revised section shall read as follows:

Section 14-157. - Commercial truck in residential zones.

It shall be unlawful to operate a commercial truck upon any street, other than a thoroughfare designated by the Charlotte ~~Mecklenburg~~ Thoroughfare Map Plan, in a residentially zoned district other than for the sale and exclusive purpose of loading or unloading of materials, performing work of a temporary nature, or gaining access to other streets in the area for the same purposes. This section shall not apply to the operator of a vehicle that is being used in furtherance of a governmental or public purpose.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day

of ____, 2016, the reference having been made in Minute Book ____, and recorded in full in Ordinance Book ____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of _____, 2016.
