

Rezoning Petition Packet

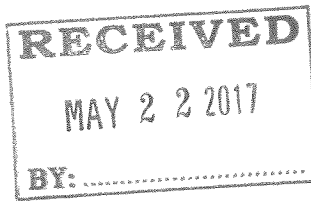
Petitions: 2017-095 through 2017-110

Petitions that were submitted by June 26, 2017

Staff Review Meeting: **July 20, 2017**

City Public Hearing: **To Be Determined**

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-095

Petition #: _____
Date Filed: 5/22/2017
Received By: BH

Complete All Fields (Use additional pages if needed)

Property Owner: CVR Associates, LP c/o Crosland Inc.; Rea Farms Construction LLC c/o Lincoln Harris, LLC

Owner's Address: 5960 Fairview Rd, Suite 200; 4725 Piedmont Row Dr, Ste 800 City, State, Zip: Charlotte, NC 28210

Date Property Acquired: 11/18/1998; 3/14/16

Property Address: Providence Rd, Ardrey Kell Rd, Sandy Rock Pl

Portion of

Tax Parcel Number(s): 22917108; 22917129; 22917128; 22917127; 22917130; 22917125

Current Land Use: Commercial; vacant Size (Acres): +/- 21.5 acres

Existing Zoning: MUDD-O & B-2 (CD) Proposed Zoning: MUDD-O (S.P.A.); MUDD-O

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

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

Date of meeting: 5/16/17

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: To amend the site plan to allow additional height in Development Area G, additional outparcel building in Development Area B, and include additional land in Development Area G.

Collin Brown and Bailey Patrick, Jr.
Name of Rezoning Agent

214 N. Tryon Street, 47th Floor
Agent's Address

Charlotte, NC 28202
City, State, Zip

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

Collin.Brown@klgates.com
E-Mail Address


Signature of Property Owner

Greg Currie
(Name Typed / Printed)

Lincoln Harris, LLC
Name of Petitioner(s)

4725 Piedmont Row Drive, Suite 800
Address of Petitioner(s)

Charlotte, NC 28210
City, State, Zip

704-714-7694 704-716-8600
Telephone Number Fax Number

Tracy.Dodson@lincolnharris.com
E-Mail Address


Signature of Petitioner

Tracy F. Dodson, Vice President
(Name Typed / Printed)


REZONING PETITION NO. 2017-_____

LINCOLN HARRIS, LLC, PETITIONER

JOINDER AGREEMENT

The undersigned, as the owners of that parcel of land located at or near the intersection of Ardrey Kell Road and Sandy Rock Place in the City of Charlotte, Mecklenburg County, North Carolina that is designated as Tax Parcel Nos. 229-171-29, 229-171-28, 229-171-27, 229-171-30 and 229-171-25 on the Mecklenburg County Tax Maps and which is the subject of the attached Rezoning Application (the "Property"), hereby join in this Rezoning Application and consent to the requested Site Plan Amendment as more particularly set out on the associated conditional rezoning plan.

This 22 day of MAY, 2017.



Rea Farms Construction, LLC

REZONING PETITION NO. 2017-_____

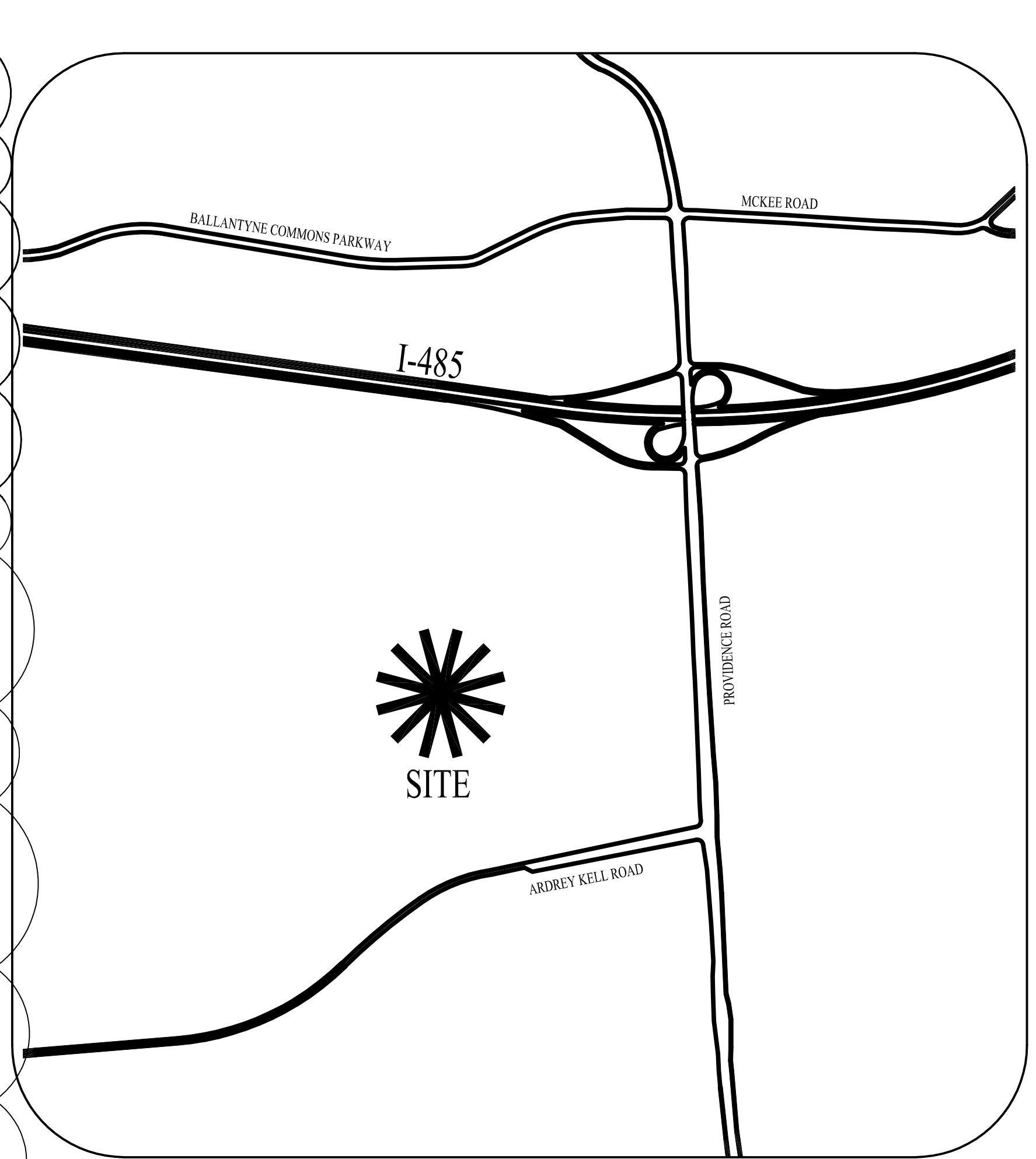
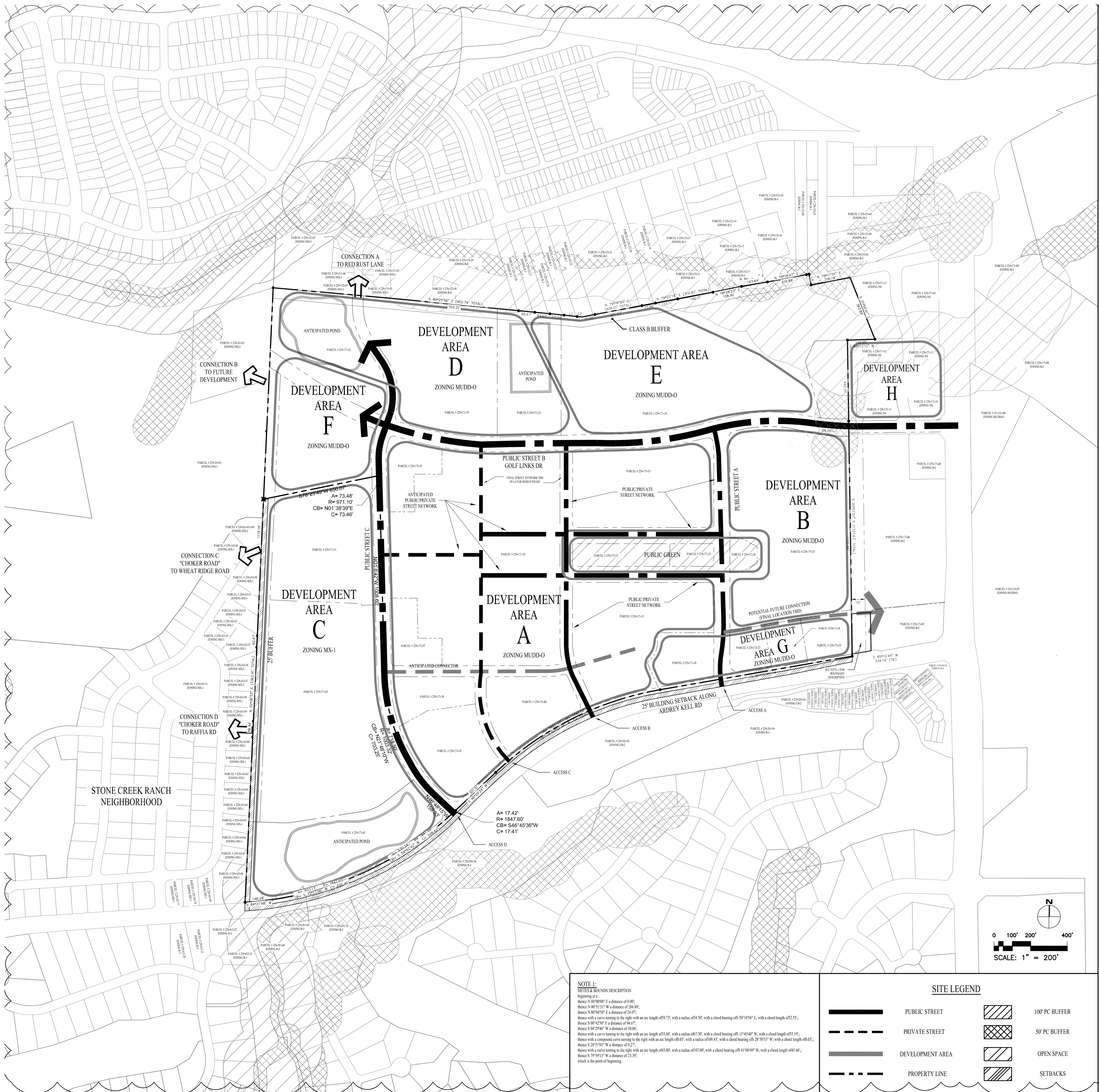
LINCOLN HARRIS, LLC, PETITIONER

JOINDER AGREEMENT

The undersigned, as the owners of that parcel of land located at or near the intersection of Providence Road and Ardrey Kell Road in the City of Charlotte, Mecklenburg County, North Carolina that is designated as Tax Parcel No. 229-171-08 on the Mecklenburg County Tax Maps and which is the subject of the attached Rezoning Application (the "Property"), hereby join in this Rezoning Application and consent to the requested Site Plan Amendment as more particularly set out on the associated conditional rezoning plan.

This 22 day of May, 2017.


CVR Associates, LP



SITE DEVELOPMENT DATA

| | |
|---|---|
| SITE ACREAGE: | ±193.73 AC |
| TAX PARCELS: | 229-171-01 229-171-10 229-171-11 229-171-12 229-171-13 |
| PROPOSED ZONING: | MUDD-O, AND MX-1 Innovative with five (5) year vested rights |
| EXISTING ZONING: | R-3 and NS |
| EXISTING USES: | Abandoned Golf Course |
| PROPOSED USES: | Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-1 innovative zoning district (as more specifically on the following pages). |
| MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: | (a) Within the MUDD-O zoning district <ul style="list-style-type: none">• up to 900,000 square feet of gross floor area of office, retail, restaurant, daycare, personal services, and other commercial uses (as more specifically described below in on the following pages);• up to 265,000 square feet of Institutional uses;• up to 250,000 square feet of Indoor and Outdoor Recreational uses;• up to 505 residential dwelling units of all types;• up to 300 dwelling units within an Adult Care Center or Nursing Home; and• up to 54,000 square feet of commercial floor area within Development Area H only. (b) Within the MX-1 Innovative zoning district: <ul style="list-style-type: none">• up to 200 detached or attached dwelling units |
| MAXIMUM BUILDING HEIGHT: | As allowed by the Ordinance in the area zoned MX-Innovative. In the area zoned MUDD-O, building height will be limited to 95 feet (for the purposes of this height limit, architectural features, (such as parapets, spires, mansards, domes and dormers), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building). |
| PARKING: | (a) As required by the Ordinance for the MX-1 Innovative portion of the Site; and (b) as required by the Ordinance for the portion of the Site zoned MUDD-O. |
| TOTAL OPEN SPACE: | 33.5 AC (includes buffers and public open space) |

NOTE 1:
METES & BOUNDS DESCRIPTION
Beginning at a:
thence N 80°00'00" E a distance of 0.00';
thence N 80°55'33" W a distance of 236.48';
thence N 80°46'50" E a distance of 34.07';
thence with a curve turning to the right with an arc length of 29.73', with a radius of 64.50', with a chord bearing of S 50°18'50" E, with a chord length of 82.55';
thence S 60°42'50" E a distance of 94.47';
thence S 04°29'46" W a distance of 10.06';
thence with a curve turning to the right with an arc length of 55.60', with a radius of 67.50', with a chord bearing of S 13°45'40" W, with a chord length of 55.19';
thence with a compound curve turning to the right with an arc length of 107.07', with a radius of 109.43', with a chord bearing of S 28°30'33" W, with a chord length of 107.07';
thence S 28°51'01" W a distance of 0.27';
thence with a curve turning to the right with an arc length of 85.80', with a radius of 107.00', with a chord bearing of S 41°06'49" W, with a chord length of 85.46';
thence S 79°59'15" W a distance of 33.39';
which is the point of beginning.

| SITE LEGEND | |
|-------------|------------------|
| | PUBLIC STREET |
| | PRIVATE STREET |
| | DEVELOPMENT AREA |
| | PROPERTY LINE |
| | 100' PC BUFFER |
| | 50' PC BUFFER |
| | OPEN SPACE |
| | SETBACKS |

- Acreage:** +/- 21.1 acres
- Tax Parcels:** 229-171-29, 229-171-28, 229-171-27, 229-171-30, 229-171-25, and portion of 229-171-08
- Existing Zoning:** MUDD-O; B-2(CD)
- Proposed Zoning:** MUDD-O (SPA); MUDD-O
- Existing Uses:** Commercial; vacant
- Proposed Uses:** As permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district (as more specifically described below)

--**Acres:** ± 193.73 acres
--**Tax Parcel:** 229-171-01
--**Existing Zoning:** R-3 and NS
--**Proposed Zoning:** MUDD-O; and MX-1 Innovative with five (5) year vested rights.
--**Existing Uses:** Abandoned golf course, office.
--**Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-1 innovative zoning district (as more specifically described below).
--**Maximum Gross Square feet of Development:**

- a. Within the MUDD-O zoning district
 - up to 900,000 square feet of gross floor area of office, retail, restaurant, personal services, and other commercial uses (as more specifically described below);
 - up to 265,000 square feet of Institutional uses;
 - up to 250,000 square feet of Indoor and Outdoor Recreational uses;
 - up to 505 residential dwelling units of all types;
 - up to 300 dwelling units within an Adult Care Center or Nursing Home; and
 - up to 54,000 square feet of commercial floor area within Development Area H only.
- b. Within the MX-1 Innovative zoning district:
 - up to 200 detached or attached dwelling units

--Parking:

- As required by the Ordinance for the MX-1 Innovative portion of the Site; and
- as required by the Ordinance for the portion of the Site zoned MUDD-O.

a. The Development Standards set forth herein are identical to the Development Standards submitted and approved in a 2016 Administrative Amendment to Rezoning Petition No. 2015-022 except as indicated by a balloon surrounding the modified text.

- On February 13, 2015, the Petitioner filed an Amended Rezoning Application to add three parcels on the north side of Golf Links Drive (Tax Parcels 229-171-10, 229-171-12 and 229-171-13 totaling approximately 3.85 acres to the Rezoning Plan (referred to herein as Development Area H). The purpose of incorporating Development Area H is to allow the Site to have signage on Providence Road. Development activity within Development Area H shall be governed by the site plan and development conditions on RZ-5.

- Unless the Rezoning Plan establishes more stringent standards

1. the regulations established under the Ordinance for the MUDD-O zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below; and
2. the regulations established under the Ordinance for the MX-1 Innovative zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Innovative Provisions provided below.

- Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site nor between the areas zoned MUDD-O and MX-Innovative. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein. Setbacks along private streets shall be at least 16 feet.

- f. Five Year-Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period.

The following optional provisions shall apply to Development Areas A, B, D, E, F and G. Optional provisions related to Development Area H are provided on Sheet RZ-5.

- a. To allow vehicular parking, maneuvering and service areas between the proposed buildings and: (i) Ardrey Kell Road; (ii) Golf Links Drive; and (iii) the interior public and private streets. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets is contained in Sections VI and VII below.
- b. To allow up to four (4) uses with accessory drive-through windows to be located within Development Areas B and G.
- c. To allow the existing cellular telephone tower within Development Area E to remain.
- d. To allow along Providence Road, two (2) ground mounted shopping center/development identification signs up to 24 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.

- e. To allow along Ardrey Kell Road, two (2) ground mounted shopping center/development identification signs up to 24 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
- f. To allow one (1) detached ground mounted identification sign for each nonresidential building located within Development Areas A, B, D, E and G. In the event that a residential use fronts Ardrey Kell Road, it shall be permitted one (1) detached ground mounted identification sign. These detached identification signs may be up to five (5) feet in height and contain up to 36 square feet of sign area.
- g. To allow wall signs having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A, B, D, E, and G.
- h. To allow special event signs and banners not to exceed 100 square feet in sign area, at the intersection of Providence Road and Golf Links Drive and at the intersection of Ardrey Kell and the Site's main north/south street connection. Any banners located at these intersections will be well-designed, professionally fabricated banners made of fabric or plastic of any type. Paper banners will not be allowed; and no more than two (2) banners will be allowed at a time at these intersections.
- i. To allow any of the detached signs permitted by the Ordinance or these Optional Provisions to be placed within the setback provided along Ardrey Kell Road or Providence Road, including within landscape areas indicated on the Rezoning Plan, as long as signage is no closer than fourteen feet from back of curb.
- j. To allow, at the Petitioner's discretion, the ability to have one unified construction sign on Ardrey Kell Road up to 200 square feet in sign area in lieu of multiple construction signs as permitted by the Ordinance.

k. To not require doorways to be recessed into the face of buildings when the abutting sidewalk width is greater than twelve (12) feet.

- l. To allow required long term bike parking spaces to be located within parking structure.
- m. To allow deviations from typical streetscape standards. However, any changes to dimensional requirements are allowable only in cases of hardship.
- n. To allow a video screen at the Terminus Pavilion, as generally depicted in the conceptual rendering of this Rezoning Plan, not to exceed twenty-five (25) feet wide and fourteen (14) feet tall.

The following provisions shall apply to the portions of the Site designated MX-1 on the Technical Data Sheet:

- a. The Petitioner hereby seeks the following Innovative Development Standards in connection with development taking place within MX-1 areas, to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian friendly residential development:
1. Minimum lot size for detached dwellings shall be 3,800 square feet, however lots abutting Stone Creek Ranch shall exceed 9,000 square feet;
 2. Minimum lot widths for detached dwellings shall be 35 feet; however lots abutting Stone Creek Ranch shall be at least 60 feet in width;
 3. Minimum side yards for detached dwellings shall be 5 (five) feet;
 4. Minimum rear yards for detached dwellings shall be 20 (twenty) feet, however lots abutting Stone Creek Ranch shall provide rear yards of at least 35 feet;
 5. Minimum front setbacks for detached dwellings shall be 14 (fourteen) feet as measured from proposed right-of-way or back of sidewalk (whichever is greater);
 6. Minimum lot widths for attached dwellings shall be 22 (twenty two) feet; however attached dwellings shall only be permitted adjacent to Public Street C and along the extension of Public Street B; and
 7. Residential uses may front on private streets as long as they are publicly accessible.
- b. In addition, the Petitioner reserves the right to modify the innovative development standards described above or seek other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

a. The Rezoning Plan sets forth seven (7) development areas as generally depicted on the Technical Data Sheet as Development Areas A, B, C, D, E, F, G and H (each a “Development Area” and collectively the “Development Areas”).

- b. Subject to the restrictions, limitations, and transfer/conversion rights listed below, the principal buildings constructed within Development Areas A, B, D, E, F and G on the Site may be developed: (i) with up to 900,000 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions; (ii) up to 265,000 square feet gross floor area of Institutional Uses; (iii) up to 250,000 square feet of gross floor area of Indoor and Outdoor Recreational uses; (iv) 505 residential dwelling units of all types together; and (v) up to 36 Nursing Home or Adult Care Center units, along with any accessory uses allowed in the MUDD zoning district.

- c. In order to encourage the integration of retail uses into the ground floor levels of office or multi-family buildings with Development Areas A and B, the square footages of any such retail space shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site. Additionally, any uses developed within a structure constructed within Development Area B's plaza along Public Street A shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site.

- d. Permitted uses within Development Area C shall be limited to detached or attached dwelling units. No more than 200 dwelling units may be developed within Development Area C. However, if less than 200 dwelling units are developed within Development Area C, then one additional detached or attached dwelling may be developed within Development Areas A, D, E and F for each dwelling unit not developed within Development Area C.

- e. For purposes of the development limitations set forth in these Development Standards (the term “gross floor area” or “GFA” shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structure used for parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

- f. Permitted uses within Development Area D shall be limited to institutional uses and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

- g. Permitted uses within Development Area E shall be limited to indoor recreation, outdoor recreation, nursing homes, adult care centers, and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

- h. Permitted uses within Development Area F shall be limited to nursing homes, adult care centers, and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

- i. Convenience Stores with gasoline sales shall not be permitted on the Site, however, fuel pumps and associated canopies may be permitted as an accessory to a grocery store use.

- j. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, restaurant and personal service uses shall be interchangeable provided that:
1. The total square feet of gross floor area of all such office and other commercial uses does not exceed 900,000 square feet of gross floor area;
 2. The total square feet of gross floor area of all office uses does not exceed 650,000 square feet of gross floor area;
 3. In the event that a hotel use is developed, the total allowable square footage for office and other commercial uses shall be reduced by 1,000 square feet for each hotel room that is developed; and

4.

The total square feet of gross floor area for non-office commercial uses such as retail, restaurant and personal service uses shall not exceed 250,000 square feet of gross floor area in purposes of these Development Standards (Personal Service uses are 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, spas, yoga and exercise studios, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments, locksmiths, and alike).

5.

Office uses may exceed the limitations described in Paragraph IV.j.2. and non-office commercial uses may exceed the limitations described in Paragraph IV.j.4. up to an amount not to exceed 10% of the stated amounts by converting office uses into non-office commercial uses such as retail, restaurant and personal services at a ratio of 1 square foot of gross floor area of office uses for every 1 square foot of gross floor area of such non-office uses so converted and vice-versa, subject to the limitation described in item (i) above.
- k. Subject to the limitations set forth below, up to four (4) uses with accessory drive-through windows may be developed within Development Areas B and G, subject to the following restrictions and the design guidelines set forth in Section VI below:

1.

No more than three (3) restaurants with accessory drive-through windows may be located within Development Areas B and G;

2.

No more than two (2) banks/financial institutions with accessory drive-through windows may be located within Development Areas B and G.

3.

One (1) retail pharmacy with accessory drive-through windows may be located within Development Areas B or G.

II. Transportation

- a. All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, 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 south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.
- b. **Access and Internal Streets:**

1.

Access to the Site will be from Ardrey Kell Road, the proposed extension of Golf Links Drive and future streets as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

2.

The total number of access points to Ardrey Kell Road will be limited to four (4).

3.

The proposed street connections to adjoining properties along the western boundary of the property shall be provided at the locations specified on the Technical Data Sheet in order to ensure that connections align with existing stub streets or proposed streets on adjoining properties. These street connections along the western property boundary shall be designed with careful consideration of existing and future single family neighborhoods. The design and layout of street connections from those external access points to the internal street network will be determined during the design process and efforts will be made to discourage through traffic on Raffia Road and Wheat Road.

4.

“Choker” road shall be installed connecting the Site to Wheat Road and Raffia Road in order to discourage and slow traffic through the adjacent Stone Creek Ranch neighborhood. A Conceptual Cross-Section of the proposed choker connections is illustrated on Sheet RZ-4.

5.

The street connection to Raffia Road shall not be completed until Certificates of Occupancy have been issued for homes on at least 50% of the single-family lots proposed within Development Area C or until a Certificate of Occupancy is issued for a public school within the Site.

6.

The street connection to Wheat Road shall not be completed before Certificates of Occupancy have been issued for homes on at least 85% of the single-family lots proposed within Development Area C.

7.

Two driveway access points from Golf Links drive to Development Area B shall be permitted in the locations generally depicted on the Technical Data Sheet. The eastern most of these driveways shall be limited to right-in-right-out vehicular movements only. In the event a vehicular connection between Development Area B and the abutting property to the east is created, as provided for in the preceding paragraph, it is understood that CDOT may evaluate the function a viability of the easternmost driveway access point between Golf Links Drive and Development Area B. If the easternmost driveway access point is deemed to be unsafe, CDOT and Petitioner will work together to identify a mutually acceptable resolution.

8.

The number and location of internal streets not depicted on the Rezoning Plan will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. While some individual blocks may be longer, the average block length for all blocks within Development Areas A, B and G, shall not exceed 650 feet.

9.

Vehicular access to the residential dwellings located within Development Area C may be from private alleys or private streets.

10.

The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within the Site's public streets in order to designate and define pedestrian cross-walks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the Petitioner understands that an encroachment and maintenance agreement must be obtained from CDOT before any decorative pavers and/or stamped pavement proposed in the public right-of-way may be installed.

11.

The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval, to accommodate minor changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered.

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

d. **Roadway Improvements and Phasing.** Petitioner shall 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:
- Phase 1 Improvements.** The following improvements shall be substantially completed prior to the issuance of a Certificate of Occupancy for the first building developed on the Site:
1.

Public Street B (Golf Links Drive Extension) shall be extended from the existing Golf Links Drive to the proposed Public Street C. Public Street B will be designed for at least an Office/Commercial wide cross-section with right-of-way width of at least 77 feet, subject to alterations that may be approved by CDOT. Petitioner shall comply with planting strip and sidewalk standards effective at the time of construction as long as the total width of sidewalk and planting strip area does not exceed sixteen (16) feet

2.

A public street connection from Public Street B extending north through Development Area D to connect to Red Rust Lane..

3.

Public Street C shall be extended from Ardrey Kell Road through the Site to Public Street B.

4.

Providence Road (NC 16) and Reconfigured Golf Links Drive/Waverly Offsite Access (reconfigured signalized intersection):

i.

Construct dual eastbound left turn lanes on Golf Links Drive with 525 feet of storage each, appropriate bay taper, along with a median within Golf Links Drive extending from Providence Road to a point at least fifty (50) feet west of Golf Links Drive North. Thus providing dual left turn and with appropriate design.

ii.

With the installation of the traffic signal (upon approval by CDOT and NCDOT), install high-visibility crosswalks with pedestrian signal heads and pushbuttons across all four legs of the intersection.

iii.

Install 350 feet of storage and a southbound right turn lane on Providence Road with appropriate bay taper.

iv.

Reserve ROW for 3rd southbound lane on Public Road “C” with 200' of storage.

v.

Install southbound left turn from Public Road “C” to Ardrey Kell with 400' of storage.

vi.

Construct westbound right turn lane on Ardrey Kell with 150' of storage and an appropriate bay taper.
5.

Ardrey Kell Road and Proposed Access “D” (future signal)

i.

Construct an eastbound left turn lane on Ardrey Kell Road with 400 feet of storage and an appropriate bay taper.

ii.

With the installation of the traffic signal (upon approval by CDOT and NCDOT), install a high-visibility crosswalk with pedestrian signal heads and pushbuttons across the Proposed Access “D” leg of the intersection.
- Phase 2 Improvements.** The following improvements shall be substantially completed prior to the development of more than 50,000 square feet of office or retail uses within Development Area A or Development Area B:
1.

Public Street A, located between Development Area A and Development Area B, connecting Public Street B and Ardrey Kell Road.

2.

Ardrey Kell Road and Providence Row Lane/Proposed Access “A” (future signal):

i.

Construct dual eastbound left turn lanes on Ardrey Kell Road with 350 feet of storage each and an appropriate bay taper.

ii.

Construct a second westbound combined through turn lane on Ardrey Kell Road that commences at the existing drop right turn lane located approximately 500 feet west of Providence Road and terminates at the existing right turn lane at Avaly Road (along the entire site frontage - a length of approximately ¾ of a mile). The Ardrey Kell Road curbline shall be set in a location that will accommodate one half of a future median and a westbound bike lane.

iii.

Construct westbound right turn lane on Ardrey Kell with 150; storage and appropriate bay taper.

iv.

Construct eastbound combined thru-right on Ardrey Kell with 500' storage and appropriate bay taper.

v.

On Access “A” construct the following:

vi.

Dual northbound receiving lanes.

vii.

Dual southbound left turn lanes where the outside left turn lane is a termination of the southbound through lane and the inside left turn lane provides 400 feet of storage.

viii.

Combination southbound through-right turn lane.

ix.

With the installation of the traffic signal (upon approval by CDOT and NCDOT), install a high-visibility crosswalk with pedestrian signal heads and pushbuttons across the Proposed Access “A” leg of the intersection. In addition, construct a pedestrian refuge island within the painted-out median on the east side of the intersection.

3.

Ardrey Kell Road and Proposed Right-In/Right-Out Only Access “B” (unsignalized):

i.

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.

ii.

A raised 4' monolithic median should be installed within a 15' painted out area of Ardrey Kell Road along the entire length of the property except at Full Access “A” and “D” and the modified eastbound left turn into the existing shopping center.

iii.

The additional westbound through lane along the site frontage (discussed above) will create a westbound combined through-right turn lane (which terminates at the existing right turn lane at Avaly Road).

4.

Ardrey Kell Road and Proposed Right-In/Right-Out Only Access “C” (unsignalized):

i.

The Proposed Right-in/Right-Out Only Access “C” should include one ingress lane and one egress lane that terminates as a right turn exit lane.

ii.

A raised 4' monolithic median should be installed within a 15' painted out area of Ardrey Kell Road along the entire length of the property except at Full Access “A” and “D” and the modified eastbound left turn into the existing shopping center.

iii.

The additional westbound through lane along the site frontage (discussed previously) will create a westbound combined through-right turn lane (which terminates at the existing right turn lane at Avaly Road).
- Phase 3 Improvements.** The following improvements shall be substantially completed prior to the development of more than 225,000 square feet of office or retail uses within the Site:
1.

Providence Road (NC 16) and I-485 Inner Loop Ramps:

i.

Install new westbound left turn lane with 800 feet of storage.

ii.

Extend the existing westbound left turn lane from 225' of storage to 800' of storage.

iii.

Extend the existing right turn lane from 215' of storage to 800' of storage.

iv.

Construct a westbound right turn lane on the Inner Loop Exit Ramp with 800' of storage and appropriate bay taper.

v.

Install new pedestrian refuge island between combined left turn and through lane and the existing westbound right turn lane.

2.

Providence Road (NC 16) and I-485 Outer Loop Ramps:
- Modify the existing southbound right turn lane on Providence Road to a combined through right turn lane. This will also require a minor amount of widening on the west side south of the intersection to receive this 3rd lane of traffic.
3.

Providence Road (NC 16) and Ardrey Kell Road/Future Ardrey Kell Road Extension (reconfigured signalized intersection):

i.

Construct a second eastbound right turn lane on Ardrey Kell Road with 400' of storage and appropriate bay taper.

ii.

Extend eastbound left turn on Ardrey Kell from 275' of storage to 900' of storage.

iii.

Extend second eastbound left turn lane on Ardrey Kell from 775' of storage to 800' of storage.

iv.

Extend and modify the existing median within Ardrey Kell Road west of Providence Road to provide a directional-crossover to allow left-in/right-in/right-out movements to the existing retail on the north side of Ardrey Kell Road while providing dual left turn lanes with appropriate design.

v.

Construct a third southbound through-lane on Providence Road extending from Ardrey Kell Road to Providence Country Club Drive in accordance with the most recent design plan provided to CDOT by the Petitioner. In the event that the proposed design of the improvements is not approved by NCDOT, the Petitioner shall contribute to the City of Charlotte a monetary amount equivalent to the estimated cost of the design and construction of the proposed improvements (as mutually agreed upon by Petitioner and CDOT).

vi.

Construct a southbound right turn lane on Providence Road with 200 feet of storage and appropriate bay taper.
- 277 W. TRADE STREET
CHARLOTTE, NC 28202
(704) 335-6686
WWW.LSP.COM
- LSP
- 375 EDDMONT ROW DRIVE
CHARLOTTE, NC 28210
(704) 744-5900
WWW.LINCOLNHARRIS.COM
- LINCOLN
HARRIS
- 16 JANUARY, 2015
- REA FARMS
REZONING PETITION No. 2015-022
DEVELOPMENT STANDARDS
- REVISIONS:
01/14/15 - REVISION PER STAFF REVIEW COMMENTS
02/20/15 - REVISION PER STAFF REVIEW COMMENTS
04/06/15 - REVISION TO NOTES
- RZ-3
- SHEET #:

4. Tom Short Road and Ardrey Kell Road (CDOT, at its discretion, may allow the Petitioner to contribute to the City of Charlotte a monetary amount equivalent to the estimated cost of the design and construction of the following improvements (as mutually agreed upon by Petitioner and CDOT) in lieu of constructing the improvements):
 - i. Construct an extension of the existing westbound left-turn lane on Ardrey Kell Road (turning onto Tom Short Road) from 210 feet to 350 feet of storage.
- e. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced herein may not be possible without the acquisition of additional right-of-way. If after the exercise of diligent good faith efforts, as specified by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering and Property Management Department, 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 above, then the Petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations. If after contacting the Planning Department and CDOT to determine the appropriate infrastructure phasing plan, delays in the acquisition of additional right-of-way extends beyond the time that the Petitioner seeks to obtain a Certificate of Occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a Certificate of Occupancy is issued to secure completion of the applicable improvements.
- f. **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, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate transportation improvements must provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.
- g. **Traffic Signals.** Petitioner, on its own or in cooperation with other parties, shall be responsible for the cost of the traffic signals proposed herein, unless certain traffic signals are installed by others prior to the time that they are required to be provided by the Petitioner
- h. **Institutional and Recreational Uses.** Institutional and recreational uses (indoor or outdoor), and any accessory uses thereto, shall not be considered office or retail uses when calculating square footages for the purpose of determining when certain transportation improvements are required.
- i. **Alternative Compliance.** While it is understood that the improvements set forth above, unless otherwise specified, are the responsibility of the Petitioner or other private sector entity, in event that it is necessary or advantageous, CDOT may, at its discretion, accept a fee in lieu of construction of certain improvements, as long as such fee is equal to the full cost of said improvements (including design, acquisition and construction).

VI. Design Guidelines:

- a. **Statement of Overall Design Intent.**
 1. Land Use: The site plan for the Site contemplates an integrated, pedestrian friendly development through a horizontal mixture of uses including office, retail, service, civic, recreational, and open space as well as a variety of residential uses.
 2. Open Space: The Site will incorporate a system of public and private open spaces throughout that will be interconnected by sidewalks and walking trails and linked to an active amenitized open space area at the core of the Site. At least 5 acres of publically accessible open space (including both green spaces and hardscape areas) shall be provided within Development Areas A and B. Smaller open space areas and pocket parks dispersed throughout Development Areas A and B shall be included in the total open space acreage requirement.
 3. Community Design: The site plan for the Site will seek to emphasize pedestrian connections between uses and create a strong link between the commercial core of the development and adjacent uses. Additionally, streetscapes, landscaping and high-quality building materials will be used in a manner that creates a unified development pattern. Where opportunities exist, a vertical mix of uses will be encouraged but not required. Buildings will orient and provide prominent entrances along frontages on Public Street A and the Public Green.
 4. Transportation and Mobility: The Site's internal street network will establish new connections between existing developments on adjoining properties providing multiple route options and creating new opportunities for non-automobile travel while also incorporating traffic calming devices in order to mitigate adverse impacts on adjacent residential neighborhoods.
- b. **General Design Guidelines.**
 1. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), or wood. EIFS as a building material will not be allowed, except as back-up for architectural trim on stucco clad buildings. Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
 2. The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
 3. Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping, and, when provided, site furnishings, throughout Development Areas A, B and G.
 4. Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way-finding.
 5. Circulation paths will be provided along the Site's Public and Private Streets from parking areas and decks to building entries and areas of interest.
 6. Meter banks will be screened where visible from public view at grade from public or private streets.
 7. Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
 8. All dumpster areas shall be enclosed by walls and opaque gates utilizing materials similar in nature and complimentary in design to adjacent buildings.
 9. All service areas for non-residential uses shall be screened from residential structure.
 10. Each Development Area shall include sufficient open space to satisfy the minimum MUDD open space requirements.
- c. **Development Area A Design Guidelines.**
 1. Freestanding retail uses shall be limited to one building (without a drive-through) along the Site's Ardrey Kell Road frontage that does not exceed 24,000 square feet.
 2. During the initial phases of development, uses within Development Area A may be served by surface parking areas. Structured parking facilities shall be required when/if office square footage within Development Area A exceeds 240,000 square feet.
 3. Buildings shall not exceed six (6) stories.
 4. The Rezoning Plan provides for a signature Public Green with significant building frontage in order to create a well-defined edge for that public open space. Off-street parking areas shall be screened from view from the Public Green and shall not front the Public Green or be located to the sides of buildings that front the Public Green, except as generally depicted on the Conceptual Master Plan.
 5. Off-street parking may be located along Ardrey Kell Road, Public Street B or other internal streets if adequately screened from those streets by landscaping. However, off-street parking and maneuvering areas may not be located between Ardrey Kell Road and proposed buildings, except as generally depicted on the Conceptual Master Plan.
 6. Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale along the street wall:
 - i. Façade Modulation varying the plane of the building street wall to break up the mass of the building.

- Minimum width of 15'-0" and a minimum depth of 5'-0"
 - No single section of the façade shall exceed 150'-0" in length
 - May be achieved through multiple modulations
- ii. Building Mass Separation at a depth of at least 25'-0" from the street wall and a width of at least 25'-0" open to the sky.
 - No single section of the façade shall exceed 150'-0" in length
- iii. Architectural Façade Variations along the street wall to visually break down the building's mass with intervals not exceeding 150'-0". These façade variations shall include at least two of the following techniques:
 - Varied Architectural Styles
 - Varied Roof Pitches
 - Varied Window Arrangement and Sizes
 - Significant Exterior Façade Materials Changes
 - Offset Wall Planes
7. Buildings fronting Public Street A that house street level retail uses shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor fenestration area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required Fenestration Zone may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals and other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the Public Street A sidewalk.
8. Entries into individual retail spaces fronting Public Street A shall be recessed 3'-0" for a minimum width of 5'-0" in those locations with sidewalks less than 12'-0" in width.
9. Any buildings fronting the Public Green shall include primary entrances that open to the Public Green and all such entrances for non-residential uses shall be open and operable during business hours.
10. All service areas for non-residential uses shall be screened from residential structures.
11. In the event that single-family residential units are developed within Development Area A, vehicular driveways accessing individual units shall not be permitted to connect directly to Golf Links Drive or the streets surrounding the Public Green.
12. A twenty (20) foot setback (measured from back of curb) shall be provided for any attached or detached dwelling units that front on Public Street B or Public Street C. Stairs or stoops may encroach up to four (4) feet into this setback.
- d. Development Area B Design Guidelines.**
1. Individual retail uses shall not exceed 60,000 square feet. However, in the event that a grocery store use is developed, that use may occupy up to 85,000 square feet.
2. Up to three free-standing single tenant uses shall be permitted. Only one freestanding retail use may exceed 24,000 square feet. This provision shall not prohibit non-retail uses, including but not limited to offices or studios, within free-standing buildings,
3. Buildings shall not exceed three (3) stories in height
4. Service areas shall be designed to face existing service areas within the adjacent Rea Village Shopping Center as generally depicted on the Conceptual Master Plan.
5. Any drive-through uses within Development Area B shall be internally oriented and drive-through facilities and associated maneuvering areas shall be screened with a low wall and/or landscaping when visible from Public Street A or Public Street B.
6. Retail areas in buildings fronting Public Street A shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor façade area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required fenestration may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals or other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the sidewalk.
7. The primary entrance to buildings along Public Street A shall be on the Public Street A façade of those buildings. These entries shall be recessed a minimum of 3'-0" deep with a minimum width of 5'-0" unless fronting a sidewalk with a minimum width of 12'-0".
8. Parking Areas for the retail buildings along Public Street A shall be located behind the buildings fronting Public Street A and shall be screened by the buildings, except at pedestrian ways providing access from parking areas to the street.
9. The facades of the retail buildings along the Public Street A fronting the parking areas shall provide a Ground Floor Fenestration Zone of 30% of the ground façade area as defined in Paragraph 6 above unless a particular façade directly abuts a required service area. Up to 40% of the required Fenestration Zone may be display windows as defined in Paragraph 6 of this Section.
10. With regard to the main retail anchor, enhanced fenestration zones shall be provided in the areas indicated on RZ-7.1. Within the highlighted areas, at least 40% of the ground floor façade area measured between 3' and 10' above the sidewalk shall be fenestrated. Fenestration requirements for the western elevation area may be satisfied entirely through the use of display windows with a minimum of 3'-0" clear depth between window and rear wall. The southern elevation of this building shall be generally consistent with the conceptual elevation on Sheet RZ-7.1. All other portions of this building will only be required to meet façade design standards for the MUDD District per the Zoning Ordinance.
11. Required service areas within Development Area B shall be screened per requirements of the Zoning Ordinance. Those service areas directly abutting retail buildings along Public Street A shall be located to the rear facades of these building, away from the street and within the parking areas. These service areas shall have screen walls constructed to match the building's exterior finish materials and, with the exception of the main retail anchor, be accessed through opaque gates.
12. Petitioner acknowledges the benefit of vehicular connectivity between Development Area B and the abutting property to the east in the event that that property is redeveloped in a compatible manner. Although it is not possible to commit to such a connection at this time, due to the number of uncertainties related to the adjacent property, Petitioner has designed Development Area B so that a vehicular connection to the adjacent property could be made if development plans and physical conditions on the abutting site can accommodate such a connection. Potential locations for this connection are identified on the Technical Data Sheet.
13. The plaza area adjacent to Public Street A shall contain a structure with heated square footage. This structure may be used for retail or office purposes and any such square footage shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site.

- c. **Development Area C Design Guidelines.**
1. Buildings shall not exceed three (3) stories in height.
 2. A buffer area at least twenty five (25) feet wide shall be maintained along that portion of the Site's western property boundary which touches the Stone Creek Ranch neighborhood. Petitioner shall provide plantings within the buffer area in accordance with the requirements for a Class C buffer under the Ordinance. However, in areas where existing vegetation is sufficient, the buffer area shall remain undisturbed.
 3. Attached, front loading garages shall be recessed at least two (2) feet behind the front façade of the residential structure unless a front porch greater than eight (8) feet in depth is included, in which case the garage must be recessed at least two (2) feet behind the front face of the porch. The width of front facing garages shall not exceed 50% of the width of the front façade of the home.

f. **Development Area D Design Guidelines.**

- Buildings shall not exceed four (4) stories in height.
- Limited vehicle parking, circulation and maneuvering areas may be located between proposed buildings and adjacent streets. Between Public Road B and the building, no more than 30 off-street parking spaces shall be located in this area.
- The mass of any institutional buildings shall be placed to create a strong built edge along Public Street B.
- Fenestration along Public Street B shall constitute a minimum of 25% of the surface area of the street façade. Non-fenestrated areas shall meet the requirements of the MUDD district per the Zoning Ordinance.
- Primary parking and driveway areas shall be located to the rear or sides of the building and shall be screened per Ordinance requirements.
- A primary pedestrian entrance to the sidewalk along Public Street B shall be provided to enhance pedestrian connectivity within the Site.
- Outdoor recreational areas shall be provided within Development Area D.

g. **Development Area E Design Guidelines.**

- Buildings shall not exceed three (3) stories or sixty five feet in height.
- Primary parking areas shall be located to the rear or side of buildings. Limited vehicle parking, circulation and maneuvering areas may be located between proposed buildings and Public Road B as generally depicted on the Conceptual Master Plan.
- A primary building entrance fronting on Public Street B shall be provided to enhance pedestrian activity. The entrance shall be connected to the sidewalk along Public Street B by a sidewalk that terminates at the axis of Public Street A.
- A Ground Floor Fenestration Zone as defined above shall be provided along Public Street B. This Fenestration Zone shall represent 30% of the ground floor façade. Those functional areas of any recreational use that cannot accommodate fenestration (i.e., certain gyms, racquetball courts, locker rooms, etc.) shall meet the guidelines for Façade Articulation for the MUDD District per the Zoning Ordinance.
- Existing natural areas within Development Area E shall be provided, as generally depicted on the Conceptual Master Plan.

h. **Development Area F Design Guidelines**

- Nursing Home or Adult Care Center uses shall not exceed three (3) stories in height.
- If Nursing Home or Adult Care Center uses are developed, a 25 foot buffer shall be provided along the western boundary of the Site.
- If residential uses are developed, lots shall meet with minimum requirements for lots within the MX-1 portion of the Site as set forth in Section III.a above. Provisions of Section III.a related to lots abutting Stone Creek Ranch shall not be applicable to residential lots within Development Area F.

i. **Development Area G Design Guidelines.**

- Hotel building, as generally depicted on the Rezoning Plan, shall not exceed six (6) stories in height. All other buildings within Development Area G shall not exceed three (3) stories in height.
- Drive-through uses shall only be allowed immediately adjacent to Public Street A and within the portion of Development Area G lying east of Public Street A.
- Drive-through uses shall be designed to facilitate safe pedestrian crossings.
- Drive-through uses shall be oriented internally to the Site. No drive-through circulation shall be permitted between Public Street A and the proposed use.
- Site design shall encourage pedestrian travel between Development Area G and the remainder of the Site.
- If drive-through lanes are installed between the buildings and the adjacent streets, low walls and low accent plantings will be provided between the drive through lanes and the adjacent streets, such walls may be intermittent but shall be constructed of building materials generally compatible with the buildings to which they relate.
- Off-street parking areas may not be located between Ardrey Kell Road and proposed buildings, but vehicular parking may be located to the side or behind such buildings, behind the established setback. In areas adjacent to and lying east of Public Street A, vehicle circulation and maneuvering areas may be located between Ardrey Kell Road and the proposed buildings
- A sidewalk shall be provided along the south side of the driveway running between the Development Area B and Development Area G.

VII. **Parking Areas, Access and Circulation Design Guidelines.**

- Building materials associated with facades on parking structures shall be generally compatible in character and quality with materials used on nearby buildings, plazas and streetscapes, taking into consideration differences associated with parking structures.
- Parking structures shall be designed to materially screen the view of parked cars from adjacent public or private streets or publicly accessible open spaces or plazas. Screening of cars on the ground level will be accomplished primarily through the use of landscaping; and screening of cars parked on the upper level will be accomplished by a wall, at least 36 inches in height, designed as part of the parking deck structure. Parking structures shall be screened with decorative louvers and landscaped as required by the Ordinance.
- On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances.

VIII. **Pedestrian Access and Circulation Design Guidelines.**

- Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links the buildings, parking areas and areas of interest on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. Street trees will also be provided within planting strips along the Site's internal public and private streets.
- Walkways through plazas or publicly accessible open space areas will be at least six (6) feet in width and shall be appropriately designed for the intended use and type of open space area in which they are located.
- Where walkways occur along building walls, a walkway width of at least six (6) feet must be maintained clear of door swings, shopping cart storage, and temporary trash or similar impediments.
- Subject to the optional provision set forth in Section II.m. above, deviations from typical sidewalk and planting strip requirements are allowable upon approval by CDOT and the Planning Director.. Any changes to dimensional requirements are allowable only in cases of hardship.

IX. **Open Space, Public Green and Amenity Areas.**

- The Petitioner will provide at least five (5) acres of publically accessible open space (including both green spaces and hardscape areas) within Development Areas A and B. Smaller open space areas and pocket parks dispersed throughout Development Areas A and B shall be included in the total acreage requirement. Portions of the open space may be used for outdoor dining associated with restaurants.
- Petitioner shall provide a “Public Green,” at least three (3) acres in size, located within Development Area A and Development Area B in the location generally depicted on the Technical Data Sheet. The Public Green will be designed as a significant pedestrian focal point and an amenity for that portion of the development. The Public Green will include elements such as: water features, specialty graphics, landscaping, specialty paving, seating areas, signage (e.g. way-finding, directional, special event) art work and/or other site elements that help create a vibrant Public Green area
- Portions of the Public Green shall be completed in conjunction with adjacent development. Portions of the Public Green within Development Area B shall be completed prior to the issuance of a

Certificate of Occupancy for the retail anchor within Development Area B. Within Development Area A, portions of the Public Green adjacent to multi-family uses shall be substantially completed prior to the issuance of a Certificate of Occupancy for those multi-family uses and portions of the Public Green adjacent to offices uses shall be substantially completed prior to the issuance of a Certificate of Occupancy for those office uses.

- Open spaces associated with water quality/storm water detention ponds may be improved as amenity areas with seating areas, naturalized paths and landscaping.

X. **Buffers:**

- A buffer area at least twenty five (25) feet wide shall be maintained along that portion of the Site's western property boundary which touches the Stone Creek Ranch neighborhood. Petitioner shall provide plantings within the buffer area in accordance with the requirements for a Class C buffer under the Ordinance. However, in areas where existing vegetation is sufficient, the buffer area shall remain undisturbed.
- Petitioner shall provide a twenty five (25) foot building setback along Ardrey Kell Road, as measured from the back of the future curb line. This setback area off of Ardrey Kell Road will be landscaped with a variety of landscape materials (trees, shrubs, ornamental grasses, grass, and/or areas of seasonal color). A minimum of 25 shrubs and 5 trees per 100 linear feet will be planted within this area. An eight (8) foot wide sidewalk will be provided within the landscaped setback. This planted sidewalk may meander or be located at a consistent distance (minimum 8 feet) from the back of curb.

XI. **Environmental Feature:**

- 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.
- In accordance with Section 21-126 of the Charlotte Tree Ordinance, the Senior Urban Forester has approved a variance from the requirements of the Tree Ordinance to allow the Petitioner to satisfy Commercial Tree Save requirements through a combination of on-site tree save areas, on-site tree enhancement areas and off-site mitigation or payment in lieu.

XII. **Signage**

- Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided. Because the Site will be viewed as a Planned/Unified-Development as defined by the Ordinance, shopping center signs may be located throughout that portion of the Site zoned MUDD-O as allowed by the Ordinance and the Optional Provisions. In addition, uses located on the interior of the Site may be identified on the allowed shopping center/development signs (by way of example, the multi-family developments and single-family developments may be identified on the signs allowed along Ardrey Kell Road and Providence Road). The allowed signs may contain identification signage for any of the uses located on the Site.
- Master signage and graphics systems may be adopted.
- Information and Advertising Pillar Signs as defined by the Ordinance may be provided on the portion of the Site zoned MUDD-O.
- On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.
- Temporary Banners as allowed by the Ordinance may be provided.

XIII. **Lighting:**

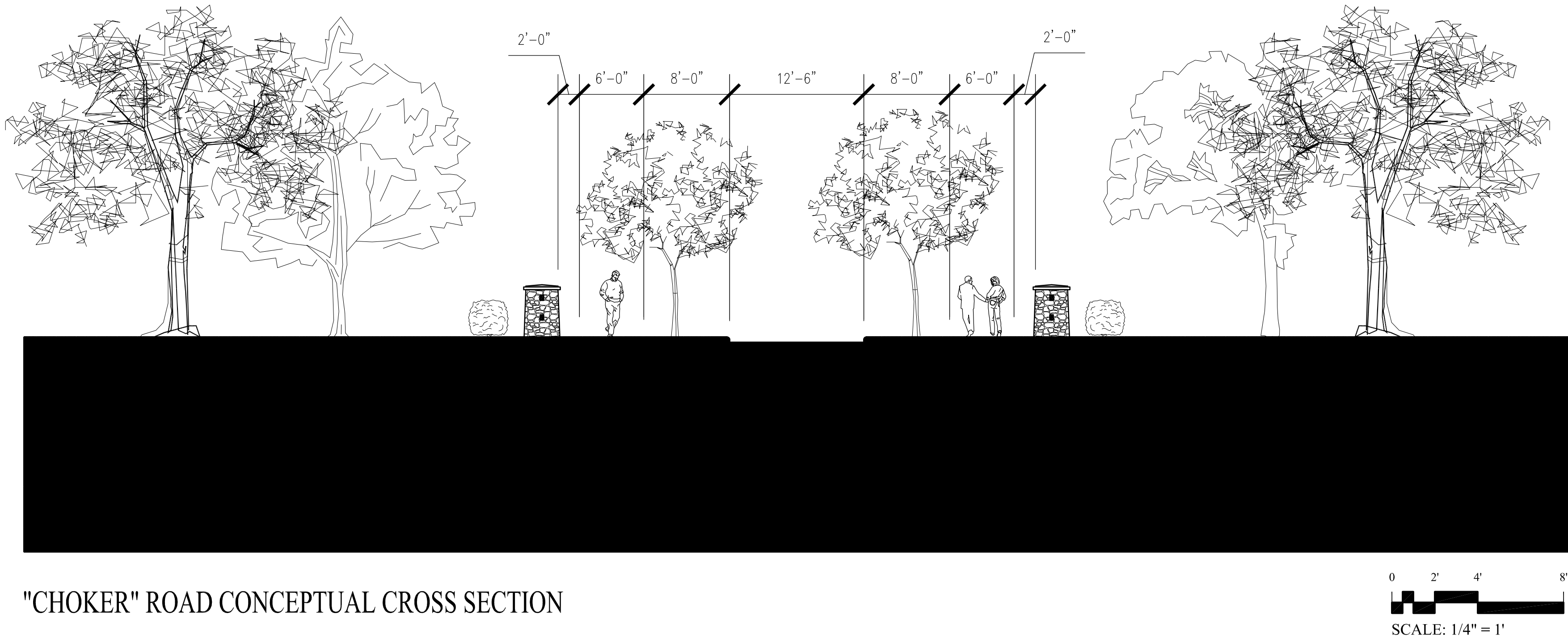
- All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- Detached lighting on the Site, except street lights located along public and private streets, will be limited to 30 feet in height in the portions of the Site used for non-residential uses and 25 feet in height in the portions of the Site used for residential uses.
- Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.

XIV. **Amendments to the Rezoning Plan:**

Future amendments to the Rezoning Plan 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.

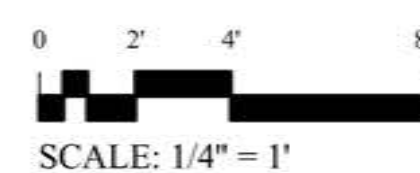
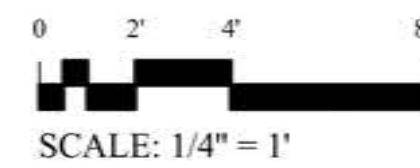
XV. **Binding Effect of the Rezoning Application:**

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 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.



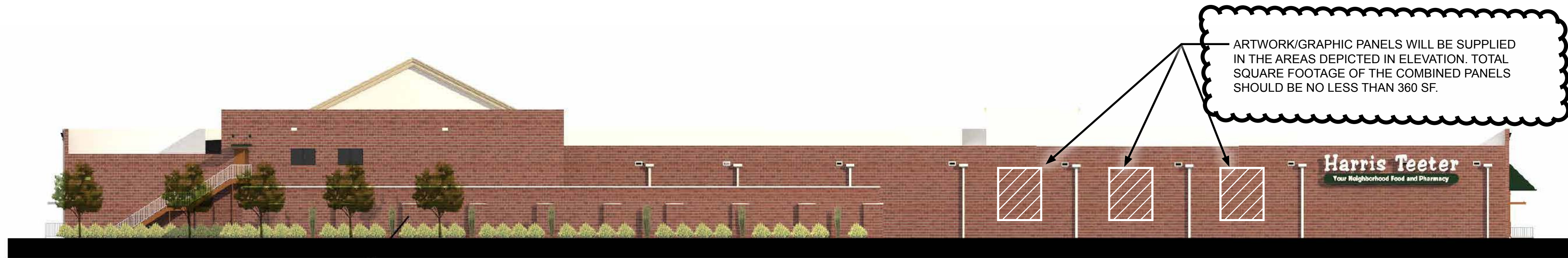
"CHOKER" ROAD CONCEPTUAL CROSS SECTION

1. The existing sidewalk and planting strip along Golf Links Drive are both approximately four feet wide
2. If any of the existing buildings within Development Area H are redeveloped, required planting strips and sidewalks along Golf Links Drive and Providence Road will be added.
3. If any of the existing buildings within Development Area H are redeveloped, the redevelopment shall comply with the Post Construction Controls Ordinance.



1. THE SITE PLAN CONSISTS OF THE TECHNICAL DATA SHEET AND THE ILLUSTRATIVE PLAN. THE TECHNICAL DATA SHEET CONTAINS ALL DEVELOPMENT NOTES AND CONDITIONS REGULATION THINGS AS VEHICULAR ACCESS POINTS, BUFFERS, SETBACK/YARD DIMENSIONS, GENERALIZED BUILDING/PARKING/CIRCULATION AREAS, DEVELOPMENT INTENSITY, ETC. THE ILLUSTRATIVE PLAN DEPICTS A DEVELOPMENT SCENARIO OF THE BASED UPON THE CONDITIONS SET BY THE TECHNICAL DATA SHEET. HOWEVER, OTHER DEVELOPMENT SCENARIOS ARE PERMITTED AS A MATTER OF RIGHT, WHICH ALLOWS ALTERNATIVES TO THE ARGUMENT OF BUILDING/PARKING/CIRCULATION AREAS, BUILDING FOOTPRINTS AND SHAPES, ETC. SUCH CHANGES SHALL STILL REFLECT THE "NEO-TRADITIONAL" STYLE LAYOUT OF THE SITE AS GENERALLY DEPICTED ON THE PLAN.
2. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CITY OF CHARLOTTE REGULATIONS PERTAINING TO OFF-STREET PARKING, SIGNAGE, BUFFERS/LANDSCAPING, SCREENING, DRAINAGE, TREE ORDINANCE, ETC.
3. FACING FOR THE OVERALL SITE SHALL BE CONSIDERED AS A UNIFIED DEVELOPMENT AND SHALL BE CALCULATED AS IF THE SITE IS ZONED O-1. NO REDUCTION IN PARKING AS PERMITTED BY MS ZONING SHALL BE ALLOWED.
4. THE NUMBER OF VEHICULAR ACCESS TO THE SITE SHALL BE LIMITED TO THE NUMBER OF INGRESS/EGRESS AS SHOWN ON THE SITE PLAN. HOWEVER, THE LOCATIONS MAY VARY SOMEWHAT FROM THAT DEPICTED. THE LOCATION AND DESIGN SHALL COMPLY WITH ALL APPLICABLE STANDARDS AND REQUIREMENTS OF THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.
5. MAXIMUM BUILDING HEIGHTS SHALL BE TWO STORIES (MAY INCLUDE ATTIC AND/OR FINISHED SPACE WITHIN THE AREA HEIGHT OF THE ROOF).
6. A CLASS "C" BUFFER SHALL BE ESTABLISHED WHERE THERE IS INSUFFICIENT NATURAL VEGETATION TO COMPLY WITH MINIMUM BUFFERING REQUIREMENTS. THE BUFFER SHALL BE MAINTAINED WITH MINIMUM LANDSCAPING IN ACCORDANCE WITH APPLICABLE STANDARDS.
7. A 30 FOOT SETBACK MEASURED FROM THE R/W LINE SHALL BE ESTABLISHED ALONG THE SITE'S PROVIDENCE ROAD FRONTAGE. A R/W MEASURING 50 FEET FROM THE CL OF PROVIDENCE ROAD SHALL BE ESTABLISHED AS SHOW. PETITIONER HAS DEDICATED THE NEW R/W AREA.
8. STORM WATER DETENTION SHALL NOT BE LOCATED IN THE SETBACK AREAS OR THE BUFFER AREAS. STORM WATER DETENTION FOR PORTIONS OF THE SITE MAY BE PROVIDED IN A COMMON DETENTION FACILITY LOCATED ON ANY LOT CREATED BY FUTURE SUBDIVISION. CROSSING OF THE PROPOSED DETENTION ROAD TO CONNECT TO THE DETENTION SYSTEM WILL BE ALLOWED AS WELL AS DIVERTING STORM DRAINAGE FROM THE PUBLIC ROAD TO THE PROPOSED DETENTION FACILITY WHILE DISCHARGING NON DETAINED FLOW FROM A LIKE AREA OF CONTIGUOUS DEVELOPMENT TO THE EXISTING WETLAND AREA TO MAINTAIN DRAINAGE TO SUCH WETLANDS AREA.
9. MAXIMUM HEIGHT OF BUILDING LIGHTING SHALL BE 30 FEET. LIGHTING SHALL BE DESIGNED IN A MANNER TO SHIELD/DIRECT LIGHTING GLARE AWAY FROM RESIDENTIAL AREAS.
10. BUFFERS AREAS SHALL NOT BE REDUCED IN DEPTH FROM THAT DEPICTED ON THE PLAN.
11. SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 12.303 OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
12. BUFFERS SHALL REMAIN UNDISTURBED EXCEPT THAT ANY AREA WHICH ARE SPARSELY VEGETATED (VEGETATION LESS THAN 2 INCHES IN CALIPER) ALLOWED TO BE REMOVED IF NECESSARY TO FURTHER THE DEVELOPMENT OF THE SITE, AND TO ACCOMMODATE UTILITY EXTENSIONS ASSOCIATED WITH DEVELOPMENT. ANY CLEARED AREAS SHALL BE REPLANTED IN ACCORDANCE WITH APPLICABLE BUFFER REQUIREMENTS.
13. TREES LOCATED WITHIN THE FRONT SETBACK AREA WHICH ARE 6 INCHES OR GREATER IN CALIPER SHALL BE PRESERVED AND/OR MITIGATED PER CITY OF CHARLOTTE TREE ORDINANCE.
14. THE MAXIMUM HEIGHT OF DETACHED POLE LIGHTS SHALL BE RESTRICTED TO 20 FEET.
15. WALL PACK TYPE LIGHTING SHALL NOT BE ALLOWED.
16. ~~ALL~~ THE ~~POINT~~ SITE'S SHALL BE LOCATED WITHIN A SOLID ENCLOSURE WITH
17. BUILDINGS ON THE SITE WILL BE CONSTRUCTED WITH BRICK AND/OR OTHER MASONRY FINISHING MATERIALS ON 80% OF THE EXTERIOR WALLS OF ~~ANY~~ ALL BUILDING.
18. THE PETITIONER/DEVELOPER SHALL INSTALL OR PAY THE CITY OF CHARLOTTE FOR FUTURE INSTALLATION DURING PROVIDENCE ROAD WIDENING OF A 5 FOOT SIDEWALK WITH AN 8 FOOT PLANTING STRIP ALONG THE SITE'S PROVIDENCE ROAD FRONTAGE. THIS SIDEWALK SHALL LINK TO OTHER INTERNAL SIDEWALKS ON THE SITE.
19. PROPOSED USES FOR THE SITE SHALL INCLUDE THOSE ALLOWED IN THE O-1 DISTRICT, EXCEPT THAT HOTELS, MOTELS, AND RESTAURANTS (EXCEEDING 3,000 SF) ALLOWED SHALL BE PERMITTED. FURTHERMORE, IF REQUIRED BY FIRE DEPARTMENT REGULATIONS, 4-HOUR FIRE WALLS AND/OR SPRINKLER SYSTEMS SHALL BE INSTALLED IN EACH BUILDING TO OFFSET ANY POTENTIAL MARGINAL WATER SUPPLY IN THE AREA.
20. THE DEVELOPER SHALL DESIGN AND CONSTRUCT THE PROPOSED PUBLIC ROAD THROUGH THE SITE TO CITY OF CHARLOTTE STANDARDS. THE DEVELOPER SHALL DEDICATE SUCH ROAD AND RELATED 60 FOOT RIGHT OF WAY TO THE CITY OF CHARLOTTE FOR OWNERSHIP AND MAINTENANCE
21. EXISTING DRIVES ARE PERMITTED BY RIGHT AS CONSTRUCTED. SEE SHEET 1 OF 4 EXISTING CONDITION. NO MODIFICATIONS WILL BE REQUIRED AS PART OF FUTURE DRIVEWAY PROCESS.

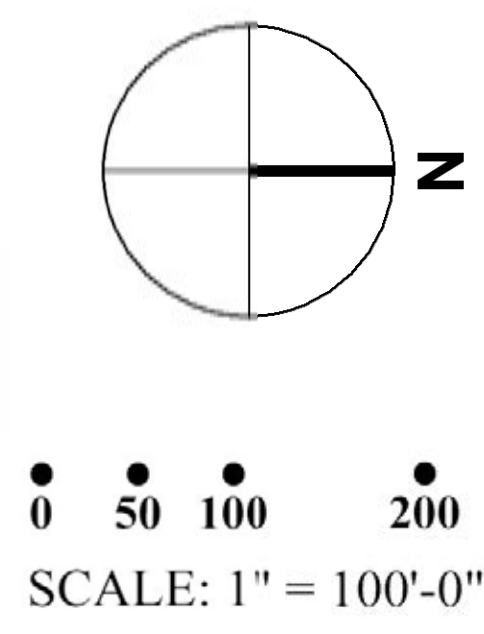
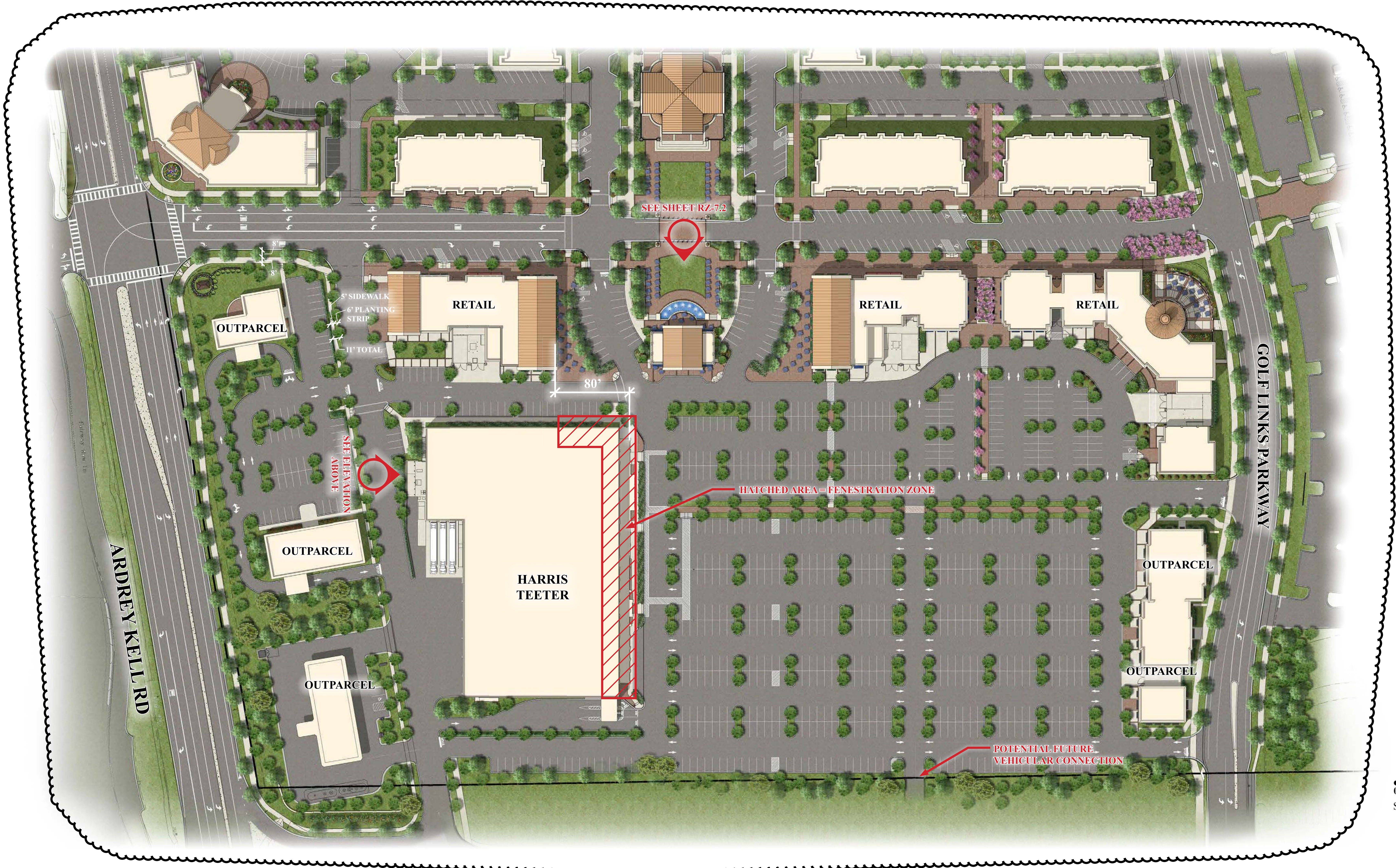




REAR ELEVATION FROM HT BACK STREET

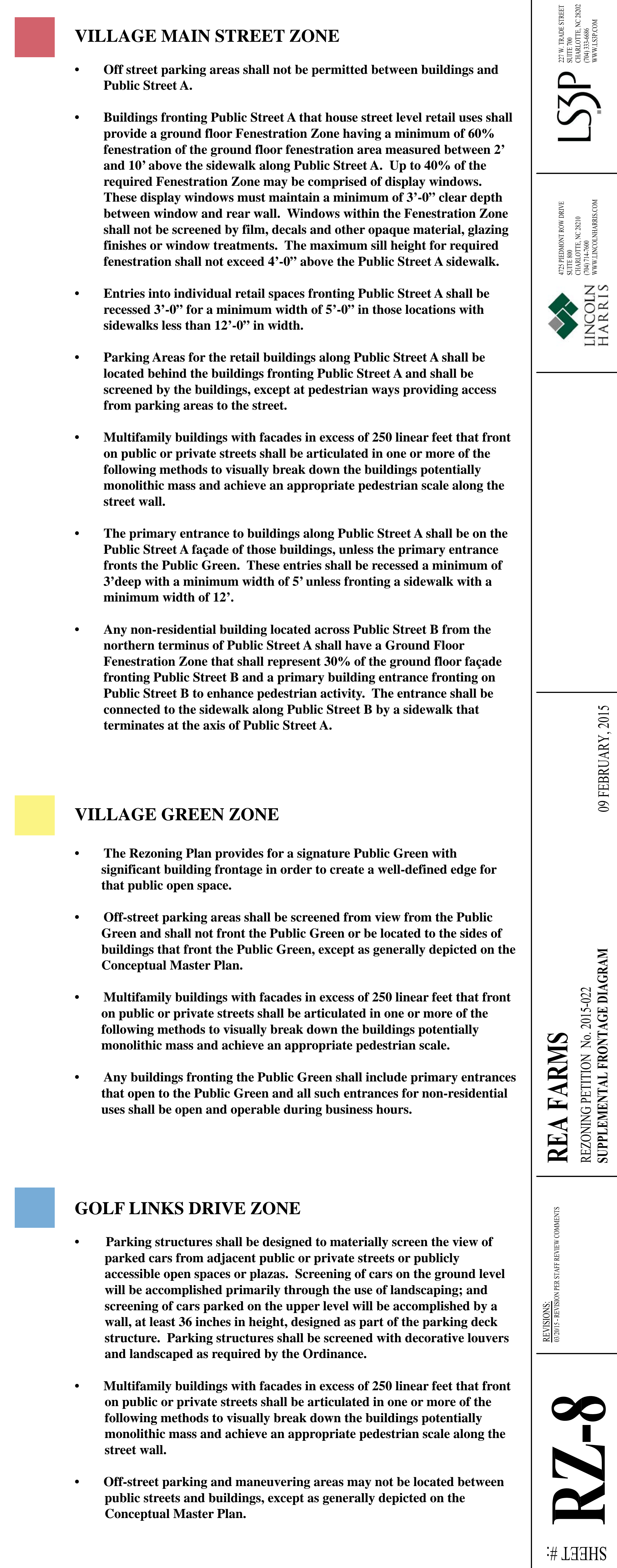
PROVIDE REAR ELEVATION ARTICULATION IN PATTERN SIM. TO THAT SHOWN

0 8 16 32
SCALE: 1/16" = 1'-0"





0 8 16 32
SCALE: 1/16" = 1'-0"



**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2017-096
Petition #: _____
Date Filed: 5/22/2017
Received By: By

Complete All Fields (Use additional pages if needed)

Property Owner: Cambridge-Eastfield, LLC

Owner's Address: 831 East Morehead, Suite 245 City, State, Zip: Charlotte, NC 28202

Date Property Acquired: 2/2016

Property Address: 4414 Johnson-Oehler Rd.

Tax Parcel Number(s): 02931107

Current Land Use: undeveloped Size (Acres): Approx. 8.96

Existing Zoning: UR-2 (CD) Proposed Zoning: UR-2 (CD) SPA

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

Required Rezoning Pre-Application Meeting* with: Alberto Gonzales, Kent Main, and others

Date of meeting: 4/18/17

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: develop a 260 unit multi-family community

Walter Fields

Name of Rezoning Agent

1919 South Blvd., suite 101

Agent's Address

Charlotte, NC 28203

City, State, Zip

704-372-7855

Telephone Number

704-372-7856

Fax Number

walter@walterfieldsgroup.com

E-Mail Address

John J. Priester Jr.

Signature of Property Owner

John J. Priester Jr. - Agent

(Name Typed / Printed)

Cambridge-Eastfield, LLC

Name of Petitioner(s)

831 East Morehead St., Suite 245

Address of Petitioner(s)

Charlotte, NC 28202

City, State, Zip

704.333.2393 x104

Telephone Number

Fax Number

Jay Priester <jjp@cambridgeprop.com>

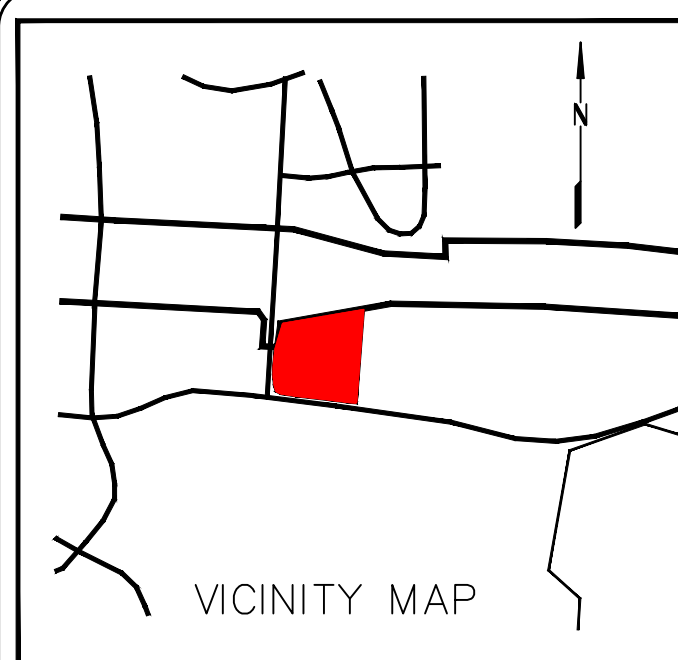
E-Mail Address

John J. Priester Jr.

Signature of Petitioner

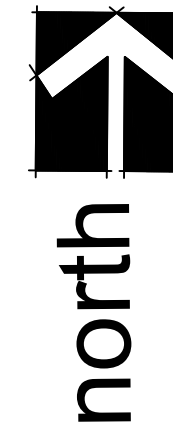
John J. Priester Jr.

(Name Typed / Printed)



SITE DATA:

OWNER: CAMBRIDGE-EASTFIELD, LLC
TAX PARCEL: 02931107, DB 30592, PG 57
TOTAL SITE AREA: 8.955 ACRES
EXISTING ZONING: UR-2(CD)
PROPOSED ZONING: UR-2(CD) SPA
TOTAL UNITS: 260
PARKING: A COMBINATION OF STRUCTURED
AND SURFACE PARKING WILL BE PROVIDED
TO MEET CODE.



 OPEN SPACE: PER CODE
TREE SAVE : PER CODE

Prosperity Ridge Development Standards

1. General Provisions.
- a. Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this site plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6-2.4 of the Zoning Ordinance.
- b. The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, trees, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations; are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by those other city ordinances.
- c. The Petitioner understands that the term "Petitioner" as used in the title of this Petition and in the title of this Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the owner or owners of the Site who may be involved in its development from time to time.

- 2. Purpose**
The purpose of this Rezoning application is to provide for the development of a multifamily community. To achieve this purpose, the application seeks to amend the current approved zoning plan for the site to a modified UR-2 (CD) district with a Site Plan Amendment.

- ### 3. Permitted Uses

Uses allowed on the property included in this Petition will be multifamily dwelling units and related accessory uses as are permitted in the UR-2 district.

- #### 4. Transportation

- a. The site will have access via a driveway to Prosperity Ridge Road and Johnson-Oehler Road and possible future connections to adjoining properties as generally identified on the concept plan for the site.
- b. Parking areas are generally indicated on the concept plan for the site.

- ## 5. Architectural Standards

The development of the site will be governed by the district regulations of the Zoning Ordinance for the UR-2 district.

- ## 6. Streetscape and Landscaping

Reserved

- ## 7. Environmental Features

Reserved

- ## 8. Parks, Greenways, and Open Space

Reserved

- ## 9. Fire Protection

Reserved

- ## 10. Signage

Reserved

- ## 11. Lighting

- a. Freestanding lighting on the site will utilize full cut-off luminaires.

- ## 12. Phasing

Reserved

Initial Submission- 5/22/17, 1.1

CAMBRIDGE
PROPERTIES

331 East Morehead Street • Suite 245
Charlotte, North Carolina 28202
704/333-2393
cambridgeprop.com

704/333-2393
cambridgeprop.com3331 East Morehead Street • Suite 245
Charlotte, North Carolina 28202

PROSPERITY RIDGE
CITY OF CHARLOTTE, NC

TECHNICAL DATA SHEET

REVISIONS

| DATE | ITEM |
|------|------|
|------|------|

DATE
5-22-17

SCALE
1" = 50'

DRAWN BY

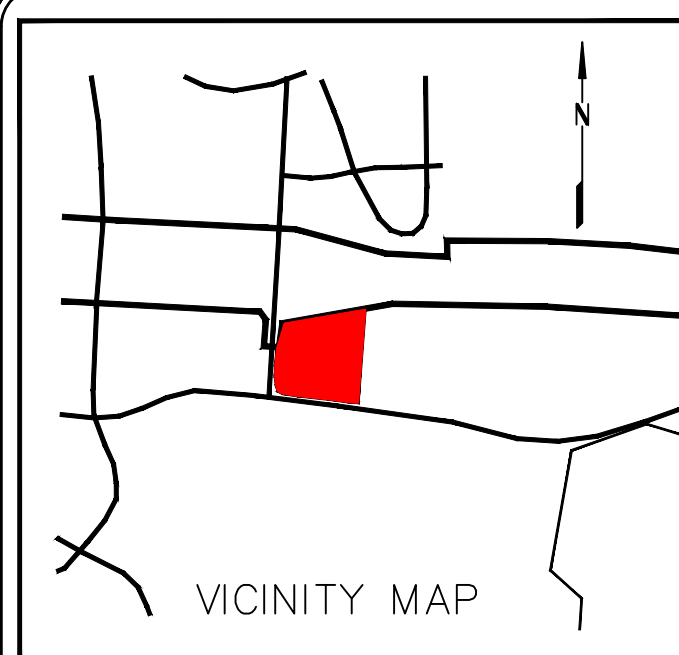
D.T.

CHECKED BY

CPI

SHEET #
D3 1

RZ-7



1-485

I-485 RAMP

—PODIUM BUILDING

An aerial photograph showing a road intersection. A road runs vertically through the center of the frame. At the top of the frame, a road branches off to the right. A large white sign with black text is positioned at this intersection, reading "PROSPERITY RIDGE ROAD". The road surface is dark, and there are some lighter patches, possibly snow or sand. The surrounding area is mostly dark, with some lighter patches visible in the upper right corner.

JOHNSTON — OEHLEH ROAD

JOHNSTON

SURFACE BUILDING

OEHLER ROAD
SURFACE BUILDING

north



**CAMBRIDGE
PROPERTIES**

t • Suite 245
a 28202 704/333-2393
cambridgeprop.com

3331 East Morehead Street • Suite 245
Charlotte, North Carolina 28202

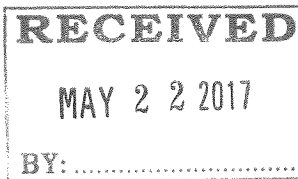
PROSPERITY RIDGE
CITY OF CHARLOTTE, NC

ILLUSTRATIVE SITE PLAN

[illegible]

REZONING PETITION:

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-097

Petition #: _____
Date Filed: 5/22/2017
Received By: BH

Complete All Fields (Use additional pages if needed)

Property Owner: Charlotte Douglas International Airport

Owner's Address: 5601 Wilkinson Blvd Charlotte NC 28209

Date Property Acquired: 2000, 2002, 2003, 2008

Property Address: 3316 Shopton Road

Tax Parcel Number(s): 14107104, 14107121, 14107122, 14107123, 14107125, 14107126, 14108302, 14107109, 14107106, 14124107

Current Land Use: Vacant Size (Acres): 108.40

Existing Zoning: R-3 & B-D(CD) Proposed Zoning: I-2 (CD)

Overlay: Airport Noise Overlay
Westside Strategic Plan (Specify PE Watershed, Historic District, etc.)

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

Date of Meeting: May 18, 2017

(*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 Number of years (maximum of 5): 5 years

Purpose/description of Conditional Zoning Plan: The Southwest Industrial Market has grown significantly in recent years and the demand is high for developable industrial land. The

Brent Cagle/Stuart Hair/Diane Carter
Name of Rezoning Agent

5601 Wilkinson Blvd
Agent's Address

Charlotte NC 28208
City, State, Zip

704 359 4000
Telephone Number Fax Number

ddcarter@cltairport.com/ sphair@cltairport.com
E-Mail Address

Brent Cagle
Signature of Property Owner

Brent Cagle/Stuart Hair/Diane Carter
(Name Typed / Printed)

Charlotte Douglas International Airport
Name of Petitioner(s)

same
Address of Petitioner(s)

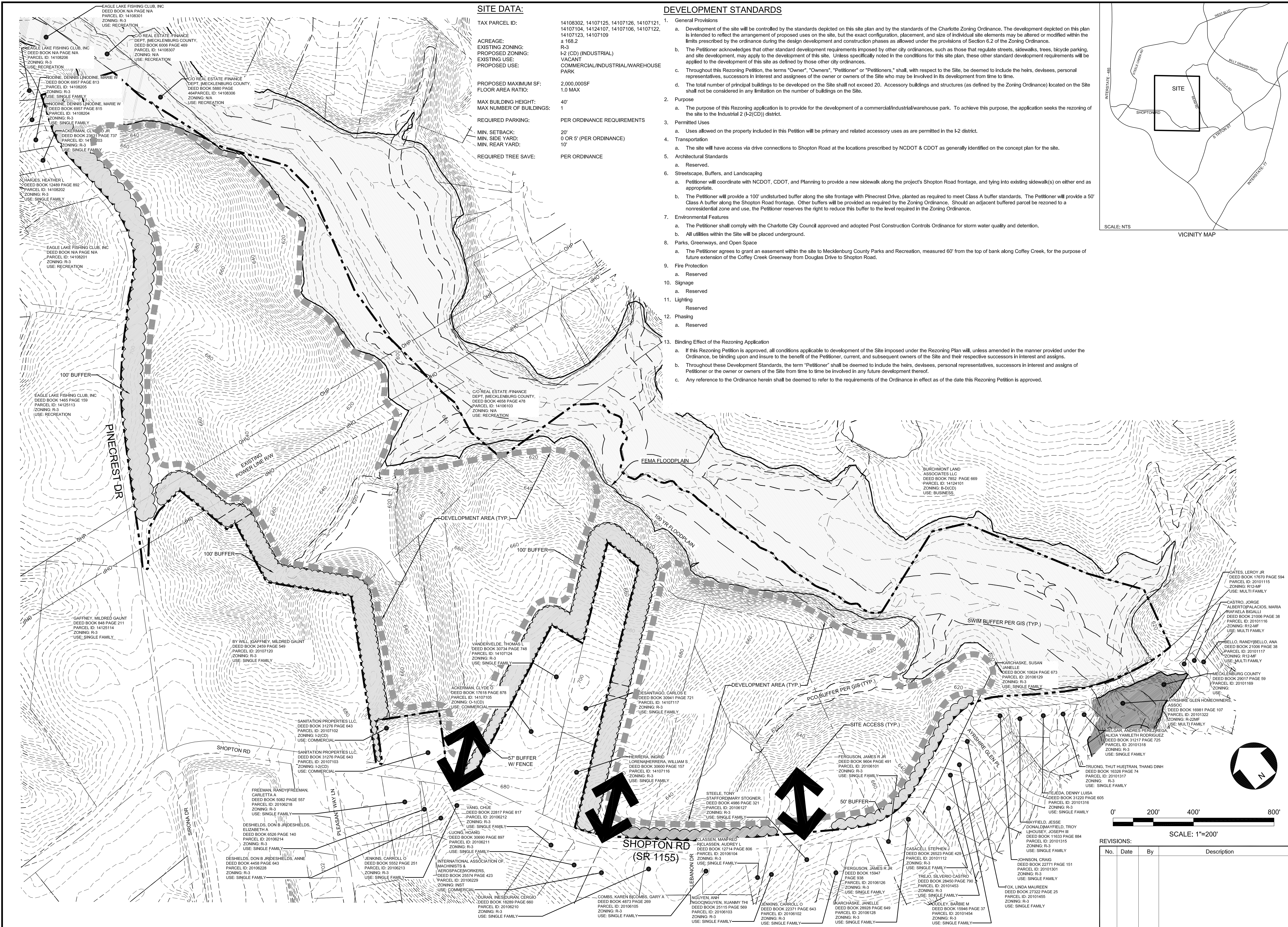
City, State, Zip

704 359 4630
Telephone Number Fax Number

E-Mail Address

Brent Cagle
Signature of Petitioner

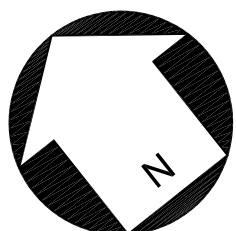
Charlotte Douglas International Airport
(Name Typed / Printed)



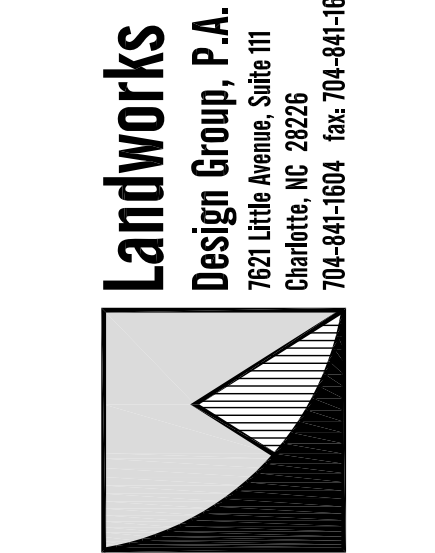
P:\2017 Jobs\17026 - CLT Shopton Road Site\CAD\Sketch Planning\17026 BASE.dwg



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



| REVISIONS: | | | |
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| No. | Date | By | Description |
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SHOPTON ROAD SITE
CHARLOTTE DOUGLAS
INTERNATIONAL AIRPORT
CHARLOTTE, NC

REZONING
SITE PLAN
REZONING PETITION:
2017-XX

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

Project Manager: MDL
Drawn By: MDH
Checked By: MDL
Date: 05/22/17
Project Number: 17026
Sheet Number:

RZ-2



Shopton Road Re-Zone

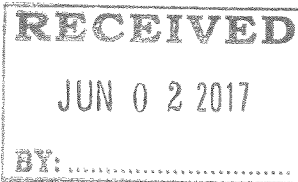
Path: G:\BaileyStryker\Shopton Road Project for Diane\Re-Zone.mxd

SCALE: 1 inch = 400 feet

| |
|-----------------------------------|
| CHECKED BY: |
| PROJECT ENG.: |
| PROJECT NO.: |
| DRAWN BY: 95243 |
| CHECKED BY: |
| LAST UPDATE: 3/28/2017 2:47:10 PM |

| # | REVISION DESCRIPTION | DATE |
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| 1 | | |
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**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-098

Petition #: _____
Date Filed: 6/2/2017
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: URBAN INVESTMENTS, LLC
Owner's Address: 1101 SOUTH BLVD. STE 100 City, State, Zip: CHARLOTTE, NC 28203
Date Property Acquired: 4/18/17
Property Address: 1101 SOUTH BLVD., CLT, NC 28203
Tax Parcel Number(s): 123-025-01
Current Land Use: OFFICE Size (Acres): .161
Existing Zoning: O-2 Proposed Zoning: TOD-M
Overlay: N/A (Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting* with: ALAN GOODWIN & SOLOMON FORTUNE
Date of meeting: 5-24-17

(*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: _____

ARGOS REAL ESTATE ADVISORS

Name of Rezoning Agent

1800 CAMDEN RD. STE 107-230

Agent's Address

CHARLOTTE, NC 28203

City, State, Zip

704-343-7444, x2 704-343-7445

Telephone Number

Fax Number

GPAPPANASTOS@ARGOSADVISORS.COM

E-Mail Address

[Signature]

Signature of Property Owner

GW PAPPANASTOS

(Name Typed / Printed)

URBAN INVESTMENTS, LLC

Name of Petitioner(s)

1800 CAMDEN RD. STE 107-230

Address of Petitioner(s)

CHARLOTTE, NC 28203

City, State, Zip

704-343-7444 x2 704-343-7445

Telephone Number

Fax Number

GPAPPANASTOS@ARGOSADVISORS.COM

E-Mail Address

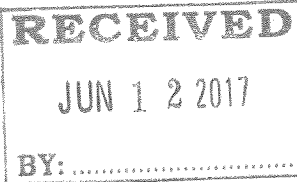
[Signature]

Signature of Petitioner

GW PAPPANASTOS

(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-099

| | |
|--------------|------------------|
| Petition #: | _____ |
| Date Filed: | <u>6/12/2017</u> |
| Received By: | <u>Be</u> |

Property Owners: Fenton Place LLC

Owner's Addresses: 101 South Tryon Street, Ste. 2430, Charlotte, NC 28280

Date Properties
Acquired: 03/31/2016

Property Addresses: 515 and 517 Fenton Place, Charlotte, NC 28207

Tax Parcel Numbers: 155-062-74

Current Land Use: office uses Size (Acres): ± .19

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

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

Required Rezoning Pre-Application Meeting* with: Solomon Fortune, Catherine Mahoney, and Alan Goodwin.

Date of meeting: 5/3/17

(*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 existing building on the site to be used as a small retail shop as well as office uses.

Keith MacVean & Jeff Brown

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)

704-331-1144 (JB) 704-378-1925 (JB)

Telephone Number

Fax Number

keithmacvean@mvalaw.com; jeffbrown@mvalaw.com

E-mail Address

Signature of Property Owner

Fenton Place LLC (Attn: Brandon D. Perry)

Name of Petitioner

101 South Tryon Street, Ste. 2430

Address of Petitioner

Charlotte, NC 28280

City, State, Zip

704.900.6364

Telephone Number

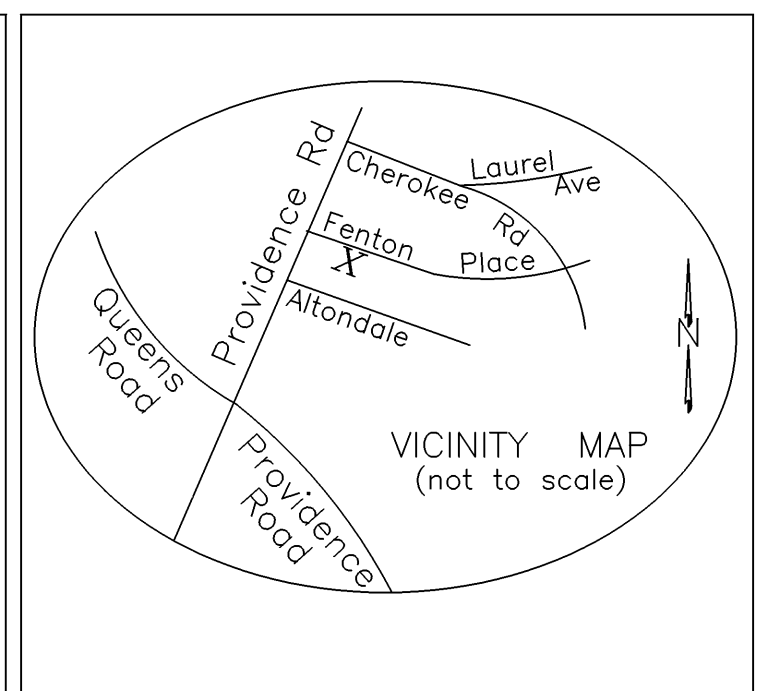
Fax Number

brandon@highmarketprop.com

E-mail Address

Signature of Petitioner

DB 19509-180 (2005)



**Flehan
Engineering
Inc.**

*Civil Engineering
Hydrology - Site Plan Design*

5408 Guildbrook Road
Charlotte, North Carolina 28226
(704) 364-3842
(704) 364-3843 - Fax
Firm License # C-1313

Fenton Place, LLC Development Standards 06/05/17
Rezoning Petition No. 2017-000

Site Development Data:

- Acreage: ± 19 acres
- Tax Parcel #: 155-062-74
- Existing Zoning: O-2
- Proposed Zoning: MUDD-O
- Existing Uses: Office and personal service uses.
- Proposed Uses: Retail establishments, personal and recreational services, studios and galleries for artists, office uses, residential uses, small scale bakeries, neighborhood food and beverage service (including without limitation a coffee shop), and other similar 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: Up to 2,650 square feet of gross floor area of office, personal and recreational services, studios and galleries for artists, retail establishments, residential uses, small scale bakeries, neighborhood food and beverage service (including without limitation a coffee shop), and other similar uses as allowed by the MUDD zoning district and the optional provisions below.
- Maximum Building Height: Building height will be limited to 40 feet. Building height shall be as measured as defined by the Zoning Ordinance.

1. General Provisions:

a. **Site Location.** These Development Standards and Illustrative Site Plan set forth on Sheet RZ-1 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Fenton Place, LLC, ("Petitioner") to accommodate the re-use of the two existing buildings located on the Site for retail, personal service uses and office uses on an approximately .19 acre site located at 515 and 517 Fenton Place (the "Site").

b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan, 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, driveways, 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 final 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.

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

d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site will be limited to (2). 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) to which such the accessory structure/building shall relate.

2. Optional Provisions.

The following optional provisions shall apply to the Site:

a. To allow parking to be located between the existing building and Fenton Place as generally depicted on the Rezoning Petition.

b. To allow the existing 7.8' foot planting strip and five (5) foot sidewalk located along Fenton Place to remain as generally depicted on the Rezoning Plan.

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)

3. Permitted Uses, Development Area Limitations:

a. Subject to the restrictions and limitations listed below, the principal buildings constructed on the Site may be developed with up to 2,650 square feet of gross floor area.

b. The following uses are allowed on this Site: Office, retail establishments, studios and galleries for artists, personal and recreational services, residential uses, small scale bakeries, neighborhood food and beverage service (including without limitation a coffee shop) and other similar uses as permitted by right and under prescribed conditions and by the Optional provisions together with accessory uses as allowed in the MUDD zoning district.

c. The following uses will not be allowed on the Site; EDEE Type 1 and 2, automotive service stations, and hotel and motels.

d. The two (2) existing buildings located on the Site will remain. Repair and renovations to the existing building will be allowed.

"Personal services" 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.

4. Access.

a. Access to the Site will be from Fenton Place as generally depicted on the Rezoning Plan.

5. Streetscape, Landscaping Open Space and Screening:

a. The existing planting strip and sidewalk in place along Fenton Place will remain as allowed by the Optional Provisions and as generally depicted on the Rezoning Plan.

b. The proposed parking along Fenton Place will be located a minimum of 20 feet behind the existing back of curb as generally depicted on the Rezoning Plan.

c. The existing buildings will remain and a minimum setback of 45 feet as measured from the existing back of curb will be provided as generally depicted on the Rezoning Plan.

6. General Design Guidelines:

a. The two (2) parking spaces proposed along Fenton Place will be attractively designed with decorative paving materials to create a parking court yard as generally depicted on the Rezoning Plan. The proposed sidewalk connection from the existing building to Fenton Place will also be designed with decorative paving as generally depicted on the Rezoning Plan.

7. Parking.

a. Parking as generally depicted on the Rezoning Plan and as required by the Ordinance will be provided.

8. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance (storm water control ordinance).

b. The Site will comply with the Tree Ordinance.

9. Signage:

a. Signage as allowed by the Ordinance may be provided.

10. Amendments to the Rezoning Plan:

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

11. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

Project: **PERRY UPFIT**
515 FENTON PLACE
NORTH CAROLINA
CHARLOTTE

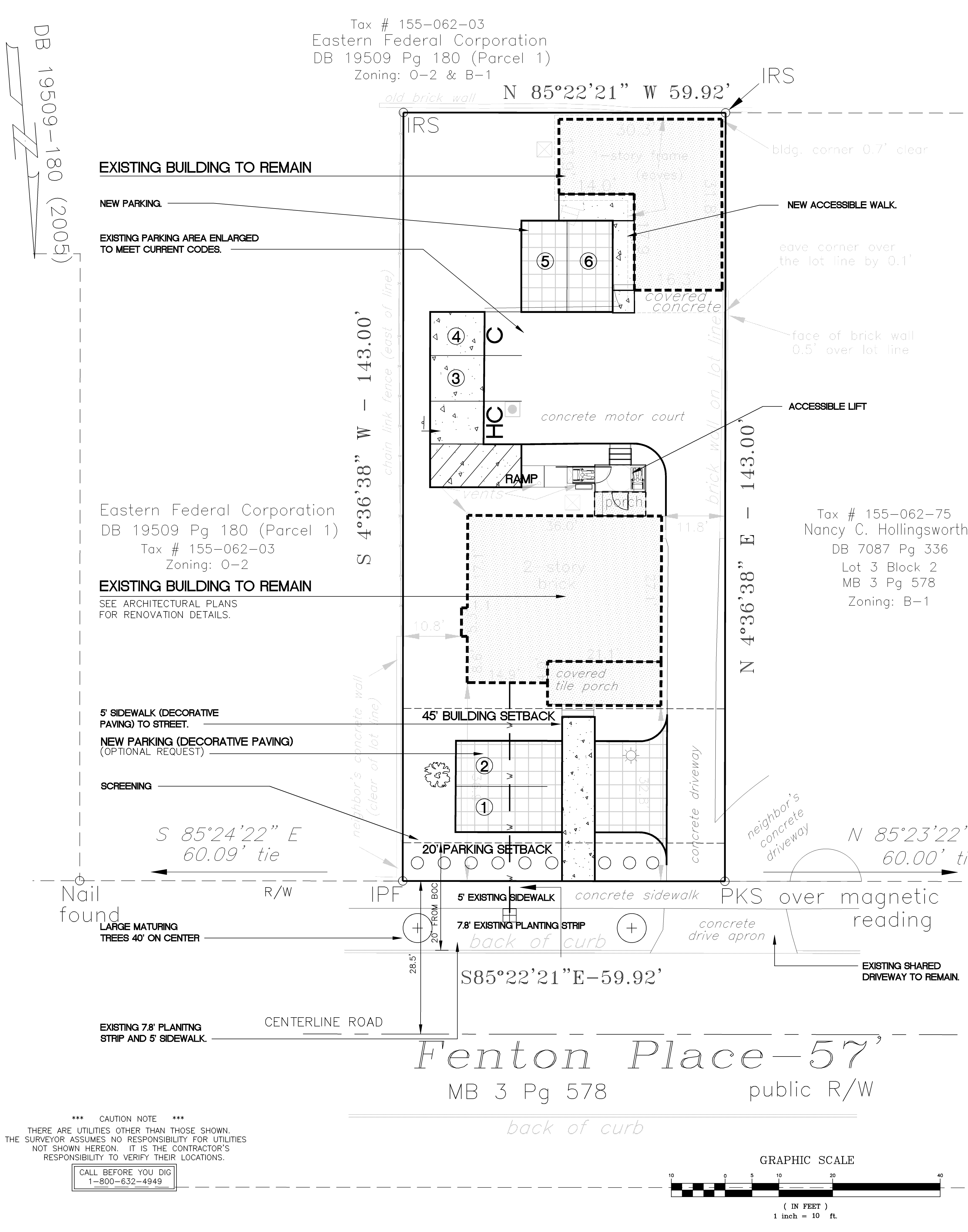
Sheet: Title

ILLUSTRATIVE PLAN AND NOTES

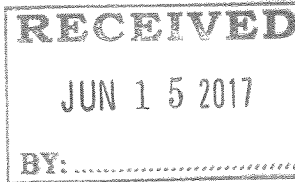
[illegible]

Project Number

Sheet **RZ-1** Of



**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-160

Petition #: _____
Date Filed: 6/15/2017
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: 2405 Little Rock, LLC

Owner's Address: 122 W. Woodlawn Rd., Suite D-101 City, State, Zip: Charlotte, NC 28217

Date Property Acquired: 2015

Property Address: Little Rock Rd. north of Tuckassegee Rd.

Tax Parcel Number(s): 05917204

Current Land Use: former single family Size (Acres): approx. 5.4 ac. +/-

Existing Zoning: B-i(CD) and R-3 Proposed Zoning: O-1 (CD)

Overlay: Lower Lake Wylie P.A. (Specify PED, Watershed, Historic District, etc.)

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

Date of meeting: July 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: To develop the site for up to two hotels

Walter Fields
Name of Rezoning Agent

1919 South Blvd., suite 101
Agent's Address

Charlotte, NC 28203
City, State, Zip

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

waltr@walterfieldsgroup.com
E-Mail Address

[Signature]
Signature of Property Owner

Kunal Dave
(Name Typed / Printed)

LAXMI Hotels Group, Inc
Name of Petitioner(s)

122 W. Woodlawn Rd., Suite d-101
Address of Petitioner(s)

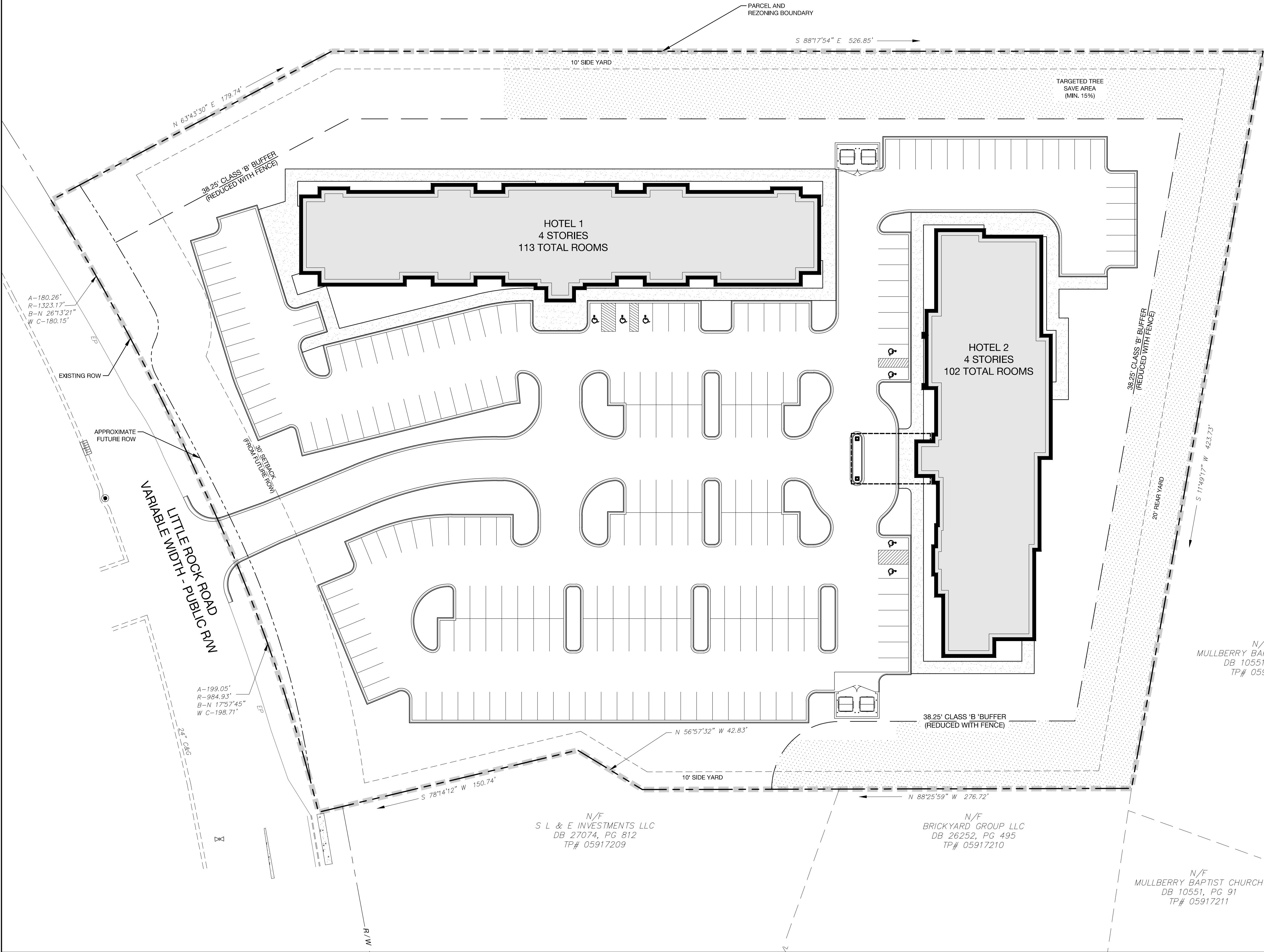
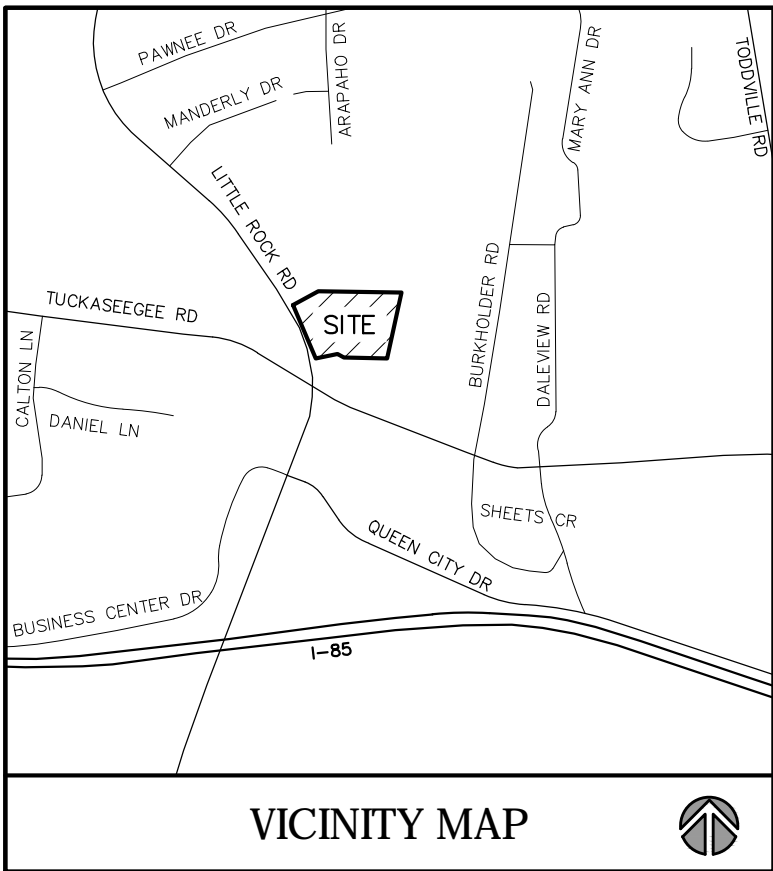
Charlotte, NC 28217
City, State, Zip

980-819-5310
Telephone Number Fax Number

mayanfpatel@gmail.com
E-Mail Address

[Signature]
Signature of Petitioner

Kunal Dave
(Name Typed / Printed)



| DEVELOPMENT SUMMARY | |
|---------------------|------------------|
| TAX PARCEL ID #: | 05917204 |
| TOTAL SITE AREA: | ±5.397 AC |
| ZONING: | |
| EXISTING: | R-3 & B-1 (CD) |
| PROPOSED: | O-1 (CD) |
| PROPOSED USE: | HOTELS (2) |
| PARKING: | |
| REQUIRED: | 215 (1 PER ROOM) |
| PROVIDED: | 216 SPACES |

Conditional Development Standards

General Provisions.

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

Purpose

The purpose of this Rezoning application is to provide for the development of a tract of land that will provide the location for a 2 hotels along with ancillary and customarily incidental accessory uses and parking. To achieve this purpose, the application seeks to amend the current B-1 (CD) and R-3 zoning of the site to O-1 (CD).

Permitted Uses

Uses allowed on the property included in this Petition are those uses that are permitted in the O-1 district except as may be further limited by the specific provisions of this site plan. The uses proposed by this plan would include two hotels along with customary accessory uses and parking.

Transportation

- The site will have access to Little Rock Road as generally depicted on the concept plan for the site. These connections will be private driveways.
- Parking areas are generally depicted on the concept plan for the site.

Architectural Standards

Reserved.

Streetscape and Landscaping

Reserved

Environmental Features

Reserved

Parks, Greenways, and Open Space

Reserved

Fire Protection

Reserved

Signage

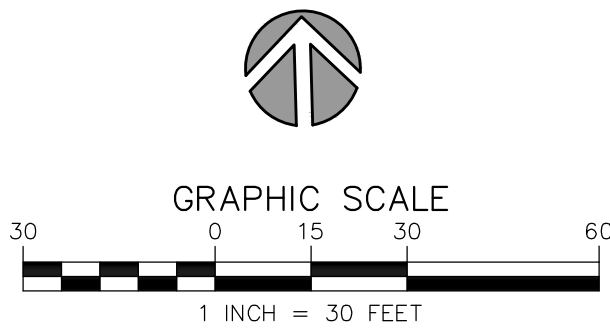
Reserved

Lighting

- Freestanding lighting on the site will utilize full cut-off luminaries and no "wall pak" type lighting will be utilized, except that architectural lighting on the exterior of buildings will be permitted

Phasing

Reserved



REZONING PETITION #2017-XXX

URBAN
DESIGN
PARTNERS

1318-e6 central ave. P 704.334.3303
charlotte, nc 28205 P 704.334.3305
urbanidesignpartners.com
ncbels firm no: P-0418
sc coa no: C-03044

Laxmi Hotels Group LLC

122 West Woodlawn Road
Suite D-101
Charlotte, NC 28217

2331 Little Rock Rd

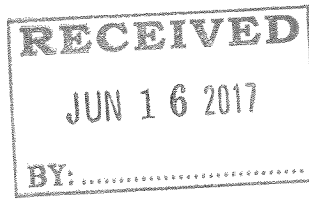
Rezoning Site Plan
2331 Little Rock Road, Charlotte, North Carolina

NO. DATE BY: REVISIONS:

Project No: 16-111
Date: 06.26.2017
Designed by: udp
Drawn by: udp
Scale: 1"=30'
Sheet No:

RZ-1.0

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-101
Petition #: _____
Date Filed: 6/16/2017
Received By: B

Complete All Fields (Use additional pages if needed)

Property Owner: See Exhibit A attached hereto

Owner's Address: See Exhibit A attached hereto City, State, Zip: See Exhibit A attached hereto

Date Property Acquired: See Exhibit A attached hereto

Property Address: See Exhibit A attached hereto

Tax Parcel Number(s): See Exhibit A attached hereto

Current Land Use: Single family, multi-family, commercial Size (Acres): +/- 2.17 acres

Existing Zoning: B-1, B-2, R-8 and R-22 MF Proposed Zoning: TOD-RO

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

Required Rezoning Pre-Application Meeting* with: Sonja Sanders, Monica Holmes, Carlos Alzate, Mandy Vari et al.
Date of meeting: May 15, 2017

(*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 accommodate the development of a residential community on the site that could contain up to 60 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@robinsonbradshaw.com
E-Mail Address

See Attached Joinder Agreements
Signature of Property Owner

(Name Typed / Printed)

Optimist Park Partners, LLC (c/o Eric Speckman)
Name of Petitioner(s)

623 South Cedar Street, Suite A
Address of Petitioner(s)

Charlotte, NC 28202
City, State, Zip

704-299-2980
Telephone Number Fax Number

eric.speckman@beauxwright.com
E-Mail Address

OPTIMIST PARK PARTNERS, LLC
By: [Signature]
Signature of Petitioner

ERIC J. SPECKMAN
(Name Typed / Printed)

Exhibit A to Rezoning Application Filed by Optimist Park Partners, LLC

**Tax Parcel Numbers, Property Owner Information, Site Addresses
and Acquisition Dates**

I. Tax Parcel Numbers

081-061-09; 081-061-10; 081-061-11; 081-061-12; 081-077-05; 081-077-04; 081-077-03; 081-077-02; 081-077-01; 081-077-18; 081-077-17; and 081-077-16

II. Property Owner Information, Site Addresses and Acquisition Dates

Tax Parcel No. 081-061-09

Phyllis H. Leonard
6931 Thermal Road
Charlotte, NC 28211

Site Address: 1215 North Caldwell Street

Date Property Acquired: Unknown

Tax Parcel No. 081-061-10

Phyllis H. Leonard
6931 Thermal Road
Charlotte, NC 28211

Site Address: 1217 North Caldwell Street

Date Property Acquired: Unknown

Tax Parcel No. 081-061-11

Phyllis H. Leonard
6931 Thermal Road
Charlotte, NC 28211

Site Address: 1221 North Caldwell Street

Date Property Acquired: Unknown

Tax Parcel No. 081-061-12

Phyllis H. Leonard
6931 Thermal Road
Charlotte, NC 28211

Site Address: 412 East 16th Street

Date Property Acquired: Unknown

Tax Parcel No. 081-077-05

Phyllis H. Leonard, as Trustee under a Trust Agreement dated November 26, 2003
known as Trust Number 421
330 South Sharon Amity Road, Suite 176
Charlotte, NC 28211

Site Address: 421 East 16th Street

Date Property Acquired: November 26, 2003

Tax Parcel No. 081-077-04

Phyllis H. Leonard
6931 Thermal Road
Charlotte, NC 28211

Site Address: 417 East 16th Street

Date Property Acquired: October 13, 2000

Tax Parcel No. 081-077-03

E. Milburn Davant, Jr.
338 South Sharon Amity Road, Suite 179
Charlotte, NC 28211

Site Address: 413 East 16th Street

Date Property Acquired: December 29, 1986

Tax Parcel No. 081-077-02

Phyllis H. Leonard
6931 Thermal Road
Charlotte, NC 28211

Site Address: 411 East 16th Street

Date Property Acquired: Unknown

Tax Parcel No. 081-077-01

Optimist Park Partners, LLC
623 South Cedar Street, Suite A
Charlotte, NC 28202

Site Address: 220 Parkwood Avenue

Date Property Acquired: May 10, 2017

Tax Parcel No. 081-077-18

Optimist Park Partners, LLC
623 South Cedar Street, Suite A
Charlotte, NC 28202

Site Address: 230 Parkwood Avenue

Date Property Acquired: May 10, 2017

Tax Parcel No. 081-077-17

Optimist Park Partners, LLC
623 South Cedar Street, Suite A
Charlotte, NC 28202

Site Address: 234 Parkwood Avenue

Date Property Acquired: May 10, 2017

Tax Parcel No. 081-077-16

Optimist Park Partners, LLC
623 South Cedar Street, Suite A
Charlotte, NC 28202

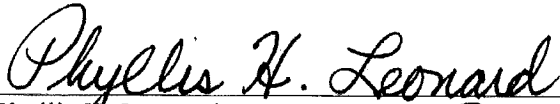
Site Address: 238 Parkwood Avenue

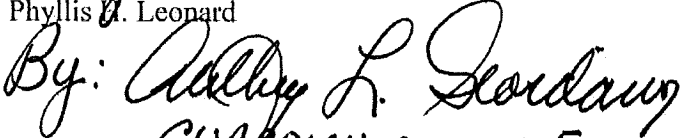
Date Property Acquired: May 10, 2017

**REZONING APPLICATION FILED BY OPTIMIST PARK PARTNERS, LLC
JOINDER AGREEMENT**

The undersigned, as the owner of those parcels of land subject to the attached Rezoning Application filed by Optimist Park Partners, LLC that are designated as Tax Parcel Nos. 081-061-09, 081-061-10, 081-061-11, 081-061-12, 081-077-04 and 081-077-02 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the TOD-RO zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 15 day of June, 2017.

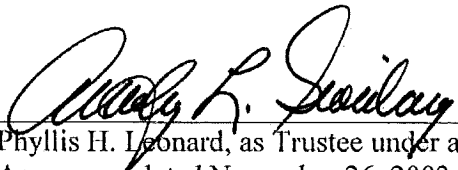


Phyllis H. Leonard
By: 
GUARDIAN OF THE ESTATE

**REZONING APPLICATION FILED BY OPTIMIST PARK PARTNERS, LLC
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Optimist Park Partners, LLC that is designated as Tax Parcel No. 081-077-05 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the TOD-RO zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.


This 15 day of June, 2017.

 **SUCCESSOR TRUSTEE**
Phyllis H. Leonard, as Trustee under a Trust
Agreement dated November 26, 2003 known as
Trust Number 421

**REZONING APPLICATION FILED BY OPTIMIST PARK PARTNERS, LLC
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Optimist Park Partners, LLC that is designated as Tax Parcel No. 081-077-03 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the TOD-RO zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 12 day of June, 2017.

A handwritten signature in cursive script, reading "E. Milburn Davant Jr.", written in black ink.


E. Milburn Davant, Jr.

**REZONING APPLICATION FILED BY OPTIMIST PARK PARTNERS, LLC
JOINDER AGREEMENT**

The undersigned, as the owner of those parcels of land subject to the attached Rezoning Application filed by Optimist Park Partners, LLC that are designated as Tax Parcel Nos. 081-077-01, 081-077-18, 081-077-17 and 081-077-16 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the TOD-RO zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 12 day of June, 2017.

OPTIMIST PARK PARTNERS, LLC

By: 
Name: ERIC J. SPECKMAN
Title: MANAGER



421 FAYETTEVILLE ST, STE 400
RALEIGH, NC 27601
T 919.380.8750

FIRM LICENSE #: C-1051
www.stewartinc.com
PROJECT #: 17002.00

Beauwright
623 S Cedar Street
Suite A
Charlotte, NC 28202
T: (678) 642-6206

300 OPTIMIST PARK

PETITION #XXXX-XXX

issued for:

REZONING SITE PLAN

SCALE: 1"=30'

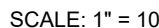
SITE PLAN

Date: 06.09.2017

Drawn by: SL/CR

Approved by: TD

RZ1.00



- General Provisions**
- A. This Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Optimist Park Partners, LLC ("Petitioner") to accommodate the development of a residential community on that approximately 2.17 acre site located on the south side of Parkway Avenue, the east side of East 16th Street and the north side of North Caldwell Street between East 15th Street and East 17th Street, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 081-061-09, 081-061-11, 081-061-12, 081-077-05, 081-077-04, 081-077-03, 081-077-02, 081-077-01, 081-077-18, 081-077-17 and 081-077-16.
- B. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the TOD-R zoning district shall govern the development and use of the Site.
- C. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the locations of the internal drives depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction document phases.
- D. 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.
2. **Optional Provisions**
- The following optional provisions shall apply to the development of the Site:
- A. The maximum height of the buildings to be constructed on the Site shall be 44 feet.
- B. The Site may be developed in several phases. If the Site is developed in phases, the residential density for each phase shall not be required to meet the minimum residential density requirements of the Ordinance.
- C. Roof line variation every 30 feet shall not be required.
3. **Permitted Uses**
- A. The Site may be devoted only to a residential community containing a maximum of 60 single family attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the TOD-R zoning district.
4. **Transportation**
- A. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points 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.
- B. As depicted on the Rezoning Plan, the Site will be served by internal private drives, and minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process.
- C. A minimum of 1 parking space per dwelling unit shall be provided.
- D. 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.
5. **Architectural Standards**
- A. The maximum height of the buildings to be constructed on the Site shall be 44 feet.
- B. The actual widths of the single family attached dwelling units to be constructed on the Site may vary from the widths depicted on the Rezoning Plan.
6. **Streetscape and Landscaping**
- A. A buffer that meets the requirements of Section 9.1208(b) of the Ordinance shall be established along the boundaries of the Site's boundary lines that are more particularly depicted on the Rezoning Plan. The width of the buffer may be reduced to 8 feet provided that a wall that meets the requirements of Section 9.1208(b)(b) of the Ordinance is installed.
7. **Binding Effect of the Rezoning Documents and Definitions**
- A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

DEVELOPMENT DATA TABLE:

| | |
|----|---|
| A. | SITE ACREAGE: 2.17 |
| B. | TAX PARCELS INCLUDED IN REZONING: SEE PARCEL DATA CHART |
| C. | EXISTING ZONING: SEE PARCEL DATA CHART |
| D. | PROPOSED ZONING: TOD-RO |
| E. | NUMBER OF RESIDENTIAL UNITS BY HOUSING TYPE: 60 |
| F. | RESIDENTIAL DENSITY: 29.49 |
| G. | SF OF NON-RESIDENTIAL USES: 0 |
| H. | FAR: 0.81 |
| I. | MAXIMUM BUILDING HEIGHT: 44' |
| J. | MAXIMUM NUMBER OF BUILDINGS: 13 |
| K. | NUMBER AND/OR RATIO OF PARKING SPACES: 1 PER UNIT : 30 SPACES |
| L. | AMOUNT OF OPEN SPACE: N/A |

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

RECEIVED

JUN 20 2017

BY:

2017-102

Petition #:

Date Filed: 6/20/2017

Received By: RJ

Complete All Fields (Use additional pages if needed)

Property Owner: Bob Jacobs

Owner's Address: 4240 Rea Rd

City, State, Zip: Charlotte, NC, 28226

Date Property Acquired:

Property Address: 4240 Rea Rd, Charlotte, NC 28226

Tax Parcel Number(s): 21124106

Current Land Use: Single Family Residential (1 home) Size (Acres): +/- 3.63 Acres

Existing Zoning: R-3

Proposed Zoning: UR-2 (LD)

Overlay: None / NA

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

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

Date of meeting: April 25, 2017

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: To allow single family Attached townhome use

Walter Fields

Name of Rezoning Agent

1919 South Blvd, Suite 101

Agent's Address

Charlotte, NC 28203

City, State, Zip

704-372-7855

Telephone Number

Fax Number

walter@walterfieldsgroup.com

E-Mail Address

Bob Jacobs

Signature of Property Owner

Bob Jacobs

(Name Typed / Printed)

David Weekley Homes

Name of Petitioner(s)

1430 North Community House Rd, Suite 275

Address of Petitioner(s)

Charlotte NC 28277

City, State, Zip

704-972-4205

Telephone Number

Fax Number

Sholing@DWHOMES.com

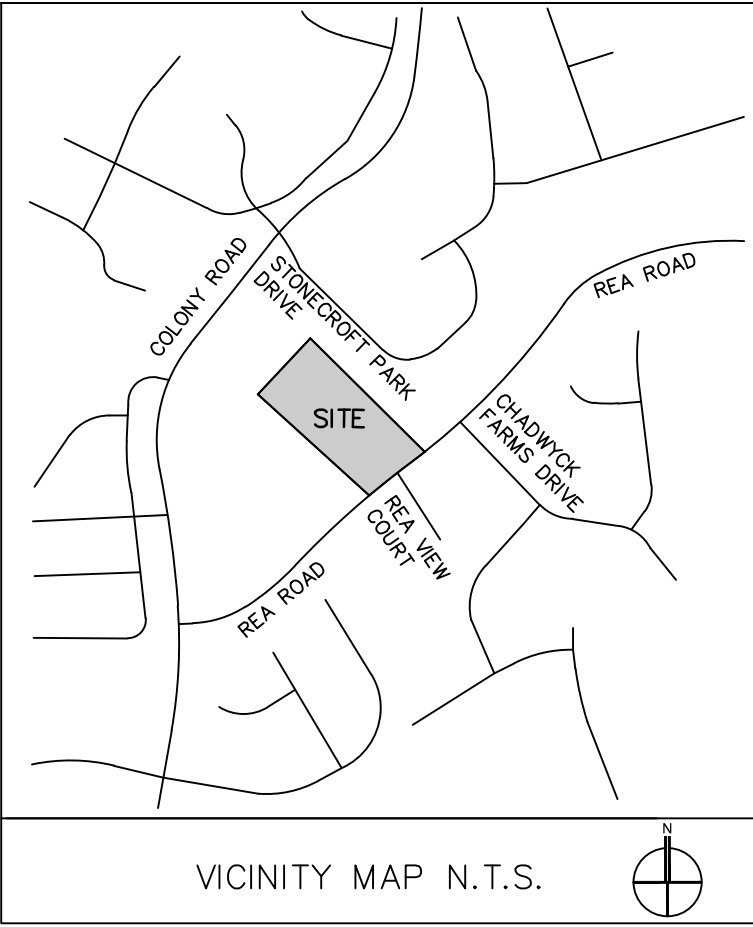
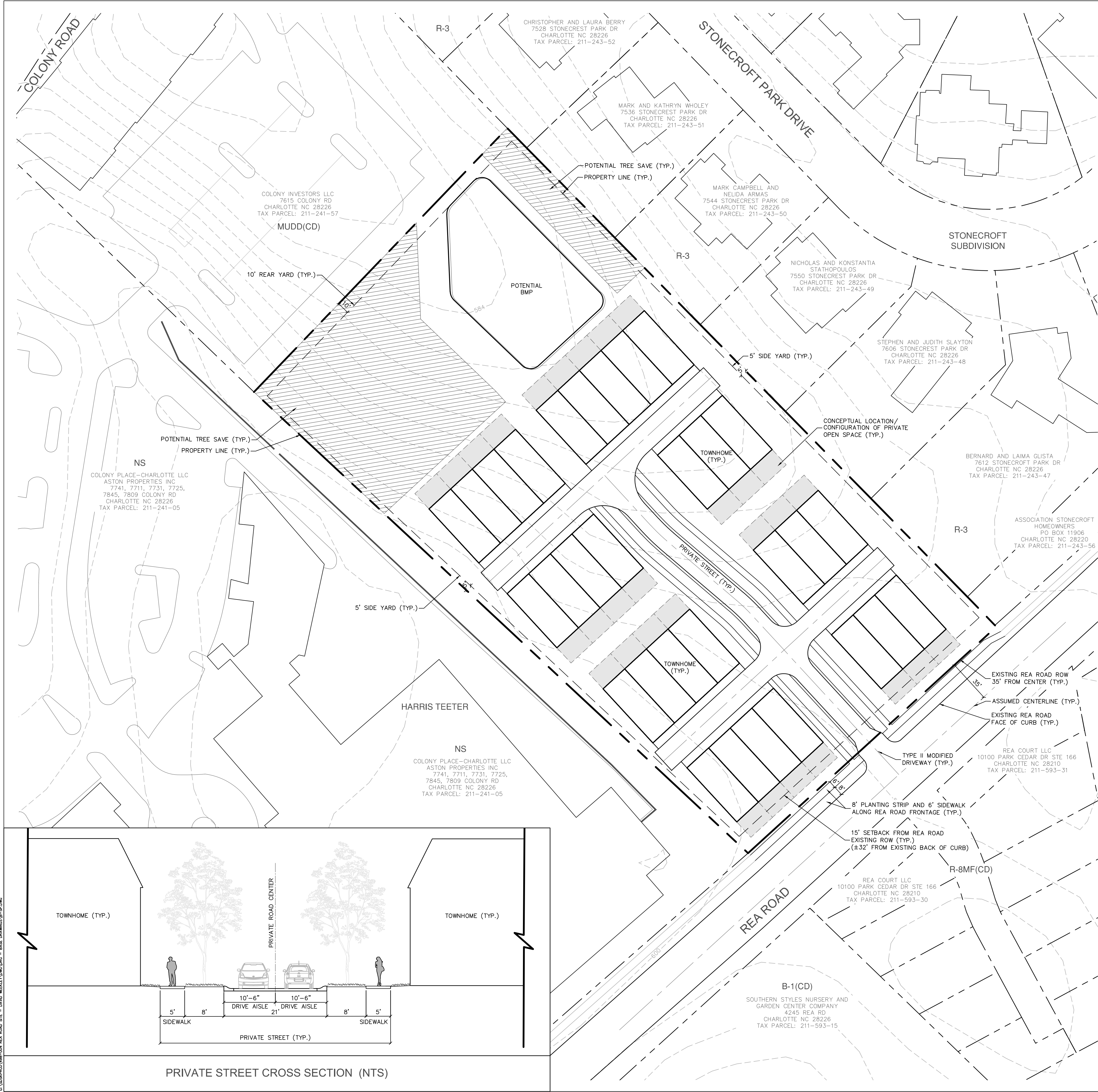
E-Mail Address

Shannon Baling

Signature of Petitioner

Shannon Baling

(Name Typed / Printed)



SITE DEVELOPMENT DATA

| | |
|-------------------|--|
| TOTAL SITE AREA: | ±3.63 ACRES |
| TAX PARCEL #: | 211-241-06 |
| EXISTING ZONING: | R-3 |
| PROPOSED ZONING: | UR-2 (CD) |
| EXISTING USE: | DETACHED SINGLE FAMILY HOME |
| PROPOSED USE: | SINGLE FAMILY ATTACHED TOWNHOMES |
| PROPOSED UNITS: | 30 UNITS |
| PROPOSED DENSITY: | ±8.26 UNITS PER ACRE |
| BUILDING HEIGHT: | SHALL MEET ORDINANCE REQUIREMENTS |
| PARKING PROVIDED: | SHALL MEET ORDINANCE REQUIREMENTS (15% MIN.) |
| TREE SAVE: | SHALL MEET ORDINANCE REQUIREMENTS |

DEVELOPMENT STANDARDS

GENERAL PROVISIONS.

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

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

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

PURPOSE

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE DEVELOPMENT OF A TOWNHOME COMMUNITY. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE TO THE UR-2 (CD) DISTRICT.

PERMITTED USES

USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION WILL BE SINGLE FAMILY ATTACHED DWELLING UNITS AND RELATED ACCESSORY USES AS ARE PERMITTED IN THE UR-2 DISTRICT.

TRANSPORTATION

- a. THE SITE WILL HAVE ACCESS VIA A DRIVEWAY TO REA ROAD AS GENERALLY IDENTIFIED ON THE CONCEPT PLAN FOR THE SITE.
- b. PARKING AREAS ARE GENERALLY INDICATED ON THE CONCEPT PLAN FOR THE SITE.

ARCHITECTURAL STANDARDS

THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE DISTRICT REGULATIONS OF THE ZONING ORDINANCE FOR THE UR-2 DISTRICT.

STREETScape AND LANDSCAPING

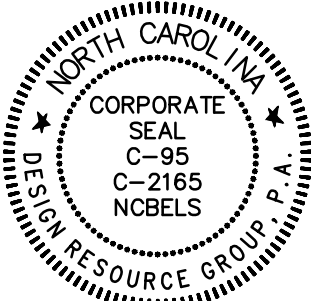
- RESERVED
- ENVIRONMENTAL FEATURES
- RESERVED
- PARKS, GREENWAYS, AND OPEN SPACE
- RESERVED
- FIRE PROTECTION
- RESERVED
- SIGNAGE
- RESERVED
- LIGHTING
- a. FREESTANDING LIGHTING ON THE SITE WILL UTILIZE FULL CUT-OFF LUMINAIRES.
- PHASING
- RESERVED

SITE PLAN IS SCHEMATIC IN NATURE. SOME VARIATION TO PLAN MAY OCCUR IN FINAL DESIGN BUT SHALL MEET THE OVERALL INTENT OF THIS PLAN AND SHALL COMPLY WITH THE APPLICABLE ORDINANCE REQUIREMENTS



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0808
www.drgroup.com



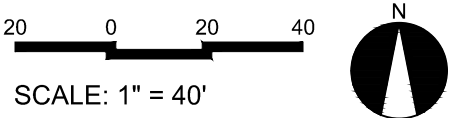
REZONING PETITION
FOR PUBLIC HEARING
2017-XXX

REZONING PETITION

REA ROAD SITE
CHARLOTTE, NC

DAVID WEEKLEY HOMES - CHARLOTTE DIVISION
11430 NORTH COMMUNITY HOUSE ROAD, SUITE 275
CHARLOTTE, NC
704-972-4205

SCHEMATIC SITE PLAN



PROJECT #: 498-004
DRAWN BY: NB
CHECKED BY: NB

JUNE 19, 2017

REVISIONS:

RECEIVED

JUN 21 2017

BY:

2017-103

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: _____

Date Filed: 6/21/2017

Received By: RH

Property Owners: AP 1515 Camden Road, LLC c/o Asana Partners LP

Owner's Addresses: 1616 Camden Road, Ste 210, Charlotte, NC 28203

Date Properties
Acquired: 03/04/2017

Property Addresses: 1515, 1517 and 1519 Camden Road, Charlotte, NC 28203

Tax Parcel Numbers: 123-041-12

Current Land Use: commercial and restaurant uses Size (Acres): ± .796

Existing Zoning: I-2 Proposed Zoning: TOD-M(O)

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

Required Rezoning Pre-Application Meeting* with: Carlos Alzate, Solomon Fortune, Kathy Cornett and Catherine Mahoney.

Date of meeting: 05/31/17

(*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 site to be re-used and renovated with uses allowed in the TOD-M zoning district.

Keith MacVean & Jeff Brown

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)

704-331-1144 (JB) 704-378-1925 (JB)

Telephone Number

Fax Number

keithmacvean@mvalaw.com; jeffbrown@mvalaw.com

E-mail Address

SEE ATTACHMENT A

Signature of Property Owner

Asana Partners, LP (Attn: Reed Kracke)

Name of Petitioner

1616 Camden Road, Ste. 210

Address of Petitioner

Charlotte, NC 28203

City, State, Zip

704.423.1660

Telephone Number

Fax Number

rkracke@asanapartners.com

E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

ATTACHMENT A

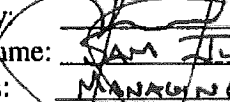
**REZONING PETITION NO. 2017-____
Asana Partners, LP**

**OWNER JOINDER AGREEMENT
AP 1515 Camden Road, LLC c/o Asana Partners LP**

The undersigned, as the owner of the parcel of land located at 1515, 1517, and 1519 Camden Road that is designated as Tax Parcel No. 123-041-12 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 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 20th day of JUNE, 2017.

AP 1515 Camden Road, LLC c/o Asana Partners LP


By: 
Name: SAM FURD
Its: MANAGING PARTNER

ATTACHMENT B

REZONING PETITION NO. 2017-____
Asana Partners, LP

Petitioner:

Asana Partners, LP

By: 

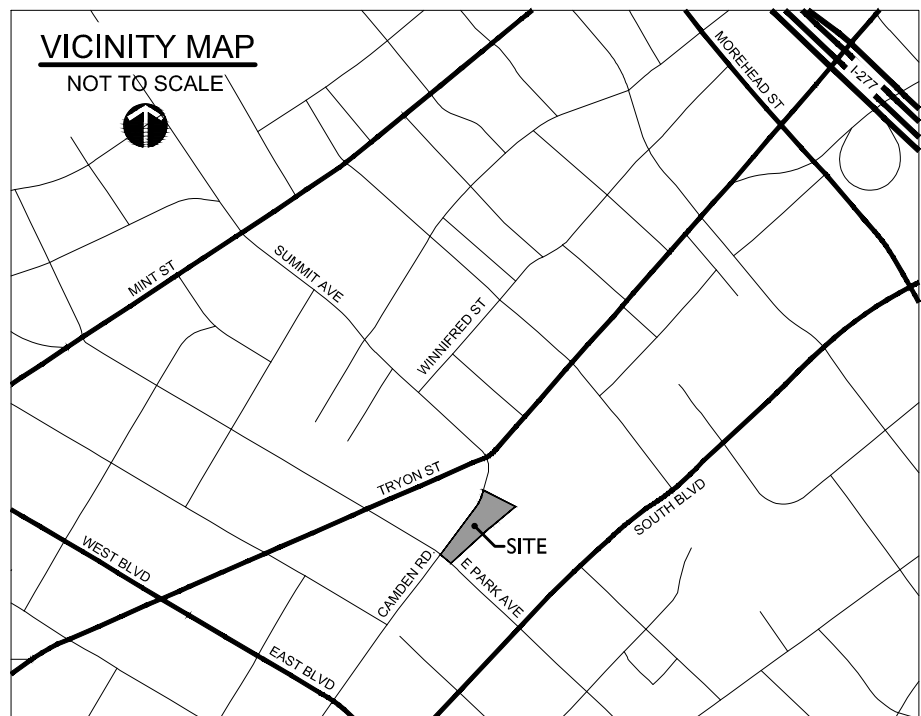
Name: ROGER KRALIK

Title: DIRECTOR OF DEVELOPMENT

A circular seal with a dotted border. The text "LAND DESIGN, INC." is curved along the top inner edge, and "NORTH CAROLINA" is curved along the bottom inner edge. In the center, the word "CORPORATE" is above the word "SEAL".

ASANA PARTNERS
CHARLOTTE, NC

EX1-00





REAL



PROJECT

ASANA PARTNERS
CHARLOTTE, NC

ANDDESIGN PROJECT # 1017091

[illegible]

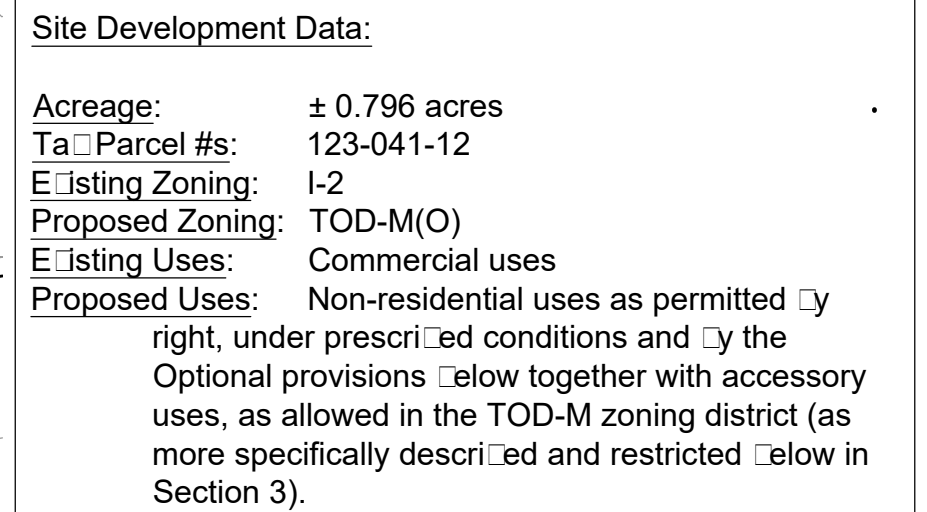
DESIGNED BY: LD
DRAWN BY: MB
CHECKED BY: AM

SCALE NORTH

VERT: -
HORZ: 1"=30'

TECHNICAL DATA
SHEET

SHEET NUMBER
RZ1-00



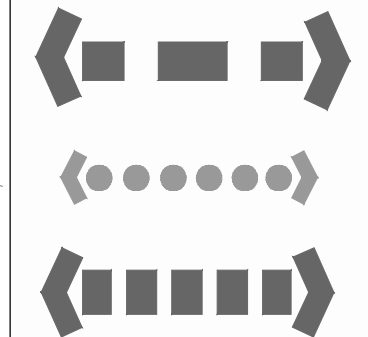
Maximum Gross Square Feet of Development: Up to 14,381 (equal to the existing square footage) square feet of gross floor area of non-residential uses as permitted by right and under prescribed conditions in the TOD-M zoning district subject to the limitations described in Section 3 below.

Maximum Building Height: As allowed by the Ordinance.

Parking: Parking as required by the Ordinance and the Optional Provision below.

NOTE:
THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND
IS INTENDED TO DEPICT BUILDING, PARKING AND
CIRCULATION RELATIONSHIPS.

LEGEND



VEHICULAR CIRCULATION

PEDESTRIAN CIRCULATION

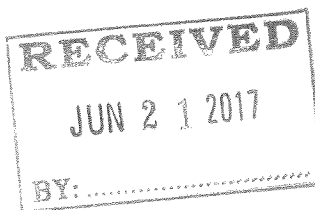
CHARLOTTE LIGHT RAIL LINE

VICINITY MAP

NOT TO SCALE



**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-104

Petition #: _____
Date Filed: 6/21/2017
Received By: BK

Complete All Fields (Use additional pages if needed)

Property Owner: Piraino Brothers, LLC

Owner's Address: 5137 Parview Drive City, State, Zip: Charlotte, NC 28226

Date Property Acquired: 12/18/2007

Property Address: 1501 McKee Road, Matthews, NC 28105

Tax Parcel Number(s): 23121168

Current Land Use: Vacant/ Wooded Size (Acres): 27.42

Existing Zoning: R-3 Proposed Zoning: R-5

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

Required Rezoning Pre-Application Meeting* with: John Kinley

Date of meeting: 6/20/17

(*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: _____

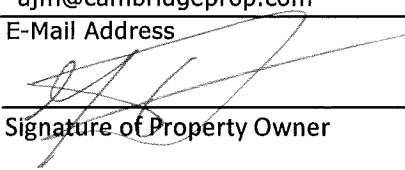
Cambridge Properties, Inc.
Name of Rezoning Agent

831 E. Morehead Street, Suite 245
Agent's Address

Charlotte, NC 28202
City, State, Zip

704-333-2393/ 704-333-2394
Telephone Number Fax Number

ajm@cambridgeprop.com
E-Mail Address


Signature of Property Owner

Giusto Piraino
(Name Typed / Printed)

Cambridge Properties, Inc.
Name of Petitioner(s)

831 E. Morehead Street, Ste. 245
Address of Petitioner(s)

Charlotte, NC 28202
City, State, Zip

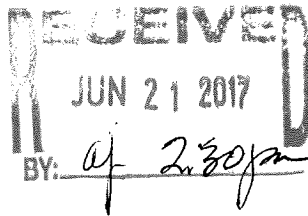
704-33-2393/ 704-333-2394
Telephone Number Fax Number

jjp@cambridgeprop.com
E-Mail Address


Signature of Petitioner

John J. Priester, Jr.
(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-105

| | |
|--------------|-----------|
| Petition #: | |
| Date Filed: | 6/21/2017 |
| Received By: | BH |

Complete All Fields (Use additional pages if needed)

Property Owner: Rexford Office Holdings, LLC

Owner's Address: 11115 Rushmore Drive City, State, Zip: Charlotte, NC 28277

Date Property Acquired: December 28, 2016

Property Address: 2100 Rexford Road

Tax Parcel Number(s): 177-083-03

Current Land Use: Office Size (Acres): +/- 3.416 acres

Existing Zoning: O-15 (CD) Proposed Zoning: MUDD-O

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

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

Date of meeting: April 25, 2017

(*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 accommodate the expansion and renovation of the existing office building located on the site, which building shall have a maximum gross floor area of up to 77,000 square feet. A structured parking facility will also be constructed on the site, which is permitted under the site's existing zoning.

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@robinsonbradshaw.com
E-Mail Address

REXFORD OFFICE HOLDINGS, LLC
By: [Signature]
Signature of Property Owner

Carla Shumate
(Name Typed / Printed)

Rexford Office Holdings, LLC (c/o Paul Spokas)
Name of Petitioner(s)

4201 Congress Street, Suite 300
Address of Petitioner(s)

Charlotte, NC 28209
City, State, Zip

704-804-5766
Telephone Number Fax Number

paul.spokas@am.jll.com
E-Mail Address

REXFORD OFFICE HOLDINGS, LLC
By: [Signature]
Signature of Petitioner

Carla Shumate
(Name Typed / Printed)



KEY MAP

EAL

**REZONING
PETITION #
2017-__**

PROJECT

LENDINGTREE REZONING

THE LENDINGTREE
CHARLOTTE
MECKLENBURG COUNTY, NC

ANDDESIGN PROJ.# 1017090

ISSUANCES

[illegible]

DESIGNED BY: DW
DRAWN BY: DW
CHECKED BY: ND

SCALE NORTH

ORZ: 1"=30'

SHEET TITLE

TECHNICAL DATA SHEET

SHEET NUMBER

RZ1-00

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN (COMPRISED OF SHEETS RZ1-00 THROUGH RZ5-00) ASSOCIATED WITH THE REZONING PETITION FILED BY REXFORD OFFICE HOLDINGS, LLC (THE "PETITIONER") FOR AN APPROXIMATELY 3.416 ACRE SITE LOCATED ON THE SOUTH SIDE OF REXFORD ROAD, BETWEEN COCA-COLA PLAZA AND ROXBOROUGH ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NO. 177-083-03.
- B. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- C. THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN AND THE DRAWINGS ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS (WHICH INCLUDE THE BUILDING AND THE STRUCTURED PARKING FACILITY) ON THE SITE. ACCORDINGLY, THE LAYOUT, LOCATIONS AND SIZES OF THE USES, IMPROVEMENTS AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN AS WELL AS THE INTERNAL DRIVES AND PARKING AREAS ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
- D. THE PURPOSES OF THIS REZONING REQUEST ARE TO ACCOMMODATE THE EXPANSION AND RENOVATION OF THE EXISTING BUILDING LOCATED ON THE SITE (THE "BUILDING") AND THE CONSTRUCTION OF A STRUCTURED PARKING FACILITY ON THE SITE (THE "STRUCTURED PARKING FACILITY").
- E. 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.

2. OPTIONAL PROVISIONS

THE OPTIONAL PROVISIONS SET OUT BELOW SHALL APPLY TO THE SITE.

- A. WALL SIGNS INSTALLED ON THE BUILDING MAY HAVE UP TO 200 SQUARE FEET OF SIGN SURFACE AREA PER WALL OR 10% OF THE WALL AREA TO WHICH THEY ARE ATTACHED, WHICHEVER IS LESS.
- B. A GROUND MOUNTED MONUMENT SIGN WITH A MAXIMUM HEIGHT OF 6 FEET AND A MAXIMUM SIGN AREA OF 36 SQUARE FEET MAY BE INSTALLED ON THE SITE.
- C. A GROUND MOUNTED MONUMENT SIGN MAY BE LOCATED WITHIN THE SETBACK FROM REXFORD ROAD.
- D. IN ADDITION TO ALL OTHER SIGNS ALLOWED IN THE MUDD ZONING DISTRICT (AS MODIFIED BY THESE OPTIONAL PROVISIONS), A ROOF SIGN MAY BE INSTALLED ON THE REXFORD ROAD ELEVATION OF THE BUILDING. THE MAXIMUM SIGN AREA OF THE ROOF SIGN SHALL BE 200 SQUARE FEET.
- E. THE OPTIONAL PROVISIONS REGARDING SIGNAGE ARE AN ADDITION/MODIFICATION TO THE STANDARDS FOR SIGNS IN THE MUDD ZONING DISTRICT AND ARE TO BE USED WITH THE REMAINDER OF THE MUDD STANDARDS FOR SIGNS THAT ARE NOT MODIFIED BY THESE OPTIONAL PROVISIONS.
- F. THE BUILDING ENTRANCE REQUIREMENTS OF SECTION 9.8506(2)(H) OF THE ORDINANCE SHALL NOT APPLY TO THE BUILDING.
- G. SINCE THE STRUCTURED PARKING FACILITY IS LOCATED TO THE REAR OF THE SITE BEHIND THE BUILDING, THE REQUIREMENTS OF SECTION 9.8506(2)(A) OF THE ORDINANCE SHALL NOT APPLY TO THE STRUCTURED PARKING FACILITY.

3. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. THE SITE MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW.
- (1) PROFESSIONAL BUSINESS AND GENERAL OFFICE USES AS ALLOWED IN THE MUDD ZONING DISTRICT TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT.
- (2) A STRUCTURED PARKING FACILITY AS AN ACCESSORY USE.
- B. THE MAXIMUM GROSS FLOOR AREA OF THE BUILDING SHALL BE 77,000 SQUARE FEET.
- C. THE GROSS FLOOR AREA OF THE STRUCTURED PARKING FACILITY SHALL NOT BE COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OF THE BUILDING.

4. TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT").
- B. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AREAS AND DRIVEWAYS MAY BE MODIFIED BY PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
- C. SUBJECT TO THE APPROVAL OF CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL INSTALL A MINIMUM 6 FOOT WIDE PEDESTRIAN CROSSING (THE "PEDESTRIAN CROSSING") WITHIN REXFORD ROAD THAT WILL PROVIDE A PEDESTRIAN CONNECTION FROM THE SITE TO THAT PARCEL OF LAND LOCATED ON THE NORTH SIDE OF REXFORD ROAD THAT IS DESIGNATED AS TAX PARCEL NO. 177-082-16 AS GENERALLY DEPICTED ON THE REZONING PLAN. THE ACTUAL LOCATION OF THE PEDESTRIAN CROSSING SHALL BE DETERMINED DURING THE PERMITTING PROCESS. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO INSTALL THE PEDESTRIAN CROSSING, THEN PETITIONER SHALL HAVE NO OBLIGATION TO INSTALL THE PEDESTRIAN CROSSING. PERMITS FOR THE PLANNED IMPROVEMENTS TO THE SITE AND CERTIFICATES OF OCCUPANCY FOR THE BUILDING AND/OR THE STRUCTURED PARKING FACILITY SHALL NOT BE WITHHELD OR DELAYED IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO INSTALL THE PEDESTRIAN CROSSING, OR IN THE EVENT THAT PETITIONER IS WAITING TO RECEIVE THE REQUIRED APPROVALS OR THE DENIAL OF SUCH APPROVALS FOR THE PEDESTRIAN CROSSING AFTER HAVING APPLIED FOR SUCH APPROVALS.

- D. PETITIONER SHALL INSTALL A MINIMUM 5 FOOT WIDE PEDESTRIAN CONNECTION THROUGH THE SITE FROM THE 6 FOOT SIDEWALK TO BE INSTALLED ALONG THE SITE'S FRONTAGE ON REXFORD ROAD TO THOSE PARCELS OF LAND DESIGNATED AS TAX PARCEL NOS. 177-083-02 AND 177-083-01 AS GENERALLY DEPICTED ON THE REZONING PLAN. THE ACTUAL ROUTE OF THIS PEDESTRIAN CONNECTION SHALL BE DETERMINED DURING THE PERMITTING PROCESS.

5. ARCHITECTURAL AND DESIGN STANDARDS

- A. THE MAXIMUM HEIGHT IN STORIES OF THE BUILDING SHALL BE 4 STORIES.
- B. THE MAXIMUM HEIGHT IN FEET OF THE BUILDING SHALL BE 70 FEET.
- C. THE MAXIMUM HEIGHT IN FEET OF THE STRUCTURED PARKING FACILITY SHALL BE 46 FEET.
- D. SET OUT ON SHEETS RZ4-00 AND RZ4-01 OF THE REZONING PLAN ARE CONCEPTUAL, ARCHITECTURAL PERSPECTIVES OF EACH ELEVATION OF THE BUILDING AFTER THE EXPANSION AND RENOVATION OF THE BUILDING. THESE CONCEPTUAL, ARCHITECTURAL PERSPECTIVES ARE INTENDED TO REFLECT THE ARCHITECTURAL STYLE AND CHARACTER OF THE BUILDING AFTER THE EXPANSION AND RENOVATION OF THE SAME, HOWEVER, THE ACTUAL ELEVATIONS OF THE BUILDING AFTER THE EXPANSION AND RENOVATION OF THE SAME MAY VARY FROM THE CONCEPTUAL, ARCHITECTURAL PERSPECTIVES PROVIDED THAT THE DESIGN INTENT IS SATISFIED.
- E. NOTWITHSTANDING THE TERMS OF PARAGRAPH D ABOVE, THE TREE MOTIF AND GREEN WALL DEPICTED ON THE REAR ELEVATION OF THE BUILDING AND THE BLUE PANELS DEPICTED ON THE STRUCTURED PARK FACILITY ARE OPTIONAL ELEMENTS, AND THEY MAY OR MAY NOT BE INCORPORATED INTO THESE IMPROVEMENTS AT THE OPTION OF PETITIONER.
- F. THE PRIMARY EXTERIOR BUILDING MATERIALS FOR THE BUILDING AFTER THE EXPANSION AND RENOVATION OF THE SAME ARE DESIGNATED ON THE CONCEPTUAL, ARCHITECTURAL PERSPECTIVES SET OUT ON SHEETS RZ4-00 AND RZ4-01 OF THE REZONING PLAN.
- G. THE EXPANSION AND RENOVATION OF THE BUILDING AND THE CONSTRUCTION OF THE STRUCTURED PARKING FACILITY MAY NOT OCCUR SIMULTANEOUSLY. THEREFORE, A CERTIFICATE OF OCCUPANCY FOR THE EXPANDED AND RENOVATED BUILDING SHALL NOT BE WITHHELD OR DELAYED IN THE EVENT THAT THE STRUCTURED PARK FACILITY IS NOT COMPLETED AT THE TIME THAT THE EXPANDED AND RENOVATED BUILDING IS COMPLETED, PROVIDED THAT THE SITE COMPLIES WITH THE OFF-STREET PARKING REQUIREMENTS OF THE ORDINANCE AT SUCH TIME.
- H. DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL OR FENCE WITH ONE SIDE BEING A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AND RECYCLING AREA ADJOIN A SIDE WALL OR REAR WALL OF A BUILDING, THEN THE SIDE WALL OR REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL OR FENCE ALONG EACH SUCH SIDE.

6. STREETScape

- A. PETITIONER SHALL INSTALL A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK ALONG THE SITE'S FRONTAGE ON REXFORD ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, THE SIDEWALK MAY MEANDER TO SAVE EXISTING TREES. ANY PORTION OF THE SIDEWALK THAT IS LOCATED OUT OF THE RIGHT OF WAY FOR REXFORD ROAD MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.
- B. THE BUILDING SHALL BE SETBACK A MINIMUM OF 40 FEET FROM THE BACK OF THE EXISTING CURB ON REXFORD ROAD. OUTDOOR SEATING AND AMENITY AREAS SHALL BE PERMITTED WITHIN THE FIRST 20 FEET OF THE SETBACK CLOSEST TO THE FACE OF THE BUILDING.

7. ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
- B. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

8. SIGNS

- A. SUBJECT TO THE OPTIONAL PROVISIONS SET OUT IN THESE DEVELOPMENT STANDARDS, ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.
- B. THE LOCATIONS OF THE SIGNS INSTALLED ON THE BUILDING MAY VARY FROM THE SIGN LOCATIONS DEPICTED ON THE CONCEPTUAL, ARCHITECTURAL PERSPECTIVES.

9. LIGHTING

- A. ANY NEWLY INSTALLED FREESTANDING LIGHTING FIXTURES ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE INTERNAL PRIVATE DRIVES AND SIDEWALKS, LANDSCAPING LIGHTING AND UPLIGHTING FOR THE BUILDING OR THE STRUCTURED PARKING FACILITY) 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 NEWLY INSTALLED FREESTANDING LIGHTING FIXTURE ON THE SITE, INCLUDING ITS BASE, SHALL BE 34 FEET.
- C. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE TOP LEVEL OF THE STRUCTURED PARK FACILITY, INCLUDING ITS BASE, SHALL BE 24 FEET AS MEASURED FROM THE DRIVE SURFACE.
- D. ANY LIGHTING FIXTURES ATTACHED TO THE BUILDING OR TO THE STRUCTURED PARKING FACILITY SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

10. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

VICINITY MAP - NOT TO SCALE



KEY MAP

SEAL

REZONING
PETITION #
2017-____

PROJECT

LENDINGTREE
REZONING

THE LENDINGTREE
CHARLOTTE
MECKLENBURG COUNTY, NC

LANDDESIGN PROJ.# 1017090

ISSUANCES

| NO. | DESCRIPTION | DATE |
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| 1 | REZONING SUBMITTAL | 6/21/2017 |
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DESIGNED BY: DW
DRAWN BY: DW
CHECKED BY: ND

SCALE

NORTH

HORZ: NTS

SHEET TITLE

DEVELOPMENT
STANDARDS

SHEET NUMBER

RZ2-00

KEY MAP

SEAL

REZONING
PETITION #
2017-__

PROJECT

LENDINGTREE
REZONING

THE LENDINGTREE
CHARLOTTE
MECKLENBURG COUNTY, NC

LANDDESIGN PROJ.#
1017090

ISSUANCES

| NO. | DESCRIPTION | DATE |
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| 1 | REZONING SUBMITTAL | 6/21/2017 |
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DRAWN BY: DW
CHECKED BY: ND

SCALE



HORZ: 1"=30'

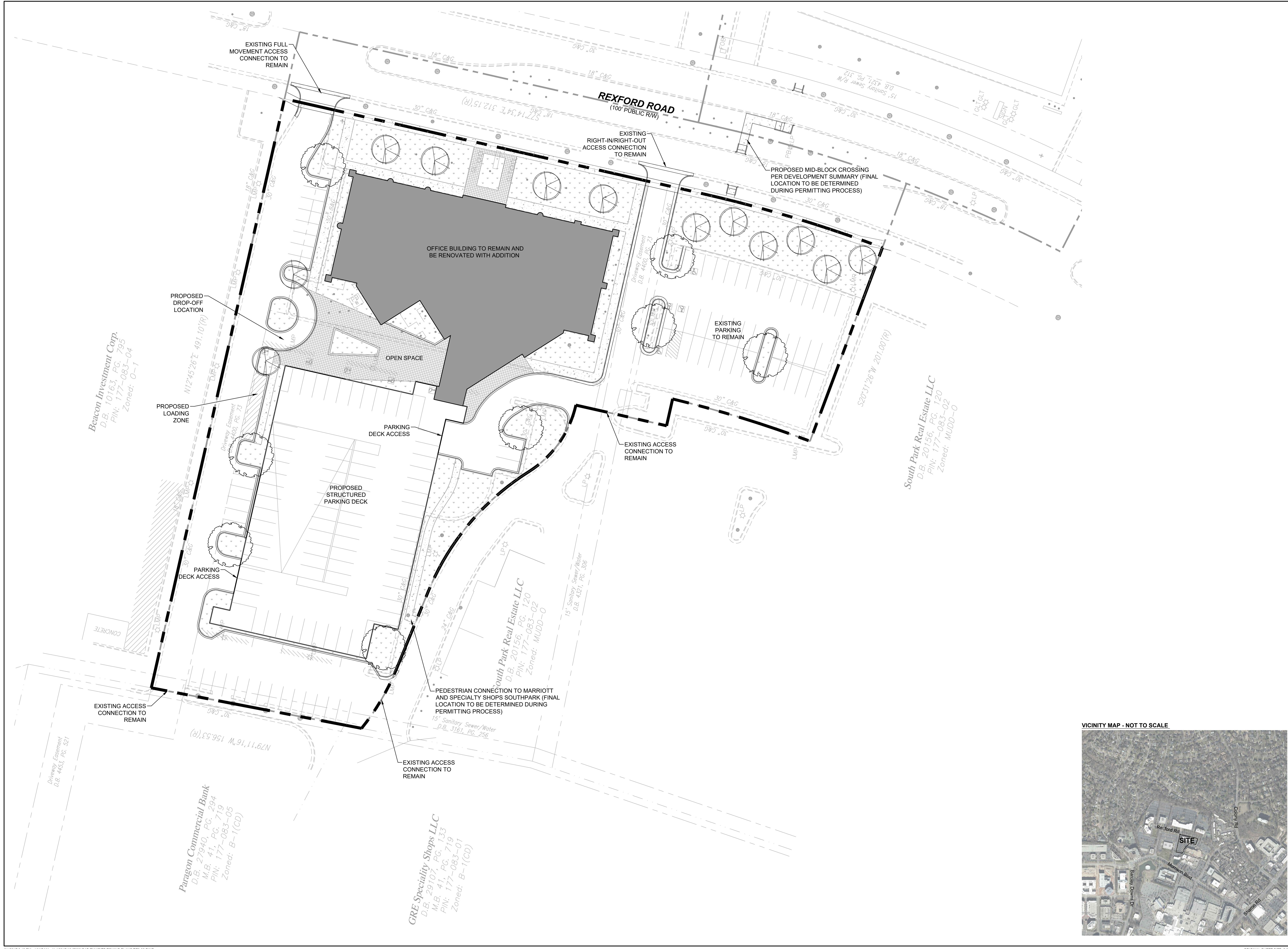
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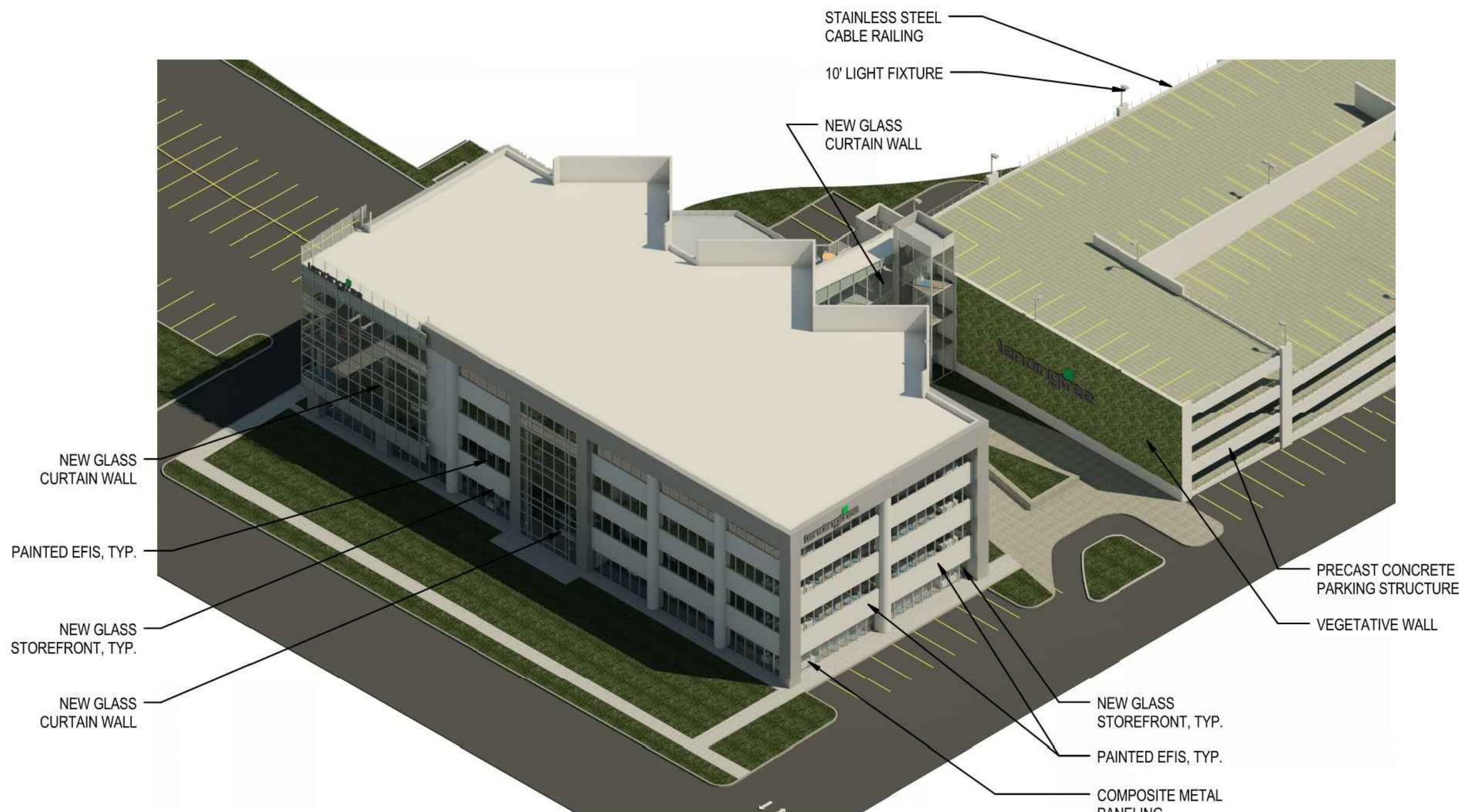
SHEET TITLE

SCHEMATIC SITE
PLAN

SHEET NUMBER

RZ3-00





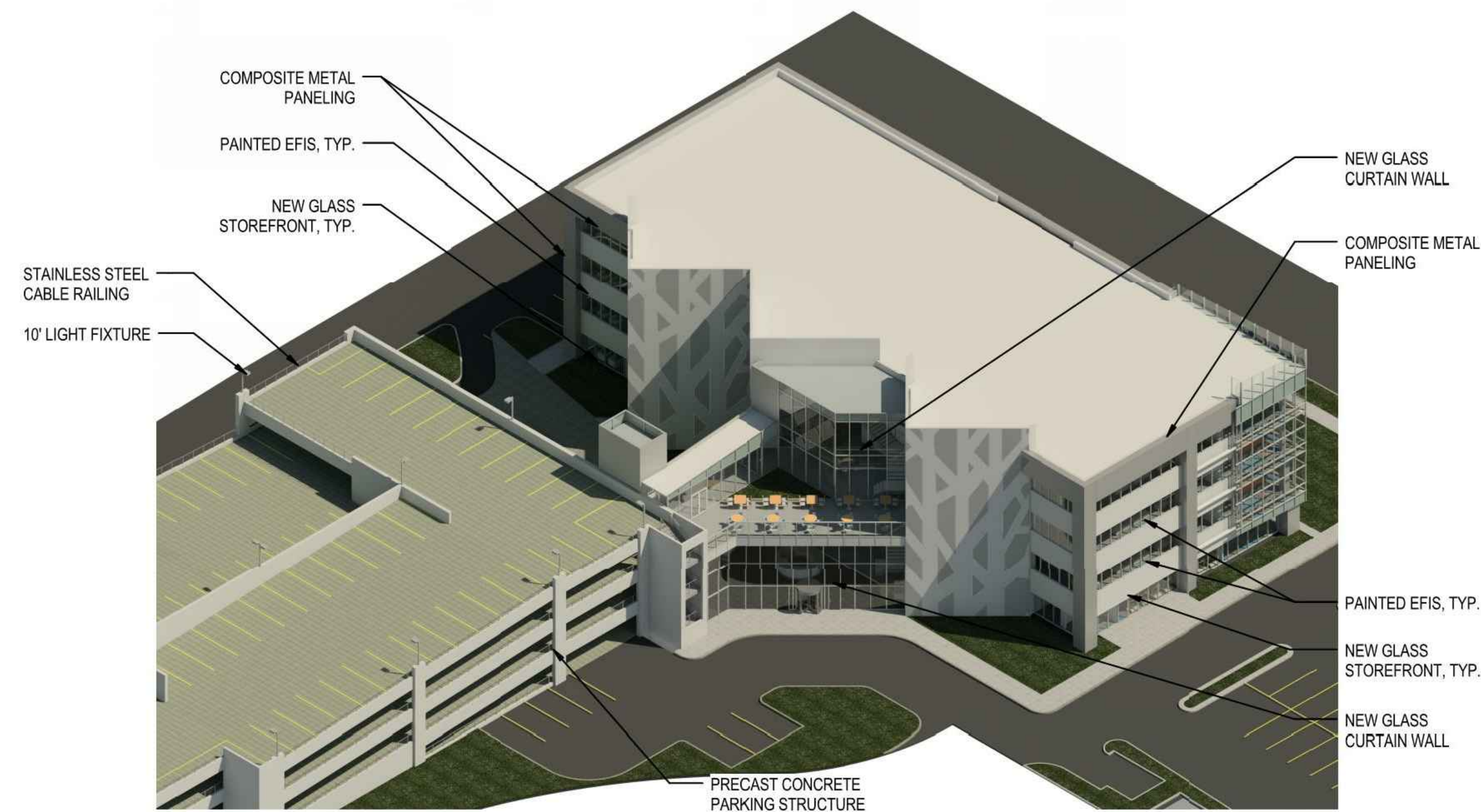
IT IS THE CURRENT INTENT THAT THE COMPLETED DESIGN INCLUDE THE EXTERIOR FINISHES, AND CONFIGURATION THEREOF, AS INDICATED ON THESE DRAWINGS SUBMITTED FOR REZONING. THE OWNER RESERVES THE RIGHT TO MAKE MODIFICATIONS TO THE DESIGN IN ORDER TO REALIZE OVERALL BUILDING AESTHETIC IMPROVEMENTS.

SHEET NUMBER:
SD-09

ALLIANCE ARCHITECTURE

lendingtree

NORTH WEST AXON
SCALE:
DATE: 02/07/17



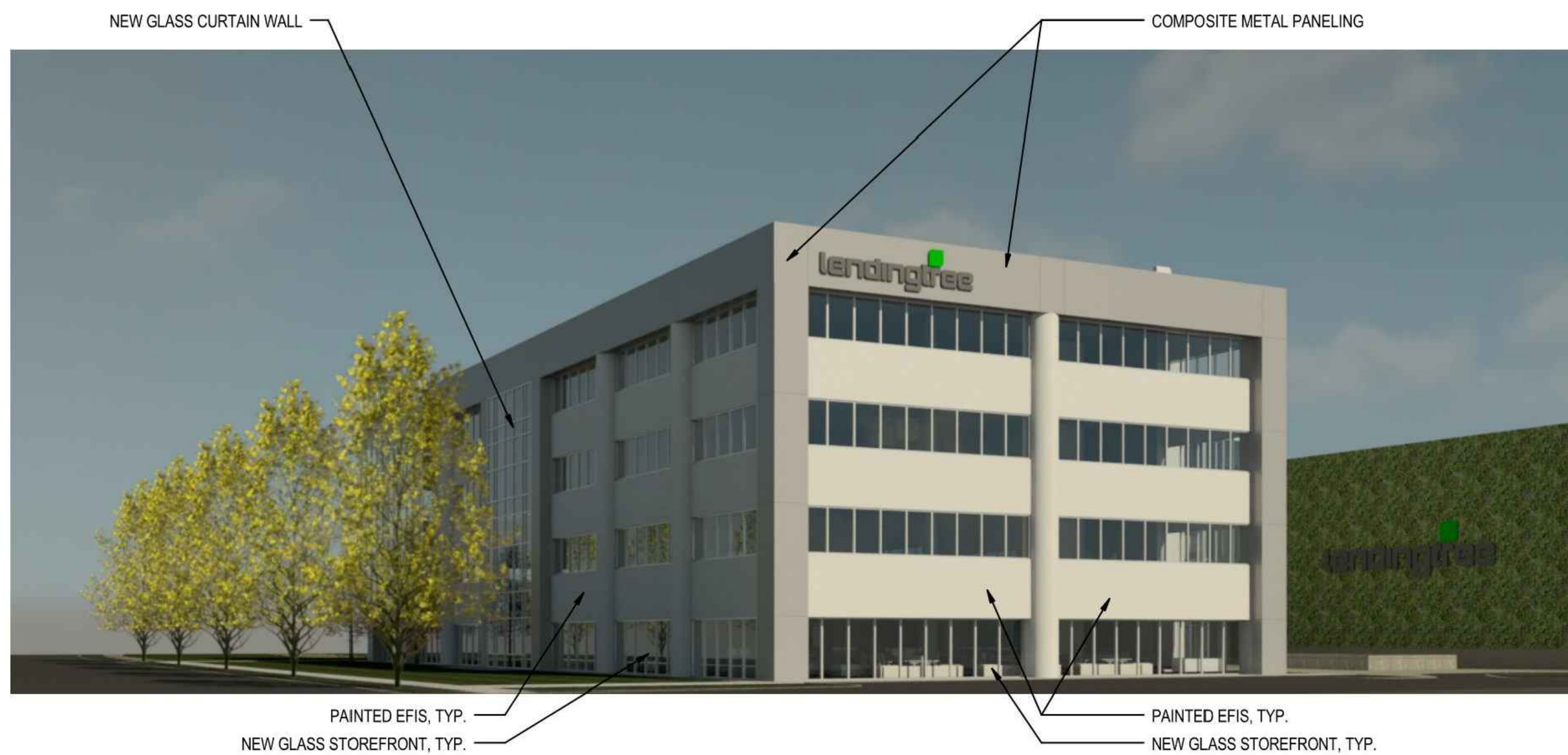
IT IS THE CURRENT INTENT THAT THE COMPLETED DESIGN INCLUDE THE EXTERIOR FINISHES, AND CONFIGURATION THEREOF, AS INDICATED ON THESE DRAWINGS SUBMITTED FOR REZONING. THE OWNER RESERVES THE RIGHT TO MAKE MODIFICATIONS TO THE DESIGN IN ORDER TO REALIZE OVERALL BUILDING AESTHETIC IMPROVEMENTS.

SHEET NUMBER:
SD-08

ALLIANCE ARCHITECTURE

lendingtree

SOUTH EAST AXON
SCALE:
DATE: 02/07/17



IT IS THE CURRENT INTENT THAT THE COMPLETED DESIGN INCLUDE THE EXTERIOR FINISHES, AND CONFIGURATION THEREOF, AS INDICATED ON THESE DRAWINGS SUBMITTED FOR REZONING. THE OWNER RESERVES THE RIGHT TO MAKE MODIFICATIONS TO THE DESIGN IN ORDER TO REALIZE OVERALL BUILDING AESTHETIC IMPROVEMENTS.

SHEET NUMBER:
SD-11

ALLIANCE ARCHITECTURE

lendingtree

REXFORD RD. WEST PERSPECTIVE
SCALE:
DATE: 02/07/17



IT IS THE CURRENT INTENT THAT THE COMPLETED DESIGN INCLUDE THE EXTERIOR FINISHES, AND CONFIGURATION THEREOF, AS INDICATED ON THESE DRAWINGS SUBMITTED FOR REZONING. THE OWNER RESERVES THE RIGHT TO MAKE MODIFICATIONS TO THE DESIGN IN ORDER TO REALIZE OVERALL BUILDING AESTHETIC IMPROVEMENTS.

SHEET NUMBER:
SD-10

ALLIANCE ARCHITECTURE

lendingtree

REXFORD RD. EAST PERSPECTIVE
SCALE:
DATE: 02/07/17

KEY MAP

SEAL

**REZONING
PETITION #
2017-__**

PROJECT

**LENDINGTREE
REZONING**

THE LENDINGTREE
CHARLOTTE
MECKLENBURG COUNTY, NC

LANDDESIGN PROJ.# 1017090

ISSUANCES

| NO. | DESCRIPTION | DATE |
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| 1 | REZONING SUBMITTAL | 6/21/2017 |
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DESIGNED BY: DW
DRAWN BY: DW
CHECKED BY: ND

SCALE



HORZ: NTS

SHEET TITLE

**ARCHITECTURE
ELEVATIONS AND
PERSPECTIVES**

SHEET NUMBER

RZ4-00



IT IS THE CURRENT INTENT THAT THE COMPLETED DESIGN INCLUDE THE EXTERIOR FINISHES, AND CONFIGURATION THEREOF, AS INDICATED ON THESE DRAWINGS SUBMITTED FOR REZONING. THE OWNER RESERVES THE RIGHT TO MAKE MODIFICATIONS TO THE DESIGN IN ORDER TO REALIZE OVERALL BUILDING AESTHETIC IMPROVEMENTS.

SHEET NUMBER:
SD-12

ALLIANCE ARCHITECTURE

lendingtree

LENDING TREE DR. EAST / WEST PERSPECTIVES
SCALE:
DATE: 02/07/17

KEY MAP

SEAL

**REZONING
PETITION #
2017-__**

PROJECT

**LENDINGTREE
REZONING**

THE LENDINGTREE
CHARLOTTE
MECKLENBURG COUNTY, NC

LANDDESIGN PROJ.#

1017090

ISSUANCES

| NO. | DESCRIPTION | DATE |
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| 1 | REZONING SUBMITTAL | 6/21/2017 |
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DESIGNED BY: DW
DRAWN BY: DW
CHECKED BY: ND

SCALE

NORTH

HORZ: NTS

SHEET TITLE

**ARCHITECTURE
ELEVATIONS AND
PERSPECTIVES**

SHEET NUMBER

RZ4-01

LENDINGTREE REZONING

THE LENDINGTREE
CHARLOTTE
MECKLENBURG COUNTY, NC

LANDDESIGN PROJ.# 1017090

ISSUANCES

[illegible]

DESIGNED BY: DV
DRAWN BY: DV
CHECKED BY: ND

SCALE NORTH

HORZ: 1"=30'

SHEET TITLE

EXISTING
CONDITIONS PLAN

SHEET NUMBER

RZ5-00

RZ5-00



VICINITY MAP - NOT TO SCALE



**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-106
Petition #: _____
Date Filed: 6/22/2017
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: Charlotte Rescue Mission
Owner's Address: 907 West 1st Street City, State, Zip: Charlotte, NC 28202
Date Property Acquired: 05.15.1979
Property Address: 801 West 1st Street, 821 West 1st Street
Tax Parcel Number(s): 073-24-215, 073-24-216
Current Land Use: Vacant Land & Structure Size (Acres): 1.37
Existing Zoning: MUDD Proposed Zoning: NS
Overlay: NA (Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting* with: Solomon Fortune
Date of meeting: 04.26.2017

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

For Conditional Rezonings Only:

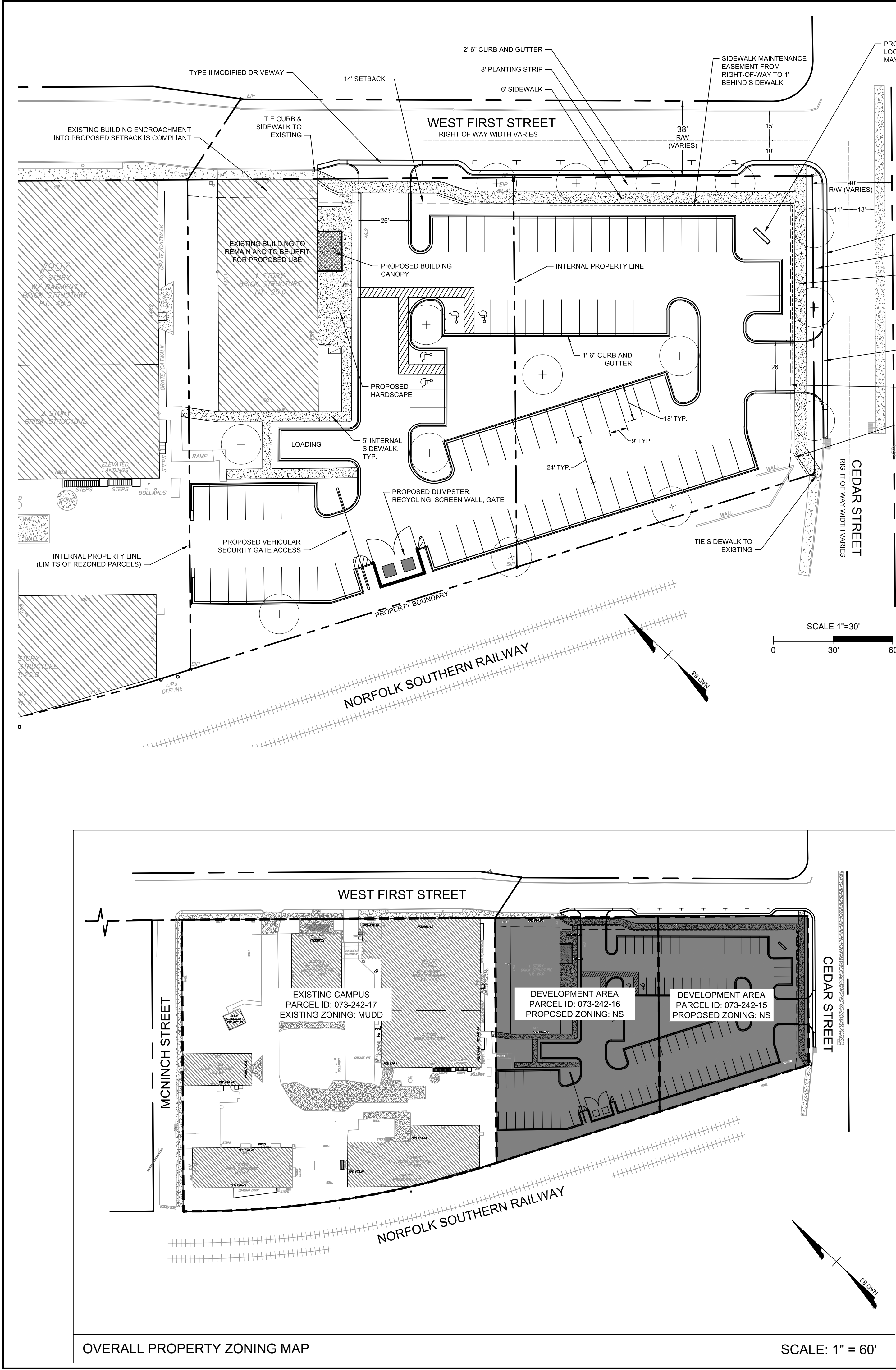
Requesting a vesting period exceeding the 2 year minimum? ☒ Yes / No. Number of years (maximum of 5): 5
Purpose/description of Conditional Zoning Plan: To allow the development of the Site for a community based coffee shop/restaurant with associated parking.

Timmons Group
Attn: Chris Todd
Name of Rezoning Agent
2030 South Tryon Street, Suite 3C
Agent's Address
Charlotte, NC 28203
City, State, Zip
980-215-8072 NA
Telephone Number Fax Number
chris.todd@timmons.com
E-Mail Address
[Signature]
Signature of Property Owner

Tony Marciano
(Name Typed / Printed)

Charlotte Rescue Mission
Attn: Tony Marciano
Name of Petitioner(s)
907 West 1st Street, Charlotte, NC 28202
Address of Petitioner(s)
Charlotte, NC 28202
City, State, Zip
704.334.4635 704.333-7285
Telephone Number Fax Number
tonym@charlotterescuemission.org
E-Mail Address
[Signature]
Signature of Petitioner

Tony Marciano
(Name Typed / Printed)



Site Development Notes

1. General Provisions:
- a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Charlotte Rescue Mission ("Petitioner") to accommodate the development of a restaurant/coffee shop/office on approximately 1.37 acre site located along West First 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 NS zoning classification.
- c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, 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 by Section 6.207 of the Ordinance.
- Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
- i. minor and don't materially change the overall design intent depicted on the Rezoning Plan.
- The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.
- d. Number of Buildings Principal and Accessory. The total number of principal buildings to be developed on the Site shall not exceed one (1). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site. Accessory structures and buildings include structures and buildings such as but not limited to; dumpster enclosures, storage buildings, and other structures associated with the primary use.
- e. Parking/overluring is permitted to be between the building and public street.
2. Permitted Uses & Development Area Limitation:
- a. The Site may be developed with uses allowed in the NS zoning district, together with accessory uses allowed in the NS district.
3. Access and Transportation:
- a. Access to the Site will be from W. First Street and Cedar Street in the manner generally depicted on the Rezoning Plan.
- b. The Petitioner will provide an eight (8) foot planting strip and a six (6) foot sidewalk along W. First Street and Cedar Street as generally depicted on the Rezoning Petition. If the sidewalk along W. First Street and Cedar Street are located outside the right-of-way a sidewalk easement will be provided.
- c. The placement and configuration of the vehicular access points are 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.
- d. 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:
- a. Dumpster and/or recycling areas are provided and will be enclosed by a solid wall or fence with one side being a 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 the dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
5. Streetscape, Buffers, Yards, and Landscaping:
- a. A setback of no less than 14 feet as measured from proposed back of curb of recessed on-street parking shall be provided along West First Street as generally depicted on the Rezoning Plan.
- b. A setback of no less than 16 feet as measured from existing back of curb shall be provided along Cedar Street as generally depicted on the Rezoning Plan.
- c. Above ground backflow preventers will be screened from public view and will be located behind the existing right-of-way of West First Street and Cedar Street, but may be located within the setback behind the proposed sidewalk.
- d. Location of trees shown on the plan may be adjusted to accommodate site layout changes, utilities, etc.
- e. Parking shall be screened as required by the Ordinance.
6. Environmental Features:
- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The Site will comply with the Tree Ordinance.
7. Lighting:
- a. All new lighting shall be full cut-off type lighting fixtures including lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site will be limited to 30 feet in height.
- c. Decorative pedestrian scale lights may be provided along the internal private drives.
- d. Architectural lighting on building facades, such as but not limited to sconces, will be permitted.
8. Signage:
- a. As allowed by the NS zoning.
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.

CHARLOTTE RESCUE MISSION
REBOUND & DOVE'S NEST
Changing Lives by God's Grace

THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
2030 S. Tryon Street, Suite 3C | Charlotte, NC 28203
TEL 704.376.1075 FAX 704.376.1076 www.timmons.com

DATE

REVISION DESCRIPTION

VICINITY MAP

N.T.S.

EXISTING ZONING EXHIBIT

SCALE: 1" = 100'

REZONING SUMMARY

| | |
|--------------------------|--|
| PETITIONER: | CHARLOTTE RESCUE MISSION 907 WEST FIRST STREET CHARLOTTE, NORTH CAROLINA 28202 |
| PROPERTY OWNER: | CHARLOTTE RESCUE MISSION 907 WEST FIRST STREET CHARLOTTE, NORTH CAROLINA 28202 |
| REZONING SITE AREA: | 1.37± AC. |
| TAX PARCEL NUMBERS: | 073-242-15, 073-242-16 |
| EXISTING ZONING: | MUDD |
| PROPOSED ZONING: | NS (NEIGHBORHOOD SERVICES) |
| EXISTING USE: | VACANT LAND AND STRUCTURES |
| PROPOSED USE: | RESTAURANT / COFFEE SHOP / OFFICE WITH ASSOCIATED STRUCTURES AND PARKING AS ALLOWED IN THE NS DISTRICT |
| MAXIMUM BUILDING HEIGHT: | AS ALLOWED IN THE NS DISTRICT |
| MINIMUM SETBACK: | 14' FROM BACK OF CURB - WEST FIRST STREET 16' FROM BACK OF CURB - CEDAR STREET |
| REQUIRED PARKING: | 1 SPACE PER 600 SF (MIN.) |
| FLOOR AREA RATIO: | AS ALLOWED IN THE NS DISTRICT |
| YARDS: | NONE REQUIRED |
| BUFFERS: | NONE REQUIRED |

REZONING PETITION #: 2017-###

TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

NORTH CAROLINA LICENSE NO. C-1652

CHARLOTTE RESCUE MISSION
CHARLOTTE, NORTH CAROLINA

REZONING SITE PLAN

DATE

DRAWN BY
A. DALE

DESIGNED BY
J. HORTON

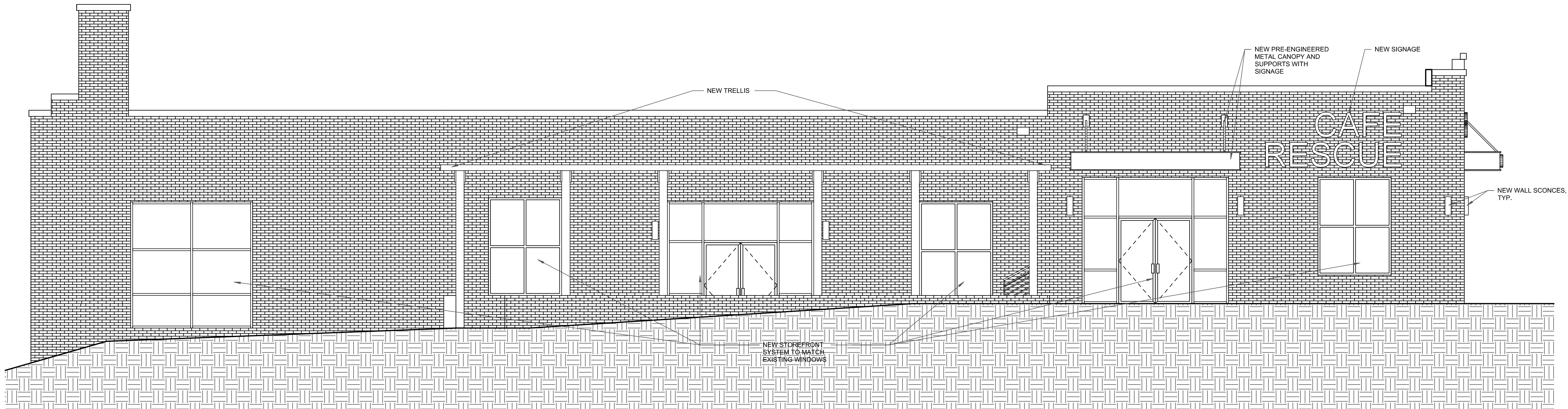
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C. TODD

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AS SHOWN

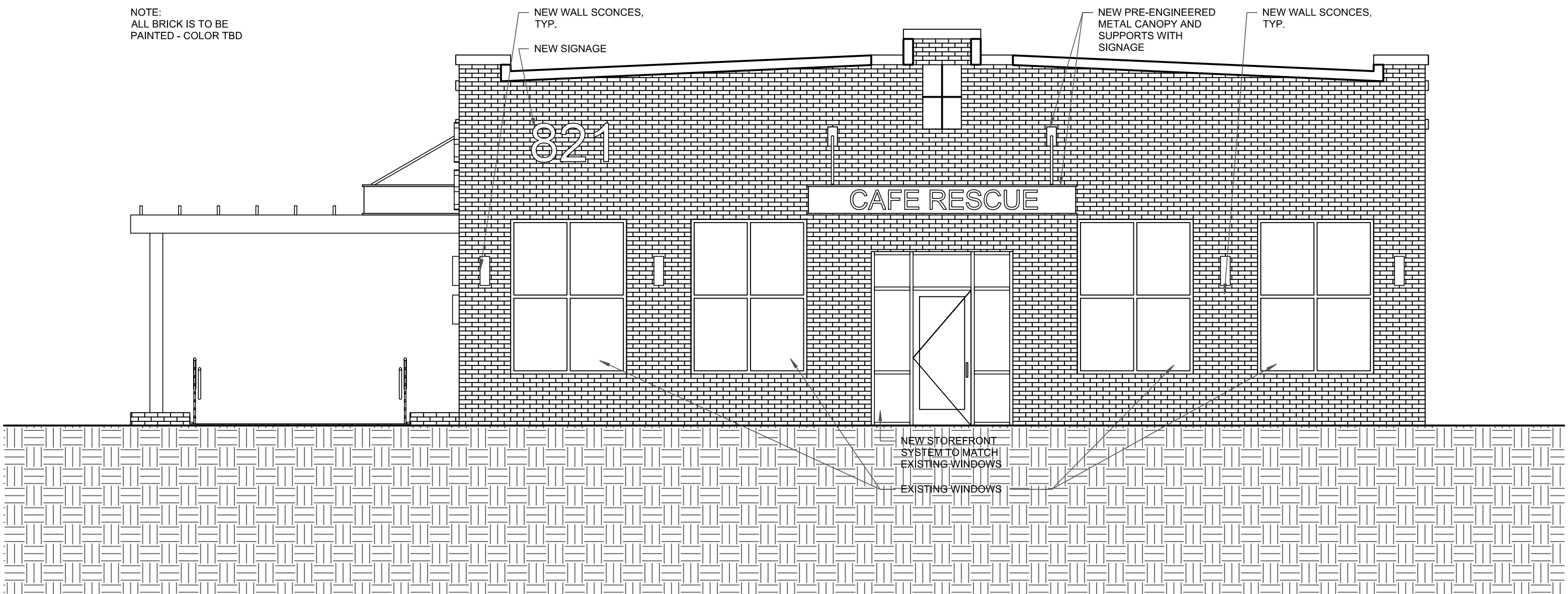
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SHEET NO.
RZ 1.0

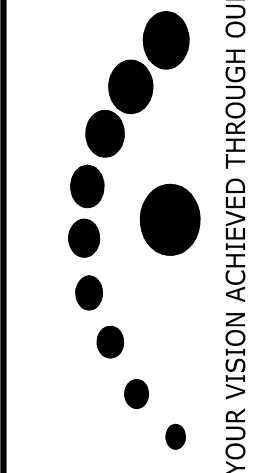
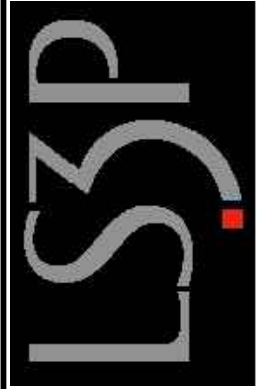
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EAST SIDE ELEVATION (CEDAR STREET)



NORTH SIDE ELEVATION (WEST FIRST STREET)



TIMMONS GROUP

NORTH CAROLINA LICENSE NO. C-1652

CHARLOTTE RESCUE MISSION

CHARLOTTE, NORTH CAROLINA

BUILDING ELEVATIONS

THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
2030 S. Tryon Street, Suite 3C | Charlotte, NC 28203
TEL 704.376.1075 FAX 704.376.1076 www.timmons.com

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| DRAWN BY |
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| A. DALE |

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| J. HORTON |

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| C. TODD |

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**I. REZONING APPLICATION
CITY OF CHARLOTTE**

RECEIVED

JUN 22 2017

BY:

2017-107

Petition #:

Date Filed:

Received By:

6/22/2017

[Signature]

Property Owners: The Grant Girls LLC

Owner's Addresses: 1145 South Paraham Road, York, SC 29745

Date Properties
Acquired: 08/07/2015

Property Addresses: 2625 and 2705 S Tryon Street, Charlotte, NC 28203

Tax Parcel Numbers: 147-011-73 and 147-011-74

Current Land Use: commercial Size (Acres): ± 1.25

Existing Zoning: I-1 Proposed Zoning: MUDD-O

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

Required Rezoning Pre-Application Meeting* with: Solomon Fortune, Kathy Cornett and Katherine Mahoney

Date of meeting: _____

(*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 climate controlled storage facilities.

Keith MacVean & Jeff Brown

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)
704-331-1144 (JB) 704-378-1925 (JB)

Telephone Number Fax Number
keithmacvean@mvalaw.com; jeffbrown@mvalaw.com

E-mail Address

SEE ATTACHMENT A

Signature of Property Owner

The Carroll Companies (Attn: Ian Phillips)

Name of Petitioner

201 North Elm Street, Ste 201

Address of Petitioner

Greensboro, NC 27401

City, State, Zip

336.274.8531

Telephone Number Fax Number
iphillips@thecarrollcompanies.com

E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

ATTACHMENT A

**REZONING PETITION NO. [2017-____]
The Carroll Companies**

**OWNER JOINDER AGREEMENT
The Grant Girls LLC
C/O Susan G Harper**

The undersigned, as the owner of the parcel of land located at 2625 and 2705 S Tryon Street, Charlotte, NC 28203 that are designated as Tax Parcel No. 147-011-73 and 147-011-74 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 I-1 zoning district to the MUDD-O zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 8 day of June, 2017.

**The Grant Girls LLC
C/O Susan G Harper**

By: Sandra A. Green
Name: Sandra A. Green
Its: Managing member

ATTACHMENT B

**REZONING PETITION NO. [2017-]
The Carroll Companies**

Petitioner:

The Carroll Companies

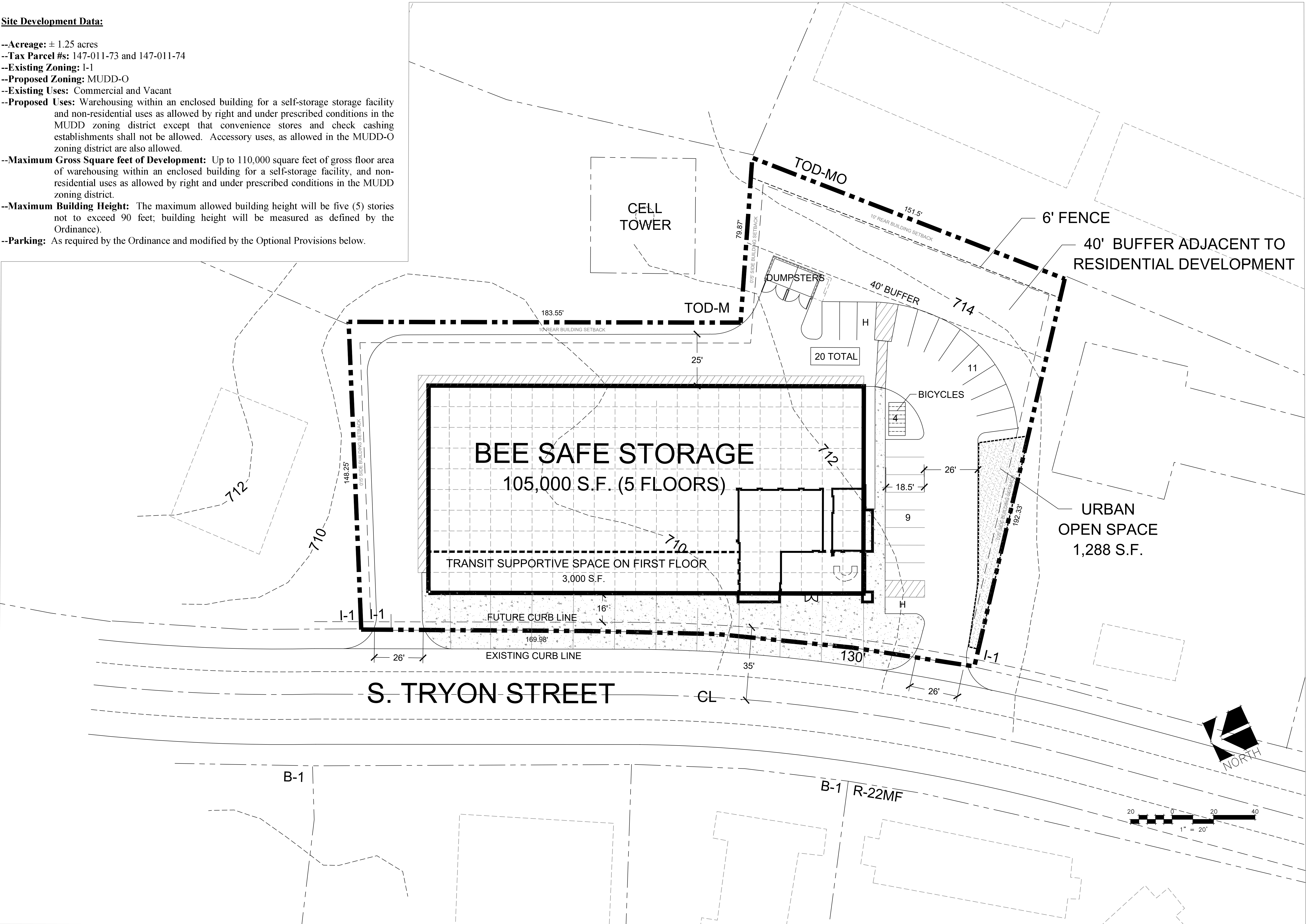
By: 


Name: IAN PHILLIPS

Title: DIRECTOR OF ENTITLEMENTS
& LAND DEVELOPMENT

Site Development Data:

- Acreage: ± 1.25 acres
- Tax Parcel #: 147-011-73 and 147-011-74
- Existing Zoning: I-1
- Proposed Zoning: MUDD-O
- Existing Uses: Commercial and Vacant
- Proposed Uses: Warehousing within an enclosed building for a self-storage storage facility and non-residential uses as allowed by right and under prescribed conditions in the MUDD zoning district except that convenience stores and check cashing establishments shall not be allowed. Accessory uses, as allowed in the MUDD-O zoning district are also allowed.
- Maximum Gross Square feet of Development: Up to 110,000 square feet of gross floor area of warehousing within an enclosed building for a self-storage facility, and non-residential uses as allowed by right and under prescribed conditions in the MUDD zoning district.
- Maximum Building Height: The maximum allowed building height will be five (5) stories not to exceed 90 feet; building height will be measured as defined by the Ordinance).
- Parking: As required by the Ordinance and modified by the Optional Provisions below.





P.O. BOX 9846, GREENSBORO, N.C. PHONE (336) 714-9531

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ROY CARROLL © 2015 CIP CONSTRUCTION

PRELIMINARY

BEE SAFE STORAGE
S. TRYON ST., CHARLOTTE, NC

DATE 6/21/17

| DATE | REVISION |
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| DATE | DESCRIPTION |
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SITE CONCEPT PLAN

SHEET
RE-ZONING EXHIBIT
1 OF 2

The Carroll Companies
Development Standards
06/19/2017
Rezoning Petition No. 2017-000

Site Development Data:

- Acreage: ± 1.25 acres
--Tax Parcel #: 147-011-73 and 147-011-74
--Existing Zoning: I-1
--Proposed Zoning: MUDD-O
--Existing Uses: Commercial and Vacant
--Proposed Uses: Warehousing within an enclosed building for a self-storage storage facility and non-residential uses as allowed by right and under prescribed conditions in the MUDD zoning district except that convenience stores and check cashing establishments shall not be allowed. Accessory uses, as allowed in the MUDD-O zoning district are also allowed.
--Maximum Gross Square feet of Development: Up to 110,000 square feet of gross floor area of warehousing within an enclosed building for a self-storage facility, and non-residential uses as allowed by right and under prescribed conditions in the MUDD zoning district.
--Maximum Building Height: The maximum allowed building height will be five (5) stories not to exceed 90 feet; building height will be measured as defined by the Ordinance).
--Parking: As required by the Ordinance and modified by the Optional Provisions below.

1. General Provisions:

- a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by The Carroll Companies ("Petitioner") to accommodate the development of a high quality indoor climate control storage facility on an approximately 1.25 acre site located at 2625 and 2705 S Tryon Street (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan the associated Optional Provisions 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 together with the Optional Provisions 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.

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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.

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 will be limited to one (1). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s).

2. Optional Provisions:

The following Options Provisions shall apply to the Site:

- a. To allow wall signs to have up to 200 square feet of sign area or 10% of the wall area whichever is the least. This represents a change from 100 square feet or 5% of the wall area whichever is the least.
- b. To reduce the number of required spaces for the Site to 20 spaces as generally depicted on the Rezoning Plan. A total of 29 spaces are currently required.
- c. To reduce the setback along S. Tryon Street to 16 feet as measured from the future back of curb as generally depicted on the Rezoning Plan. The required setback is 24 feet as measured from the future back of curb.
3. **Permitted Uses, Development Area Limitations:**
- a. Subject to the restrictions and limitations listed below in b. c. and d, the principal building constructed on the Site may be developed with up to 110,000 square feet of gross floor area of warehousing within an enclosed building for a self-storage facility and non-residential uses as allowed by right and under prescribed conditions together with accessory uses allowed in the MUDD-O zoning district.
- b. Outdoor storage will not be allowed.
- c. Truck rental associated with the climate controlled storage facility will not be allowed.

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- d. The following uses will not be allowed convenience stores and check cashing establishments and residential uses shall not be allowed.

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, and all loading dock areas (open or enclosed).

4. Access:

- a. Access to the Site will be from S. Tryon Street as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
- b. The Petitioner will replace the existing sidewalk along S Tryon Street with a new 8 foot wide sidewalk and 8 foot wide planting strip.
- c. The exact alignment, dimensions and location of the access point to the Site, the driveway on the Site may be modified from the elements shown on the Rezoning Plan provided that the overall design intent is not materially altered and requirements described in this Section 3 are met.

5. Setbacks, Buffers and Screening.

- a. A 16 foot setback as measured from the future back of curb will be provided along S. Tryon Street as generally depicted on the Rezoning Plan.
- b. A 40 foot Class C Buffer will be provided at the rear of the Site as generally depicted on the Rezoning Plan. The Petitioner reserves the right to install a five (5) foot high black vinyl chain link fence on the interior side of the Class C Buffer.

6. Architectural Standards Design Guidelines.

- a. The principal building constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), metal panels (on north and west elevations only), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
- b. The attached illustrative building elevation is included to reflect an architectural style and a quality of the building elevations that may be constructed (the actual building elevation for may vary in minor respects from these illustration provided that the design intent is preserved).
- c. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties 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 principal building.

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The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

- e. Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual self-storage storage units shall be provided only by internal hallways.

7. Environmental Features:

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

- b. The Site will comply with Tree Ordinance.

8. Signage:

- a. Wall signs as allowed by the MUDD Zoning District and Optional Provisions will be allowed.
- b. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.

9. Lighting:

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Lighting fixtures that are decorative, capped and downwardly directed will be allowed on the proposed building walls.

10. Amendments to the Rezoning Plan:

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

11. Binding Effect of the Rezoning Application:

- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

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P.O. BOX 9846, GREENSBORO, N.C. PHONE (336) 714-9531

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ROY CARROLL © 2016 CIP CONSTRUCTION

PRELIMINARY

BEE SAFE STORAGE
S. TRYON ST., CHARLOTTE, NC

DATE 6/21/17

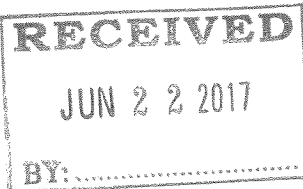
DATE REVISION
MK DATE DESCRIPTION

SITE CONCEPT PLAN

SHEET

RE-ZONING EXHIBIT
2 OF 2

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-108

| | |
|--------------|-------------|
| Petition #: | _____ |
| Date Filed: | 6/22/2017 |
| Received By: | [Signature] |

Complete All Fields (Use additional pages if needed)

Property Owner: See Exhibit A attached hereto

Owner's Address: See Exhibit A attached hereto City, State, Zip: See Exhibit A attached hereto

Date Property Acquired: See Exhibit A attached hereto

Property Address: See Exhibit A attached hereto

Tax Parcel Number(s): a portion of 04723199, a portion of 04723114, and a portion of 04723105

Current Land Use: Vacant Size (Acres): See Exhibit D attached hereto 15.872

Existing Zoning: I-1 and B-2 (CD) Proposed Zoning: MUDD

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

Required Rezoning Pre-Application Meeting* with: Sonja Sanders and Mandy Vari

Date of meeting: June 20, 2017

(*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: _____

John J. (Jay) Priester Jr. (Cambridge Properties, Inc.)
Name of Rezoning Agent

831 E. Morehead St. Suite 245
Agent's Address

Charlotte, NC 28202
City, State, Zip

704-333-2393 _____
Telephone Number Fax Number

jpp@cambridgeprop.com
E-Mail Address

See Exhibit B and C attached hereto
Signature of Property Owner

(Name Typed / Printed)

Arden Group, LLC
Name of Petitioner(s)

11 Brookstown Ave
Address of Petitioner(s)

Winston-Salem, NC 27101
City, State, Zip

336-659-9503 _____
Telephone Number Fax Number

stuart@theardengroup.com; milt@theardengroup.com
E-Mail Address

[Signature]
Signature of Petitioner

STUART PARKS.

(Name Typed / Printed)

Exhibit A to Rezoning Application

Property Owner Information, Acquisition Dates, and Property Addresses

Tax Parcel Numbers 04723199 and 04723114

UCAM-1, LLC

11 Brookstown Ave

Winston-Salem, NC 27101

Date Property Acquired: April 2, 2015 and December 30, 2016

Property Address: 8810 Ikea Boulevard Charlotte, NC 28262

Tax Parcel Number 04723105

Reeves Floral Products, Inc.

10288 Highway 92

Woodstock, GA 30188

Date Property Acquired: March 7, 2003

Property Address: 7101 MacFarlane Boulevard Charlotte, NC 28262

Exhibit B to Rezoning Application

Petitioner Joinder Agreement

The undersigned, as the owner of the parcel of land located in the City of Charlotte, County of Mecklenburg and State of North Carolina designated as Tax Parcel ID Number 04723105 (the "Parcel"), hereby join in this Rezoning Application and consent to the change in zoning from I-1 to MUDD.

This 22 day of June, 2017.

Reeves Floral Products, Inc.

By: 

Name: John Stanley Fitts, Jr.

Title: President

Exhibit C to Rezoning Application

Petitioner Joinder Agreement

The undersigned, as the owner of the parcel of land located in the City of Charlotte, County of Mecklenburg and State of North Carolina designated as Tax Parcel ID Numbers 04723199 and 04723114 (the "Parcel"), hereby join in this Rezoning Application and consent to the change in zoning from B-2 (CD) to MUDD.

This ____ day of June, 2017.

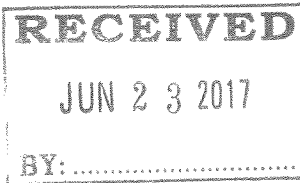
UCAM-1, LLC

By: 

Name: STUART PARKS

Title: MANAGER

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-109
Petition #: _____
Date Filed: 6/23/2017
Received By: BH

Complete All Fields (Use additional pages if needed)

Property Owner: The 6125 Company, LLC

Owner's Address: P.O. Box 1017 City, State, Zip: Davidson, NC 28036

Date Property Acquired: June 14, 2016

Property Address: Nations Ford Road

Tax Parcel Number(s): 169-121-12

Current Land Use: Vacant Size (Acres): +/- 1.793 acres

Existing Zoning: MUDD-O Proposed Zoning: MUDD-O S.P.A.

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

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Alberto Gonzalez, Carlos Alzate et al.

Date of meeting: June 13, 2017

(*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 accommodate the development of a building that may contain up to 35,000 square feet of gross floor area and could be devoted to professional business and general office uses and restaurant and retail uses. A maximum of 10,000 square feet could be devoted to retail and restaurant uses.

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@robinsonbradshaw.com
E-Mail Address

See Attached Joinder Agreement
Signature of Property Owner

(Name Typed / Printed)

Enviro-Master International Franchise, LLC (c/o Pat Swisher)
Name of Petitioner(s)

417 Minuet Lane, Suite G
Address of Petitioner(s)

Charlotte, NC 28217-2702
City, State, Zip

704-302-1016 Ext. 2107
Telephone Number Fax Number


pswisher@enviro-master.com
E-Mail Address

See Attached Signature Page
Signature of Petitioner

(Name Typed / Printed)

Signature of Enviro-Master International Franchise, LLC

ENVIRO-MASTER INTERNATIONAL FRANCHISE, LLC

By: 
Name: Pat Swisher
Title: CEO


Date: June 16, 2017

**REZONING APPLICATION
ENVIRO-MASTER INTERNATIONAL FRANCHISE, LLC, PETITIONER
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Enviro-Master International Franchise, LLC that is designated as Tax Parcel No. 169-121-12 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the MUDD-O S.P.A. zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the related conditional rezoning plan.

This 20 day of June, 2017.

THE 6125 COMPANY, LLC

By: 
Name: David W. Stewart
Title: Manager



O 2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
P 704.343.0608
W www.drgrp.com



ENVIRO-MASTER
INTERNATIONAL FRANCHISE, LLC
417 MINUET LANE, SUITE G
CHARLOTTE, NC 28217-2702

10 0 10 20
SCALE: 1" = 20'

PROJECT #: 588-002
DRAWN BY: THH

JUNE 22, 2017

REVISIONS:

TYVOLA GLEN CIRCLE

PARKING LOT SCREENING SHRUBS SHALL BE PROVIDED IN ACCORDANCE WITH ORDINANCE REQUIREMENTS

PROPOSED DRIVEWAY CONNECTION

8' PLANTING STRIP

6' SIDEWALK

EXISTING CURB CUT TO BE REMOVED. NEW CURB WITHIN INTERSECTION TO BE INSTALLED ON THE PROJECT SIDE.

PROPOSED STREET TREE (TYP.)

14' MINIMUM SETBACK FROM EXISTING BACK OF CURB

14' MIN.

PROPOSED ON STREET PARKING/LOADING SPACES

NATIONS FORD RD. MINOR THOROUGHFARE

CONCEPTUAL LAYOUT OF PROPOSED PARKING AND ACCESSORY USE AREA

TRULIAN FEDERAL CREDIT UNION
PID: 169-121-11
USE: COMMERCIAL
ZONING: CC

PARKING LOT SCREENING SHRUBS SHALL BE PROVIDED IN ACCORDANCE WITH ORDINANCE REQUIREMENTS

| DEVELOPMENT DATA TABLE | |
|------------------------------|-------------------------------|
| SITE ACREAGE: | APPROXIMATELY 1.793 ACRES |
| TAX PARCEL NUMBER: | 169-121-12 |
| EXISTING ZONING: | MUDD-O |
| EXISTING USES: | VACANT |
| PROPOSED ZONING: | MUDD-O SITE PLAN AMENDMENT |
| PROPOSED USES/STANDARDS: | SEE THE DEVELOPMENT STANDARDS |
| MAXIMUM NUMBER OF BUILDINGS: | 1 |
| MAXIMUM GROSS FLOOR AREA: | 35,000 SQUARE FEET |
| MAXIMUM BUILDING HEIGHT: | 3 STORIES |
| PARKING: | PER THE ORDINANCE |

PRIVATE DRIVE

35' BUILDING SETBACK

EXISTING RIGHT OF WAY.

BMP FACILITY

PROPOSED 6' SIDEWALK

14' MINIMUM SETBACK FROM EXISTING BACK OF CURB

PROPOSED 8' PLANTING STRIP

EXISTING FACE OF CURB, (TYP.)

LOCATION OF SIDEWALK, PLANTING STRIP, AND STREET TREES ARE SUBJECT TO NCDOT REVIEW AND APPROVAL. FINAL LOCATION/CONFIGURATION OF THESE ELEMENTS MAY BE MODIFIED PENDING NCDOT REVIEW AND APPROVAL DURING CONSTRUCTION PLAN REVIEW

LINDA JEAN THOMPSON
PID: 169-153-07
USE: SINGLE FAMILY
ZONING: R4

ADBERLI GUSMAN PORTILLO
PID: 169-153-06
USE: SINGLE FAMILY
ZONING: R4

TYVOLA RD.
MAJOR THOROUGHFARE
STATE ROUTE 1577

PROPOSED ACCESSIBLE RAMP

PROPOSED 10' PIANO STYLE CROSSWALK WITH YIELD TRIANGLE PAVEMENT MARKINGS

PROPOSED ACCESSIBLE RAMP

POTENTIAL PEDESTRIAN SIGN
FINAL LOCATION/DETAILS TO BE ESTABLISHED DURING PERMIT REVIEW WITH COORDINATION WITH CLIENT

EXISTING ACCESSIBLE RAMP AND CROSSWALK SHALL BE REMOVED

EXISTING PEDESTRIAN REFUGE ISLAND TO BE UPGRADED TO IMPROVE EXISTING RAMPS, SIDEWALK AND CURB. FINAL DESIGN TO BE DETERMINED DURING CONSTRUCTION DOCUMENT PHASE

EXISTING CURB SHALL BE REMOVED AROUND THE ENTIRE ISLAND AND REPLACED WITH 1'-6" CURB AND GUTTER. FINAL DESIGN AND DETAILING TO BE COORDINATED WITH CDOT DURING PERMIT REVIEW

PETITIONER SHALL REMOVE ANY EXISTING SIDEWALK, RAMPS AS NECESSARY, AND SHALL REPAIR/ REPLACE ANY EXISTING LANDSCAPE AS NEEDED

POTENTIAL BUS WAITING PAD INSTALLED PER CATS STANDARDS

CONCEPTUAL SITE PLAN SHOWN IS SCHEMATIC IN NATURE AND SHOWN FOR REFERENCE ONLY. SOME VARIATION OF THE PLAN MAY OCCUR IN FINAL DESIGN

POTENTIAL TREE SAVE AREA

35' BUILDING SETBACK

35' LANDSCAPE BUFFER TO BE MAINTAINED ADJACENT TO PROPOSED PARKING ENVELOPE.

EXISTING 8' PLANTING STRIP TO REMAIN

EXISTING 6' SIDEWALK TO REMAIN

14' MINIMUM SETBACK FROM EXISTING BACK OF CURB

LIMIT OF 35' LANDSCAPE BUFFER

14' MIN.

PROPOSED STREET TREES (TYP.)

694

692

696

698

700

VICINITY MAP

N.T.S.

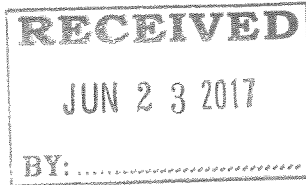
- GENERAL PROVISIONS
 - THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY ENVIROMASTER INTERNATIONAL FRANCHISE, LLC (THE "PETITIONER") FOR AN APPROXIMATELY 1.793 ACRE SITE LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF TYVOLA ROAD AND NATIONS FORD ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NO. 169-121-12. THE PURPOSE OF THIS REZONING PETITION IS TO OBTAIN A SITE PLAN AMENDMENT TO ACCOMMODATE THE DEVELOPMENT OF A BUILDING ON THE SITE THAT COULD BE DEVOTED TO OFFICE, RETAIL, RESTAURANT, SERVICE AND SHOWROOM USES.
 - THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"), SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT 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 USES AND IMPROVEMENTS (WHICH INCLUDE THE BUILDING) ON THE SITE. ACCORDINGLY, THE LAYOUT, LOCATIONS AND SIZES OF THE USES, IMPROVEMENTS AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN AS WELL AS THE INTERNAL DRIVES AND PARKING AREAS ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN, DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
 - FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.
- OPTIONAL PROVISIONS

THE OPTIONAL PROVISIONS SET OUT BELOW SHALL APPLY TO THE SITE.

 - WALL SIGNS INSTALLED ON THE BUILDING MAY HAVE UP TO 200 SQUARE FEET OF SIGN SURFACE AREA PER WALL OR 10% OF THE WALL AREA TO WHICH THEY ARE ATTACHED, WHICHEVER IS LESS.
 - A GROUND MOUNTED MONUMENT SIGN WITH A MAXIMUM HEIGHT OF 6 FEET AND A MAXIMUM SIGN AREA OF 36 SQUARE FEET MAY BE INSTALLED ON THE SITE.
 - THE OPTIONAL PROVISIONS REGARDING SIGNAGE ARE AN ADDITION/MODIFICATION TO THE STANDARDS FOR SIGNS IN THE MUDD ZONING DISTRICT AND ARE TO BE USED WITH THE REMAINDER OF THE MUDD STANDARDS FOR SIGNS THAT ARE NOT MODIFIED BY THESE OPTIONAL PROVISIONS.
- PERMITTED USES/DEVELOPMENT LIMITATIONS
 - THE SITE MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW.
 - (1) PROFESSIONAL BUSINESS AND GENERAL OFFICE USES AS ALLOWED IN THE MUDD ZONING DISTRICT.
 - (2) RETAIL SALES AS PERMITTED IN THE MUDD ZONING DISTRICT.
 - (3) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1), AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 2) SUBJECT TO THE APPLICABLE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE.
 - (4) SERVICE USES SUCH AS BARBER AND BEAUTY SHOPS.
 - (5) SHOWROOMS.
 - (6) ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED WITH THE USES DESCRIBED ABOVE THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT.
 - B. THE MAXIMUM GROSS FLOOR AREA OF THE BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE 35,000 SQUARE FEET.
 - C. THE MAXIMUM GROSS FLOOR AREA OF THE BUILDING TO BE CONSTRUCTED ON THE SITE THAT MAY BE DEVOTED TO THE USES SET OUT IN SUBPARAGRAPHS (2) THROUGH (6) ABOVE SHALL BE 10,000 SQUARE FEET.
- TRANSPORTATION
 - VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").
 - THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AREAS AND DRIVEWAYS MAY BE MODIFIED BY PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
- ARCHITECTURAL AND DESIGN STANDARDS
 - THE MAXIMUM HEIGHT IN STOREIES OF THE BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE 3 STOREIES.
 - DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL OR FENCE WITH ONE SIDE BEING A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AND RECYCLING AREA ADJOIN A SIDE WALL OR REAR WALL OF THE BUILDING, THEN THE SIDE WALL OR REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL OR FENCE ALONG EACH SUCH SIDE.
- STREETSCAPE AND LANDSCAPING
 - PETITIONER SHALL INSTALL SIDEWALKS AND PLANTING STRIPS ALONG THE SITE'S STREET FRONTAGES AS GENERALLY DEPICTED ON THE REZONING PLAN.
 - THE EXISTING 8 FOOT WIDE PLANTING STRIP AND THE EXISTING 6 FOOT WIDE SIDEWALK LOCATED ALONG THE SITE'S FRONTAGE ON NATIONS FORD ROAD SHALL REMAIN IN PLACE.
 - A MINIMUM 35 FOOT WIDE LANDSCAPED AREA SHALL BE MAINTAINED ALONG THE SITE'S FRONTAGE ON NATIONS FORD ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.
- ENVIRONMENTAL FEATURES
 - DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
 - DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE. THE SITE IS LOCATED WITHIN A DESIGNATED CORRIDOR AND AS SUCH, PETITIONER MAY UTILIZE THE BUY-OUT INCENTIVE FOR TREES SAVE AREAS.
- SIGNS

SUBJECT TO THE OPTIONAL PROVISIONS SET OUT IN THESE DEVELOPMENT STANDARDS, ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.
- LIGHTING
 - ANY FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE INTERNAL PRIVATE DRIVES 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 FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE, INCLUDING ITS BASE, SHALL BE 21 FEET.
 - ANY LIGHTING FIXTURES ATTACHED TO THE BUILDING SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.
- 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 ASSIGN.
 - 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.

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-660

| | |
|--------------|-----------|
| Petition #: | _____ |
| Date Filed: | 6/23/2017 |
| Received By: | BH |

Complete All Fields (Use additional pages if needed)

Property Owner: Phillips Place Hotel Investor, LLC; Phillips Place Partners, LLC

Owner's Address: 6700 Phillips Place Ct; P.O. Box 790630 City, State, Zip: Charlotte, NC 28210; San Antonio, TX 78279

Date Property Acquired: 12/27/1996, 5/15/1997, 3/1/1996, 2/7/1996

Property Address: 6700, 6809, and 6902 Phillips Place Ct, 6928 and unnumbered Fairview Road

Tax Parcel Number(s): 18314123, 18314122, 18314121, 18314113, 18314117

Current Land Use: Commercial/retail; hotel Size (Acres): +/- 15.11

Existing Zoning: CC Proposed Zoning: MUDD-O

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

Required Rezoning Pre-Application Meeting* with: John Kinley, Kent Main, Laurie Dukes, Grant Meacci

Date of meeting: 6/13/17

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: To accommodate revitalization of existing shopping center

Collin Brown and Bailey Patrick, Jr.
Name of Rezoning Agent

214 N. Tryon Street, 47th Floor
Agent's Address

Charlotte, NC 28202
City, State, Zip

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

Collin.Brown@klgates.com
E-Mail Address


Signature of Property Owner

(Name Typed / Printed)

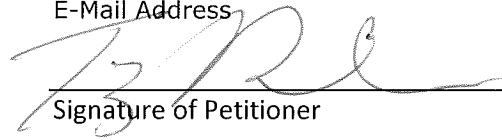
Lincoln Harris, LLC
Name of Petitioner(s)

4725 Piedmont Row Drive, Suite 800
Address of Petitioner(s)

Charlotte, NC 28210
City, State, Zip

704-714-7694 704-716-8600
Telephone Number Fax Number

Tracy.Dodson@lincolnharris.com
E-Mail Address

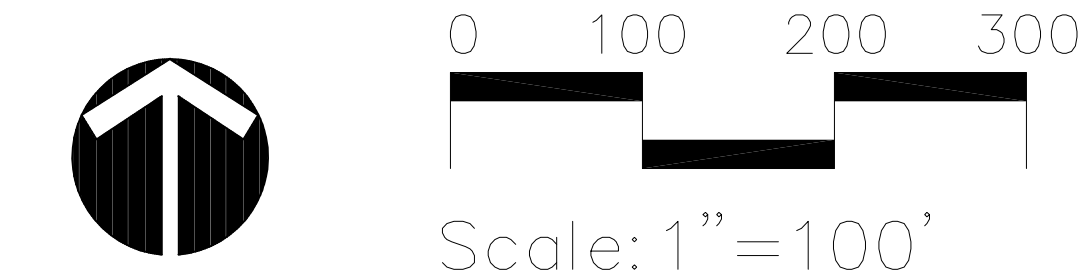

Signature of Petitioner

Tracy F. Dodson, Vice President of Lincoln Harris, LLC
(Name Typed / Printed)

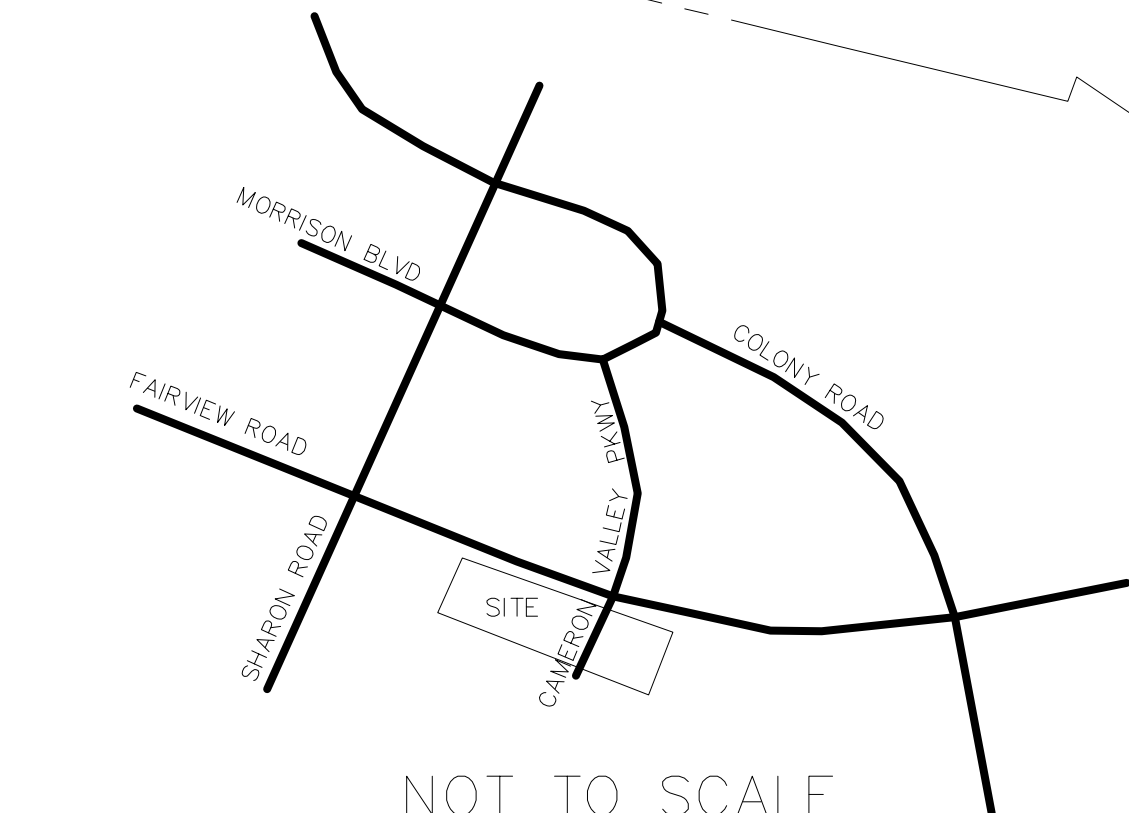
Site Development Data:

| | |
|--------------------------|---|
| Acreage: | ± 15.11 AC |
| Tax Parcels: | 183-141-23 183-141-22 183-141-21 183-141-13 183-141-17 |
| Existing Zoning: | CC |
| Proposed Zoning: | MUDD-0 with five (5) year vested rights |
| Existing Uses: | Retail, Theater, EDDE, and Hotel |
| Proposed Uses: | Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district. |
| Maximum Development: | a. Up to 180,000 square feet of commercial uses b. Up to 130 Hotel Rooms c. Up to 40,000 square feet of theater uses |
| Maximum Building Height: | Up to 120 feet as allowed by the Ordinance in the MUDD zoning district. |
| Parking: | As required by the Ordinance for the MUDD zoning district. |

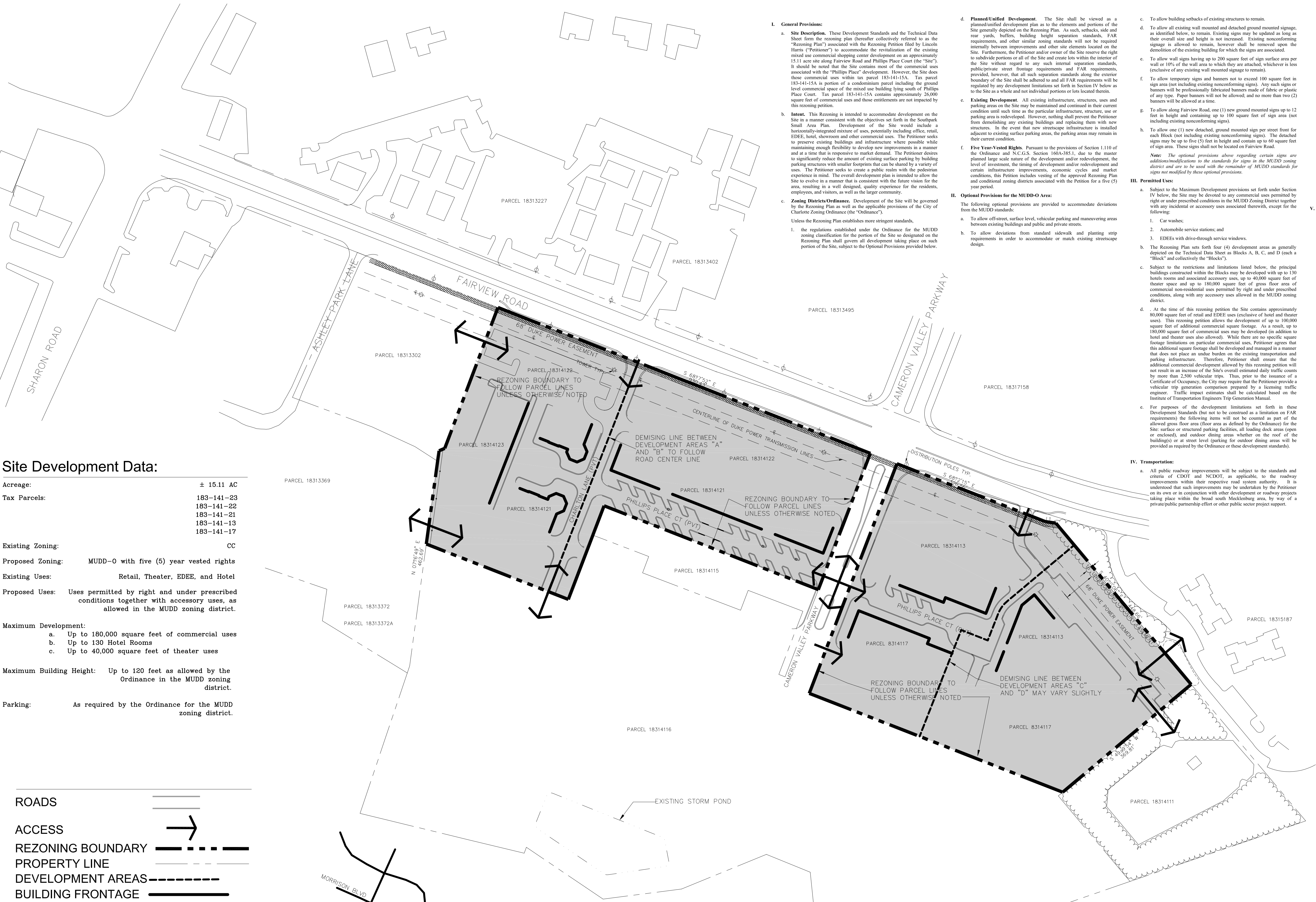
| | |
|-------------------|--|
| ROADS | |
| ACCESS | |
| REZONING BOUNDARY | |
| PROPERTY LINE | |
| DEVELOPMENT AREAS | |
| BUILDING FRONTAGE | |
| BUILDING EASEMENT | |
| EXISTING TREES | |
| RETENTION POND | |
| FENCE | |



NOT TO SCALE
VICINITY MAP



Phillips
Place



- I. General Provisions:
- a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Lincoln Harris ("Petitioner") to accommodate the revitalization of the existing mixed use commercial shopping center development on an approximately 15.11 acre site along Fairview Road and Phillips Place Court (the "Site"). It should be noted that the Site contains most of the commercial uses associated with the "Phillips Place" development. However, the Site does those commercial uses within tax parcel 183-141-15A. Tax parcel 183-141-15A is portion of a condominium parcel including the ground level commercial space of the mixed use building lying south of Phillips Place Court. Tax parcel 183-141-15A contains approximately 26,000 square feet of commercial uses and those entitlements are not impacted by this rezoning petition.
- b. **Intent.** This Rezoning is intended to accommodate development on the Site in a manner consistent with the objectives set forth in the Southpark Small Area Plan. Development of the Site would include a horizontally-integrated mixture of uses, potentially including office, retail, EDDE, hotel, showroom and other commercial uses. The Petitioner seeks to preserve existing buildings and infrastructure where possible while maintaining enough flexibility to develop new improvements in a manner and at a time that is responsive to market demand. The Petitioner desires to significantly reduce the amount of existing surface parking by building parking structures with smaller footprints that can be shared by a variety of uses. The Petitioner seeks to create a public realm with the pedestrian experience in mind. The overall development plan is intended to allow the Site to evolve in a manner that is consistent with the future vision for the area, resulting in a well designed, quality experience for the residents, employees, and visitors, as well as the larger community.
- c. **Zoning District 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 zoning classification for the portions of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below.
- d. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein.
- e. **Existing Development.** All existing infrastructure, structures, uses and parking areas on the Site may be maintained and continued in their current condition until such time as the particular infrastructure, structure, use or parking area is redeveloped. However, nothing shall prevent the Petitioner from demolishing any existing buildings and replacing them with new structures. In the event that new streetcape infrastructure is installed adjacent to existing surface parking areas, the parking areas may remain in their current condition.
- f. **Five Year Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period.
- II. Optional Provisions for the MUDD-O Area:
- The following optional provisions are provided to accommodate deviations from the MUDD standards:
- a. To allow off-street, surface level, vehicular parking and maneuvering areas between existing buildings and public and private streets.
- b. To allow deviations from standard sidewalk and planting strip requirements in order to accommodate or match existing streetscape design.
- c. Subject to the restrictions and limitations listed below, the principal buildings constructed within the Blocks may be developed with up to 130 hotel rooms and associated accessory uses, up to 40,000 square feet of theater space and up to 180,000 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district.
- d. At the time of this rezoning petition the Site contains approximately 80,000 square feet of retail and EDDE uses (exclusive of hotel and theater uses). This rezoning petition allows the development of up to 100,000 square feet of additional commercial square footage. As a result, up to 180,000 square feet of commercial uses may be developed (in addition to hotel and theater uses also allowed). While there are no specific square footage limitations on particular commercial uses, Petitioner agrees that this additional square footage shall be developed and managed in a manner that does not place an undue burden on the existing transportation and parking infrastructure. Therefore, Petitioner shall ensure that the additional commercial development allowed by this rezoning petition will not result in an increase of the Site's overall estimated daily traffic counts by more than 2,500 vehicular trips. Thus, prior to the issuance of a Certificate of Occupancy, the City may require that the Petitioner provide a vehicular trip generation comparison prepared by a licensing traffic engineer. Traffic impact estimates shall be calculated based on the Institute of Transportation Engineers Trip Generation Manual.
- e. 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).
- III. Permitted Uses:
- a. Subject to the Maximum Development provisions set forth under Section IV below, the Site may be devoted to any commercial uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith, except for the following:
1. Car washes;
2. Automobile service stations; and
3. EDEEs with drive-through service windows.
- b. The Rezoning Plan sets forth four (4) development areas as generally depicted on the Technical Data Sheet as Blocks A, B, C, and D (each a "Block" and collectively the "Blocks").
- c. Subject to the restrictions and limitations listed below, the principal buildings constructed within the Blocks may be developed with up to 130 hotel rooms and associated accessory uses, up to 40,000 square feet of theater space and up to 180,000 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district.
- d. At the time of this rezoning petition the Site contains approximately 80,000 square feet of retail and EDDE uses (exclusive of hotel and theater uses). This rezoning petition allows the development of up to 100,000 square feet of additional commercial square footage. As a result, up to 180,000 square feet of commercial uses may be developed (in addition to hotel and theater uses also allowed). While there are no specific square footage limitations on particular commercial uses, Petitioner agrees that this additional square footage shall be developed and managed in a manner that does not place an undue burden on the existing transportation and parking infrastructure. Therefore, Petitioner shall ensure that the additional commercial development allowed by this rezoning petition will not result in an increase of the Site's overall estimated daily traffic counts by more than 2,500 vehicular trips. Thus, prior to the issuance of a Certificate of Occupancy, the City may require that the Petitioner provide a vehicular trip generation comparison prepared by a licensing traffic engineer. Traffic impact estimates shall be calculated based on the Institute of Transportation Engineers Trip Generation Manual.
- e. 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).
- IV. Transportation:
- a. All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, 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 south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

- b. Access and Internal Streets:
1. Access to the Site from external public streets will be as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
2. The total number of access points to Fairview Road will not exceed current conditions.
3. The internal private streets will have recorded public access easements. However, this shall not preclude Petitioner from temporarily closing internal private streets for, but not limited to, special events, festivals, public markets, concerts, block parties or similar events.
4. The exact number and location of vehicular access points will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. Petitioner, in its discretion may limit ingress and egress movements or restrict certain vehicular access points to one-way traffic if necessary.
5. The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within streets abutting or internal to the Site in order to designate and define pedestrian crosswalks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the Petitioner understands that an encroachment and maintenance agreement must be obtained from CDOT before any decorative pavers and/or stamped pavement proposed in the public right-of-way may be installed.
6. The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval.
- V. Design Guidelines:
- a. General Design Guidelines.
1. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco, cementitious siding (such as hard-panels), or wood. EIFS as a building material will not be allowed on newly constructed buildings, except as back-up for architectural trim on stucco clad buildings. Existing EIFS materials shall be permitted to remain. Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
2. "Primary Building Frontages" are generally depicted on the Technical Data Sheet. Within these areas building frontages shall include principal uses. Within these areas, no structured parking areas or off-street parking and maneuvering areas shall be visible from streets or open spaces. However, on-street angled parking is permitted within any Primary Building Frontage.
3. Building materials associated with facades of parking structures shall be generally comparable in character and quality with materials used on nearby buildings, plazas and streetscapes, taking into consideration differences associated with parking structures.
4. New meter banks will be screened where visible from public view at grade from public or private streets and shall be located outside of the setback.
5. New rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
6. Trees may be provided in grates or raised planters rather than in planting strips.
7. Dumpsters, loading and service areas shall be screened from streets, common open spaces and any adjacent residential uses with materials complementary to the principal structure. Dumpster enclosures will not directly abut the back of a sidewalk.
8. Backflow preventers and transformers shall be screened and located outside the setback, but can be located in the four (4) foot transition zone. Backflow prevention devices may also be located inside buildings, as permitted in the optional provisions above.
9. Buildings shall be designed so that individual shops, tenants or common entrances have direct access to public or private streets, pedestrian corridors or open spaces. Building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrance through a combination of at least five (5) of the following features:
- i. Decorative pedestrian lighting/signages;
- ii. Architectural details carried through to upper stories;
- iii. Covered porches, canopies, awnings or sunshades;
- vi. Archedways;
- vi. Archedways;
- vi. Transom windows;
- vi. Terraced or raised planters that can be utilized as seat walls;
- vii. Common outdoor seating enhanced with specialty details, paving, landscaping or water features;
- viii. Double doors;
- ix. Stoops or stairs; and/or
- x. Contrasting pavement from primary sidewalk.
10. Streetscape treatment will be a unifying element through the use of consistent paving, pedestrian scale lighting, enhanced landscaping, site furnishings and signage. Specialty pavers, stained and patterned concrete, paving or other similar means will be used to call attention to amenity areas, gathering spaces and plazas as a method of way-finding.
11. Expenses of blank or unarticulated walls greater than 20 feet in length shall be treated with a minimum of three (3) options below:
- i. Provide a higher level of transparency on the ground floor, such as exaggerated or larger windows indicative of living areas or retail spaces;
- ii. Utilize horizontal and vertical variations in wall planes;
- iii. Provide architectural protrusion to accentuate enclosed balconies;
- iv. Utilize corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses;
- v. Provide amenity landscaping, such as a sitting area with arboring and/or
- vi. Any other architectural improvements as allowed by the Ordinance to improve the visual aesthetics of blank or unarticulated wall.
12. The scale and massing of buildings longer than 150 feet along a street or public open space or greater than 30,000 horizontal square feet shall be minimized by utilizing at least three (3) options below:
- i. Provide a minimum four (4) foot step back for buildings taller than four stories above the first floor or second floor;
- ii. Provide varied roof lines through the use of slopes, modulated building heights, gables, dormers or innovative architectural solutions;
- iii. Utilize corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses;
- iv. Provide amenity landscaping, such as a sitting area with arboring and/or
- vi. Any other architectural improvements as allowed by the Ordinance to improve the visual aesthetics of blank or unarticulated wall.
13. If commercial uses are not oriented to an existing or new street and cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director.
14. All buildings shall comply with the height requirements established under the Ordinance for the MUDD classification.
- VI. Parking Areas, Access and Circulation Design Guidelines:
- a. Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity on the ground floor and be architecturally compatible with primary buildings on all levels.
- b. Petitioner seeks to limit areas where parking structures and off-street surface parking areas are visible from public or private streets. Therefore, exposed parking structures (driveway entrances to parking decks are permitted) and off-street surface parking areas that are visible from public or private streets shall not be allowed.
- c. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.
- VII. Pedestrian Access and Circulation Design Guidelines:
- a. Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links the buildings, parking areas and areas of interest on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features.
- b. Where walkways occur along building walls, a walkway width of at least six (6) feet must be maintained clear of main door swings, shopping cart storage, and temporary trash or similar impediments.
- c. Subject to the optional provision set forth above, deviations from typical sidewalk and planting strip requirements are allowable upon approval by CDOT and the Planning Director. Any changes to dimensional requirements are allowable only in cases of hardship.
- VIII. Open Space and Amenity Areas.
- Petitioner shall provide open spaces throughout the Site in accordance with the following standards:
- a. Urban Open Spaces: New development within the Site shall meet or exceed the Urban Open Space requirements of the MUDD district.
- IX. Signage:
- Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided. Because the Site will be viewed as a Planned/Unified Development as defined by the Ordinance, shopping center signs may be located throughout that portion of the Site zoned MUDD-O as allowed by the Ordinance and the Optional Provisions. In addition, uses located on the interior of the Site may be identified on the allowed shopping center development signs. The allowed signs may contain identification signage for any of the uses located on the Site. Signage for uses not included within the Site but associated with other elements of the "Phillips Place" development may be allowed within the Site.
- X. Lighting:
- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site, except street lights located along public streets, will be limited to 30 feet in height.
- c. Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.
- d. Architectural lighting may be integrated into building elements.
- XI. Phasing:
- Petitioner intends to develop the Site in phases and may develop individual buildings based on market demand. All required sidewalks, street trees and open space amenities adjacent to a particular building shall be installed prior to the issuance of the first Certificate of Occupancy (this requirement shall not apply to Temporary Certificates of Occupancy) for that building.
- XII. Amendments to the Rezoning Plan:
- Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Block portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.
- XIII. 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 herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Blocks, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.
- XIV. Vested Rights Provision:
- If this Rezoning Petition is approved by the Charlotte City Council then, pursuant to Section 1.110 of the Ordinance, the Petitioner hereby requests a five-year vested right to undertake and complete the development of this Site under the terms and conditions as so approved, commencing upon approval of this Rezoning Petition by the Charlotte City Council. The Petitioner makes this request for a five-year vested right due to the size and phasing of the proposed development, market conditions and the level of investment involved.



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RZ-1
TECHNICAL DATA

JUNE 23, 2017
PETITION # 2017-XX