

Rezoning Petition Packet

Petitions: **2017-175 through 2017-190**

Petitions that were submitted by November 27, 2017

Staff Review Meeting: **December 14, 2017**

City Public Hearing: **To Be Determined**

Petition #: **2017-175**

Date Originally Filed: 10/27/2017

Date Amended: 11/17/17

Received By: R.Hobbs

AMENDED
REZONING APPLICATION
CITY OF CHARLOTTE

Complete All Fields
(Use additional pages if needed)

Please indicate reason for amended application (i.e. change in acreage, ownership, proposed district, etc.):

Updating the property owner information to reflect a change in ownership and the name of the Petitioner.

For Conditional Rezoning Only:

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

Property Owner: 332 West Bland Street, LLC, a North Carolina limited liability company

Owner's Address: 733 3rd Avenue, 16th Floor City, State, Zip: New York, NY

Date Property Acquired: 11/8/2017

Location of Property (Address or Description): SEE SCHEDULE ATTACHED HERETO

Tax Parcel Number(s): SEE SCHEDULE ATTACHED HERETO

Current Land Use: vacant/industrial Size (Acres): ±1.69

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

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

Keith MacVean and Jeff Brown

Name of Rezoning Agent

Moore & Van Allen, PLLC

100 N. Tryon Street, Suite 4700

Agent's Address

Charlotte, NC 28202

City, State, Zip

704.331.3531 (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(s)

(Name Typed/Clearly Printed)

332 West Bland Street, LLC (Attn: Vishal Arora)

Name of Petitioner(s)

733 3rd Avenue, 16th floor

Address of Petitioner(s)

New York, NY 10017

City, State, Zip

646.790.5838

Telephone Number

Fax Number

va@magnuscapitalpartners.com

E-Mail Address



Signature of Petitioner

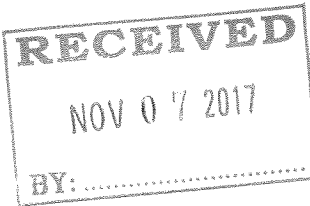
Vishal Arora

(Name Typed/Clearly Printed)

SCHEDULE 1

Parcel	Property Address	Owner	Owner's Address	Acreage	Date Acquired
073-083-01	346 W Bland Street, Charlotte, NC 28203	332 West Bland, LLC, a North Carolina limited liability company	733 3 rd Avenue, 16 th floor, New York, NY 10017	.15	11/8/2017
073-083-02	340 W Bland Street, Charlotte, NC 28203			.17	
073-083-03	314 W Bland Street, Charlotte, NC 28203			1.03	
073-083-05	N/A			.17	
073-083-14	N/A			.17	

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-176

Petition #:	
Date Filed:	11/7/2017
Received By:	Bf

Property Owners: Mildred Gaunt Gaffney - unmarried

Owner's Addresses: 3626 Shopton Road, Charlotte, NC 28217

Date Properties
Acquired: 1988 or later

Property Addresses: 3622 and 3626 Shopton Road

Tax Parcel Numbers: 141-251-14 and 141-071-20

Current Land Use: vacant/residential (Acres): ± 39.26

Existing Zoning: R-3 Proposed Zoning: 141-251-14 to I-1(CD) and 141-071-20 to I-2(CD)

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

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

Date of meeting: 10/17/17

(*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 development of the Site with a light industrial warehouse distribution park as well as a limited variety of uses allowed in the I-2 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

Mildred Gaunt Gaffney
Signature of Property Owner - Mildred Gaunt Gaffney

McDonald Development Company (Attn: Tracy White)

Name of Petitioner

525 N Tryon Street, Ste. 1600

Address of Petitioner

Charlotte, NC 28202

City, State, Zip

704.378.8757

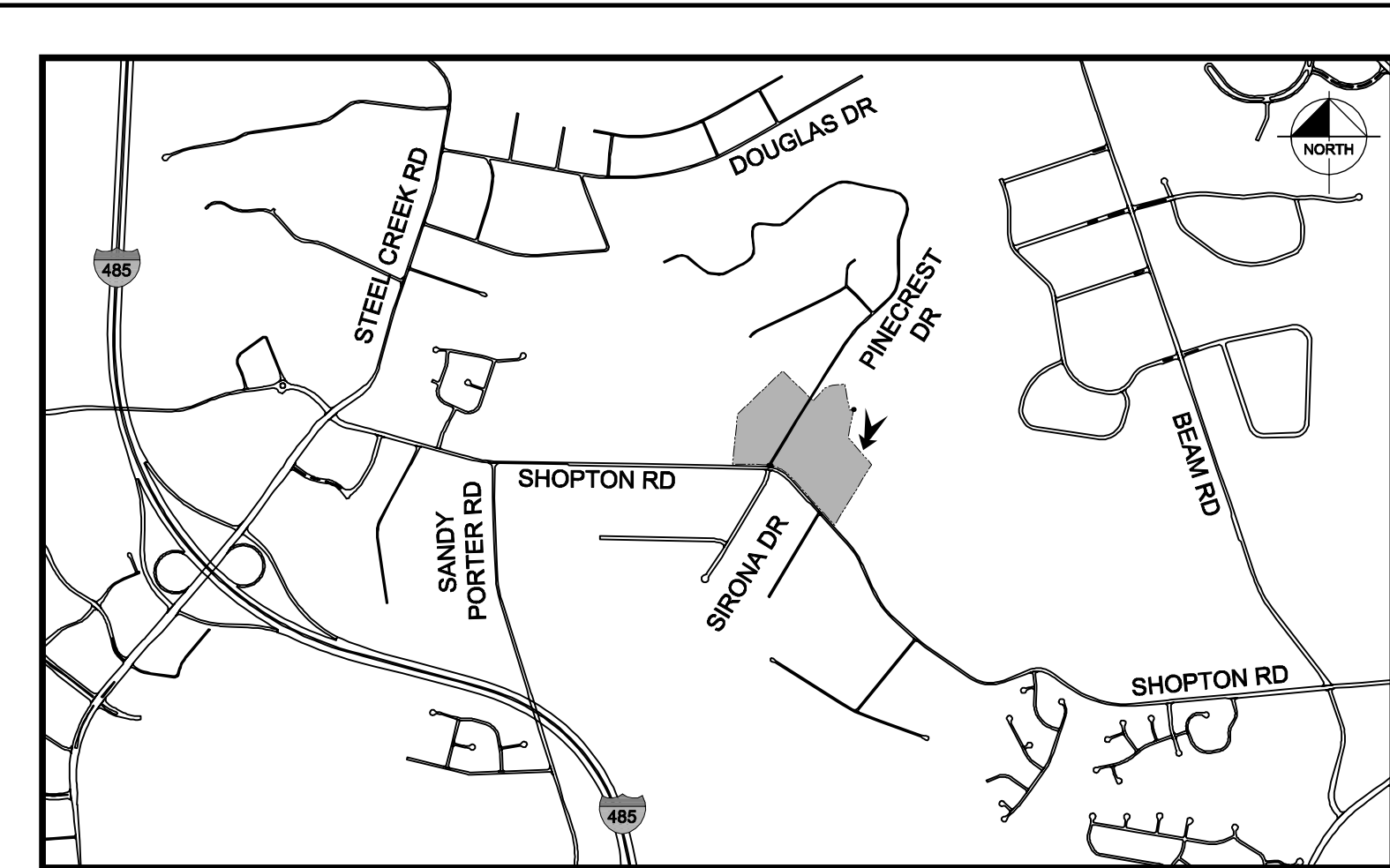
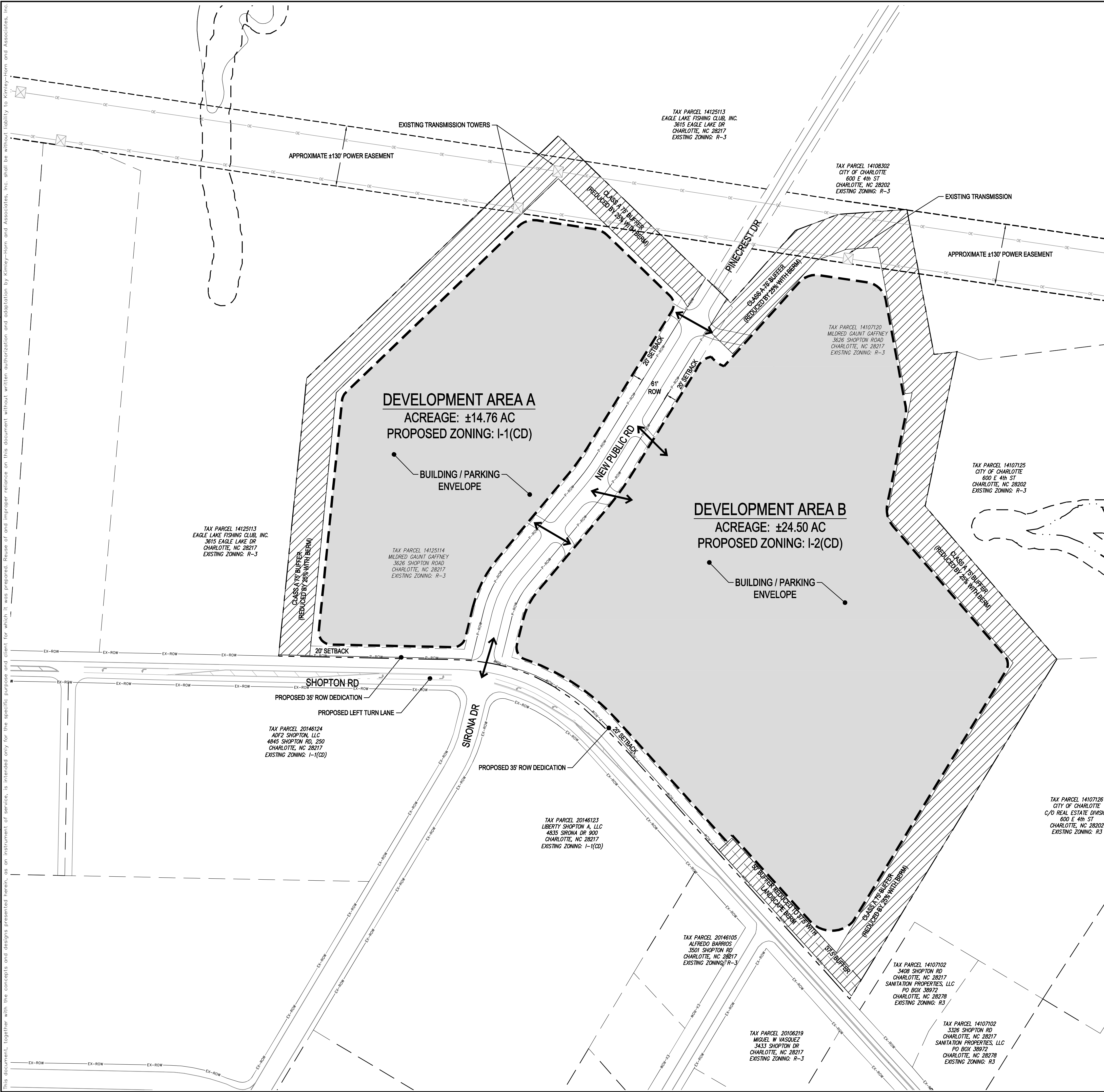
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Fax Number




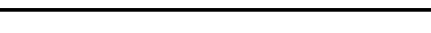
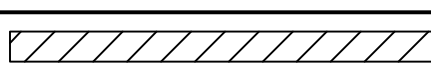
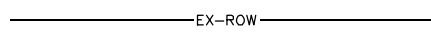
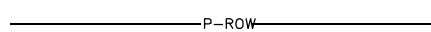



twhite@mcdco.com

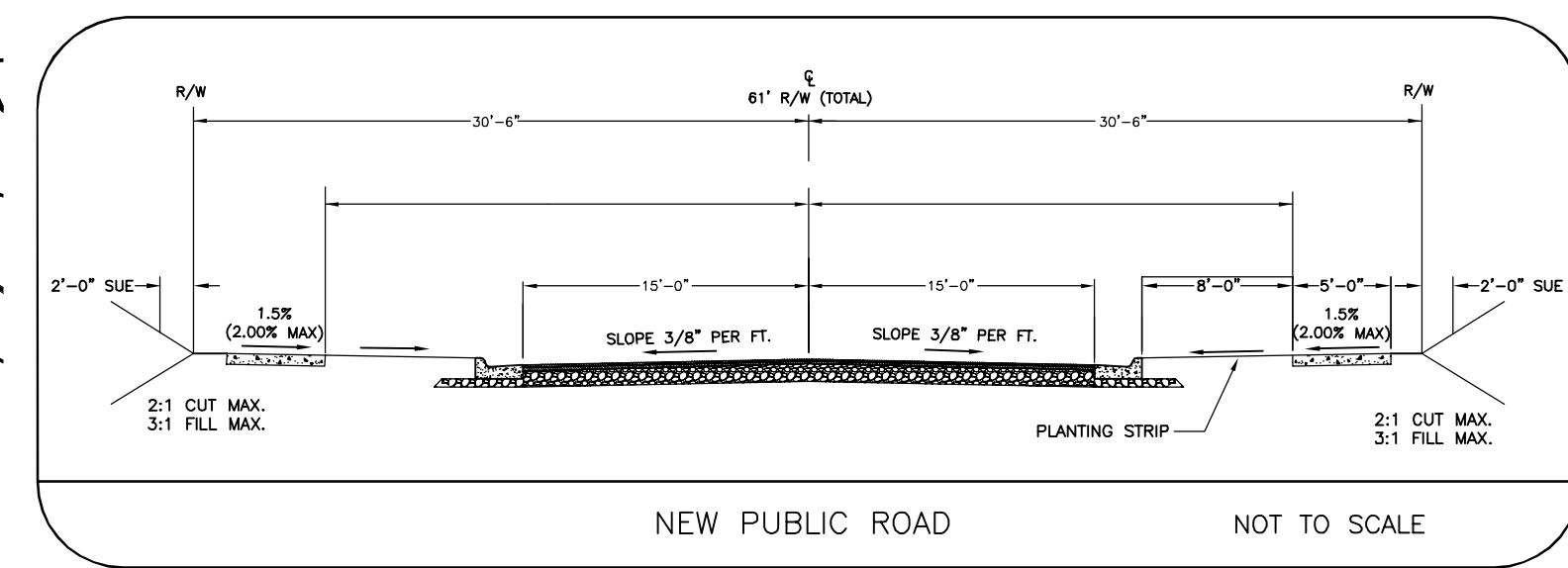
E-mail Address

Tracy White, Senior Vice President
Signature of Petitioner - McDonald Development Company



VICINITY MAP
SCALE: NTS

LEGEND	
	AREA OUTLINE / PROPERTY LINE
	EXISTING PARCELS
	SETBACK
	CLASS A BUFFER
	PROPOSED BUFFER
	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	POTENTIAL PARKING ENVELOPE
	POTENTIAL BUILDING ENVELOPE
	POTENTIAL FULL MOVEMENT ACCESS POINTS



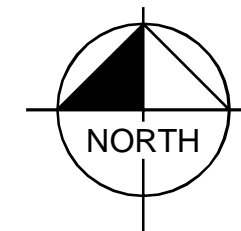
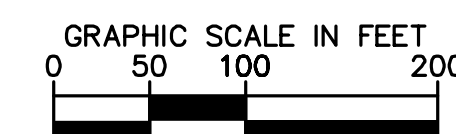
Site Development Data:

Acreage: ± 39.26acres
Tax Parcel #s: 141-251-14, 141-071-20
Existing Zoning: R-3
Proposed Zoning: I-1(CD) and I-2(CD)
Existing Uses: Vacant/Residential.

Proposed Uses: Within Development Area A, uses allowed by right and under prescribed conditions in the I-1 zoning district; within Development Area B, uses allowed by right and under prescribed conditions in the I-1 zoning district plus the following uses allowed in the I-2 zoning district as allowed by right and under prescribed conditions: (i) manufacturing of aircraft and parts, and (ii) satellite dish farms; together with accessory uses, as allowed in the I-1 and I-2 zoning district (as more specifically described and restricted in the Development Standards).

Maximum Gross Square Feet of Development: Within Development Area A up to 114,000 square feet of gross floor area of uses allowed by right and under prescribed conditions in the I-1 zoning district; and within Development Area B up to 337,000 square feet of gross floor area of uses allowed by right and under prescribed conditions in the I-1 zoning district plus the following uses allowed in the I-2 zoning district as allowed by right and under prescribed conditions: (i) manufacturing of aircraft and parts, and (ii) satellite dish farms; (as more specifically described and restricted in the Development Standards below).

Maximum Building Height: As allowed and required by the Ordinance
Parking: As required by the Ordinance for the proposed use.

[illegible]

Kimley»»Horn

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200 SOUTH TRYON STREET, SUITE 200, CHARLOTTE, NC 28202
PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM NC LICENSE #F-0102

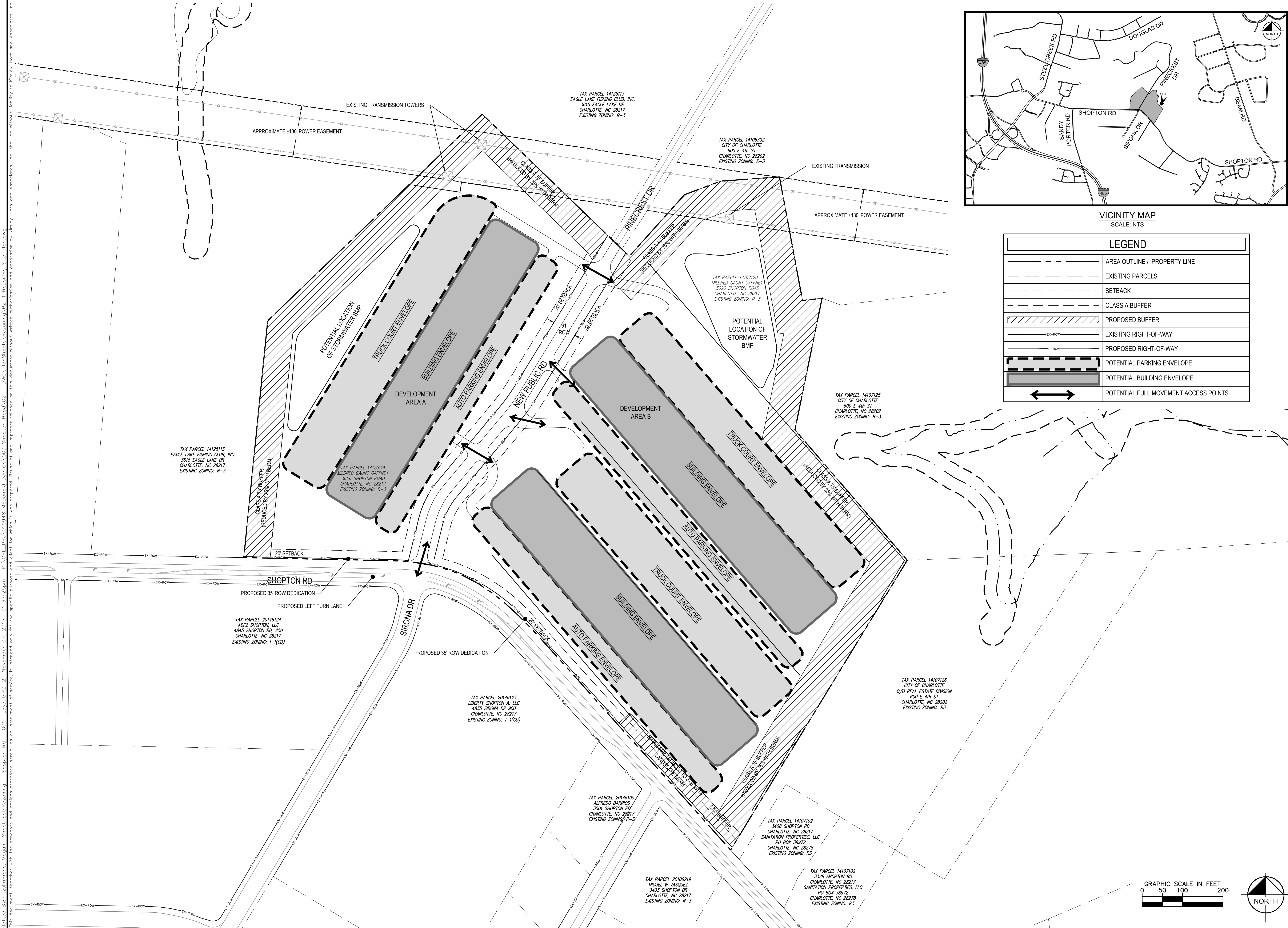
KHA PROJECT 019948009	DATE 11-07-2017	SCALE AS SHOWN	DESIGNED BY MAE	DRAWN BY PLF	CHECKED BY MAE
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REZONING
SITE PLAN

REZONING PETITION NO. 2017-

3626 & 4040 SHOPTON RD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA 28217
PREPARED FOR
McDONALD DEVELOPMENT COMPANY

SHEET NUMBER
RZ-1



3626 & 4040 SHOPTON RD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA 28217
PREPARED FOR
MCDONALD DEVELOPMENT COMPANY

REZONING
SITE PLAN

REZONING PETITION NO. 2017-
RZ-2

Kimley»Horn

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200 SOUTH TRYON STREET, SUITE 200, CHARLOTTE, NC 28202
PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM NC LICENSE #F-0102

KHA PROJECT
019948009

DATE
11-07-2017

SCALE AS SHOWN

DESIGNED BY MAE

DRAWN BY PLF

CHECKED BY MAE

REVISIONS

NO.

DATE

BY

Plotted By:Publicover, McKenzie - Sheet Set:Rezoning - Shopton Rd - 009 Layout:RZ-3 November 07, 2017 03:36:44pm K:\CHL_PRJ\A019948 McDonald Dev Co\009 Shopton Road\02 - DWG\PlanSheets\Rezoning\RZ-1 Rezoning Site Plan.dwg

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MCDONALD DEVELOPMENT COMPANY
DEVELOPMENT STANDARDS
11/07/2017
REZONING PETITION NO. 2017-000

SITE DEVELOPMENT DATA:

--ACREAGE: ± 39.26ACRES
--TAX PARCEL #S: 141-251-14, 141-071-20
--EXISTING ZONING: R-3
--PROPOSED ZONING: I-1(CD) AND I-2(CD)
--EXISTING USES: VACANT/RESIDENTIAL
--PROPOSED USES: WITHIN DEVELOPMENT AREA A, USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT; WITHIN DEVELOPMENT AREA B, USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT PLUS THE FOLLOWING USES ALLOWED IN THE I-2 ZONING DISTRICT AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS: (I) MANUFACTURING OF AIRCRAFT AND PARTS, AND (II) SATELLITE DISH FARMS; TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE I-1 AND I-2 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN THE DEVELOPMENT STANDARDS BELOW).
--MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: WITHIN DEVELOPMENT AREA A UP TO 114,000 SQUARE FEET OF GROSS FLOOR AREA OF USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT; AND WITHIN DEVELOPMENT AREA B UP TO 337,000 SQUARE FEET OF GROSS FLOOR AREA OF USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT PLUS THE FOLLOWING USES ALLOWED IN THE I-2 ZONING DISTRICT AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS: (I) MANUFACTURING OF AIRCRAFT AND PARTS, AND (II) SATELLITE DISH FARMS; (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN THE DEVELOPMENT STANDARDS BELOW).
--MAXIMUM BUILDING HEIGHT: AS ALLOWED AND REQUIRED BY THE ORDINANCE.
--PARKING: AS REQUIRED BY THE ORDINANCE FOR THE PROPOSED USE.

1. GENERAL PROVISIONS:
a. SITE LOCATION. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEETS RZ-1 AND RZ-2 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY MCDONALD DEVELOPMENT COMPANY ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF THE SITE WITH A HIGH QUALITY LIGHT INDUSTRIAL WAREHOUSE DISTRIBUTION PARK AS WELL AS A LIMITED VARIETY OF USES ALLOWED IN THE I-2 ZONING DISTRICT ON AN APPROXIMATELY 39.26 ACRE SITE LOCATED ALONG SHOPTON ROAD (THE "SITE").

b. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE I-1 AND THE I-2 ZONING CLASSIFICATIONS 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, DRIVEWAYS, STREETS, AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.
SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

i. MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.

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 FIVE (5). 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. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:
THE REZONING PLAN SETS FORTH TWO (2) DEVELOPMENT AREAS AS GENERALLY DEPICTED ON THE REZONING PLAN AS DEVELOPMENT AREAS A AND B (EACH A "DEVELOPMENT AREA" AND COLLECTIVELY THE "DEVELOPMENT AREAS").

a. DEVELOPMENT AREA A MAY BE DEVELOPED WITH UP TO 114,000 SQUARE FEET OF GROSS FLOOR AREA OF USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT, TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE I-1 ZONING DISTRICT, SUBJECT TO THE RESTRICTIONS LISTED BELOW.

b. DEVELOPMENT AREA B MAY BE DEVELOPED WITH UP TO 337,000 SQUARE FEET OF GROSS FLOOR AREA OF USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT PLUS THE FOLLOWING USES ALLOWED BY RIGHT AND PRESCRIBED CONDITIONS IN THE I-2 ZONING DISTRICT: (I) MANUFACTURING OF AIRCRAFT AND PARTS, AND (II) SATELLITE DISH FARMS; TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE I-1 AND I-2 ZONING DISTRICT, SUBJECT TO THE RESTRICTIONS LISTED BELOW.

c. THE FOLLOWING USES WILL NOT BE ON DEVELOPMENT AREA A OR B: BARBER AND BEAUTY SHOPS, FINANCIAL INSTITUTIONS, RETAIL ESTABLISHMENTS, SHOPPING CENTERS AND BUSINESS AND RECREATIONS USES, EDEE (TYPE I AND II), GAS STATIONS WITH OR WITHOUT A CONVENIENCE STORE, PERSONAL SERVICES USES, AND USES WITH ACCESSORY DRIVE-THROUGH WINDOWS.

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FAR REQUIREMENTS), THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALLOWED GROSS FLOOR AREA (FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE: SURFACE OR STRUCTURED PARKING FACILITIES, AND ALL LOADING DOCK AREAS (OPEN OR ENCLOSED).

3. ACCESS:
a. THE PETITIONER WILL IMPROVE THE PORTION OF PINECREST DRIVE LOCATED BETWEEN DEVELOPMENT AREA A AND B TO MEET THE STANDARDS FOR A PUBLIC STREET. THIS PORTION OF PINECREST DRIVE WILL BE IMPROVED TO MEET THE STANDARDS FOR A LOCAL INDUSTRIAL STREET.

b. ACCESS TO THE SITE WILL BE FROM THE IMPROVED PORTION OF EXISTING PINECREST DRIVE THAT WILL BE CONSTRUCTED BETWEEN DEVELOPMENT AREA A AND B AS GENERALLY DEPICTED ON THE REZONING PLAN. ACCESS TO THE SITE FROM SHOPTON ROAD WILL NOT BE ALLOWED.

c. THE PETITIONER WILL PROVIDE AN EASTBOUND LEFT TURN LANE ON SHOPTON ROAD TO PINECREST DRIVE. THE PROPOSED LEFT-TURN LANE WILL BE CREATED BY REPAINTING THE EXISTING PAVEMENT MARKINGS ON SHOPTON ROAD.

c. PETITIONER WILL CONSTRUCT A NEW SIX (6) FOOT WIDE SIDEWALK AND AN EIGHT (8) FOOT WIDE PLANTING STRIP ALONG SHOPTON ROAD. SIDEWALKS AND PLANTING STRIPS WILL BE PROVIDED ALONG THE PORTION OF PINECREST DRIVE IMPROVED TO A PUBLIC STREET STANDARD AS REQUIRED FOR A LOCAL INDUSTRIAL STREET.

d. THE PETITIONER WILL PROVIDE A SIDEWALK AND A CROSS-WALK NETWORK THAT LINKS THE BUILDINGS AND PARKING AREAS ON THE SITE TO SIDEWALK ALONG SHOPTON ROAD AND THE SIDEWALKS LOCATED ALONG THE IMPROVED PORTION OF PINECREST DRIVE. THE MINIMUM WIDTH FOR THESE INTERNAL SIDEWALKS WILL BE FIVE (5) FEET.

e. THE PETITIONER WILL DEDICATE VIA A FEE SIMPLE CONVEYANCE 35 FEET OF RIGHT-OF-WAY ALONG THE SITE'S FRONTAGE ON SHOPTON ROAD. THE 35 FEET WILL BE MEASURED FROM THE CENTER LINE OF SHOPTON ROAD. THIS ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE SITE'S FIRST CERTIFICATE OF OCCUPANCY.

f. 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.

4. PARKING AREAS, AND CIRCULATION DESIGN GUIDELINES.
a. THE LOADING AREAS AND ASSOCIATED TRUCK COURT AREAS MAY NOT BE LOCATED BETWEEN THE PROPOSED BUILDINGS AND SHOPTON ROAD AND THE IMPROVED PORTION OF PINECREST DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN. LOADING DOCKS AND THE ASSOCIATED TRUCK COURTS MAY BE LOCATED TO THE SIDES OF THE PROPOSED BUILDINGS WITH FRONTAGE ON SHOPTON ROAD AND PINECREST DRIVE.

5. SETBACKS, BUFFERS AND SCREENING.
a. A 20 FOOT BUILDING AND PARKING SETBACK WILL BE PROVIDED ALONG SHOPTON AND THE IMPROVED PORTION OF PINECREST DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. ALONG A PORTION OF SHOPTON ROAD ACROSS FROM EXISTING RESIDENTIAL ZONING A 37.5 FOOT CLASS A BUFFER WITH BERM WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE AS GENERALLY DEPICTED ON THE REZONING PLAN. SHOULD THE PROPERTY ACROSS SHOPTON ROAD NO LONGER BE ZONED OR USED FOR RESIDENTIAL PURPOSES THEN THE PROPOSED BUFFER MAY BE ELIMINATED AND REPLACED WITH A 20 FOOT SETBACK.

c. A 75 FOOT CLASS A BUFFER WILL BE PROVIDED WHERE THE SITE ABUTS RESIDENTIALLY ZONED AND USED PROPERTY. THIS PROPOSED CLASS A BUFFER MAY BE ELIMINATED IF THE ADJOINING PROPERTY IS REZONED OR THE USE IS CHANGED SO A BUFFER IS NO LONGER REQUIRED BY THE ORDINANCE. UTILITY LINES MAY CROSS THE BUFFER AT ANGLES GREATER THAN 75 DEGREES.

6. DESIGN GUIDELINES.
a. 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.

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. SIGNS AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED.

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. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 31 FEET IN HEIGHT.

c. 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.

No.

REVISIONS

DATE

BY

Kimley»Horn

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PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM NC LICENSE #0102

KHA PROJECT
019948009

DATE
11-07-2017

SCALE AS SHOWN

DESIGNED BY MAE

DRAWN BY PLE

CHECKED BY MAE

REZONING NOTES

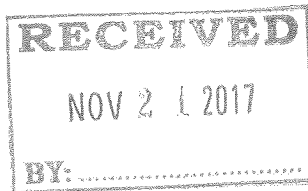
REZONING PETITION NO. 2017-_____

3626 & 4040 SHOPTON RD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA 28217
PREPARED FOR
MCDONALD DEVELOPMENT COMPANY

SHEET NUMBER

RZ-3

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-177

Petition #: _____
Date Filed: 11/21/2017
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: Baldwin SRE-A, LLC; Hampstead SC (SRE) LLC; Baldwin SRE-C, LLC; and 125 Baldwin LLC

Owner's Address: 4201 Congress St, Suite 170 City, State, Zip: Charlotte, NC 28209

Date Property Acquired: 8/11/2016 and 9/26/2007

Property Address: 1610 E 4th Street and 125 Baldwin Ave, Charlotte NC

Tax Parcel Number(s): 12511804 and 12511801

Current Land Use: Commercial / Office Size (Acres): +/- 3.4 acres

Existing Zoning: MUDD-O and O-2 Proposed Zoning: MUDD-O → MUDD⁰SPA

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

Required Rezoning Pre-Application Meeting* with: Kathy Cornett, Tammie Keplinger, Kent Main, Alan Goodwin, Laura Harmon, Kory Hendrick

Date of meeting: 1/25/2017 *OK per OK - other meetings have been held w/ staff.*

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: To accommodate a mixed-use redevelopment with office, hotel and street-level retail uses.

Collin W. 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
Telephone Number Fax Number

Collin.Brown@klgates.com
E-Mail Address

[Signature]
Signature of Property Owner

Caldwell R. Rose
(Name Typed / Printed)

NAI Southern Real Estate
Name of Petitioner(s)

4201 Congress Street, Suite 170
Address of Petitioner(s)

Charlotte, NC 28209
City, State, Zip

704-632-7622
Telephone Number

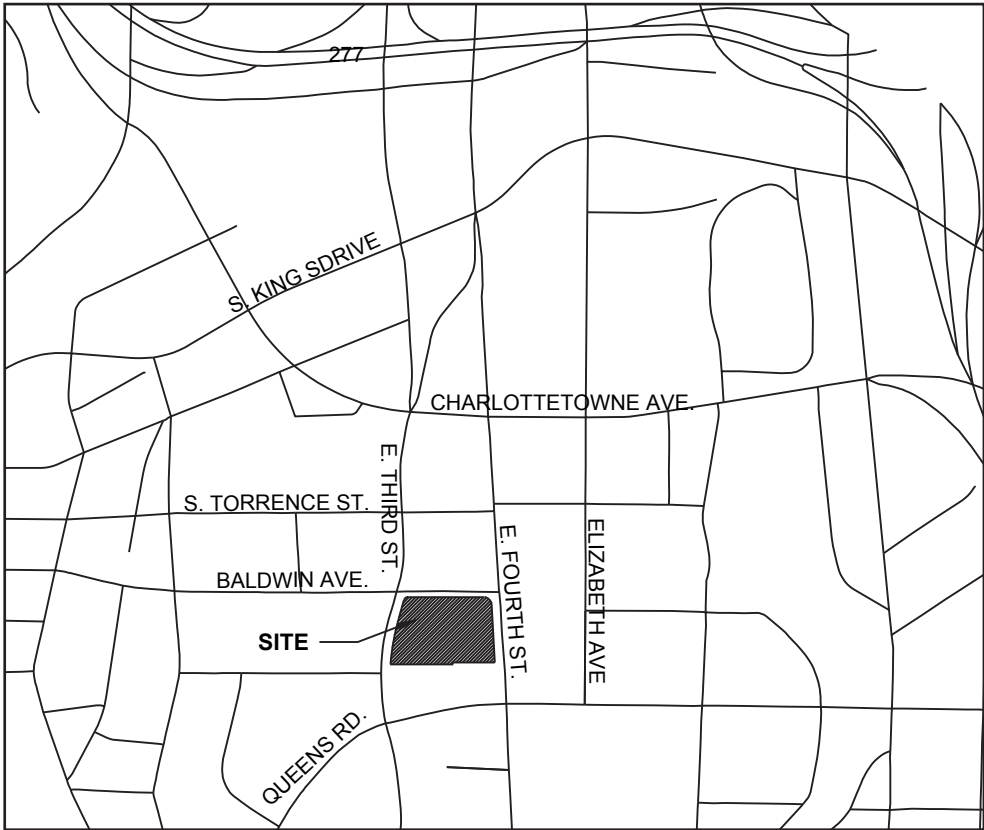
704-375-2384
Fax Number

crose@srenc.com
E-Mail Address

[Signature]
Signature of Petitioner

Caldwell Rose, President of NAI Southern Real Estate
(Name Typed / Printed)

TECHNICAL DATA SHEET



VICINITY MAP

SITE DEVELOPMENT DATA:

TAX PARCEL NUMBERS: 12511801 / 12511804
ACRES: 1.94 / 1.46 (3.4 TOTAL)
EXISTING ZONING: O-2 / MUDD-O
PROPOSED ZONING: MUDD-O
EXISTING USE: OFFICE / COMMERCIAL, RETAIL & SURFACE PARKING
PROPOSED USE: ALL USES PERMITTED IN MUDD DISTRICT

OF RESIDENTIAL UNITS: N/A
RESIDENTIAL DENSITY: N/A
SF OF NON-RESIDENTIAL USES: 549,628 SF OFFICE - 20 STORY TOWER
514,864 SF PARKING DECK
(1,064,492 SF TOTAL)
*16,800 FUTURE BUILDING SITE

FLOOR AREA RATIO: 7.187
MAX BUILDING HEIGHT: 299 FEET
MAX # OF BUILDINGS: 2
PARKING RATIO: 3 PER 1,000 GFA
(APPROX 220/LEVEL FOR 7 LEVELS)
AMOUNT OF OPEN SPACE: 10,000 SF

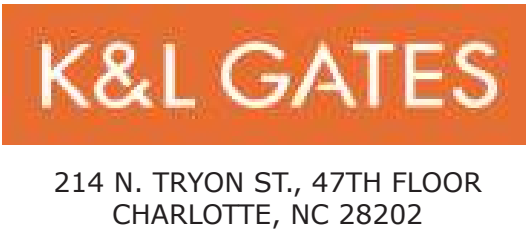
LEGEND:

- 1ST FLOOR LEVEL FOOTPRINT
- 1ST FLOOR LEVEL WITH NO UPPER LEVEL
- UPPER LEVEL FOOTPRINT
- STREET LEVEL

Date: 11.20.2017



THIRD STREET PROJECT
- REZONING PETITION -



STREET LEVEL CONTEXT

LEGEND:

- RETAIL
- PARKING GARAGE
- SERVICE AREA
- BUILDING LOBBY
- FUTURE BUILDING SITE
- ENTRY TERRACE

Date: 11.20.2017



THIRD STREET PROJECT - REZONING PETITION -



STREET SECTIONS



SECTION 1



SECTION 3



SECTION 2



SECTION 4

RZ-3

Date: 11.20.2017

DEVELOPMENT STANDARDS

Site Development Data:

–**Acreage:** ± 3.4 acres

–**Tax Parcels:** 12511804 and 12511801

–**Existing Zoning:** MUDD-O and O-2

–**Proposed Zoning:** MUDD-O with five (5) year vested rights.

–**Existing Uses:** Commercial/Office

–**Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district.

–**Maximum Development (subject to conversion rights as defined herein):**

Office:	512,500 square feet
Retail:	16,800 square feet
Hotel:	240 rooms

–**Maximum Building Height:** Up to 290 feet as requested in the Optional Provisions to the MUDD zoning district, below.

–**Parking:** As required by the Ordinance for the MUDD zoning district.

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 NAI Southern Real Estate (“Petitioner”) to accommodate development of a mixed use commercial development on an approximately 3.4 acre site bounded by Third Street, Fourth Street, and Baldwin Avenue (the “Site”).
- b. **Intent.** This Rezoning is intended to accommodate development on the Site in a manner consistent with the objectives set forth in the Midtown Morehead Cheery Area Plan. Development of the Site would include a horizontally-integrated mixture of uses, including office, retail, and hotel uses within walking distance of transit. The Petitioner seeks to create a street level 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 nearby residents, employees, and visitors, as well as the larger community.

c. **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,

1. The regulations established under the Ordinance for the MUDD 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.
- 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. **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. The Petitioner seeks approval of an optional provision to allow up to 290 feet of building height within the Site.
- b. To allow one (1) porte-cochere or valet parking service area between buildings and a street. The Petitioner shall coordinate with CDOT during the permitting phase of redevelopment regarding the final location of the proposed porte-cochere/loading spaces.
- c. 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.
- d. To allow temporary signs and banners not to exceed 100 square feet in sign area. Any such signs or banners will be 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.
- e. To allow one (1) detached, ground mounted sign per street front. The detached signs may be up to five (5) feet in height and contain up to 60 square feet of sign area.
- f. To allow the “base” of building requirements of Section 9.8506(2)(i) to be satisfied by providing taller and architecturally differentiated ground floors that distinguish ground floor levels from upper stories.
- g. To allow backflow prevention devices to be located within buildings, after verifying the acceptable location with City and County departments. Exposed backflow prevention devices shall be screened.

III. Permitted Uses

- a. Subject to the Maximum Development provisions set forth under Section 4 below, the Site may be devoted to any commercial uses permitted by right and under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith, except for the following:
- Car washes;
 - Automobile service stations; and
 - EDEEs with drive-through service windows.

IV. Maximum Development

- a. The principal buildings may be developed with up to 529,300 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. However, the total square footage devoted to retail and Eating, Drinking, and Entertainment uses may not exceed 16,800 square feet.
- b. Up to 240 hotel rooms may be developed on the Site. Hotel uses shall not be counted against the total commercial square footage maximums referenced in Section IV.a above.
- c. 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 (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).
- d. Petitioner shall provide at least 5,000 square feet of ground floor space that is designed and constructed to accommodate retail activities (leasing offices, fitness centers, lobbies, and other areas that are accessory to residential or office uses shall not be considered retail space for purposes of this provision).
- e. 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:
- The total square feet of gross floor area of all such office and other commercial uses does not exceed 529,300 square feet of gross floor area; and
 - The total amount of retail square footage shall not exceed 16,800 square feet.

V. 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:**
- Access to the Site from external public streets will be as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
 - The Rezoning Plan identifies potential vehicular access points which could be surface drives or entrances to structured parking facilities. 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.
 - The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within streets abutting the Site 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.
 - The alignment of vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT’s final approval.

VI. Design Guidelines:

a. General Design Guidelines.

- Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 20% of that building’s entire façade facing such network street using brick, glass, natural stone (or its synthetic equivalent), stucco, fiber cement, corrugated metal, steel accents, architectural shingles or other material approved by the Planning Director.
- Prohibited Exterior Building Materials: The Petitioner will not utilize (1) vinyl siding (but not vinyl hand rails, windows or door trim) or (2) concrete masonry units not architecturally finished.
- 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.
- Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
- Trees may be provided in grates or raised planters rather than in planting strips.
- Dumpsters, loading and services areas shall be screened from streets, common open spaces and any adjacent residential uses with materials complimentary to the principal structure. Dumpster enclosures will not directly abut the back of a sidewalk.
- Backflow preventers and transformers shall be screened and located outside the setback, but can be located in a four (4) foot transition zone. Backflow prevention devices may also be located inside buildings, as permitted in the optional provisions above.

VII. 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 are visible from public or privates streets. Therefore, exposed parking structures (driveway entrances to parking decks are permitted) that are visible from public or private streets shall not be allowed in the areas generally depicted on the Rezoning Plan.
- 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.
- d. On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances and from Third Street and Fourth Street.

VIII. Pedestrian Access and Circulation Design Guidelines.

- a. 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. Main door swings are to be distinguished from emergency exits, with emergency exits only requiring a walkway width of at least four (4) feet.

IX. Open Space and Amenity Areas.

- a. Urban Open Spaces: the Site shall meet or exceed the Urban Open Space requirements of the MUDD district.

X. Environmental Features

- a. The Petitioner shall comply with the Post Construction Stormwater Ordinance and Tree Ordinance.

XI. Signage

Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided.

XII. Lighting:

- a. Detached lighting on the Site, except street lights located along public streets, will be limited to 30 feet in height.
- b. Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.

XIII. 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.

XIV. 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.

XV. 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.

Date: 11.20.2017



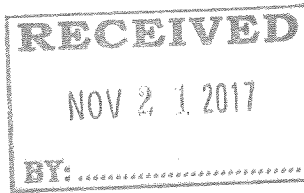
THIRD STREET PROJECT

- REZONING PETITION -



RZ-4

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-178

Petition #:	_____
Date Filed:	11/21/2017
Received By:	BK

Complete All Fields (Use additional pages if needed)

Property Owner: Mike P Rea (under contract to Atlantic Coast Contractors, inc)

Owner's Address: 201 East South St City, State, Zip: Greensboro, Ga 30642

Date Property Acquired: 2003

Property Address: 1435 Cressida Drive

Tax Parcel Number(s): 20701120

Current Land Use: Water/Sewer Size (Acres): 4.34

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

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

Required Rezoning Pre-Application Meeting* with: John Kinney

Date of meeting: 8-12-17

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: Allow for the existing use established in 2009 to remain and be able to expand

Walter Fields
Name of Rezoning Agent

1919 South Blvd., Suite 101
Agent's Address

Charlotte, NC 28203
City, State, Zip

704-372-7855 704-272-7856
Telephone Number Fax Number

walter@walterfieldsgroup.com
E-Mail Address

W M Rea
Signature of Property Owner

WATSON M. REA
(Name Typed / Printed)

Atlantic Coast Contractors, inc.
Name of Petitioner(s)

PO Box 463
Address of Petitioner(s)

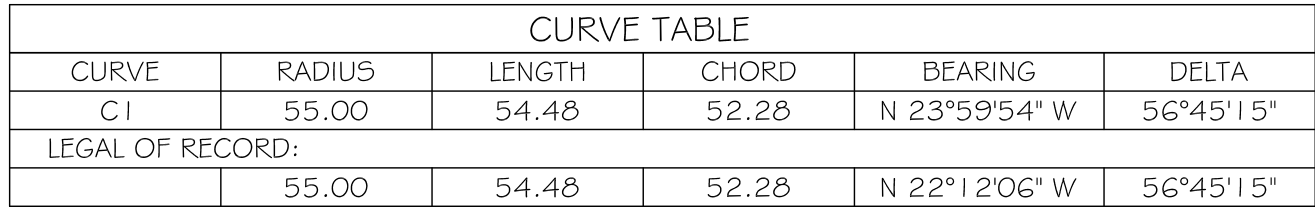
Denver, NC 28037
City, State, Zip

704-483-7120 704-483-7310
Telephone Number Fax Number

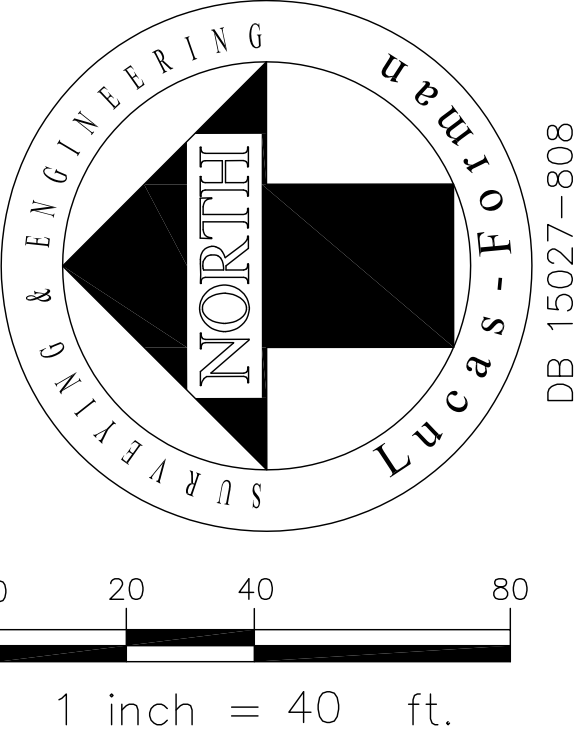
mbutler@atlanticcoastcontractors.net
E-Mail Address

Matthew S. Butler President
Signature of Petitioner

MATTHEW S. BUTLER
(Name Typed / Printed)



Initial Submission- 11/23/17, 1.1



SEAL

NORTH CAROLINA
PROFESSIONAL
ENGINEER
SEAL
25937
CHARLES H. HODGE

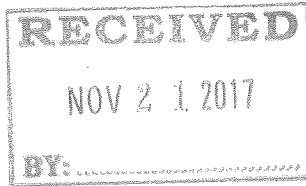
11 20 20

(704) 527-6626 Fax 527-9640
email: postmaster@lucas-forman.com

REZONING SITE PLAN
PETITION: 2017-___

SURVEYED BY		DESIGNED BY C.H. HODGE		DRAWN BY C.H. HODGE	
JOB NUMBER 17184		DATE Nov. 20, 2017		SHEET NUMBER 1	
FILE NUMBER 301		DWG FILE NAME 17184-REZONING			

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-179

Petition #:	
Date Filed:	11/21/2017
Received By:	BF

Complete All Fields (Use additional pages if needed)

Property Owner: See Exhibit A

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

Date Property Acquired: See Exhibit A

Property Address: See Exhibit A

Tax Parcel Number(s): All of 029-191-04, and portions of 029-191-14 and 029-191-15

Current Land Use: Vacant and residential Size (Acres): +/- 19.52 acres

Existing Zoning: R-3 Proposed Zoning: R-12 MF (CD)

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

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Grant Meacci, et al.

Date of meeting: October 10, 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 up to 234 multi-family dwelling units on the site.

John Carmichael/Ty Shaffer (Robinson Bradshaw)
Name of Rezoning Agent

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

Charlotte, NC 28246
City, State, Zip

704-377-8341/704-377-8142
Telephone Number Fax Number

jcarmichael@rbh.com/tshaffer@rbh.com
E-Mail Address

See attached joinder agreements
Signature of Property Owner

(Name Typed / Printed)

Davis Development, Inc. (c/o Lance Chernow)
Name of Petitioner(s)

403 Corporate Center Drive, Suite 201
Address of Petitioner(s)

Stockbridge, GA 30281
City, State, Zip

770-474-4345
Telephone Number Fax Number

lance.chernow@davisdevga.com
E-Mail Address

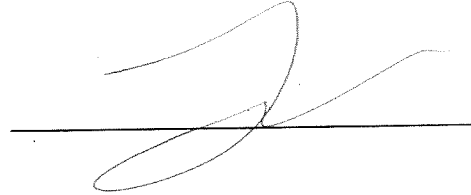
See attached signature page
Signature of Petitioner

(Name Typed / Printed)

[Signature Page of Petitioner, Davis Development, Inc., to Rezoning Application]

Petitioner:

DAVIS DEVELOPMENT, INC.

A handwritten signature in black ink, appearing to be 'Lance Chernow', is written over a horizontal line.

By: Lance Chernow, General Counsel

Exhibit A

Tax Parcel No. 029-191-04

Owners: Richard M. McCoy and Dixie McCoy
Address: 13032 Mallard Creek Rd.
Charlotte, NC 28262
Date Acquired: 11/19/1999

Tax Parcel No. 029-191-14

Owner: Phyllis Stewart
Address: 5100 Glen Forest Dr.
Raleigh, NC 27612
Date Acquired: 7/10/1998

Tax Parcel No. 029-191-15

Owner: Phyllis Stewart
Address: 5100 Glen Forest Dr.
Raleigh, NC 27612
Date Acquired: 2/8/1999

Petitioner:

DAVIS DEVELOPMENT,
INC.

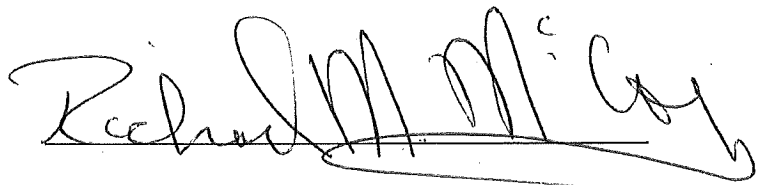
By: Lance Chernow, General

Counsel

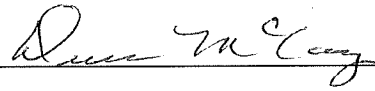
REZONING APPLICATION
DAVIS DEVELOPMENT, INC., PETITIONER
JOINDER AGREEMENT

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by Davis Development, Inc. that is designated as Tax Parcel No. 029-191-04 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site from the R-3 zoning district to the R-12 MF (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the related conditional rezoning plan.

This 15 day of November, 2017.



Richard M. McCoy



Dixie McCoy

**REZONING APPLICATION
DAVIS DEVELOPMENT, INC., PETITIONER
JOINDER AGREEMENT**

The undersigned, as the owner of those parcels of land subject to the attached Rezoning Application filed by Davis Development, Inc. that are designated as Tax Parcel Nos. 029-191-14 and 029-191-15 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the relevant portions of the Site from the R-3 zoning district to the R-12 MF (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the related conditional rezoning plan.


This _____ day of November, 2017.

Phyllis Stewart

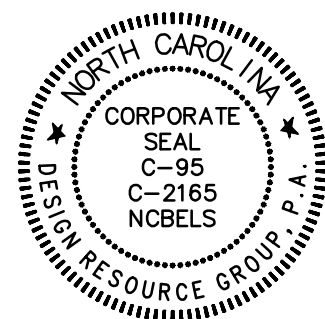
**REZONING APPLICATION
DAVIS DEVELOPMENT, INC., PETITIONER
JOINDER AGREEMENT**

The undersigned, as the owner of those parcels of land subject to the attached Rezoning Application filed by Davis Development, Inc. that are designated as Tax Parcel Nos. 029-191-14 and 029-191-15 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the relevant portions of the Site from the R-3 zoning district to the R-12 MF (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the related conditional rezoning plan.

This 17th day of November, 2017.



Phyllis Stewart



REZONING PETITION

FOR PUBLIC HEARING

2017 - _ _ _

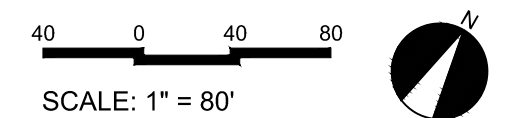
REZONING DOCUMENT



DAVIS (MALLARD) APARTMENTS
CHARLOTTE, NORTH CAROLINA

DAVIS DEVELOPMENT
403 CORPORATE CENTER DRIVE
SUITE 201
STOCKBRIDGE, GA 30281

TECHNICAL
DATA PLAN



PROJECT #: 721-001
DRAWN BY: NK
CHECKED BY: SK

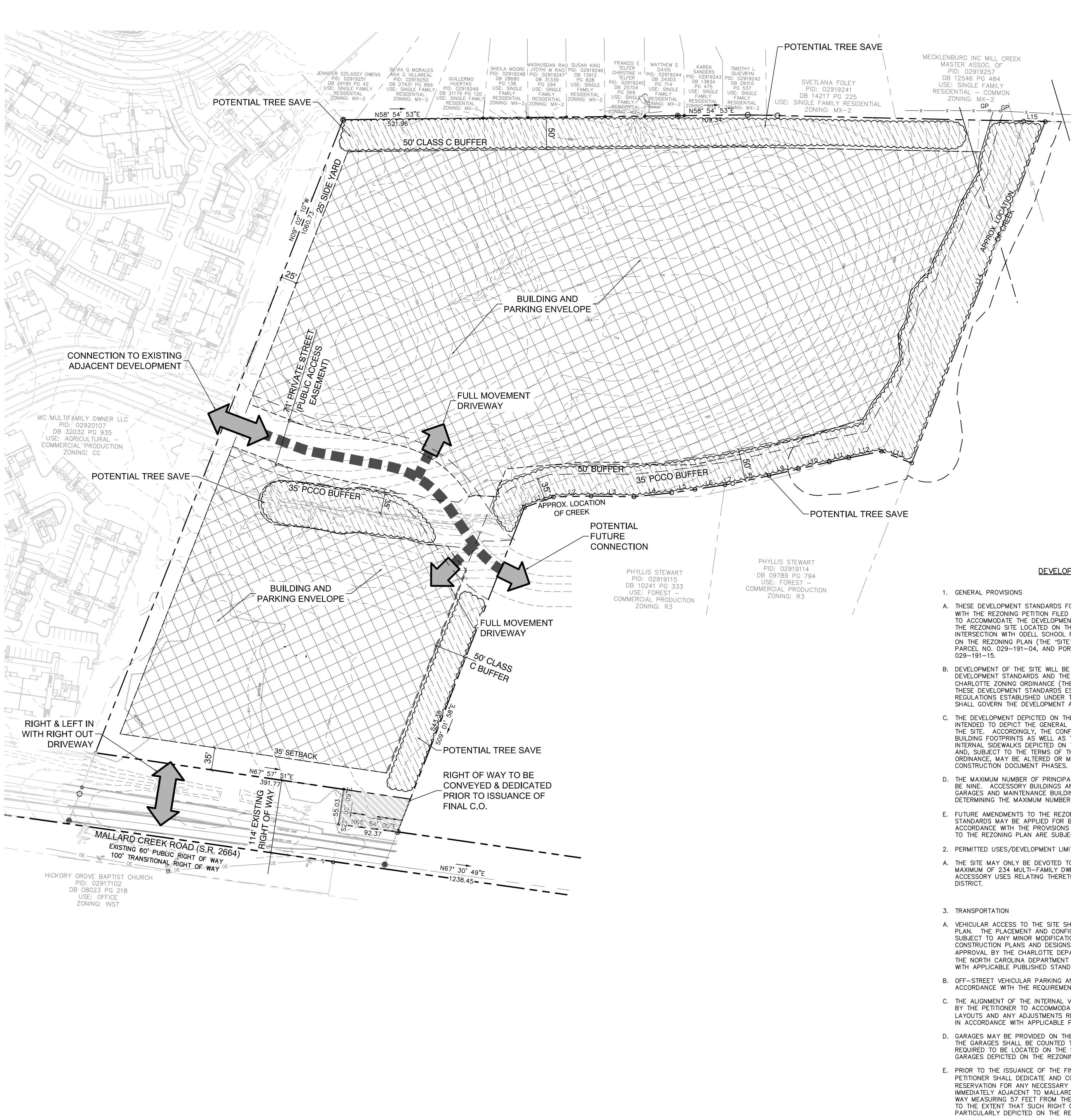
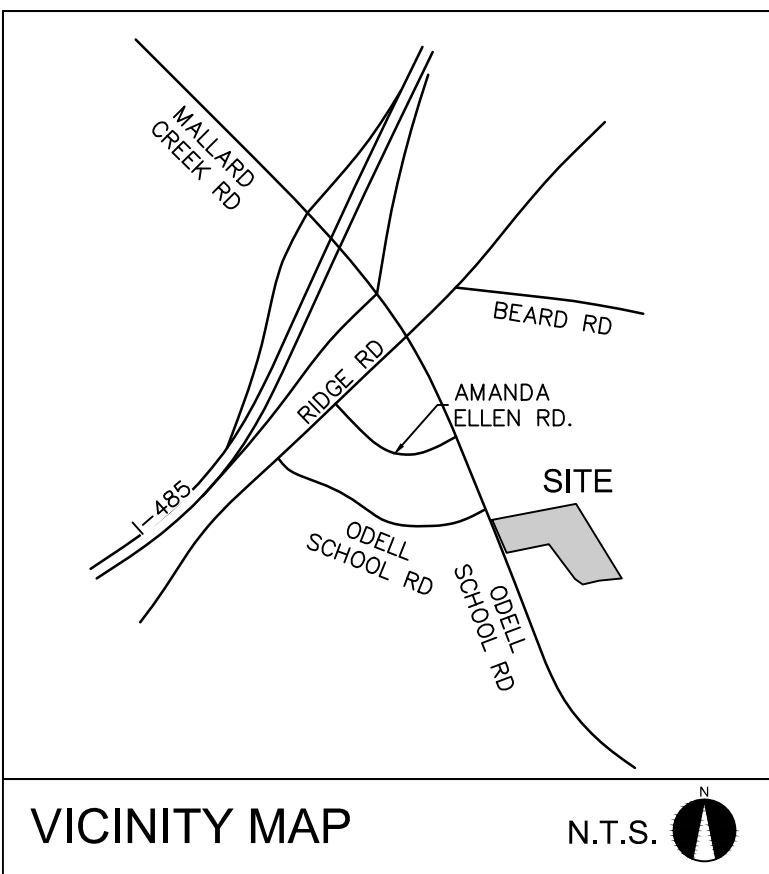
NOVEMBER 27, 2017

REVISIONS:

RIGHT OF WAY LINE TABLE		
LINE	BEARING	LENGTH
RW1	S09°01'58"E	54.89
RW2	S67°30'00"W	497.38
RW3	N09°02'10"W	55.78
RW4	S67°57'38"W	307.95

RIGHT OF WAY CURVE TABLE			
CURVE	RADIUS	LENGTH	CHORD
RW-C1	3310.82	96.87	S67°07'20"W 96.87

Line Table		
Line #	Length	Direction
L1	48.11	N39° 39' 28"E
L2	58.60	N58° 13' 02"E
L3	67.07	N60° 40' 36"E
L4	58.09	N53° 32' 37"E
L5	36.89	N51° 20' 34"E
L6	47.15	N50° 45' 33"E
L7	12.39	N50° 45' 33"E
L8	57.85	N47° 21' 25"E
L9	47.32	N46° 44' 56"E
L10	49.22	N46° 53' 01"E
L11	31.05	N47° 35' 55"E
L12	52.23	N48° 17' 26"E
L13	50.33	N80° 57' 50"E
L14	572.07	N09° 02' 10"W
L15	33.59	S60° 46' 10"W



DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY DAVIS DEVELOPMENT, INC. (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL COMMUNITY ON THE REZONING SITE LOCATED ON THE NORTH SIDE OF MALLARD CREEK ROAD NEAR ITS INTERSECTION WITH ODELL SCHOOL ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF ALL OF TAX PARCEL NO. 029-191-04, AND PORTIONS OF TAX PARCEL NOS. 029-191-14 AND 029-191-15.
- B. 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"). UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-12 MF 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 INTERNAL DRIVES, PARKING AREAS AND INTERNAL SIDEWALKS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
- D. THE MAXIMUM NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL BE NINE. ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE, SUCH AS GARAGES AND MAINTENANCE BUILDINGS, SHALL NOT BE CONSIDERED WHEN DETERMINING THE MAXIMUM NUMBER OF PRINCIPAL BUILDINGS LOCATED ON THE SITE.
- 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. ADJUSTMENTS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. THE SITE MAY ONLY BE DEVOTED TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 234 MULTI-FAMILY DWELLING UNITS AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE R-12 MF ZONING DISTRICT.
3. TRANSPORTATION
- A. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICLES' 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 ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT") IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
- B. OFF-STREET VEHICULAR PARKING AND BICYCLE PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.
- C. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AREAS MAY BE MODIFIED BY THE 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.
- D. GARAGES MAY BE PROVIDED ON THE SITE, AND THE PARKING SPACES LOCATED WITHIN THE GARAGES SHALL BE COUNTED TOWARDS THE TOTAL NUMBER OF PARKING SPACES REQUIRED TO BE LOCATED ON THE SITE. THE LOCATION AND CONFIGURATION OF THE GARAGES DEPICTED ON THE REZONING PLAN MAY BE MODIFIED.
- E. PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY FOR THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE IMMEDIATELY ADJACENT TO MALLARD CREEK ROAD AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 57 FEET FROM THE EXISTING CENTERLINE OF MALLARD CREEK ROAD, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST, AND AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN.

DEVELOPMENT DATA TABLE

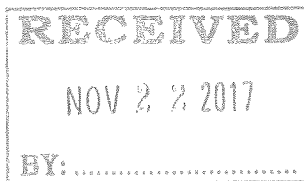
- SITE ACREAGE: APPROXIMATELY 19.52 ACRES
- TAX PARCEL NOS. ALL OF 029-191-04 AND PORTIONS OF 029-191-14 & 029-191-15
- EXISTING ZONING: R-3
- EXISTING USES: VACANT AND RESIDENTIAL
- PROPOSED ZONING: R-12 MF (CD)
- PROPOSED USE: MULTI-FAMILY RESIDENTIAL
- MAXIMUM NO. OF DWELLING UNITS: 234 DWELLING UNITS

- F. PETITIONER SHALL CONTINUE THE PRIVATE STREET LOCATED ON THE ADJACENT PARCEL OF LAND (ASPIRE STREET) ACROSS THE SITE AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, AND SHALL PROVIDE A PUBLIC ACCESS EASEMENT ACROSS THE SAME.

4. ARCHITECTURAL STANDARDS

- A. THE MAXIMUM HEIGHT IN STORIES OF THE MULTI-FAMILY RESIDENTIAL BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE FOUR STORIES.
- B. THE MAXIMUM HEIGHT IN FEET OF THE MULTI-FAMILY RESIDENTIAL BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE AS MEASURED UNDER THE ORDINANCE.
5. STREETScape/LANDSCAPING/BUFFER
- A. A 50 FOOT CLASS C BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S BOUNDARY LINES THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, AND SUCH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. EXCEPT AS PROVIDED BELOW IN PARAGRAPH B, THE WIDTH OF THE CLASS C BUFFER MAY NOT BE REDUCED.
- B. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS ACCORDINGLY.
- C. INTERNAL SIDEWALKS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
6. ENVIRONMENTAL FEATURES
- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.
- B. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER 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.
7. LIGHTING
- A. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS 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.
- B. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 21 FEET.
- C. ANY LIGHTING FIXTURES ATTACHED TO THE BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.
8. 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.

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-180
Petition #: _____
Date Filed: 11/22/2017
Received By: RH

Property Owners: SEE SCHEDULE 1 ATTACHED HERETO

Owner's Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Date Properties
Acquired: SEE SCHEDULE 1 ATTACHED HERETO

Property Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Tax Parcel Numbers: SEE SCHEDULE 1 ATTACHED HERETO

Current Land Use: vacant and single family use (Acres): ± 66.90

Existing Zoning: R-3 Proposed Zoning: NS and MX-1

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

Required Rezoning Pre-Application Meeting* with: Mandy Rosen, Isaiah Washington, Jason Prescott, and Sonja Sanders

Date of meeting: 9/21/17

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: To allow the development of the Site with a residential based pedestrian-friendly mixed-use community.

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

Keith H. Helms, owner/mgr.
Signature of Property Owner

for JS Helms Family
Properties, LLC
CHAR2\1951578v1

JS Helms Family Properties, LLC (Attn: Jerry Helms)

Name of Petitioner

11901 Albemarle Road

Address of Petitioner

Charlotte, NC 28227

City, State, Zip

704.609.5263

Telephone Number Fax Number

bbhelms@yahoo.com

E-mail Address

Keith H. Helms, owner/mgr.
Signature of Petitioner

for JS Helms Family
Properties, LLC

SCHEDULE 1

Parcel	Property Address	Owner	Owner's Address	Date Acquired
111-46-103	NA	JS Helms Family Properties, LLC	11901 Albemarle Road, Charlotte, NC 28227	03/22/2012
111-46-104	NA			03/22/2012
111-46-105	11901 Albemarle Road, Charlotte, NC 28227			03/22/2012
111-46-108	NA			3/22/2012
111-46-109	NA			3/22/2012

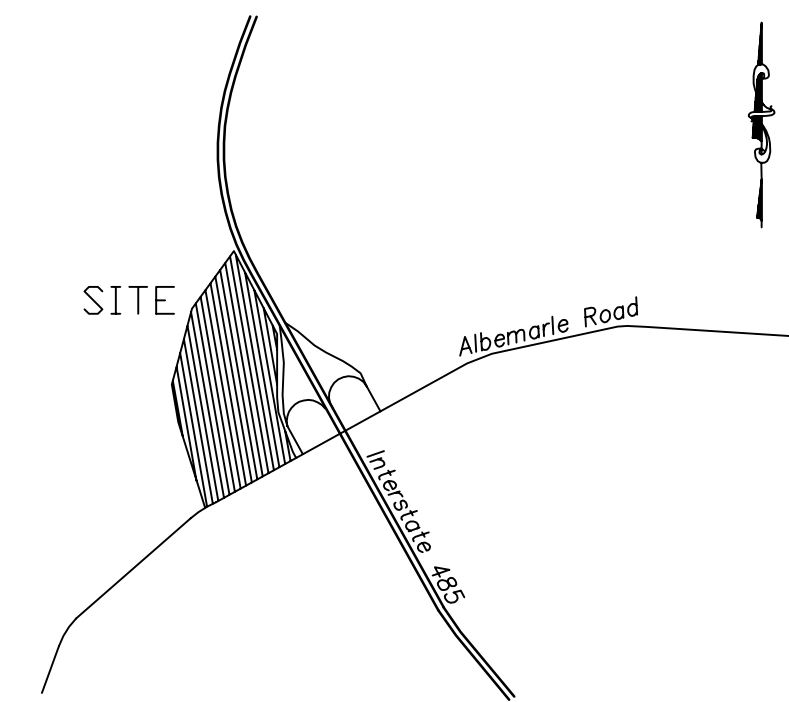
<u>ACREAGE:</u>	± 66.90 ACRES
<u>TAX PARCEL NUMBERS:</u>	111-461-03, 111-461-04, 111-461-05, 111-461-08, AND 111-461-09
<u>EXISTING ZONING:</u>	R-3
<u>PROPOSED ZONING:</u>	MX-1 AND NS
<u>EXISTING USES:</u>	RESIDENTIAL FARM

PROPOSED USES: NON-RESIDENTIAL AND RESIDENTIAL USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE NS ZONING DISTRICT ON THE PORTION OF THE SITE ZONED NS AND USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MX-1 ZONING DISTRICT ON THE PORTION OF THE SITE ZONED MX-1 (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).

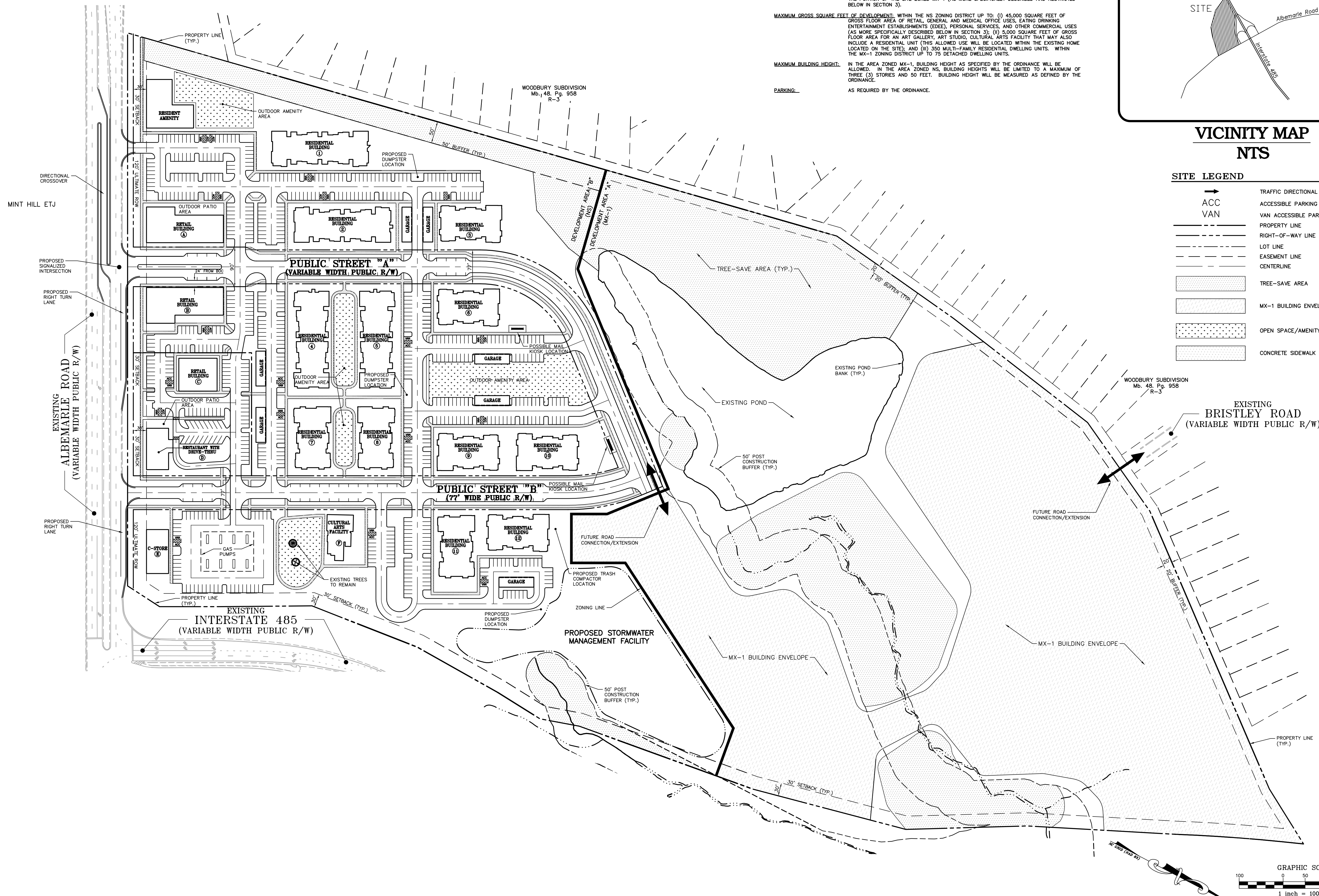
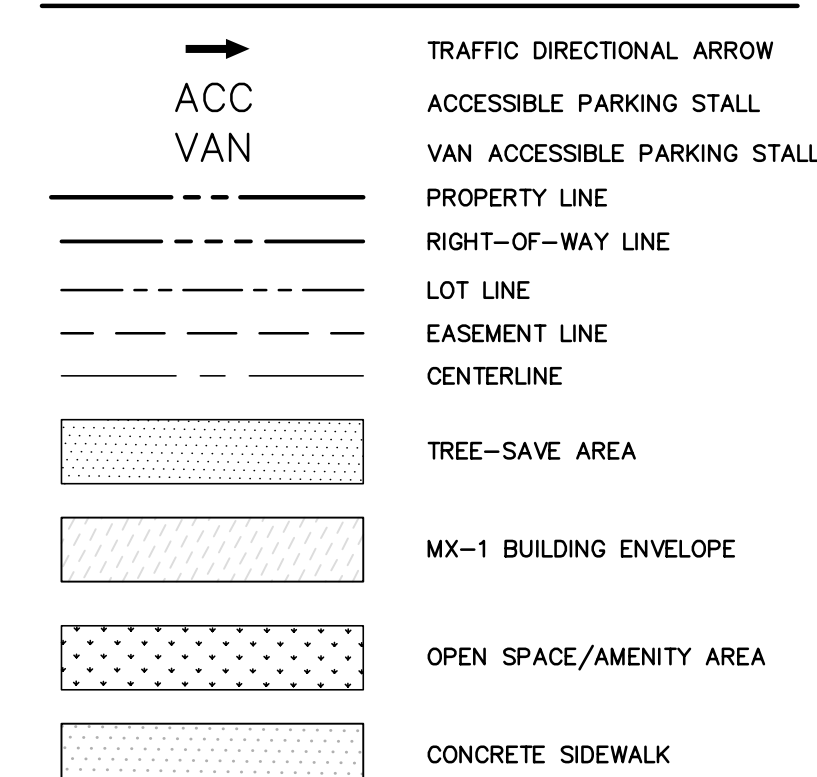
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT, WITHIN THE NS ZONING DISTRICT UP TO: (i) 45,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, GENERAL AND MEDICAL OFFICE USES; EATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE), PERSONAL SERVICES, AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW); (ii) 100,000 SQUARE FEET OF GROSS FLOOR AREA FOR AN ART GALLERY, ART STUDIO, CULTURAL ARTS FACILITY THAT MAY ALSO INCLUDE A RESIDENTIAL UNIT (THIS ALLOWED USE WILL BE LOCATED WITHIN THE EXISTING HOME LOCATED ON THE SITE); AND (iii) 350 MULTI-FAMILY RESIDENTIAL DWELLING UNITS. WITHIN THE MX-1 ZONING DISTRICT UP TO 75 DETACHED DWELLING UNITS.

MAXIMUM BUILDING HEIGHT: IN THE AREA ZONED MX-1, BUILDING HEIGHT AS SPECIFIED BY THE ORDINANCE WILL BE ALLOWED. IN THE AREA ZONED NS, BUILDING HEIGHTS WILL BE LIMITED TO A MAXIMUM OF THREE (3) STORIES AND 50 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

PARKING: AS REQUIRED BY THE ORDINANCE.



SITE LEGEND



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

**THE JOHN R. McADAMS
COMPANY, INC.**
3436 Toringdon Way
Suite 110
Charlotte, North Carolina 28227
License No.: C-0293
(800) 733-5646 ■ McAdamsCo.co



MCADAMS



REVISIONS:

J S HELMS FAMILY
PROPERTIES, LLC.
11901 ALBEMARLE ROAD
CHARLOTTE, NC 28227

OWNER:

LEMMOND FARM
ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA

REZONING CONCEPT PLAN

PROJECT NO. ALL-17030

FILENAME: ALL17030-RZ1

CHECKED BY: RMR

DRAWN BY: AJB

CALB: 1"=100'

DATE: 11-21-1

HEET NO. **B7-**

112



Y:\Projects\ALL-17030\Land\Rezoning\ALL17030-RZ1.dwg, 11/21/2017 2:06:05 PM, Bernard, Andrew

1. General Provisions:

a. **Site Location.** These Development Standards, the Technical Data Sheet and Schematic Site Plan, and related graphics form the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by JS Helms Family Properties ("Petitioner") to accommodate development of a residential based pedestrian-friendly mixed-use community on an approximately 66.90 acres (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, (i) the regulations established under the Ordinance for the NS 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; and (ii) the regulations established under the Ordinance for the MX-1 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.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

i. minor and don't materially change the overall design intent depicted on the Rezoning Plan.

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

d. **Number of Buildings Principal and Accessory; Accessory Building Design.** Notwithstanding the number of buildings or lots shown on the Rezoning Plan, the total number of principal buildings to be developed: (i) on the portions of the Site zoned NS and developed for residential and commercial uses (retail, EDIEE, office, personal service uses), shall not exceed 25; and (ii) on the portion of the Site zoned MX-1 and developed for detached residential dwellings shall not exceed 75 lots. Accessory buildings and structures located on the Site, including, without limitation, community clubhouse, recreation and related uses, shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

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e. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other Development/Site Elements located on the Site. Furthermore, the Petitioner and/or owners of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 3 below as to the Site as a whole and not individual portions, Development Areas or lots located therein.

f. **Gross Floor Area Clarification.** When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities), enclosed loading dock/service areas, and outdoor dining and gathering areas whether on the roof of the building or at street level.

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

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

b. Development Area A may be developed with up to 75 detached dwelling units together with accessory uses in MX-1 Innovative zoning district, including, without limitation, community clubhouse, recreation, and related uses (e.g. improved passive and active open spaces, picnic shelters, gazebos, ball fields, maintenance buildings, outdoor recreational uses, and other uses typically associated with residential communities etc.).

c. Subject to the restrictions, limitations, listed below, the principal buildings constructed within Development Area B may be developed with (i) up to 45,000 square feet of gross floor area of retail, Eating Drinking Entertainment Establishment (EDEE), a gas station convenience store with or without gasoline sales, and personal services uses; (ii) 5,000 square feet of gross floor area for an art gallery, art studio, cultural arts facility that may also include a residential unit (this allowed use will be located within the existing home located on the Site); and (iii) 350 multi-family residential dwelling units, together with accessory uses as allowed in the NS zoning district. One (1) use with an accessory drive-through window may be constructed within Development Area B and only one gas station convenience store with or without gasoline sales will be allowed within Development Area B.

d. Only one use with an accessory drive-through window will be allowed within Development Area B as generally depicted on the Rezoning Plan. Only one gas station convenience store with or without gasoline sales will be allowed within Development Area B.

Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandised 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, laundries and dry-cleaning establishments, locksmiths, and alike (uses that are similar to the items listed but have not been listed but share the common trait that the primary purpose of the use is the sale of a service rather than goods).

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3. Transportation Improvements and Access:

I. Proposed Improvements:

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

The following Transportation Improvements are also illustrated on Figure -- on Sheet RZ-0 of the Rezoning Plan. The figure on Sheet RZ-04 is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on figure -- for the proposed improvement).

To be completed after the review of the TIA.

II. Standards, Phasing and Other Provisions.

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

b. Phasing.

Notwithstanding the commitments of the Petitioner to provide for the roadway improvements described in Section 3.1 above, the following provisions shall permit development to take place prior to completion of all of the above-referenced improvements:

(i) To be completed after review of traffic study

The areas of the Site associated with the following phases are illustrated on Sheet RZ-0 "Development Phasing for Off-Site Roadway Improvements" of the Rezoning Plan.

The phase #'s for the non-residential Development Areas are not meant to require them to be completed in the sequential order they are listed (before the residential or before each other) and as a result may be developed sooner upon the substantial construction of the roadway improvements listed for each non-residential Development Area.

c. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.1I above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.1I.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.

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

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

III. Access, and Pedestrian Circulation.

a. Access to the Site will be from Albemarle Road and Bristley Road as generally depicted on the Rezoning Plan.

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

c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

d. The Petitioner will build two (2) Public Streets and one (1) private drive to access the Site from Albemarle Road as generally depicted on the Rezoning Plan. These two (2) public streets will be built to meet USDG standards.

e. The Petitioner will dedicate 60 feet of right-of-way from the existing center line of Albemarle Road to the City of Charlotte prior to the issuance of the first certificate of occupancy.

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4. Architectural Standards and Parking Location Restrictions:

a. The principal buildings constructed on the Site (Development Areas A and B) may use a variety of building materials. The building materials used for buildings (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.

b. Parking and maneuvering for parking will not be allowed between the proposed buildings in Development Areas B located at the intersections of Albemarle Road and Public Street A and B as generally depicted on the Rezoning Petition. Parking areas may be located to the side of the proposed buildings.

c. The minimum height of one-story non-residential buildings constructed within Development Areas B will be a minimum 22 feet including architectural elements. This will not apply to the existing single-family home located on the Site that is to be re-used as a cultural arts facility.

d. The non-residential buildings shall provide street level, pedestrian oriented active uses along Public Street A.

e. For non-residential buildings (not including the leasing office/amenity center for multi-family) at least 40% of the first floor building façades between two (2) and ten (10) feet above grade of buildings facing Public Street A and B will utilize transparent, vision glass. In areas where transparent vision glass cannot be utilized due to building or tenant constraints display windows may be utilized, however, no more than 30% of the first floor building façade can be made up of display windows.

f. The Street Walls of the non-residential buildings constructed within Development Area B abutting Albemarle Road will be treated with a combination of the following features: (i) windows with applied graphic images; (ii) internally illuminated window boxes with applied graphic images; (iii) vertical elements such as art work and/or decorative garden and landscape elements; (iv) decorative lighting elements; and (v) landscaped areas composed of a combination of large and small maturing evergreen and deciduous trees, evergreen and deciduous shrubs and seasonal color.

5. Design Guidelines for Residential Buildings Located Within Development Area B:

a. General Site Considerations

- i. Architectural treatment shall continue on all sides of a building except as specifically noted otherwise.
- ii. All shared/common building entrances will be connected to the street network subject to grade and ADA standards (private patios will be considered a building entrance).

b. Facade Composition

- i. The Principal Entrances of a building that face a public street shall be articulated and expressed in greater architectural detail than other building entrances.

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1. Facades shall incorporate windows and doors as follows:

- i. Windows and doors shall be provided for at least 20% of the total Facade area along the proposed public streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor facing a public street shall not exceed 30 feet in length in any direction. Changes in materials and other treatments may be used to break up walls where windows are not possible due to building layout (e.g. stairwells and/or mechanical/utility rooms).
- ii. The above requirement for windows and doors may be reduced by 50% where a Facade is not visible from a public street and the maximum contiguous area without windows or doors on any floor may be increased to 40 feet in length.

2. Façade articulation:

- i. Facades over 75 feet in length shall incorporate wall projections or recesses. Patios and balconies are acceptable projections.

3. Additional Street Fronting Facade requirements on Public Streets:

- i. Street fronting Facades and End fronting Facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets.
- ii. On corner lots, the architectural treatment of a building's intersecting Street Fronting Facades shall be substantially similar, except that said building may emphasize the corner location by incorporating other architectural embellishments at the corner.
- iii. First Story Facades of all buildings along streets shall incorporate up to three (3) of the following; columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements.
- iv. No more than four different materials, textures, colors, or combinations thereof may be used on a single building. This requirement shall not include materials used on windows, doors, porches, balconies, foundations, awnings or architectural details.
- v. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated metal, exposed plywood, and exposed pressboard are prohibited, except when used as a decorative feature or accent.
- vi. Exterior materials of buildings along the Public Streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, cementitious materials, glass, manufactured stone or granite.
- vii. Accessory Structures shall be consistent with the Principal Building in material, texture, and color.

c. Roofs

- i. Pitched or flat roofs are acceptable. The pitch of the building's primary roof shall have a minimum slope of 3:12. Flat roofs shall be screened from the view of Public Streets by a parapet.
- ii. Accessory features on a roof shall be screened from the view of the Public Streets by a parapet or other architectural feature.
- iii. Permitted sloped roof materials are asphalt shingles, composition shingles, wood shingles, tin, standing seam metal, and wood shakes.
- iv. Vents, stacks, and roof fans are to be painted to blend with the roof color and hidden from Public Street view to the greatest extent possible.

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6. Streetscape, Landscaping and Buffer:

a. Setbacks and yards as required by the MX-1 zoning district will be provided. Along I-485 a 30 foot setback as measured from the existing right-of-way will be provided.

b. Within Development Areas B a minimum building and parking setback of 30 feet as measured from the future right-of-way for Albemarle Road will be provided as generally depicted. Along Public Street A and B a minimum building setback of 24 feet as measured from the back of curb will be provided. Along I-485 within Development Area B a 30 foot setback from the existing right-of-way will be provided.

c. A 50 foot Class C buffer will be provided between the proposed uses in Development Area B and the adjoining Woodbury Neighborhood. Within Development Area A a 20 foot Class C Buffer will be provided adjacent to the Woodbury Neighborhood as generally depicted on the Rezoning Plan.

d. Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links all of the principal buildings on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. The minimum width for these internal sidewalks with the portion of the Site zoned NS will be six (6) feet and within the portions of the Site zoned MX-1 will be a minimum of five (5) feet.

7. Environmental Features

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

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

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

8. Plazas and Open Space:

a. The Petitioner will provide a series of passive and active open space areas throughout the Site as generally depicted on the Rezoning Plan (the exact location and configuration of these open space areas may vary from what is illustrated; the final locations and configuration of the open space areas will be determined/finalized during each phase of the approval process). The existing pond on the Site will be preserved. The existing pond may be used to meet storm water and water quality requirements.

9. Signage:

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

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10. 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 26 feet in height.

11. Amendments to the Rezoning Plan:

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

12. Binding Effect of the Rezoning Application:

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

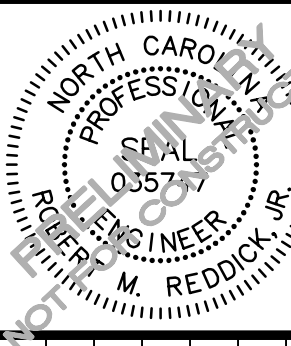
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8

THE JOHN R. MCADAMS
COMPANY, INC.
3436 Torrington Way
Suite 110
Charlotte, North Carolina 28277
License No.: C-0283
(800) 733-5646 • McAdamsCo.com



MCADAMS



REVISIONS:

OWNER:

J S HELMS FAMILY
PROPERTIES, LLC.
11901 ALBEMARLE ROAD
CHARLOTTE, NC 28227

LEMMOND FARM

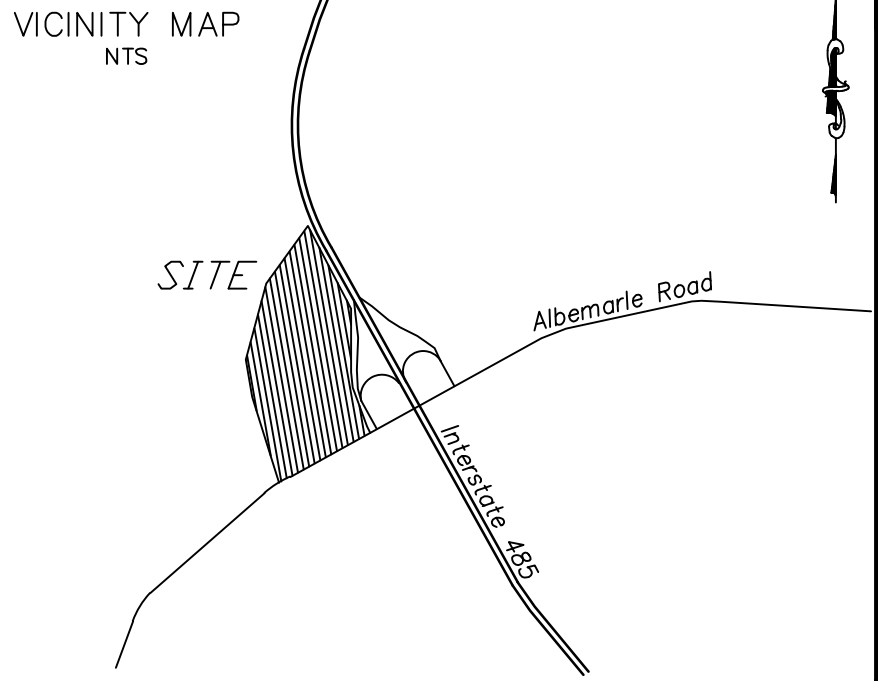
ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA

REZONING NOTES

PROJECT NO:	ALL-17030
FILENAME:	ALL17030-RZ1
CHECKED BY:	RMR
DRAWN BY:	AJB
SCALE:	N/A
DATE:	11-21-17
SHEET NO.	

RZ-2





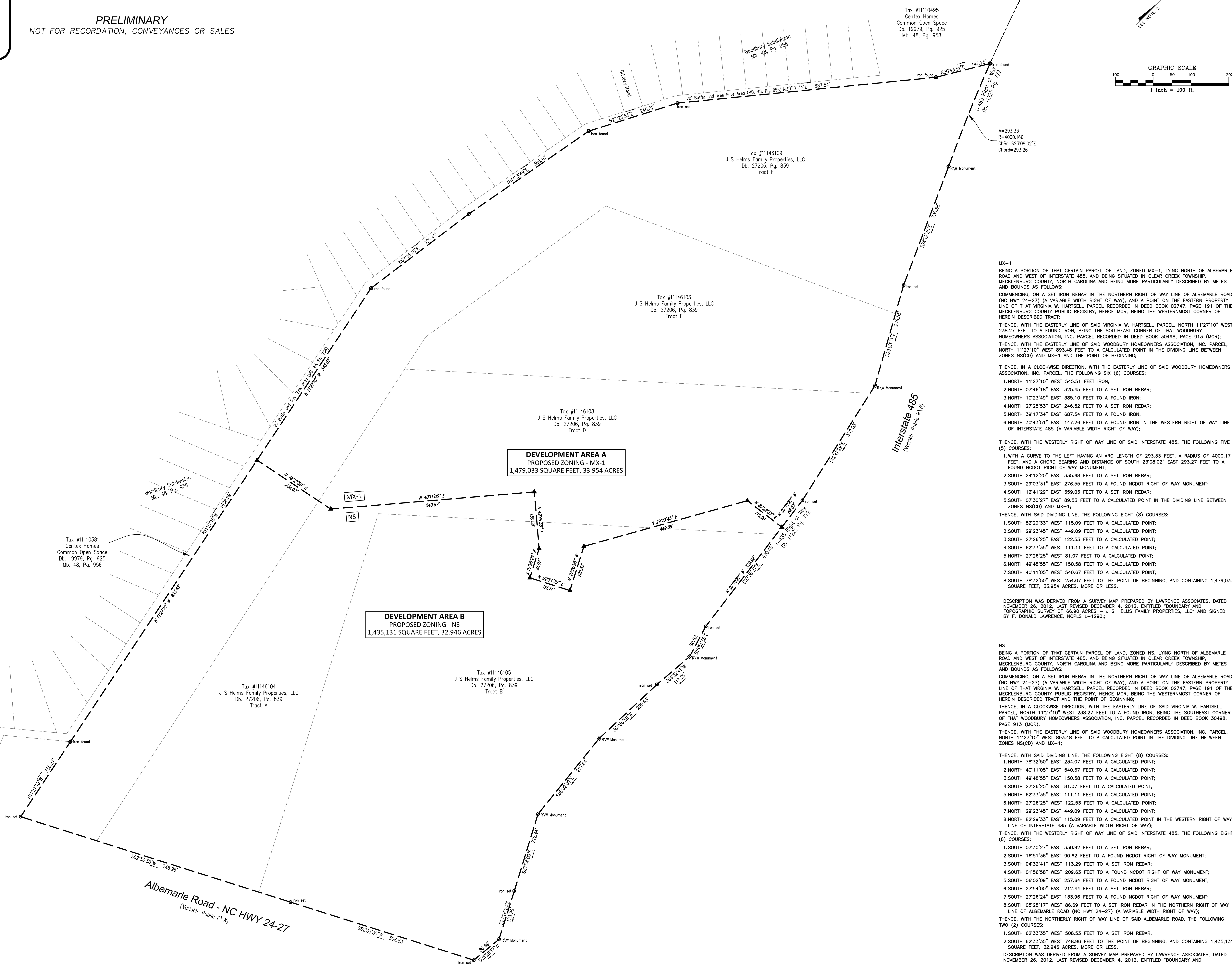
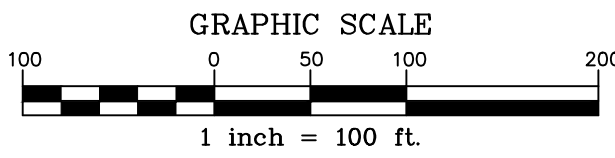
GENERAL NOTES

- 1.) THIS IS AN EXHIBIT TO SHOW THE LOCATION OF THE DIVIDING LINE BETWEEN ZONES NS(CD) & MX-1.
- 2.) BOUNDARY INFO AND BEARINGS FOR THIS SURVEY ARE BASED ON A MAP TITLED, "ALTA SURVEY FOR: 66.90 ACRES - J S HELMS FAMILY PROPERTIES, LLC" BY LAWRENCE ASSOCIATES, DATED SEPTEMBER 28, 2017, NOT OF PUBLIC RECORD.
- 3.) NO FIELD SURVEY DATA WAS USED IN THE PREPARATION OF THIS EXHIBIT.

PRELIMINARY
NOT FOR RECORDATION, CONVEYANCES OR SALES

LEGEND:

- ▲ CALCULATED POINT
- SURVEYED PROPERTY LINE
- - - PROPERTY LINE NOT SURVEYED
- - - ZONING LINE



MX-1
BEING A PORTION OF THAT CERTAIN PARCEL OF LAND, ZONED MX-1, LYING NORTH OF ALBEMARLE ROAD AND WEST OF INTERSTATE 485, AND BEING SITUATED IN CLEAR CREEK TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
COMMENCING, ON A SET IRON REBAR IN THE NORTHERN RIGHT OF WAY LINE OF ALBEMARLE ROAD (NC HWY 24-27) (A VARIABLE WIDTH RIGHT OF WAY), AND A POINT ON THE EASTERN PROPERTY LINE OF THAT VIRGINIA W. HARTSELL PARCEL RECORDED IN DEED BOOK 02747, PAGE 191 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY, HENCE MCR, BEING THE WESTERMOST CORNER OF HEREIN DESCRIBED TRACT;
THENCE, WITH THE EASTERLY LINE OF SAID VIRGINIA W. HARTSELL PARCEL, NORTH 11°27'10" WEST 238.27 FEET TO A FOUND IRON, BEING THE SOUTHEAST CORNER OF THAT WOODBURY HOMEOWNERS ASSOCIATION, INC. PARCEL RECORDED IN DEED BOOK 30498, PAGE 913 (MCR);
THENCE, WITH THE EASTERLY LINE OF SAID WOODBURY HOMEOWNERS ASSOCIATION, INC. PARCEL, NORTH 11°27'10" WEST 893.48 FEET TO A CALCULATED POINT IN THE DIVIDING LINE BETWEEN ZONES NS(CD) AND MX-1 AND THE POINT OF BEGINNING;

THENCE, IN A CLOCKWISE DIRECTION, WITH THE EASTERLY LINE OF SAID WOODBURY HOMEOWNERS ASSOCIATION, INC. PARCEL, THE FOLLOWING SIX (6) COURSES:
1. NORTH 11°27'10" WEST 545.51 FEET IRON;
2. NORTH 07°46'18" EAST 325.45 FEET TO A SET IRON REBAR;
3. NORTH 10°23'49" EAST 385.10 FEET TO A FOUND IRON;
4. NORTH 27°28'53" EAST 246.52 FEET TO A SET IRON REBAR;
5. NORTH 39°17'34" EAST 687.54 FEET TO A FOUND IRON;
6. NORTH 30°43'51" EAST 147.26 FEET TO A FOUND IRON IN THE WESTERN RIGHT OF WAY LINE OF INTERSTATE 485 (A VARIABLE WIDTH RIGHT OF WAY);

THENCE, WITH THE WESTERLY RIGHT OF WAY LINE OF SAID INTERSTATE 485, THE FOLLOWING FIVE (5) COURSES:
1. WITH A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 293.33 FEET, A RADIUS OF 4000.17 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 23°08'02" EAST 293.27 FEET TO A FOUND NCDOT RIGHT OF WAY MONUMENT;
2. SOUTH 24°12'20" EAST 335.68 FEET TO A SET IRON REBAR;
3. SOUTH 29°03'31" EAST 276.55 FEET TO A FOUND NCDOT RIGHT OF WAY MONUMENT;
4. SOUTH 12°41'29" EAST 359.03 FEET TO A SET IRON REBAR;
5. SOUTH 07°30'27" EAST 89.53 FEET TO A CALCULATED POINT IN THE DIVIDING LINE BETWEEN ZONES NS(CD) AND MX-1;

THENCE, WITH SAID DIVIDING LINE, THE FOLLOWING EIGHT (8) COURSES:
1. SOUTH 82°29'33" WEST 115.09 FEET TO A CALCULATED POINT;
2. SOUTH 29°23'45" WEST 449.09 FEET TO A CALCULATED POINT;
3. SOUTH 27°26'25" EAST 122.53 FEET TO A CALCULATED POINT;
4. SOUTH 62°33'35" WEST 111.11 FEET TO A CALCULATED POINT;
5. NORTH 27°26'25" WEST 81.07 FEET TO A CALCULATED POINT;
6. NORTH 49°48'55" WEST 150.58 FEET TO A CALCULATED POINT;
7. SOUTH 40°11'05" WEST 540.67 FEET TO A CALCULATED POINT;
8. SOUTH 78°32'50" WEST 234.07 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1,479,033 SQUARE FEET, 33.954 ACRES, MORE OR LESS.

DESCRIPTION WAS DERIVED FROM A SURVEY MAP PREPARED BY LAWRENCE ASSOCIATES, DATED NOVEMBER 26, 2012, LAST REVISED DECEMBER 4, 2012, ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY OF 66.90 ACRES - J S HELMS FAMILY PROPERTIES, LLC" AND SIGNED BY F. DONALD LAWRENCE, NCPLS L-1290.

NS
BEING A PORTION OF THAT CERTAIN PARCEL OF LAND, ZONED NS, LYING NORTH OF ALBEMARLE ROAD AND WEST OF INTERSTATE 485, AND BEING SITUATED IN CLEAR CREEK TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
COMMENCING, ON A SET IRON REBAR IN THE NORTHERN RIGHT OF WAY LINE OF ALBEMARLE ROAD (NC HWY 24-27) (A VARIABLE WIDTH RIGHT OF WAY), AND A POINT ON THE EASTERN PROPERTY LINE OF THAT VIRGINIA W. HARTSELL PARCEL RECORDED IN DEED BOOK 02747, PAGE 191 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY, HENCE MCR, BEING THE WESTERMOST CORNER OF HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;
THENCE, IN A CLOCKWISE DIRECTION, WITH THE EASTERLY LINE OF SAID VIRGINIA W. HARTSELL PARCEL, NORTH 11°27'10" WEST 238.27 FEET TO A FOUND IRON, BEING THE SOUTHEAST CORNER OF THAT WOODBURY HOMEOWNERS ASSOCIATION, INC. PARCEL RECORDED IN DEED BOOK 30498, PAGE 913 (MCR);
THENCE, WITH THE EASTERLY LINE OF SAID WOODBURY HOMEOWNERS ASSOCIATION, INC. PARCEL, NORTH 11°27'10" WEST 893.48 FEET TO A CALCULATED POINT IN THE DIVIDING LINE BETWEEN ZONES NS(CD) AND MX-1;

THENCE, WITH SAID DIVIDING LINE, THE FOLLOWING EIGHT (8) COURSES:
1. NORTH 78°32'50" EAST 234.07 FEET TO A CALCULATED POINT;
2. NORTH 40°11'05" EAST 540.67 FEET TO A CALCULATED POINT;
3. SOUTH 49°48'55" EAST 150.58 FEET TO A CALCULATED POINT;
4. SOUTH 27°26'25" EAST 81.07 FEET TO A CALCULATED POINT;
5. NORTH 62°33'35" EAST 111.11 FEET TO A CALCULATED POINT;
6. NORTH 27°26'25" WEST 122.53 FEET TO A CALCULATED POINT;
7. NORTH 29°23'45" EAST 449.09 FEET TO A CALCULATED POINT;
8. NORTH 82°29'33" EAST 115.09 FEET TO A CALCULATED POINT IN THE WESTERN RIGHT OF WAY LINE OF INTERSTATE 485 (A VARIABLE WIDTH RIGHT OF WAY);

THENCE, WITH THE WESTERLY RIGHT OF WAY LINE OF SAID INTERSTATE 485, THE FOLLOWING EIGHT (8) COURSES:
1. SOUTH 07°30'27" EAST 330.92 FEET TO A SET IRON REBAR;
2. SOUTH 16°51'36" EAST 90.62 FEET TO A FOUND NCDOT RIGHT OF WAY MONUMENT;
3. SOUTH 04°32'41" WEST 113.29 FEET TO A SET IRON REBAR;
4. SOUTH 01°56'58" WEST 209.63 FEET TO A FOUND NCDOT RIGHT OF WAY MONUMENT;
5. SOUTH 06°02'09" EAST 257.64 FEET TO A FOUND NCDOT RIGHT OF WAY MONUMENT;
6. SOUTH 27°54'00" EAST 212.44 FEET TO A SET IRON REBAR;
7. SOUTH 27°26'24" EAST 133.96 FEET TO A FOUND NCDOT RIGHT OF WAY MONUMENT;
8. SOUTH 05°28'17" WEST 86.69 FEET TO A SET IRON REBAR IN THE NORTHERN RIGHT OF WAY LINE OF ALBEMARLE ROAD (NC HWY 24-27) (A VARIABLE WIDTH RIGHT OF WAY);

THENCE, WITH THE NORTHERLY RIGHT OF WAY LINE OF SAID ALBEMARLE ROAD, THE FOLLOWING TWO (2) COURSES:
1. SOUTH 62°33'35" WEST 508.53 FEET TO A SET IRON REBAR;
2. SOUTH 62°33'35" WEST 748.96 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1,435,131 SQUARE FEET, 32.946 ACRES, MORE OR LESS.
DESCRIPTION WAS DERIVED FROM A SURVEY MAP PREPARED BY LAWRENCE ASSOCIATES, DATED NOVEMBER 26, 2012, LAST REVISED DECEMBER 4, 2012, ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY OF 66.90 ACRES - J S HELMS FAMILY PROPERTIES, LLC" AND SIGNED BY F. DONALD LAWRENCE, NCPLS L-1290.

THE JOHN R. MCADAMS
COMPANY, INC.
3456 Torpedon Way
Suite 110
Charlotte, North Carolina 28277
(800) 733-5646 • McAdamsCo.com



REVISIONS:

J S HELMS FAMILY
PROPERTIES, LLC
11901 ALBEMARLE ROAD
CHARLOTTE, NC 28227

OWNER:

LEMMOND FARM
ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA

ZONE EXHIBIT

PROJECT NO: ALL-17030
FILENAME: ALL17030-Q1.DWG
DESIGNED BY: RMR
DRAWN BY: CCG
SCALE: 1"=100'
DATE: 11-21-2017
SHEET NO: 1-1

McAdams

MX-1 (APPROXIMATELY 33.954 ACRES) – DEVELOPMENT AREA A

Being A portion of that certain parcel of land, zoned MX-1, lying North of Albemarle Road and West of Interstate 485, and being situated in Clear Creek Township, Mecklenburg County, North Carolina and being more particularly described by Metes and Bounds as follows:

Commencing, on a set iron rebar in the Northern right of way line of Albemarle Road (NC HWY 24-27) (A variable width Right of Way), and a point on the eastern property line of that Virginia W. Hartsell parcel recorded in Deed book 02747, Page 191 of the Mecklenburg County Public Registry, hence MCR, being the Westernmost corner of herein described tract;

Thence, with the Easterly line of said Virginia W. Hartsell parcel, North 11°27'10" West 238.27 feet to a found iron, being the Southeast corner of that Woodbury Homeowners Association, Inc. parcel recorded in Deed book 30498, Page 913 (MCR);

Thence, with the Easterly line of said Woodbury Homeowners Association, Inc. parcel, North 11°27'10" West 893.48 feet to a calculated point in the dividing line between Zones NS(CD) and MX-1 and the **Point of Beginning**;

Thence, in a clockwise direction, with the Easterly line of said Woodbury Homeowners Association, Inc. parcel, the following six (6) courses:

1. North 11°27'10" West 545.51 feet iron;
2. North 07°46'18" East 325.45 feet to a set iron rebar;
3. North 10°23'49" East 385.10 feet to a found iron;
4. North 27°28'53" East 246.52 feet to a set iron rebar;
5. North 39°17'34" East 687.54 feet to a found iron;
6. North 30°43'51" East 147.26 feet to a found iron in the Western right of way line of Interstate 485 (A variable width Right of Way);

Thence, with the Westerly Right of Way line of said Interstate 485, the following five (5) courses:

1. With a curve to the left having an arc length of 293.33 feet, a radius of 4000.17 feet, and a chord bearing and distance of South 23°08'02" East 293.27 feet to a found NCDOT right of way monument;
2. South 24°12'20" East 335.68 feet to a set iron rebar;
3. South 29°03'31" East 276.55 feet to a found NCDOT right of way monument;
4. South 12°41'29" East 359.03 feet to a set iron rebar;
5. South 07°30'27" East 89.53 feet to a calculated point in the dividing line between Zones NS(CD) and MX-1;

Thence, with said dividing line, the following eight (8) courses:

1. South 82°29'33" West 115.09 feet to a calculated point;
2. South 29°23'45" West 449.09 feet to a calculated point;
3. South 27°26'25" East 122.53 feet to a calculated point;
4. South 62°33'35" West 111.11 feet to a calculated point;
5. North 27°26'25" West 81.07 feet to a calculated point;
6. North 49°48'55" West 150.58 feet to a calculated point;
7. South 40°11'05" West 540.67 feet to a calculated point;
8. South 78°32'50" West 234.07 feet to the **Point of Beginning**, and containing 1,479,033 Square Feet, 33.954 Acres, more or less.

Description was derived from a survey map prepared by Lawrence Associates, Dated November 26, 2012, last revised December 4, 2012, entitled "Boundary and Topographic Survey of 66.90 acres – J S Helms Family Properties, LLC" and signed by F. Donald Lawrence, NCPLS L-1290.

NS (APPROXIMATELY 32.946 ACRES) – DEVELOPMENT AREA B

Being A portion of that certain parcel of land, zoned NS, lying North of Albemarle Road and West of Interstate 485, and being situated in Clear Creek Township, Mecklenburg County, North Carolina and being more particularly described by Metes and Bounds as follows:

Commencing, on a set iron rebar in the Northern right of way line of Albemarle Road (NC HWY 24-27) (A variable width Right of Way), and a point on the eastern property line of that Virginia W. Hartsell parcel recorded in Deed book 02747, Page 191 of the Mecklenburg County Public Registry, hence MCR, being the Westernmost corner of herein described tract and the **Point of Beginning**;

Thence, in a clockwise direction, with the Easterly line of said Virginia W. Hartsell parcel, North 11°27'10" West 238.27 feet to a found iron, being the Southeast corner of that Woodbury Homeowners Association, Inc. parcel recorded in Deed book 30498, Page 913 (MCR);

Thence, with the Easterly line of said Woodbury Homeowners Association, Inc. parcel, North 11°27'10" West 893.48 feet to a calculated point in the dividing line between Zones NS(CD) and MX-1;

Thence, with said dividing line, the following eight (8) courses:

1. North 78°32'50" East 234.07 feet to a calculated point;
2. North 40°11'05" East 540.67 feet to a calculated point;
3. South 49°48'55" East 150.58 feet to a calculated point;
4. South 27°26'25" East 81.07 feet to a calculated point;
5. North 62°33'35" East 111.11 feet to a calculated point;
6. North 27°26'25" West 122.53 feet to a calculated point;
7. North 29°23'45" East 449.09 feet to a calculated point;
8. North 82°29'33" East 115.09 feet to a calculated point in the Western right of way line of Interstate 485 (A variable width Right of Way);

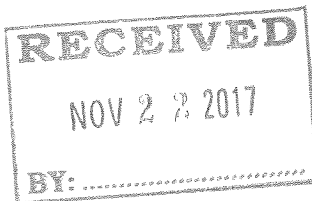
Thence, with the Westerly Right of Way line of said Interstate 485, the following eight (8) courses:

1. South 07°30'27" East 330.92 feet to a set iron rebar;
2. South 16°51'36" East 90.62 feet to a found NCDOT right of way monument;
3. South 04°32'41" West 113.29 feet to a set iron rebar;
4. South 01°56'58" West 209.63 feet to a found NCDOT right of way monument;
5. South 06°02'09" East 257.64 feet to a found NCDOT right of way monument;
6. South 27°54'00" East 212.44 feet to a set iron rebar;
7. South 27°26'24" East 133.96 feet to a found NCDOT right of way monument;
8. South 05°28'17" West 86.69 feet to a set iron rebar in the Northern right of way line of Albemarle Road (NC HWY 24-27) (A variable width Right of Way);

Thence, with the Northerly Right of Way line of said Albemarle Road, the following two (2) courses:

1. South 62°33'35" West 508.53 feet to a set iron rebar;
2. South 62°33'35" West 748.96 feet to the **Point of Beginning**, and containing 1,435,131 Square Feet, 32.946 Acres, more or less.

Description was derived from a survey map prepared by Lawrence Associates, Dated November 26, 2012, last revised December 4, 2012, entitled "Boundary and Topographic Survey of 66.90 acres – J S Helms Family Properties, LLC" and signed by F. Donald Lawrence, NCPLS L-1290.



**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2017-181

Petition #:	_____
Date Filed:	<u>11/22/2017</u>
Received By:	<u>R</u>

Complete All Fields (Use additional pages if needed)

Property Owner: DDR Belgate, LP

Owner's Address: 3300 Enterprise Parkway City, State, Zip: Beachwood, OH 44122

Date Property Acquired: 6/18/2012

Property Address: Unnumbered parcel on University Pointe Blvd

Tax Parcel Number(s): Portion of 047-461-07

Current Land Use: Vacant Size (Acres): +/- 3.58

Existing Zoning: CC Proposed Zoning: CC S.P.A.

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

Required Rezoning Pre-Application Meeting* with: Solomon Fortune ; SONJA SANDERS + MANDY ROSEN
Date of meeting: 8/16/2017 ; 11/21/2017

(*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): No.

Purpose/description of Conditional Zoning Plan: To accommodate hotel uses on Parcel B3, without increasing the number of hotel rooms within the overall Belgate Development, as described in Approved Rezoning Plan No. 2008-059.

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 / brittany.lins@klgates.com
E-Mail Address

DDR Belgate LP
Kenneth L. Stern
Signature of Property Owner

Kenneth L. STERN
(Name Typed / Printed)

Dakota Legacy Group
Name of Petitioner(s)

1202 Westrac Drive, 3rd Floor
Address of Petitioner(s)

Fargo, ND 58103
City, State, Zip

701-293-4077
Telephone Number Fax Number

tlm@dakotalegacy.com
E-Mail Address

Richard Larson
Signature of Petitioner

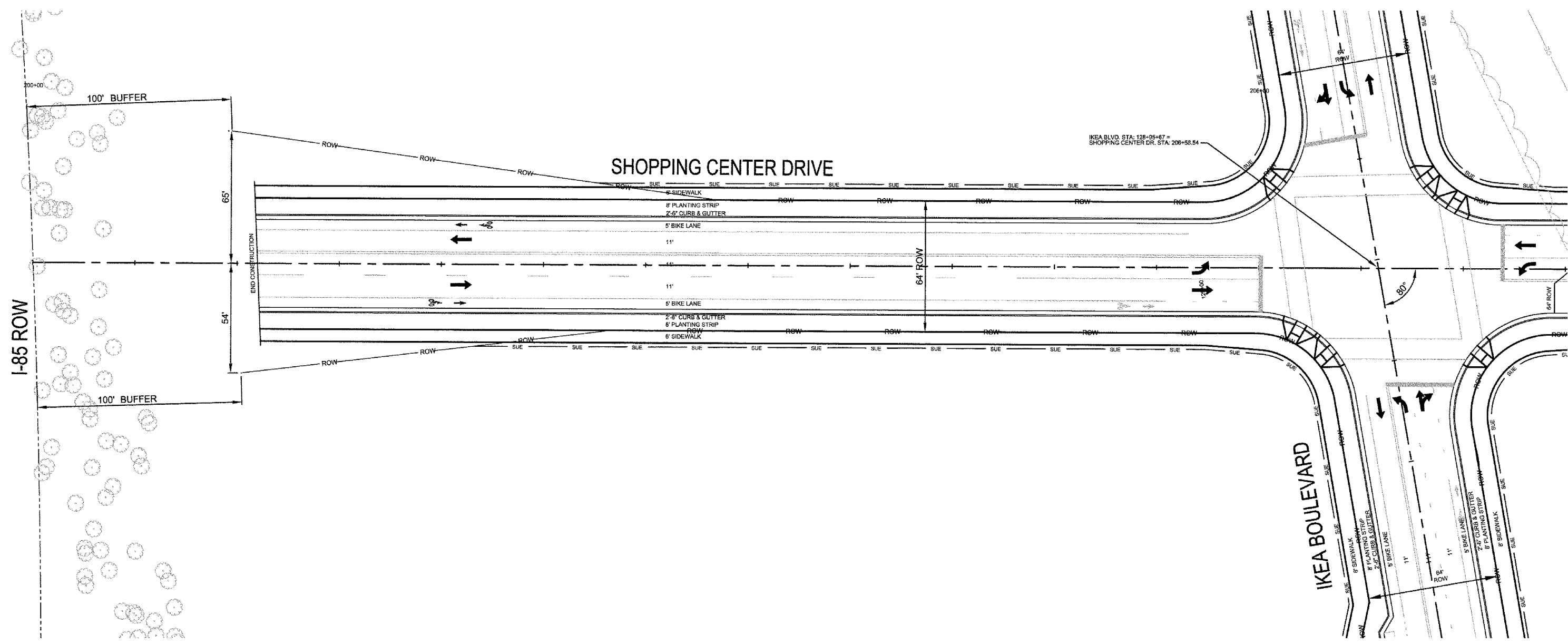
Richard Larson
(Name Typed / Printed)

BELGATE
2017 SITE PLAN AMENDMENT
CHARLOTTE, NORTH CAROLINA

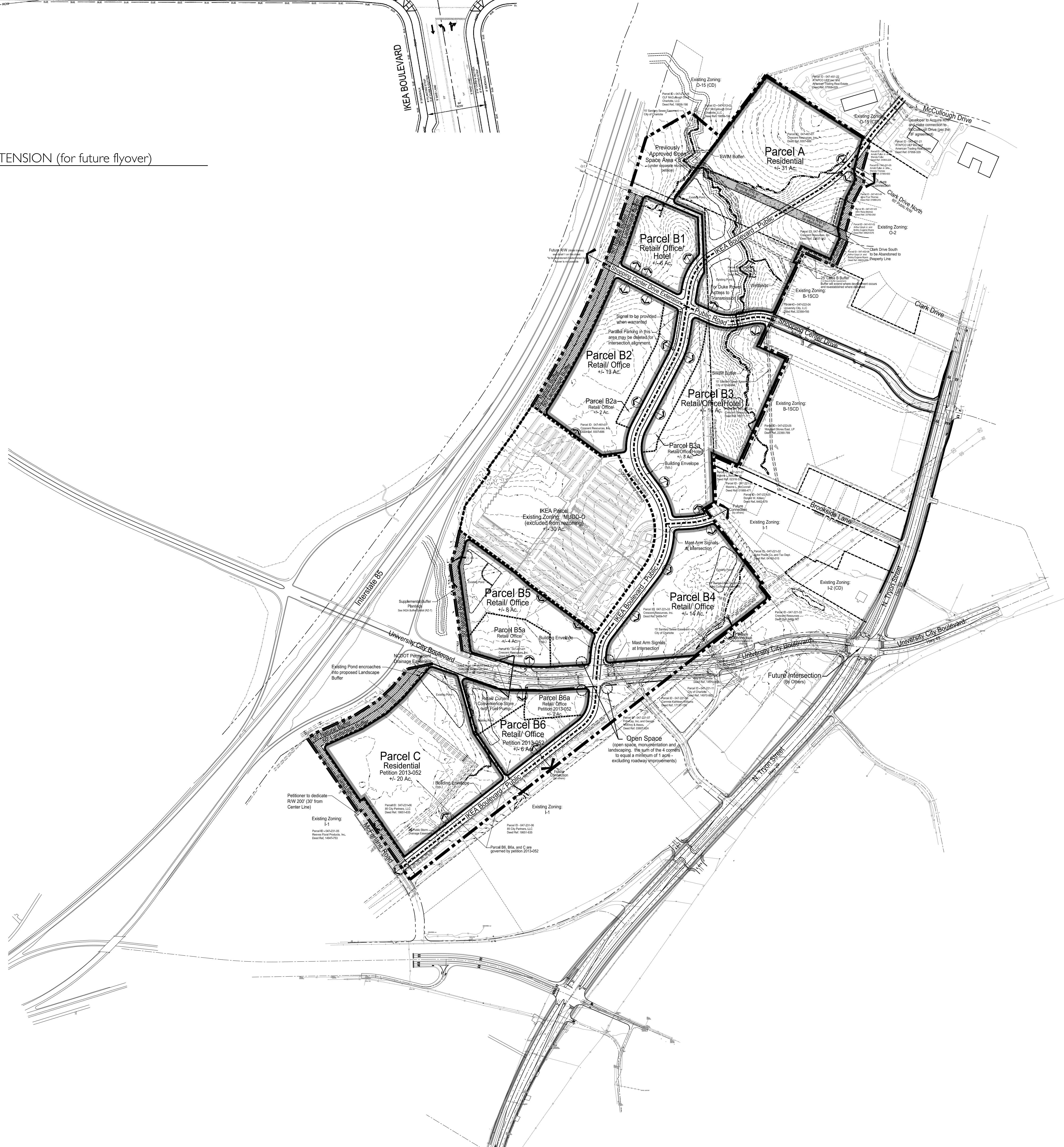
SHEET INDEX:

		REVISED
RZ-1	Technical Data Sheet	01/28/08 (ORIGINAL SUBMITTAL)
RZ-2	Conceptual Site Plan	11/27/17
RZ-2.1	Conceptual Site Plan - Parcel B3 Enlargement	11/27/17
RZ-3	Development Standards	11/27/17
RZ-4	Development Standards	11/27/17





SHOPPING CENTER DRIVE EXTENSION (for future flyover)
DETAIL I



Site Data

Site Area: +/- 198 Ac.
IKEA parcel: +/- 30 Ac.
Total: +/- 168 Ac.

Parcels A, B, C: +/- 125 Ac.
Undeveloped +/- 43 Ac.

** (buffers, previously approved treesave, circulation, undevelopable land...etc)

Open Space: +/- 30 Ac. (18%)
**excludes previously approved open space (5 ac.)

Current Zoning: O-2, RE-1, B-1 SCD, I-1, MUDD-O
Proposed Zoning: CC

Belgate 2017 Site Plan Amendment (Petition No. 2017-XXX)

Charlotte, North Carolina

Crescent Resources, LLC

TECHNICAL DATA SHEET

REVISIONS:

DATE: 11/27/17
DESIGNED BY: KST
CHECKED BY: MRC
O.C. BY: MRC
PROJECT #: 101735

SHEET #:

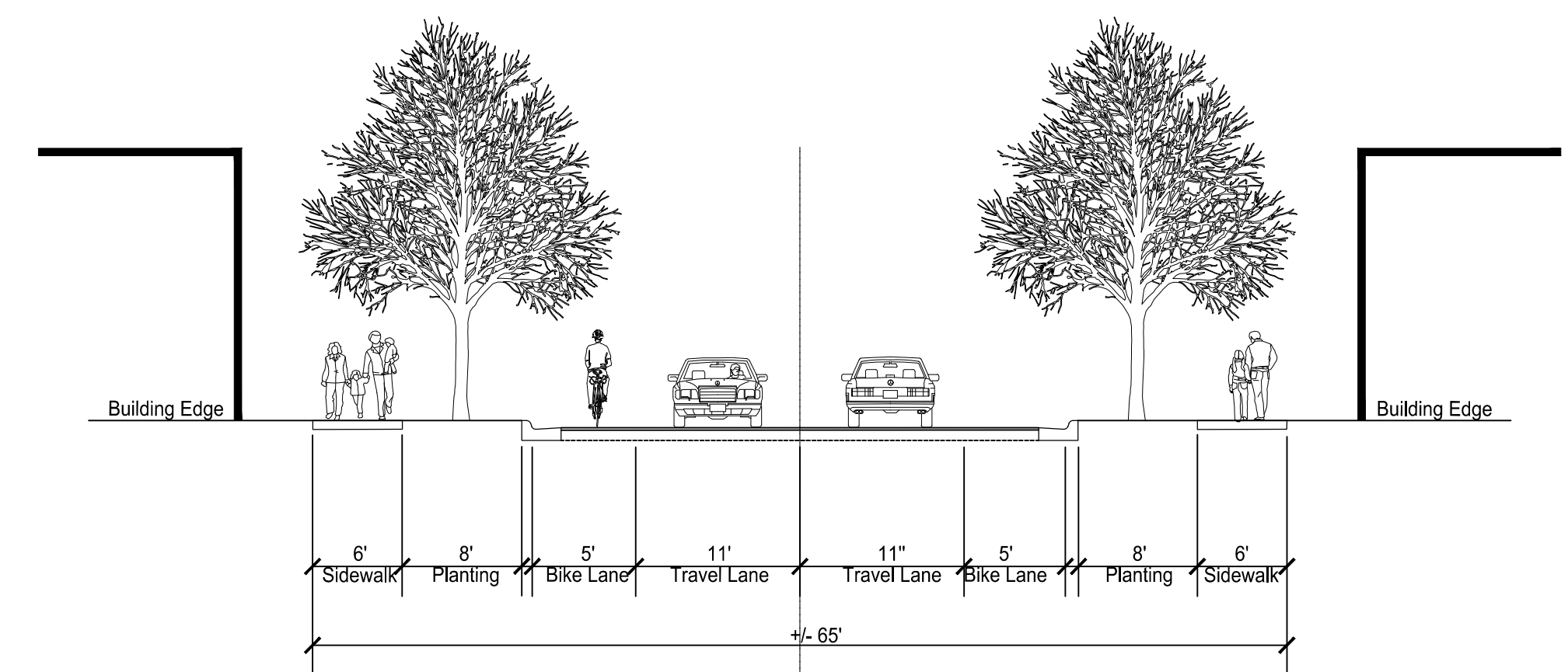
RZ-I

LandDesign .

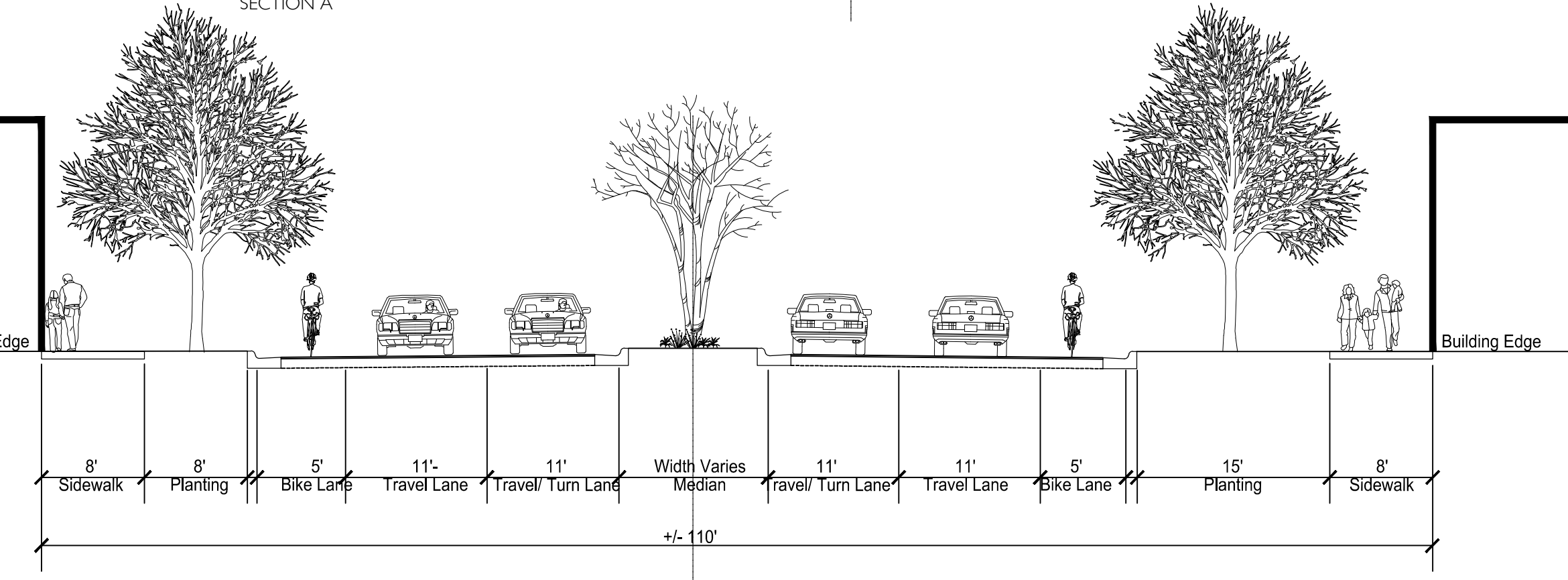
223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.333.3246
www.LandDesign.com

UNDESIGN INC.
CORPORATE
SEAL
NORTH CAROLINA

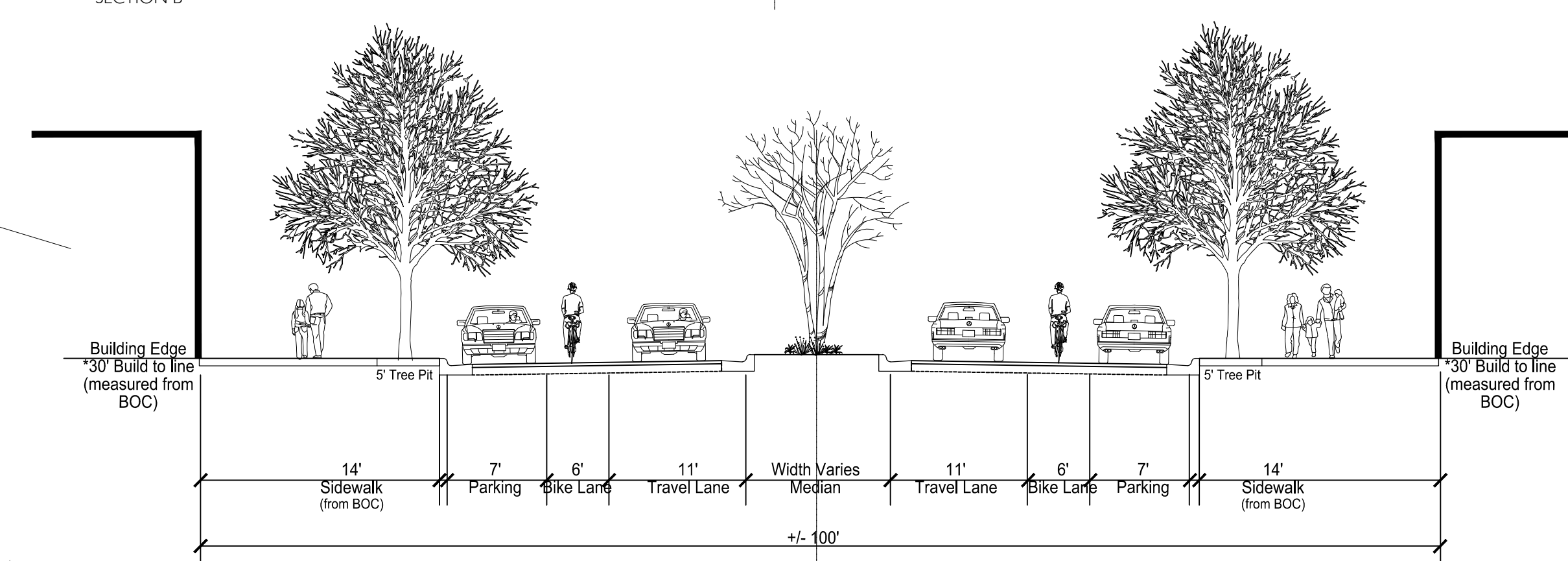




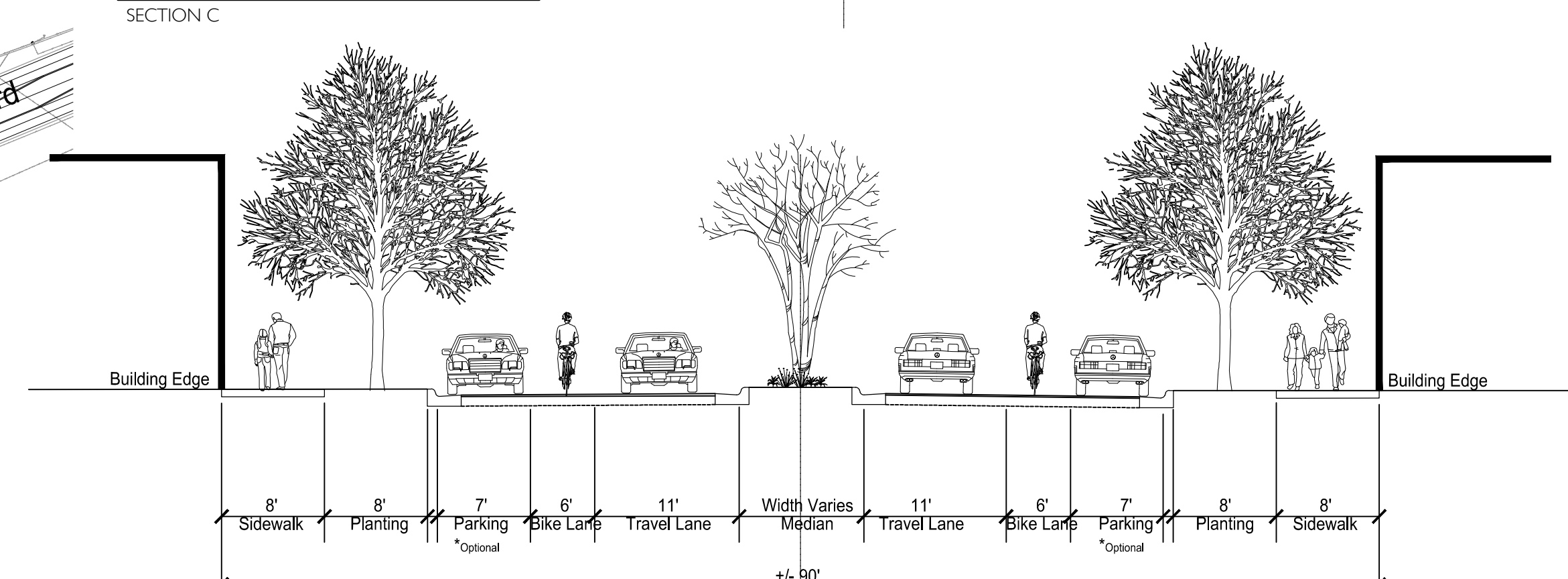
SHOPPING CENTER DRIVE EXTENSION/ BROOKSIDE LANE
SECTION A



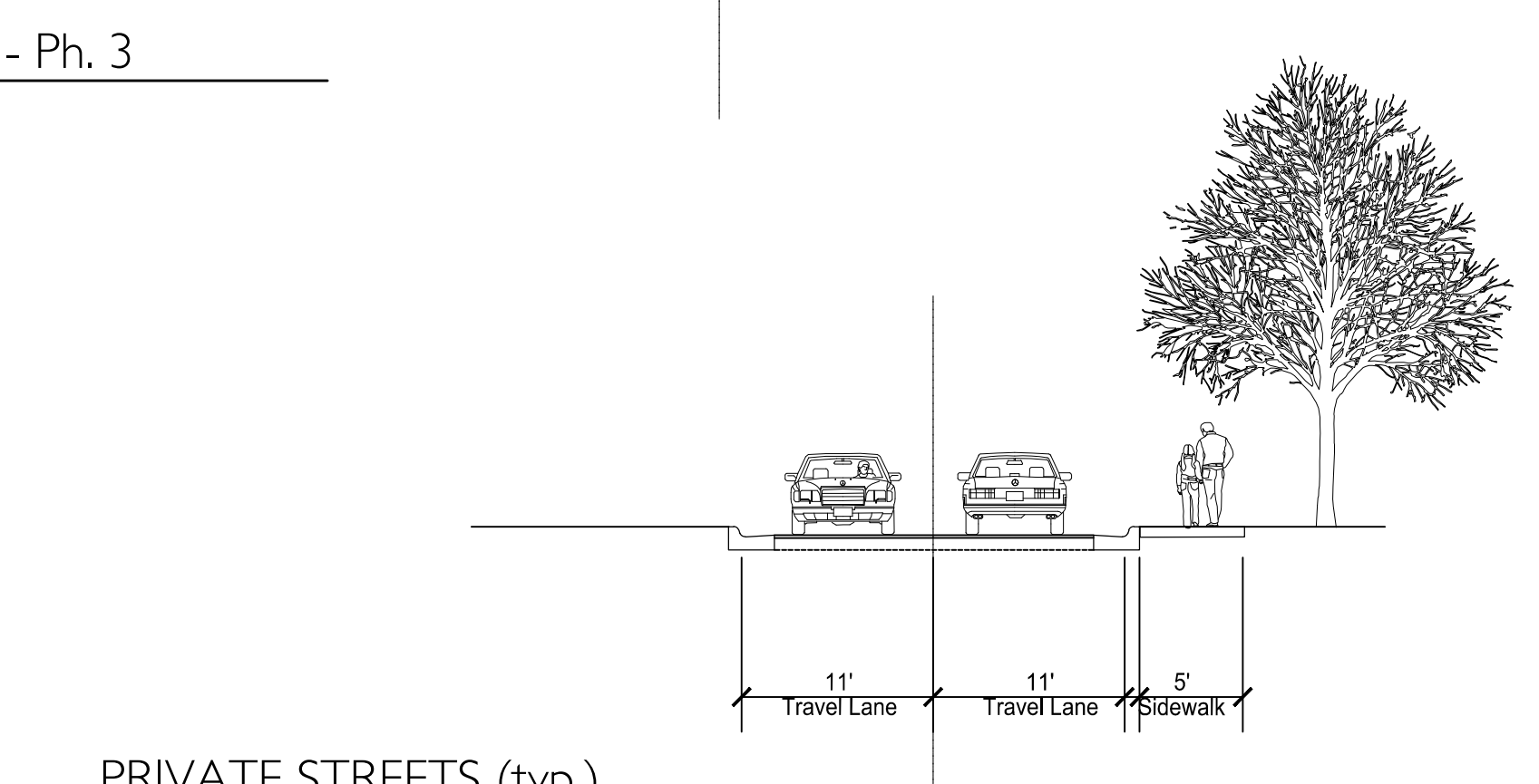
IKEA BLVD - Ph. I
SECTION B



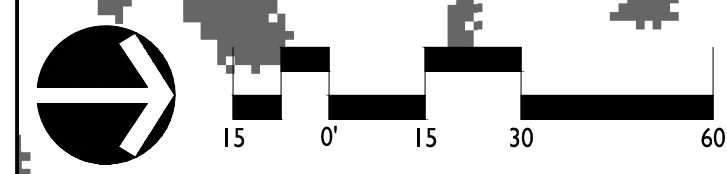
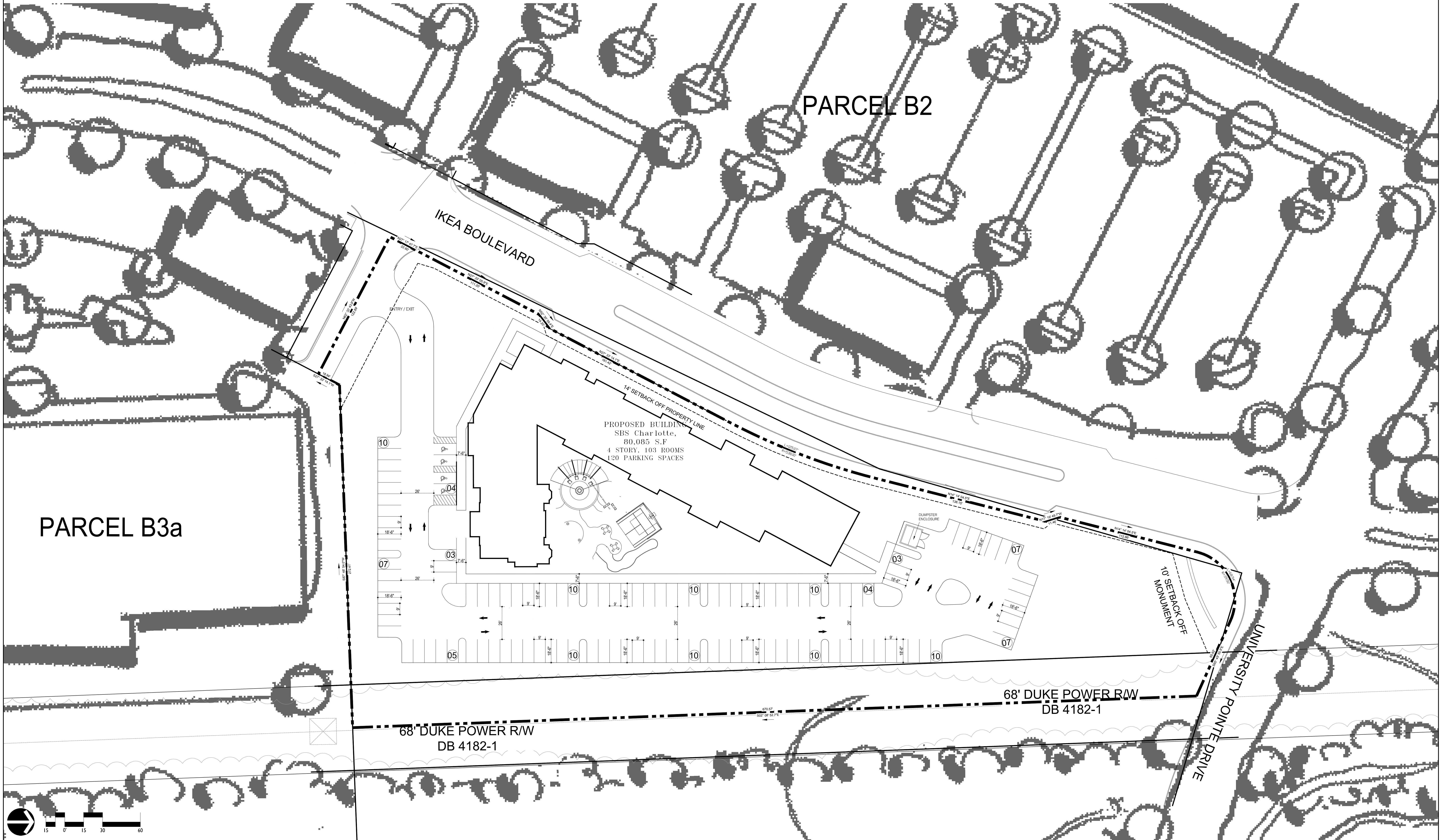
IKEA BLVD - Ph. 2
SECTION C



IKEA BLVD - Ph. 3
SECTION D



PRIVATE STREETS (typ.)
SECTION E



DATE: 11.27.17
DESIGNED BY: KST
DRAWN BY: KST
CHECKED BY: NRC
O.C. BY: NRC
PROJECT #: 101735
SHEET #:
RZ-2.1

REVISIONS:
09.27.17 - REVISED PER CLIENT COMMENTS

Belgate 2017 Site Plan Amendment (Petition No. 2017-XXX)
Charlotte, North Carolina
Crescent Resources, LLC

CONCEPTUAL SITE PLAN - PARCEL B3 ENLARGEMENT



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

9. Vacancy Clause

If the Furniture Row building is constructed on subparcel B3 and if it should at any time or times after its initial occupation be permanently vacated by any occupant, the owner or owners or former occupant thereof (as appropriate) shall implement the following building vacancy mitigation procedures:

- (a) The exterior of the building, associated parking lot, outside lighting, landscaping and irrigation system shall continue to be operated, maintained secured, repaired or replaced in the same manner as when the building was occupied.
- (b) All exterior business signs associated with the former occupant shall be removed and exterior building surfaces shall be repaired and repainted to provide a neat appearance within 45 days after the building has been permanently vacated by any occupant for a period longer than 6 months for any reason other than fire or some other casualty or a force majeure event, or alterations, remodeling, additions and/or similar construction activities.
- (c) Trash and litter shall be removed on a regular basis at least once a week.
- (d) Should the building be permanently vacated by any occupant for a period longer than 6 months for any reason other than fire or some other casualty or a force majeure event, or alterations, remodeling, additions and/or similar construction activities, then the owner or owners or occupant of the building (as appropriate) shall thereafter implement with reasonable dispatch commercially reasonable efforts (including listing the property with a commercial brokerage firm) which are designed to cause the building to be reoccupied and devoted to any use or uses permitted in the CC District (or any other permissible use authorized by a subsequently approved Rezoning Petition). In offering the building for sale or lease, the owner/occupant of the building may not impose anti-competitive covenants or restrictions by deed or contract that would prevent a business which is similar to the business conducted by the former occupant of the building from occupying and conducting its business within the building, if it purchased or leased the building, the intent being to ensure that such competitors are not discouraged from purchasing or seeking to lease the building by the imposition of restrictions which would prevent them from occupying and conducting their competitive business within the building.
- (e) If at some future time the owner of the Furniture Row building proposed to be constructed on subparcel B-3 elects to demolish the building, the Zoning Committee of the Planning Commission may approve an amendment to the approved Rezoning Plan for this Site which would accommodate more buildings than the two buildings which the Conceptual Site Plan (Sheet R7- 2) currently allows within Parcel B3 through an Administrative Site Plan amendment; subject, however, to the satisfaction of all applicable regulations under the CC Zoning District in effect at the time such approval is sought.

10. Lighting

- (a) The maximum height of any freestanding light fixtures, including its base, erected in the parking areas within Parcel A and Parcel C shall not exceed twenty-five (25) feet.
- (b) The maximum height of any freestanding light fixtures, including its base, erected in the parking areas within Parcel B shall not exceed twenty-five (25) feet.
- (c) All freestanding parking lot fixtures within the site will be uniform in design.
- (d) All lighting fixtures installed within the Site shall be full cut-off fixtures and capped and downward diverted.

11. Connectivity

Pedestrian and vehicular connections throughout the Site will be provided in the manner generally depicted on the Technical Data Sheet. Where internal sidewalks are located between buildings and parking bays, the sidewalk width will be established based on the requirements listed in the Charlotte Land Development Standard Detail 50.09-B.

12. Bicycle Parking

Bicycle parking spaces (bike racks) shall be provided in accordance with the Ordinance.

13. Signs

- (a) All signs placed on the Site will be erected in accordance with the requirements of the Ordinance for the CC District.
- (b) A uniform signage and graphics systems will be employed throughout the site.

14. Tree Ordinance

All development will comply with the City of Charlotte Tree Ordinance.

15. Open Space

- (a) An open space area totaling at least one acre in area will be created at the intersection of University City Boulevard and IKEA Boulevard. This area will contain a combination of open space, monumentation, and landscaping which will serve to unify the four corners of this intersection.
- (b) Other open space areas will be provided at various points throughout the site. Areas generally depicted on the Conceptual Site Plan.
- (c) Open Space Areas established throughout the Site will total, in the aggregate, at least 30 acres.

16. CATS

Subject to refinements to the total design process, the Petitioner will install a concrete waiting pad on IKEA Boulevard (Parcel B-4), constructed to CATS Development Standards 60.01 A. The waiting pad will be located approximately 60 feet south of the intersection of IKEA Boulevard and Brookside Lane, the stub road as depicted as a future connection to the western I-1 parcel.

17. Utility Placement

Newly installed utility lines (not including existing or relocated lines) shall be placed underground subject to the review and approval of the respective agency or authority.

18. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshals specifications. Plans for each building will submitted to the Fire Marshals office for approval before the construction of that building commences.

19. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Schematic Site Plan, other sheets accompanying the Petition and these Development Standards may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

20. Request for 5-Year Vesting

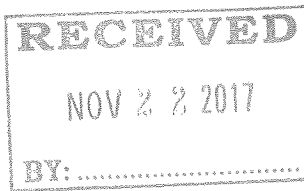
Pursuant to Sections 1.110 of the Ordinance, the Petitioner hereby requests a 5-year vesting of these Development Standards and other related rezoning documents commencing upon approval of this Rezoning Petition by the Charlotte City Council. Petitioner requests a 5-year vesting right due to the size and phasing of the proposed development and the level of Petitioner's investment.

21. Binding Effect of the Rezoning Documents and Definitions

- (a) If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- (b) Throughout these Development Standards, the terms, "Petitioners" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners 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.



**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-182

Petition #:	_____
Date Filed:	11/22/2017
Received By:	Bj

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: 8291 West W.T. Harris Boulevard

Tax Parcel Number(s): 025-211-98, 025-211-99 and 025-211-93

Current Land Use: Vacant single family residential Size (Acres): +/- 12.1397 acres

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

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

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Julia Lund and Rick Grochoske

Date of meeting: November 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): 5

Purpose/description of Conditional Zoning Plan: To accommodate the development of a QuikTrip convenience store with fuel sales and other non-residential uses specified on the conditional rezoning plan on the site.

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)

QuikTrip Corporation (c/o Paulette Morin)
Name of Petitioner(s)

3701 Arco Corporate Drive, Suite 150
Address of Petitioner(s)

Charlotte, NC 28273
City, State, Zip

704-559-8015
Telephone Number Fax Number

pmorin@quiktrip.com
E-Mail Address

QuikTrip Corporation
By: Paulette Morin
Signature of Petitioner

Paulette Morin
(Name Typed / Printed)

Exhibit A to Rezoning Application Filed by QuikTrip Corporation

Property Owners Information, Site Addresses and Acquisition Dates

Tax Parcel No. 025-211-98

Dorothy B. Florentine
63 Kingfisher Lane
Palm Coast, FL 32137-3379

Site Address: West W.T. Harris Boulevard

Date Property Acquired: January 23, 2014

Tax Parcel No. 025-211-99

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto
63 Kingfisher Lane
Palm Coast, FL 32137-3379

Edwin Lee Blythe
6658 Kidville Road
Denver, NC 28037

Angela B. Ares
8913 Cypress Forest Drive
Charlotte, NC 28216

Melanie B. Moreau
28933 Crags Drive
Agoura, CA 91301

Floyd McCoy Blythe, Jr.
1132 Carlos Road
Lincolnton, NC 28092

Bryan Kelly Blythe
203 Robert E. Lee Street
Stanley, NC 28164

Site Address: 8291 West W.T. Harris Boulevard

Date Property Acquired: May 26, 2004

Tax Parcel No. 025-211-93

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto

63 Kingfisher Lane

Palm Coast, FL 32137-3379

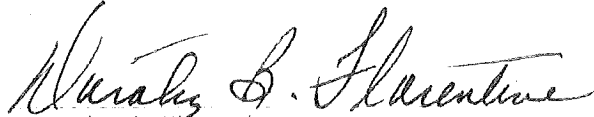
Site Address: West W.T. Harris Boulevard

Date Property Acquired: February 14, 1995

**REZONING APPLICATION FILED BY QUIKTRIP CORPORATION
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by QuikTrip Corporation that is designated as Tax Parcel No. 025-211-98 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in the Rezoning Application and consents to the change in zoning for the Site to the B-2 (CU) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the conditional rezoning plan.

This 17 day of November, 2017.


Dorothy B. Florentine

**REZONING APPLICATION FILED BY QUIKTRIP CORPORATION
JOINDER AGREEMENT**

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by Quik Trip Corporation that is designated as Tax Parcel No. 025-211-99 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site to the B-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the conditional rezoning plan.

This 17 day of November, 2017.

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto

By: *Dorothy B. Florentine, Trustee*
Name: *Dorothy B. Florentine Family Legacy Trust*
Title: *Trustee*

Edwin Lee Blythe

Angela B. Ares

Melanie B. Moreau

Floyd McCoy Blythe, Jr.

Brian Kelly Blythe

REZONING APPLICATION FILED BY QUIKTRIP CORPORATION
JOINDER AGREEMENT

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by QuikTrip Corporation that is designated as Tax Parcel No. 025-211-99 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site to the B-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the conditional rezoning plan.

This 16 day of November, 2017.

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto

By: _____

Name: _____

Title: _____


Edwin Lee Blythe

Angela B. Ares

Melanie B. Moreau

Floyd McCoy Blythe, Jr.

Brian Kelly Blythe

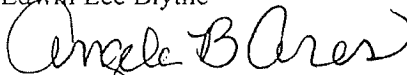
**REZONING APPLICATION FILED BY QUIKTRIP CORPORATION
JOINDER AGREEMENT**

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by QuikTrip Corporation that is designated as Tax Parcel No. 025-211-99 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site to the B-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the conditional rezoning plan.

This _____ day of November, 2017.

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto

By: _____
Name: _____
Title: _____

Edwin Lee Blythe


Angela B. Ares

Melanie B. Moreau

Floyd McCoy Blythe, Jr.

Brian Kelly Blythe

**REZONING APPLICATION FILED BY QUIKTRIP CORPORATION
JOINDER AGREEMENT**

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by QuikTrip Corporation that is designated as Tax Parcel No. 025-211-99 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site to the B-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the conditional rezoning plan.

This day of November, 2017.

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto


By: _____

Name: _____

Title: _____

Edwin Lee Blythe

Angela B. Ares


Melanie B. Moreau

Floyd McCoy Blythe, Jr.

Brian Kelly Blythe

**REZONING APPLICATION FILED BY QUIKTRIP CORPORATION
JOINDER AGREEMENT**

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by Quik Trip Corporation that is designated as Tax Parcel No. 025-211-99 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site to the B-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the conditional rezoning plan.

This *19th* day of November, 2017.

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto.

By:
Name:
Title:

Edwin Lee Blythe

Angela B. Ares

Melanie B. Moreau

Floyd Mc Coy Blythe Jr
Floyd McCoy Blythe, Jr.

Brian Kelly Blythe

**REZONING APPLICATION FILED BY QUIKTRIP CORPORATION
JOINDER AGREEMENT**

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by QuikTrip Corporation that is designated as Tax Parcel No. 025-211-99 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site to the B-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the conditional rezoning plan.

This 14th day of November, 2017.

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto

By: _____
Name: _____
Title: _____

Edwin Lee Blythe

Angela B. Arcs

Melanie B. Moreau

Floyd McCoy Blythe, Jr.



Brian Kelly Blythe

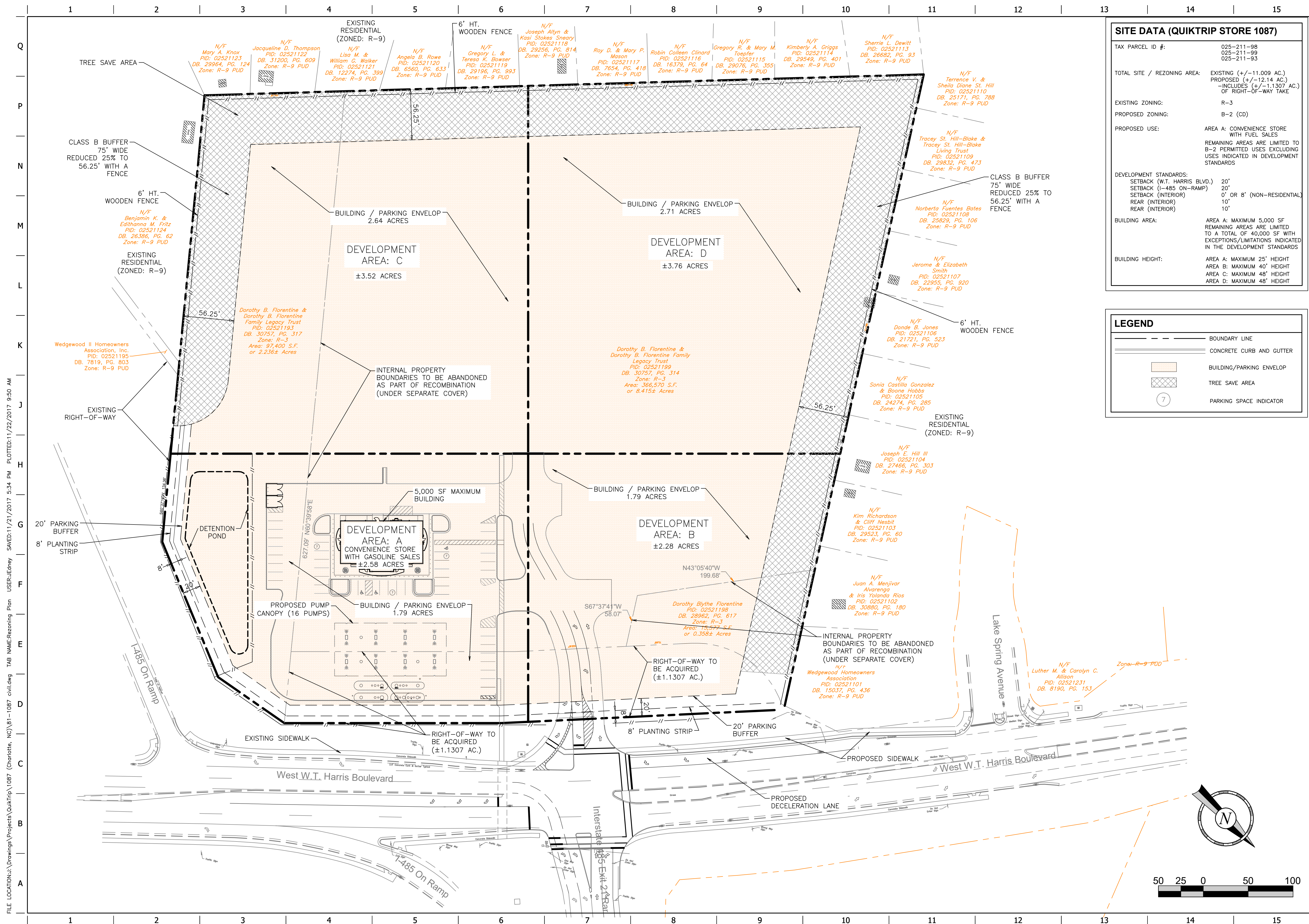
**REZONING APPLICATION FILED BY QUIKTRIP CORPORATION
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by QuikTrip Corporation that is designated as Tax Parcel No. 025-211-93 on the Mecklenburg County Tax Maps (the "Site"), hereby joins to the Rezoning Application and consents to the change in zoning for the Site to the B-2 (C-13) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the conditional rezoning plan.






This 17 day of November, 2017.

Dorothy B. Florentine, Trustee, or her successors in trust under the DOROTHY B. FLORENTINE FAMILY LEGACY TRUST, dated December 17, 2015, and any amendments thereto

By: Dorothy B. Florentine, Trustee
Name: Dorothy B. Florentine Family legacy Trust
Title: Trustee



SITE DATA (QUIKTRIP STORE 1087)	
TAX PARCEL ID #:	025-211-88 025-211-89 025-211-93
TOTAL SITE / REZONING AREA:	EXISTING (+/-11.009 AC.) PROPOSED (+/-12.14 AC.) - INCLUDES (+/-1.077 AC.) OF RIGHT-OF-WAY TAKE
EXISTING ZONING:	R-3
PROPOSED ZONING:	B-2 (CD)
PROPOSED USE:	AREA A: CONVENIENCE STORE WITH FUEL SALES REMAINING AREAS ARE LIMITED TO B-2 PERMITTED USES EXCLUDING USES INDICATED IN DEVELOPMENT STANDARDS
DEVELOPMENT STANDARDS:	
SETBACK (W.T. HARRIS BLVD.)	20'
SETBACK (I-485 ON-RAMP)	20'
SETBACK (INTERIOR)	0' OR 8' (NON-RESIDENTIAL)
REAR (INTERIOR)	10'
REAR (INTERIOR)	10'
BUILDING AREA:	AREA A: MAXIMUM 5,000 SF REMAINING AREAS ARE LIMITED TO A TOTAL OF 40,000 SF WITH EXCEPTIONS/LIMITATIONS INDICATED IN THE DEVELOPMENT STANDARDS
BUILDING HEIGHT:	AREA A: MAXIMUM 25' HEIGHT AREA B: MAXIMUM 40' HEIGHT AREA C: MAXIMUM 48' HEIGHT AREA D: MAXIMUM 48' HEIGHT

LEGEND	
	BOUNDARY LINE
	CONCRETE CURB AND GUTTER
	BUILDING/PARKING ENVELOP
	TREE SAVE AREA
	PARKING SPACE INDICATOR

PROJECT NO: 11/21/17

QuikTrip No. 1087



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WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-92.02 (11/01/17)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY: JHE
REVIEWED BY:

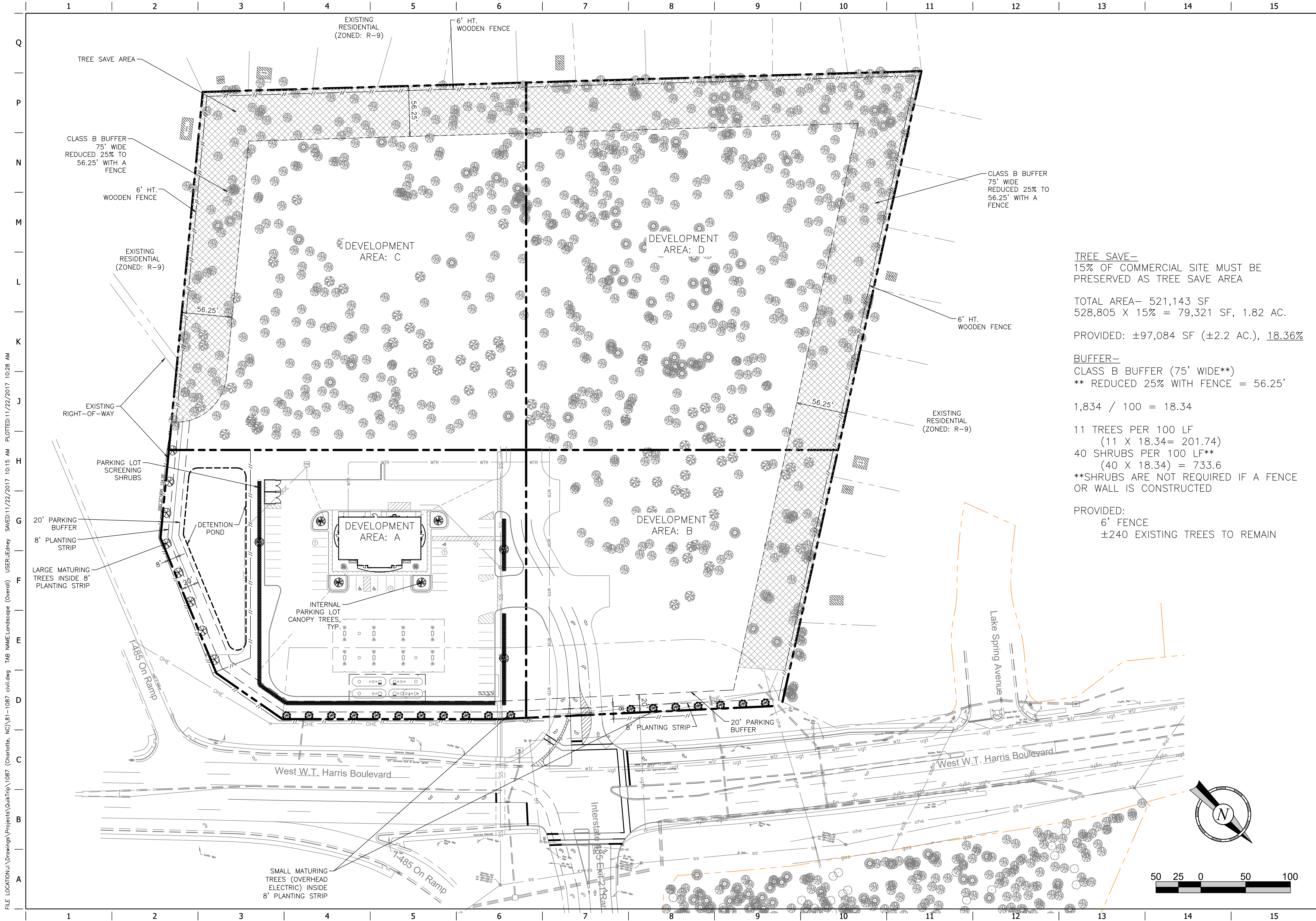
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SHEET TITLE:

REZONING PLAN
PETITION #:

SHEET NUMBER: _____

RZ-1



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NC COA: C-532
PROJECT NO.: 11/21/17

FREE/LAND: GIG KUFFMAN, INC.
209 West Stone Avenue
Greenville, South Carolina 29609
Tel: 864/295-5965
Fax: 864/295-5965

QuikTrip No. 1087

8291 WEST W.T. HARRIS BLVD.
CHARLOTTE, NC

QUIKTRIP CORPORATION - CHARLOTTE DIVISION OFFICE
3701 ARCO CORPORATE DRIVE - SUITE 150 - CHARLOTTE, NC 28273

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PROTOTYPE: P-92.02 (11/01/17)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY: JHE
REVIEWED BY:

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE:

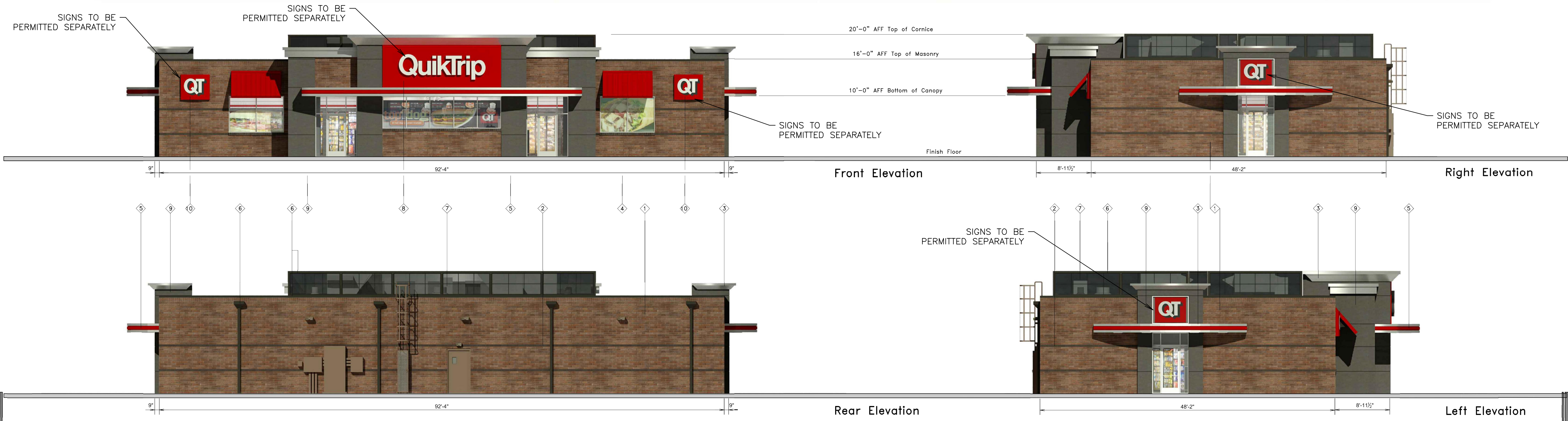
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LANDSCAPE PLAN
PETITION #:

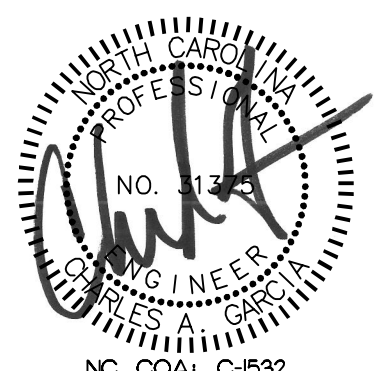
SHEET NUMBER:

RZ-2

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		Store # 1087		G3S Building Elevations		Address: NW Corner Harris Blvd. & I-485		City, State: Charlotte, NC		<table><tr><th>#</th><th>FINISH</th><th>MANUFACTURER</th><th>SPECIFICATION</th></tr><tr><td>1</td><td>BRONZESTONE</td><td>INTERSTATE BRICK</td><td>ATLAS STRUCTURAL BRICK</td></tr><tr><td>2</td><td>MIDNIGHT</td><td>INTERSTATE BRICK</td><td>ATLAS STRUCTURAL BRICK</td></tr><tr><td>3</td><td>HLZ ALUMINUM</td><td>ALPOLIC</td><td>FASCIA</td></tr><tr><td>4</td><td>QT RED</td><td>LANE</td><td>STANDING SEAM AWNING</td></tr><tr><td>5</td><td>RED POLYCARBONATE</td><td>ALLEN INDUSTRIES</td><td>ILLUMINATED BAND</td></tr><tr><td>6</td><td>DARK BRONZE</td><td>LANE</td><td>METAL PAINT</td></tr><tr><td>7</td><td>BLACK</td><td>ALL COURT FABRICS</td><td>POLYPRO 95 MESH</td></tr><tr><td>8</td><td>CL-60R</td><td>ALLEN INDUSTRIES</td><td>SIGNAGE</td></tr><tr><td>9</td><td>GRANITE</td><td>ATO</td><td>ATD5 EPS</td></tr><tr><td>10</td><td>IDB-20</td><td>ALLEN INDUSTRIES</td><td>ILLUMINATED SIGNAGE</td></tr></table>		#	FINISH	MANUFACTURER	SPECIFICATION	1	BRONZESTONE	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK	2	MIDNIGHT	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK	3	HLZ ALUMINUM	ALPOLIC	FASCIA	4	QT RED	LANE	STANDING SEAM AWNING	5	RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND	6	DARK BRONZE	LANE	METAL PAINT	7	BLACK	ALL COURT FABRICS	POLYPRO 95 MESH	8	CL-60R	ALLEN INDUSTRIES	SIGNAGE	9	GRANITE	ATO	ATD5 EPS	10	IDB-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE
#	FINISH	MANUFACTURER	SPECIFICATION																																																				
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3	HLZ ALUMINUM	ALPOLIC	FASCIA																																																				
4	QT RED	LANE	STANDING SEAM AWNING																																																				
5	RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND																																																				
6	DARK BRONZE	LANE	METAL PAINT																																																				
7	BLACK	ALL COURT FABRICS	POLYPRO 95 MESH																																																				
8	CL-60R	ALLEN INDUSTRIES	SIGNAGE																																																				
9	GRANITE	ATO	ATD5 EPS																																																				
10	IDB-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE																																																				
4705 South 129th East Ave. Tulsa, OK 74134-7008 P.O. Box 3475 Tulsa, OK 74101-3475 (918) 615-7700		Serial # 81-1087-G3S2		Scale: 1/16"=1'-0"		Issue Date: 11.17.17		Drawn By: TR		Rev/Notes: <div></div>		COPYRIGHT © 2011 QUIKTRIP CORPORATION. DESIGN PATENTS. QUIKTRIP PLANS ARE THE EXCLUSIVE PROPERTY OF QUIKTRIP CORPORATION, TULSA, OKLAHOMA. THESE PLANS ARE PROTECTED IN THEIR ENTIRETY BY DOMESTIC AND INTERNATIONAL COPYRIGHT AND PATENT STATUTES. ANY UNAUTHORIZED USE, REPRODUCTION, PUBLICATION, DISTRIBUTION OR SALE IN WHOLE OR IN PART, IS STRICTLY FORBIDDEN.																																											




FREE/LAND G3S KAUFFMAN, INC.
209 West Stone Avenue
Greenville, SC 29609
Tel: 864-295-9995

QuikTrip No. 1087

8291 WEST W.T. HARRIS BLVD.
CHARLOTTE, NC

QUIKTRIP CORPORATION - CHARLOTTE DIVISION OFFICE
3701 ARCO CORPORATE DRIVE - SUITE 150 - CHARLOTTE, NC 28273



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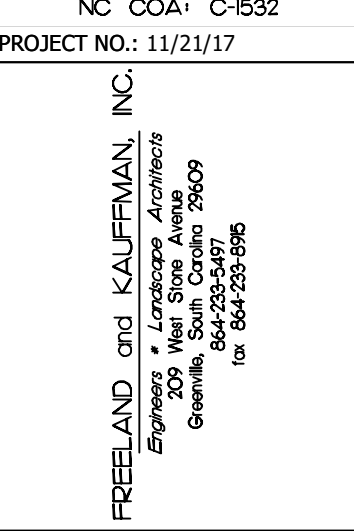
PROTOTYPE: P-92.02 (11/01/17)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY: JHE
REVIEWED BY:

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE:

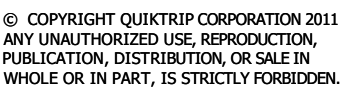
SHEET TITLE:
BUILDING ELEVATIONS
PETITION #:

SHEET NUMBER:
RZ-4



8291 WEST W.T. HARRIS BLVD.
CHARLOTTE, NC

QUIKTRIP CORPORATION - CHARLOTTE DIVISION OFFICE
701 ARCO CORPORATE DRIVE - SUITE 150 - CHARLOTTE, NC 28272



PROTOTYPE: P-92.02 (11/01/17)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY: JHE
REVIEWED BY:

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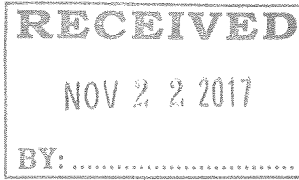
SHEET TITLE:

CANOPY ELEVATIONS
PETITION #:

SHEET NUMBER

RZ-5

I. REZONING APPLICATION CITY OF CHARLOTTE



Petition #:	_____
Date Filed:	11/21/2017
Received By:	BH

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): 175-094-44, 175-094-45, 175-094-46, 175-094-47 and 175-094-48

Current Land Use: Single family residential Size (Acres): +/- 2.962 acres

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

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

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

Date of meeting: October 11, 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 26 for sale 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)

Hopper Communities, Inc. (c/o Bart Hopper)
Name of Petitioner(s)

1814 Euclid Avenue
Address of Petitioner(s)

Charlotte, NC 28203
City, State, Zip

704-805-4801
Telephone Number Fax Number

bhopper@hoppercommunities.com
E-Mail Address

HOPPER COMMUNITIES, INC.

By: G. Barton / Pres.
Signature of Petitioner

J. Bart Hopper
(Name Typed / Printed)

Exhibit A to Rezoning Application Filed by Hopper Communities, Inc.

Property Owner Information, Acquisition Dates and Property Addresses

Tax Parcel Nos. 175-094-44 & 175-094-45

W. Scarborough Chandler, Jr.
P.O. Box 5421
Pinehurst, NC 28374

Dates Property Acquired: March 29, 1979 and November 15, 2012

Property Addresses: 2508 Runnymede Lane and 2500 Runnymede Lane

Tax Parcel No. 175-094-46

Collin W. Brown
2446 Runnymede Lane
Charlotte, NC 28209

Date Property Acquired: April 30, 2003

Property Address: 2446 Runnymede Lane

Tax Parcel No. 175-094-47

Thomas B. Grice, Jr.
Suzanne F. Grice
2440 Runnymede Lane
Charlotte, NC 28209

Date Property Acquired: May 24, 2013

Property Address: 2440 Runnymede Lane

Tax Parcel No. 175-094-48

Shane M. Bernard
2430 Runnymede Lane
Charlotte, NC 28209

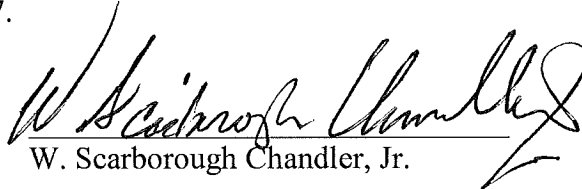
Date Property Acquired: May 24, 2013

Property Address: 2430 Runnymede Lane

**REZONING APPLICATION
HOPPER COMMUNITIES, INC., PETITIONER
JOINDER AGREEMENT**

The undersigned, as the owner of those parcels of land subject to the attached Rezoning Application filed by Hopper Communities, Inc. that are designated as Tax Parcel Nos. 175-094-44 and 175-094-45 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site from the R-3 zoning district to the UR-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the related conditional rezoning plan.

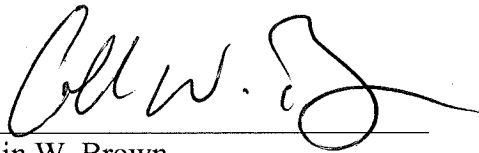
This 15 day of November, 2017.


W. Scarborough Chandler, Jr.

**REZONING APPLICATION
HOPPER COMMUNITIES, INC., PETITIONER
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Hopper Communities, Inc. that is designated as Tax Parcel No. 175-094-46 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site from the R-3 zoning district to the UR-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the related conditional rezoning plan.

This 15 day of November, 2017.

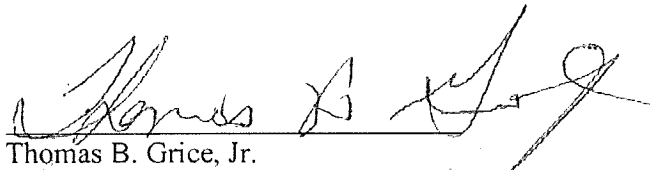



Collin W. Brown

**REZONING APPLICATION
HOPPER COMMUNITIES, INC., PETITIONER
JOINDER AGREEMENT**

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by Hopper Communities, Inc. that is designated as Tax Parcel No. 175-094-47 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site from the R-3 zoning district to the UR-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the related conditional rezoning plan.

This 16th day of November, 2017.



Thomas B. Grice, Jr.


Suzanne F. Grice

**REZONING APPLICATION
HOPPER COMMUNITIES, INC., PETITIONER
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Hopper Communities, Inc. that is designated as Tax Parcel No. 175-094-48 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site from the R-3 zoning district to the UR-2 (CD) zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the related conditional rezoning plan.

This 15 day of November, 2017.


Shane M. Bernard



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



FOR PUBLIC HEARING

2017-XXX

REZONING PETITION

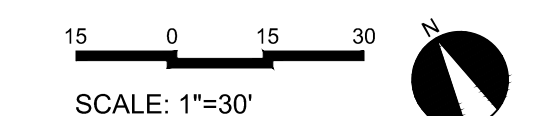
RUNNYMEDE – MYERS PARK

CHARLOTTE, NORTH CAROLINA

WILDLIFE
CHARLOTTE, NORTH CAROLINA

HOPPER COMMUNITIES
229 E. KINGSTON AVE.
CHARLOTTE, NC 28203
704-805-4802

SCHEMATIC SITE PLAN



PROJECT #: 598-006
DRAWN BY: NB

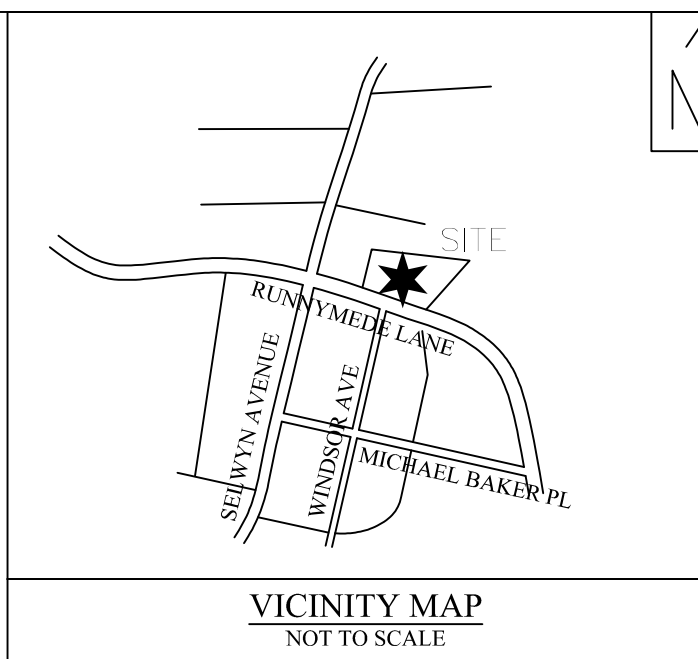
NOVEMBER 21, 2017

REVISIONS:

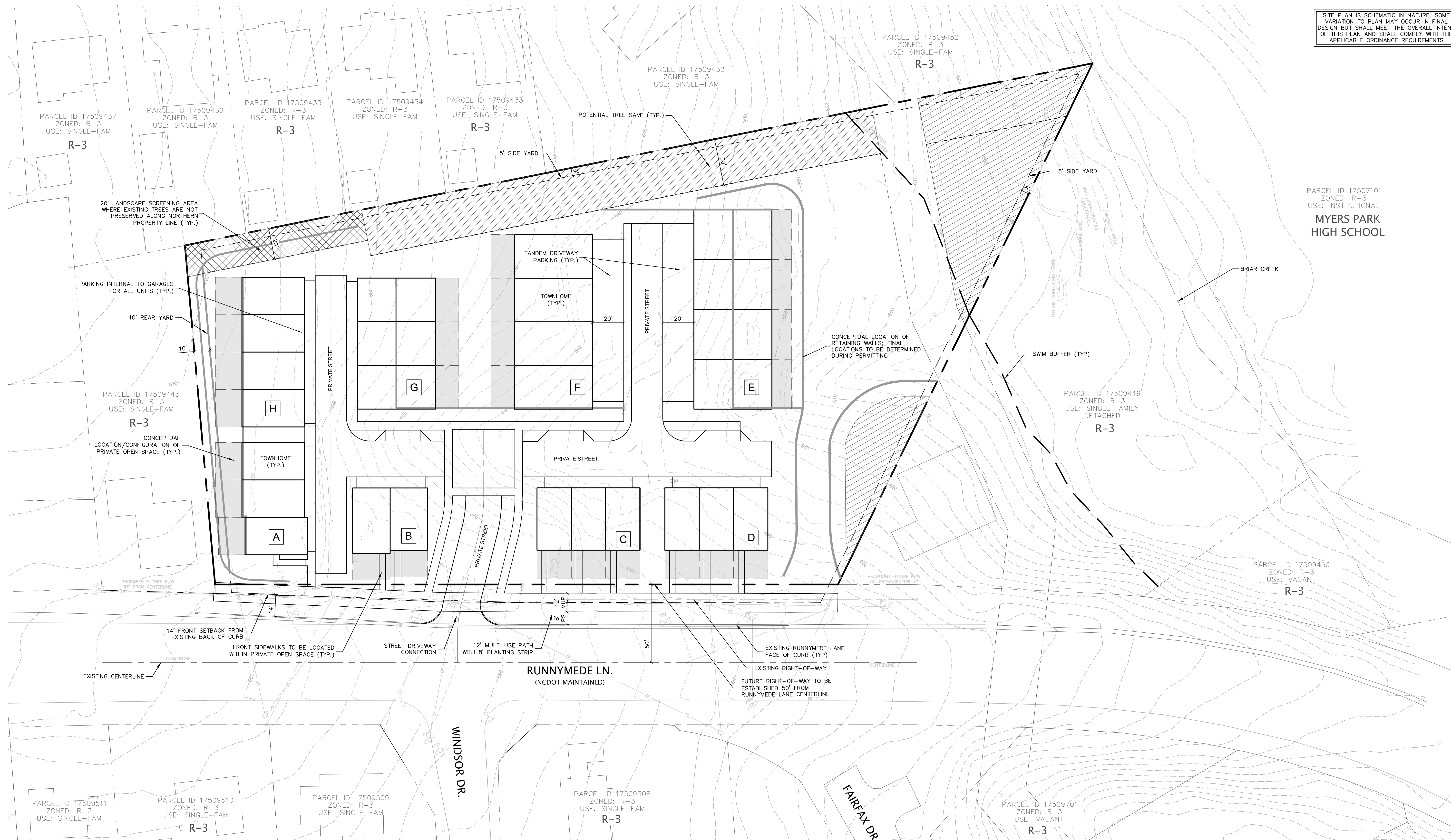
RZ 1.0

SITE DEVELOPMENT DATA

SITE ACREAGE:	±3.01 ACRES (131,124 SQ FT)
TAX PARCEL #:	17509444, 17509445, 17509446, 17509447 AND 17509448
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2 (CD)
EXISTING USE:	SINGLE FAMILY DETACHED HOUSES
PROPOSED USE:	SINGLE FAMILY ATTACHED TOWNHOMES
PROPOSED UNITS:	±26 UNITS
PROPOSED DENSITY:	±8.64 UNITS PER ACRE
TREE SAVE:	SHALL MEET ORDINANCE REQUIREMENTS
BUILDING HEIGHT:	SHALL MEET ORDINANCE REQUIREMENTS
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS



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



\\SDSKPROJ\598-006 RUNN\MEDE TOWNS MP\DWG\DWG - BASE DRAWINGS\B-SP.DWG

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SITE ACREAGE:	±3.01 ACRES (131,124 SQ FT)
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TREE SAVE:	SHALL MEET ORDINANCE REQUIREMENTS
BUILDING HEIGHT:	SHALL MEET ORDINANCE REQUIREMENTS
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS

A. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY HOPPER

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY HOPPER COMMUNITIES ("THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 3.01 ACRE SITE LOCATED ON THE NORTH SIDE OF RUNNYMEDE LANE AT THE INTERSECTION OF WINDSOR DRIVE AND RUNNYMEDE LANE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN 9,(THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NOS. 175-094-44, 175-094-45, 175-094-46, 175-094-47 AND 175-094-48.
2. 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").
3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 (CD) ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
4. 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 INTERNAL DRIVES AND PARKING AREAS 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.
5. 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.

1. THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 26 FOR SALE SINGLE FAMILY ATTACHED

1. THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 26 FOR SALE SINGLE FAMILY ATTACHED DWELLING UNITS AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE UR-2 (CD) ZONING DISTRICT.

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
2. 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.
3. EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE A MINIMUM 2 CAR GARAGE THAT IS ACCESSED FROM AN INTERNAL PRIVATE DRIVE.
4. THE PARKING SPACES LOCATED IN THE GARAGES SHALL BE COUNTED WHEN DETERMINING WHETHER THE SITE MEETS THE MINIMUM PARKING REQUIREMENTS OF THE UR-2 ZONING DISTRICT. HOWEVER, THE PARKING SPACES LOCATED IN THE GARAGES SHALL NOT BE CONSIDERED WHEN DETERMINING WHETHER THE SITE EXCEEDS THE MAXIMUM NUMBER OF PARKING SPACES ALLOWED IN THE UR-2 ZONING DISTRICT.
5. 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.

1. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING A ON THE REZONING PLAN SHALL BE 3 STORIES. THE

1. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING A ON THE REZONING PLAN SHALL BE 3 STORIES. THE MAXIMUM HEIGHT IN FEET OF THAT BUILDING DESIGNATED AS BUILDING A ON THE REZONING PLAN SHALL BE 40 FEET.
2. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING B ON THE REZONING PLAN SHALL BE 3 STORIES. THE MAXIMUM HEIGHT IN FEET OF THAT BUILDING DESIGNATED AS BUILDING B ON THE REZONING PLAN SHALL BE 40 FEET.
3. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING C ON THE REZONING PLAN SHALL BE 3 STORIES WITH AN OCCUPIABLE ROOF TERRACE. THE MAXIMUM HEIGHT IN FEET OF THAT BUILDING DESIGNATED AS BUILDING C ON THE REZONING PLAN SHALL BE 50 FEET.
4. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING D ON THE REZONING PLAN SHALL BE 3 STORIES WITH AN OCCUPIABLE ROOF TERRACE. THE MAXIMUM HEIGHT IN FEET OF THAT BUILDING DESIGNATED AS BUILDING D ON THE REZONING PLAN SHALL BE 50 FEET.
5. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING E ON THE REZONING PLAN SHALL BE 3 STORIES WITH AN OCCUPIABLE ATTIC. THE MAXIMUM HEIGHT IN FEET OF THAT BUILDING DESIGNATED AS BUILDING E ON THE REZONING PLAN SHALL BE 45 FEET.
6. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING F ON THE REZONING PLAN SHALL BE 2 STORIES WITH AN OCCUPIABLE ATTIC. THE MAXIMUM HEIGHT IN FEET OF THAT BUILDING DESIGNATED AS BUILDING F ON THE REZONING PLAN SHALL BE 40 FEET.
7. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING G ON THE REZONING PLAN SHALL BE 3 STORIES WITH AN OCCUPIABLE ATTIC. THE MAXIMUM HEIGHT IN FEET OF THAT BUILDING DESIGNATED AS BUILDING G ON THE REZONING PLAN SHALL BE 45 FEET.
8. THE MAXIMUM HEIGHT IN STORIES OF THAT BUILDING DESIGNATED AS BUILDING H ON THE REZONING PLAN SHALL BE 3 STORIES. THE MAXIMUM HEIGHT IN FEET OF THAT BUILDING DESIGNATED AS BUILDING H ON THE REZONING PLAN SHALL BE 40 FEET.
9. THE PRIMARY EXTERIOR BUILDING MATERIALS FOR THE BUILDINGS TO BE CONSTRUCTED ON THE SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK AND CEMENTITIOUS SIDING WITH ARCHITECTURAL SHINGLE ROOFING.
10. VINYL MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL ON ANY BUILDING TO BE CONSTRUCTED ON THE SITE. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, SOFFITS, TRIM AND RAILINGS.
11. ATTACHED TO THE REZONING PLAN ARE CONCEPTUAL, ARCHITECTURAL RENDERINGS OF THE BUILDINGS TO BE CONSTRUCTED ON THE SITE THAT ARE INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER OF THE BUILDINGS TO BE CONSTRUCTED ON THE SITE. ACCORDINGLY, THE BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE DESIGNED AND CONSTRUCTED SO THAT THE BUILDINGS ARE SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE ATTACHED RELEVANT CONCEPTUAL, ARCHITECTURAL RENDERING WITH RESPECT TO ARCHITECTURAL STYLE AND CHARACTER. NOTWITHSTANDING THE FOREGOING, CHANGES AND ALTERATIONS TO THE EXTERIOR OF THE BUILDINGS TO BE CONSTRUCTED ON THE SITE THAT DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER SHALL BE PERMITTED.

1. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 12 FOOT WIDE CONCRETE MULTI-USE PATH SHALL BE INSTALLED ALONG THE

1. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 12 FOOT WIDE CONCRETE MULTI-USE PATH SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE ON RUNNYMEDE LANE AS GENERALLY DEPICTED ON THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, THE WIDTH OF THE PLANTING STRIP AND THE WIDTH OF THE MULTI-USE PATH MAY BE REDUCED AS REQUIRED WHERE THE MULTI-USE PATH TIES INTO THE EXISTING SIDEWALK LOCATED ON RUNNYMEDE LANE.
2. THE MINIMUM 12 FOOT WIDE CONCRETE MULTI-USE PATH TO BE INSTALLED ALONG THE SITE'S FRONTAGE ON RUNNYMEDE LANE, OR PORTIONS THEREOF, MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT AS NECESSARY.

1. EACH INDIVIDUAL SUB-LOT ON WHICH A SINGLE FAMILY ATTACHED DWELLING UNIT IS LOCATED MUST INCLUDE A MINIMUM OF 400 SQUARE

1. EACH INDIVIDUAL SUB-LOT ON WHICH A SINGLE FAMILY ATTACHED DWELLING UNIT IS LOCATED MUST INCLUDE A MINIMUM OF 400 SQUARE FEET OF PRIVATE OPEN SPACE.

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG

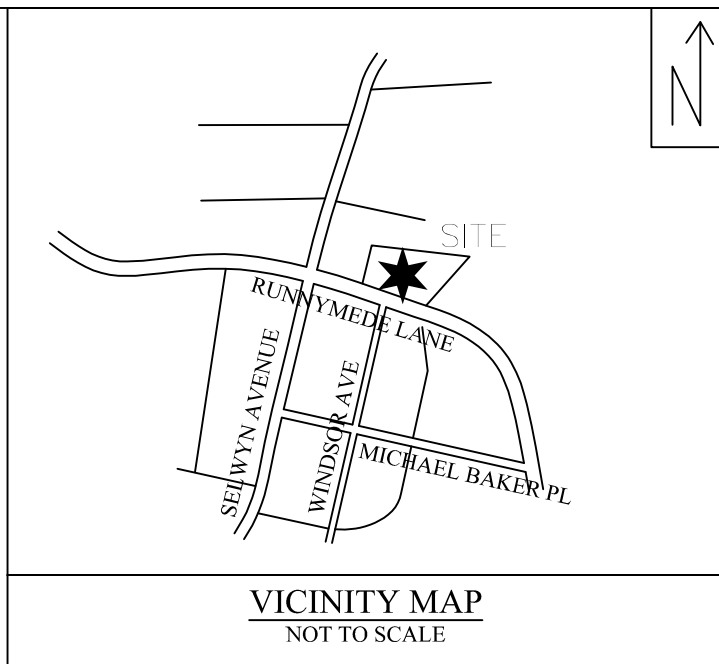
1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AND LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.
2. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE, INCLUDING ITS BASE, SHALL NOT EXCEED 16 FEET.
3. ANY LIGHTING FIXTURES ATTACHED TO THE BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

1. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS

1. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
2. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE TREE ORDINANCE.

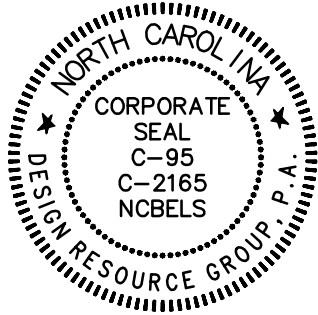
1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER

1. 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.
2. 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.
3. 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.

The logo for DRG Design Resource Group. It features the letters 'drG' in a large, bold, sans-serif font. The 'd' and 'r' are black, and the 'G' is blue. Below this, the words 'DESIGN', 'RESOURCE', and 'GROUP' are stacked in a smaller, bold, sans-serif font. 'DESIGN' and 'RESOURCE' are black, and 'GROUP' is blue.

LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

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



REZONING PETITION

FOR PUBLIC HEARING

2017-XXX

REZONING PETITION

RUNNYMEDE – MYERS PARK
CHARLOTTE, NORTH CAROLINA

HOPPER COMMUNITIES
229 E. KINGSTON AVE.
CHARLOTTE, NC 28203
704-805-4802

DEVELOPMENT STANDARDS NOTES

PROJECT #: 598-006
DRAWN BY: NB

NOVEMBER 21, 2017

REVISIONS:

RZ 2.0



FRONT ELEVATION

505 DESIGN

BOULDER:
1360 Walnut Street, 102 telephone 720 565 0505
CO 80302 facsimile 720 565 0504

CHARLOTTE:
508 West Fifth St., 250 telephone 704 348 7000
Charlotte, NC 28202 facsimile 704 348 7005

SAN FRANCISCO:
461 Bush Street, 300 telephone 415 421 9900
San Francisco, CA 94108



REAR ELEVATION

505 DESIGN

BOULDER:
1360 Walnut Street, 102 telephone 720 565 0505
CO 80302 facsimile 720 565 0504

CHARLOTTE:
508 West Fifth St., 250 telephone 704 348 7000
Charlotte, NC 28202 facsimile 704 348 7005

SAN FRANCISCO:
461 Bush Street, 300 telephone 415 421 9900
San Francisco, CA 94108



COURTYARD VIEW AT REAR PROPERTY LINE

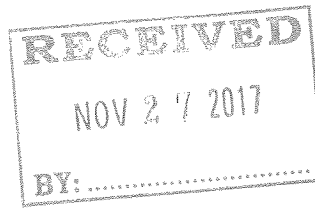
505 DESIGN

BOULDER:
1360 Walnut Street, 102 telephone 720 565 0505
CO 80302 facsimile 720 565 0504

CHARLOTTE:
508 West Fifth St., 250 telephone 704 348 7000
Charlotte, NC 28202 facsimile 704 348 7005

SAN FRANCISCO:
461 Bush Street, 300 telephone 415 421 9900
San Francisco, CA 94108

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-184

Petition #:	_____
Date Filed:	11/27/2017
Received By:	gf

Complete All Fields (Use additional pages if needed)

Property Owner: Edward Parks Trust; Betty J. Parks Trust; Daniel E. Parks; Myra Triplett; Myra T. Parks

Owner's Address: 169 Cedar Point Rd City, State, Zip: Winnsboro, SC 29180

Date Property Acquired: _____

Property Address: 3230 Mt. Holly-Huntersville Rd, Charlotte, NC28216

Tax Parcel Number(s): 03301201; 03301202; 03301221; 03301223; 03301236

Current Land Use: Single-Family Homes; Wooded Size (Acres): 8.557 acres

Existing Zoning: R-3 Proposed Zoning: R-12MF

Overlay: Brookeshire Boulevard/I-485 Activity Center (Specify PED, Watershed, Historic District, etc.)

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

Date of meeting: November 14, 2017

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team 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: _____

Collin W. Brown; Bailey Patrick, Jr.
Name of Rezoning Agent
K & L Gates, Hearst Tower, 47th Floor
214 North Tryon Street
Agent's Address
Charlotte, NC 28202
City, State, Zip
(704) 641-8522 (704) 353-3231
Telephone Number Fax Number
collin.brown@klgates.com
E-Mail Address

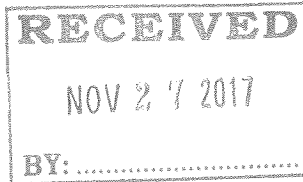
Signature of Property Owner

(Name Typed / Printed)

Sean Brady
Name of Petitioner(s)
WJR NC Development, LLC - P.O. Box 1259
Address of Petitioner(s)
Highlands, NC 28741
City, State, Zip
(678) 591-7002
Telephone Number Fax Number
sbrady820@yahoo.com
E-Mail Address
Sean M Brady
Signature of Petitioner
Sean M. Brady

(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-185

Petition #:	
Date Filed:	11/27/2017
Received By:	BT

Property Owners: High Family Partnership I LP

Owner's Addresses: PO Box 450233, Atlanta, GA 31145 or PO Box 10008, Lancaster PA 17605

Date Properties Acquired: 12/02/2004
11/09/2000

Property Addresses: N/A
11030 David Taylor Drive, Charlotte, NC 28262

Tax Parcel Numbers: 029-011-32
029-011-20

Current Land Use: vacant (Acres): ± 11.75

Existing Zoning: O-1(CD) Proposed Zoning: UR-2(CD)

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

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Joshua Weaver, Grant Meacci, Rick Grochoske, and Julie Zweifel.

Date of meeting: 6/20 and 9/28

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: To allow the development of the Site with a residential community composed of high quality multi-family residential dwelling units.

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

High Family Partnership I, LP (Attn: Andrew Basile)

Name of Petitioner

1853 William Penn Way

Address of Petitioner

Lancaster, PA 17601

City, State, Zip

717.209.4058

Telephone Number

717.293.4488

Fax Number

abasile@high.net

E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

ATTACHMENT A

**REZONING PETITION NO. [2017-____]
High Family Partnership I, LP**

**OWNER JOINDER AGREEMENT
*High Family Partnership I, LP***

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

1. At the end David Taylor Drive that are designated as Tax Parcel No.'s 029-011-20 and 32

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 O-1(CD) zoning district to the UR-2(CD) zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This ____ day of _____, 2017.

High Family Partnership I, LP

By:

Name: Mark E. Fitzgerald

Its:


Exec VP & COO

ATTACHMENT B

REZONING PETITION NO. [2017-]
High Family Partnership I, LP

Petitioner:

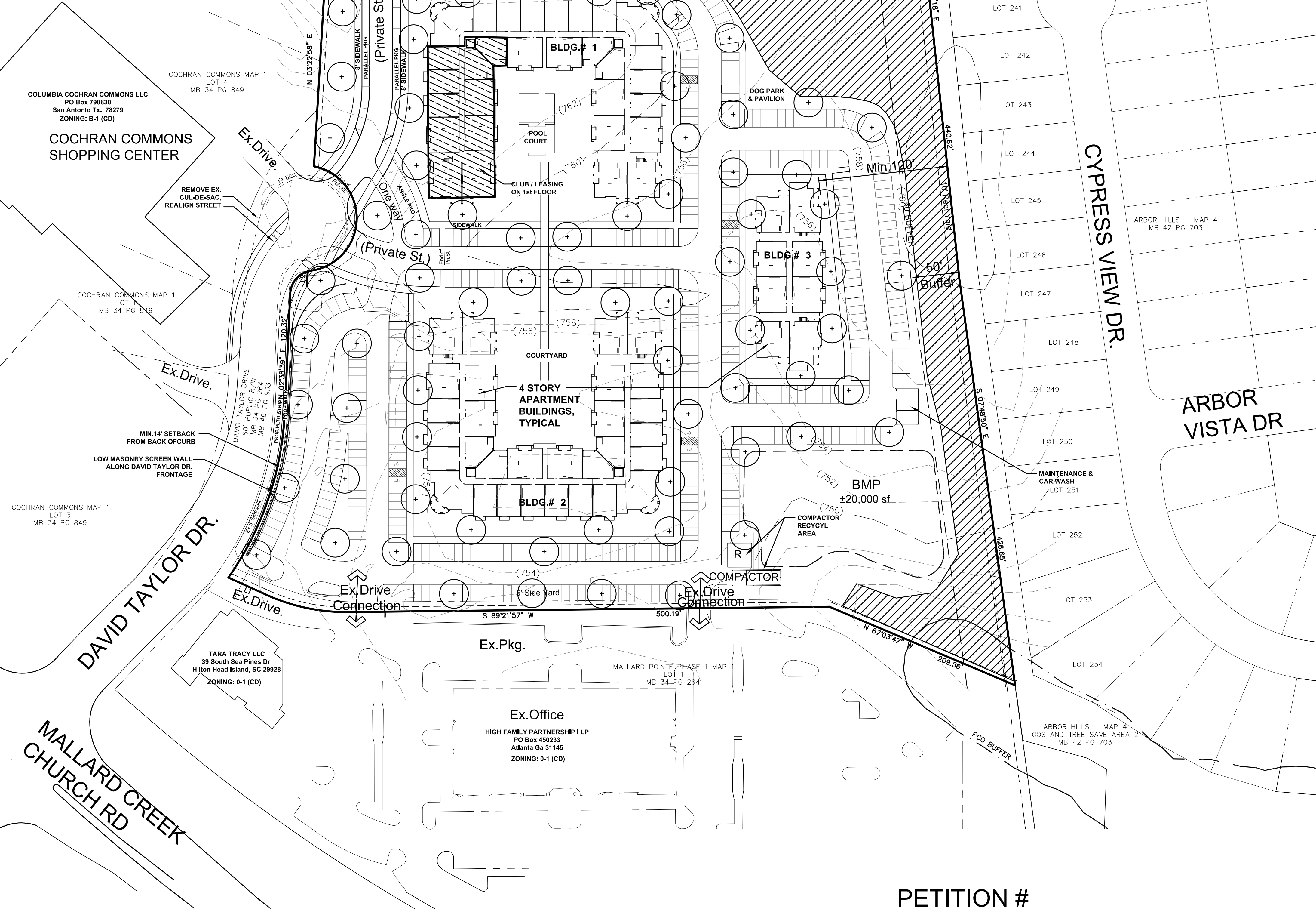
High Family Partnership I, LP

By: 
Name: Mark C. Fitzgerald
Title: Exec VP & COO

BOUNDARY LINE TABLE		
LINE	BEARING	LENGTH
L1	N65°33'58"W	43.43'
L2	N03°22'58"E	14.94'
L3	S33°41'22"E	68.14'
L4	N75°27'10"E	77.34'
L5	S81°54'10"E	93.32'
L6	N11°05'35"W	100.76'
L7	N83°54'42"E	58.63'

Ex.Business
GALLOWAY STORE LLC
10174 Claybrook Dr.
Charlotte, NC 28262
ZONING: R-3

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	199.91	87.51	86.81	S78°06'01"E	25°04'49"
C2	325.60	183.87	181.44	N18°49'55"E	32°21'22"
C3	220.00	3.71	3.71	S03°08'14"W	0°57'58"
C4	25.00	30.76	26.86	S38°52'18"W	70°30'28"
C5	55.00	154.66	108.51	N01°35'53"E	161°07'04"
C6	25.00	3.50	3.50	S78°02'44"W	8°01'47"



Project Manager
AHS
Drawn By
AHS
Checked By
Date
10-23-17
Project Number
17027

DPR landscape architecture
civil engineering
planning

DPR Associates, Inc. ■ 420 Hawthorne Lane ■ Charlotte, NC 28204
phone 704. 332. 1204 ■ fax 704. 332. 1210 ■ www.dprassociates.net

PETITION

MALLARD POINTE - MULTI-FAMILY

CHARLOTTE, NORTH CAROLINA

FOR

HIGH REAL ESTATE GROUP, LLC

SITE DEVELOPMENT DATA:

TAX PARCEL NO.: 02901132 & 02901120
TOTAL SITE AREA: ±11.75 AC.
EXISTING ZONING: 0-1(CD)
EXISTING ZONING PETITIONS: 2002-080 & 2000-011(C)
PROPOSED ZONING: UR-2
EXISTING USE: VACANT
PROPOSED USES: Residential Dwelling units as permitted by right and under prescribed conditions together with accessory uses as allowed in the UR-2 zoning district (as more specifically described and restricted below in Section 3).

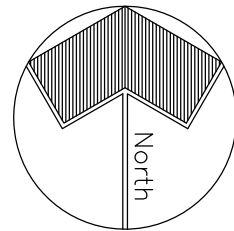
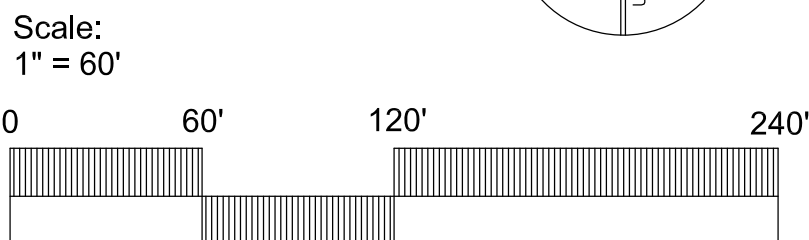
MAXIMUM DEVELOPMENT: Up to 260 residential dwelling units; subject to the limitations described below.
MAXIMUM BUILDING HEIGHT: Building height on the Site will be limited to four (4) stories for the buildings constructed on the Site. Building height will be measured as defined by the Ordinance..

PARKING: As required and allowed by the Ordinance for the UR-2 zoning district.

CONDITIONAL NOTES:

- General Provisions:**
 - Site Location:** These Development Standards, the Technical Data Sheet and Schematic Site Plan, and related graphics form the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by High Real Estate Group, LLC ("Petitioner") to accommodate development of a residential community on an approximately 11.75 acre site generally located at 11030 David Taylor Drive, Charlotte, NC (the "Site").
 - Zoning Districts/Ordinance:** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UR-2 zoning classification shall govern all development taking place on the Site.
 - Graphics and Alterations:** The schematic depictions of sidewalks, 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 formations 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.
 - Additional Street Fronting Facade Requirements on Public Streets:**
 - Street fronting Facades and End fronting Facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roofline, and building heights.
 - On corner lots, the architectural treatment of a building's intersecting Street Fronting Facades shall be substantially similar, except that said building may emphasize the corner location by incorporating additional height at the corner, varying the roof form at the corner, or providing other architectural embellishments at the corner.
 - First Story Facades of all buildings along public streets shall incorporate columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements. The first floor of buildings greater than three (3) stories will be taller.
 - Facades shall provide visual divisions between the first and second stories, when the building height is more than two stories, through architectural means such as cornices, awnings, or a change in primary facade materials or colors.
 - Facades above the first story shall incorporate windows, arches, balconies, or other architectural details.
 - No more than four different materials, textures, colors, or combinations thereof may be used on a single building. This requirement shall not include materials used on windows, doors, porches, balconies, foundations, awnings or architectural details.
 - Materials may be combined horizontally or vertically, with the heavier below the lighter - when horizontal.
 - Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated metal, exposed plywood, and exposed precast concrete are prohibited, except when used as a decorative feature or accent.
 - Exterior materials of buildings along the Public Streets shall be limited to brick, stone, precast concrete, wood, stucco, cementitious siding, glass, manufactured stone or granite.
 - Accessory Structures shall be consistent with the Principal Building in material, texture, and color.
 - Foundations, where provided, shall be constructed as a distinct building element that contrasts with Facade materials. Exposed above-ground foundations shall be coated or faced in cement, stucco, brick, manufactured stone, or natural stone to contrast with facade materials.
 - Roofs:**
 - Pitched or flat roofs are acceptable. The pitch of the building's primary roof shall have a minimum slope of 4:12. Flat roofs shall be screened from the view of Public Streets by a parapet.
 - Accessory features on a roof shall be screened from the view of the Public Streets by a parapet or other architectural feature.
 - Permitted shaped roof materials are asphalt shingles, composition shingles, wood shingles, tin, standing seam metal, and wood shakes.
 - Vents, stacks, and roof fans are to be painted to blend with the roof color and hidden from Public Street view to the greatest extent possible.
 - Environmental Features:**
 - The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems if depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submitted and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
 - Trees located in the City of Charlotte public street right-of-way are protected by the Tree Ordinance; Landscape Management must be contacted before any disturbance or removal of trees in the public street right-of-way occurs.
 - The Site will comply with the Tree Ordinance.
 - Lighting:**
 - Detached lighting on the Site, except street lights located along public streets, will be limited to 21 feet in height.
 - Amendments to the Rezoning Plan:**
 - Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area port on of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.
 - Hindering 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 and their respective heirs, devisees, personal representatives, successors in interest or assigns.
- Architectural Standards and Parking Location Restrictions:**
 - The principal buildings used for multi-family residential use constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stone, cementitious siding (such as hard-plank), IFS or wood. Vinyl as a building material will not be allowed except on windows, soffits and on handrails/railings.
 - General Site Considerations**
 - Orient buildings in a way to enclose and define public space, open space and green space.
 - Architectural treatment shall continue on all sides of a building except as specifically noted otherwise.
 - Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art walls and landscaping. Blank walls cannot be addressed with landscape elements only.
 - All building entrances will be connected to the street network subject to grade and ADA standards (private patios will not be considered a building entrance).
 - Facade Composition**
 - The Principal Entrance of a building shall be articulated and expressed in greater architectural detail than other building entrances. Ground floor units facing the public streets will have an entrance that is designed as a main entrance from the street.
 - Windows shall be vertically shaped with a height greater than their width. However, in instances of large feature windows, fenestrations may be used to provide a similar vertical appearance. Square windows may be used as a secondary design element.
- Facades shall incorporate windows and doors as follows:
 - Windows and doors shall be provided for at least 20% of the total Facade area along the proposed private streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor facing a private street shall not exceed 20 feet in height and 20 feet in length in any direction. Changes in materials and other treatments may be used to break up walls where windows are not possible due to building layout (e.g. stairwells and/or mechanical/utility rooms).
 - The above requirement for windows and doors may be reduced by 50% where a Facade is not visible from a private street and the maximum contiguous area without windows or doors on any floor may be increased to 20 feet in height and 40 feet in length.
 - The Facades of first-ground floor of the buildings along the private streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone.
 - Facade articulation:**
 - Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of three feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total Facade length for Facades over 75 feet in length. Patios and balconies are acceptable projections.

INITIAL SUBMISSION: 11-27-17



Sheet Number

RZ-1

Sheet 1 of 2

**MALLARD POINTE APARTMENTS
CHARLOTTE, NC**

COLORED ELEVATIONS
08 SEPTEMBER 2017
NOT TO SCALE



PETITION #
MALLARD POINTE - MULTI-FAMILY
CHARLOTTE, NORTH CAROLINA
FOR
HIGH REAL ESTATE GROUP, LLC

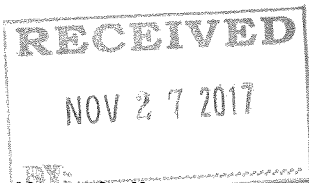
INITIAL SUBMISSION: 11-27-17

Sheet Number

RZ-2

Sheet 2 of 2

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #: 2017-186
Date Filed: 11/27/2017
Received By: BH

Complete All Fields (Use additional pages if needed)

Property Owner: BrNell Holdings, LLC

Owner's Address: 205 SILVERCLIFF DR. City, State, Zip: MOUNT HOLLY, NC 28129

Date Property Acquired: 08/10/2010

Property Address: 224/228/232/236 W KINGSTON AVENUE

Tax Parcel Number(s): 119-08-907/119-08-906/119-08-905/119-08-904

Current Land Use: BOARDING HOUSE Size (Acres): .87 ACRES

Existing Zoning: R-22 MF Proposed Zoning: UR-220 Transit

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

Required Rezoning Pre-Application Meeting* with: Solomon Fortune, John Howard, Allan Goodwin, Katherine Mahoney

Date of meeting: 10/25/17

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team 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 for an attached housing community.

The Law Offices of Russell Fergusson, PLLC

Name of Rezoning Agent

1208 The Plaza

Agent's Address

Charlotte, NC 28205

City, State, Zip

(704)234-7488 (704) 612-0271

Telephone Number Fax Number

russell.fergusson@russellwfergusson.com

E-Mail Address

LeNell C. Grier
Signature of Property Owner

LeNell C. Grier

(Name Typed / Printed)

The Drakeford Company

Name of Petitioner(s)

1914 Brunswick Ave, Suite 1-A

Address of Petitioner(s)

Charlotte, NC 28207

City, State, Zip

(704) 344-0332 (704) 344-9992

Telephone Number Fax Number

bobby@tdcrealestate.com

E-Mail Address

Robert T. Drakeford
Signature of Petitioner

Robert T. Drakeford

(Name Typed / Printed)



FOR PUBLIC HEARING

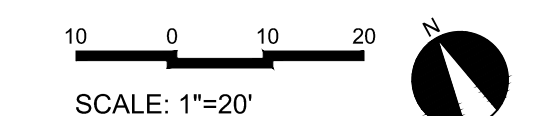
2017-XXX

REZONING DOCUMENT

WILMORE TOWNHOME SITE
CHARLOTTE, NC

THE DRAKEFORD COMPANY
1914 BRUNSWICK AVENUE, SUITE 1A
CHARLOTTE, NC 29207

SCHEMATIC SITE PLAN



PROJECT #: 090-026
DRAWN BY: BMS
CHECKED BY: NB

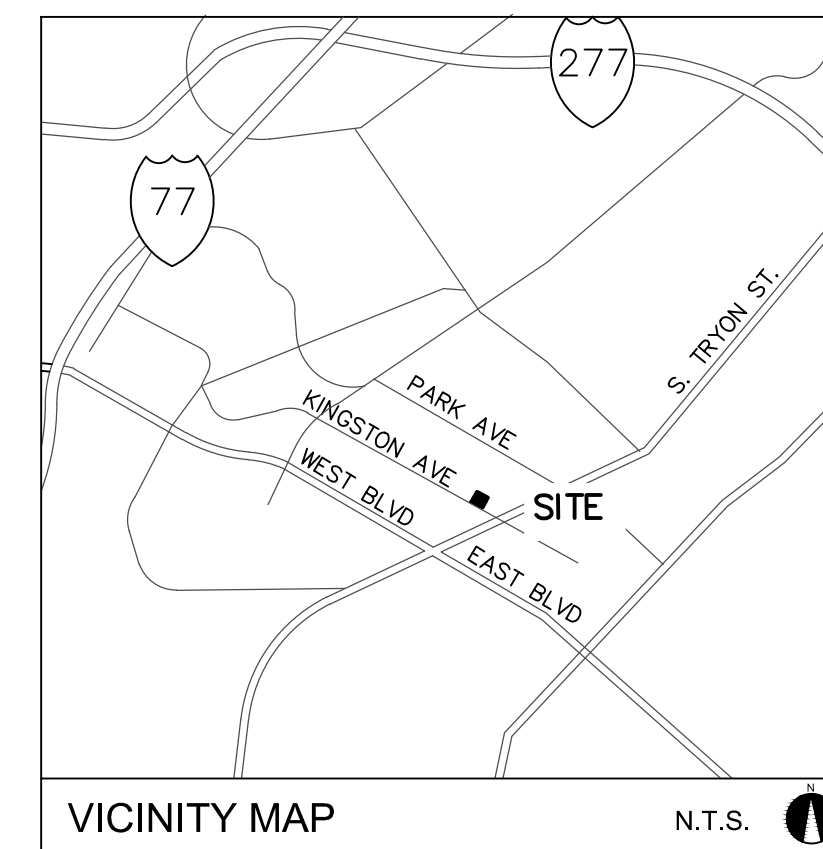
NOVEMBER 27, 2017

REVISIONS:

RZ1.0



SITE AREA:	±0.87 AC. (±37,821 SF)
TAX PARCEL ID #:	11908904, 11908905, 11908906 AND 11908907
EXISTING ZONING:	R-22 MF
PROPOSED ZONING:	UR-2(CD) TS (TRANSIT SUPPORTIVE OVERLAY)
EXISTING USE:	ATTACHED MULTIFAMILY
PROPOSED USE:	SINGLE FAMILY ATTACHED TOWNHOMES
PROPOSED UNITS:	18 TOWNHOMES
DENSITY PROPOSED:	±21 UNITS PER ACRE
BUILDING HEIGHT:	45' MAXIMUM (4 STORIES)
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	SHALL MEET ORDINANCE REQUIREMENTS



1. GENERAL PROVISIONS.

A. DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS OF THE CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF THE DEVELOPMENT TO BE USED ON THE SITE. THE DEVELOPMENT MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS OF SECTION 6.207 OF THE ZONING ORDINANCE.

B. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE. UNLESS OTHERWISE SPECIFIED, THE REZONING STANDARDS OF THE ORDINANCE AS REGULATED ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING CLASSIFICATION SHALL GOVERN.

C. THE LAYOUT, LOCATIONS, SIZES AND PROPORTIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN ARE REVIEWED AND APPROVED BY THE CITY OF CHARLOTTE PLANNING DEPARTMENT.

2. PURPOSE

A. THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE DEVELOPMENT OF SINGLE FAMILY ATTACHED TOWNHOMES. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE FROM R-22MF TO THE UR-2(CD) TS (TRANSIT SUPPORTIVE OVERLAY DISTRICT) ZONING DISTRICT.

3. PERMITTED USES

A. USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION WILL BE SINGLE FAMILY ATTACHED TOWNHOME UNITS AND RELATED ACCESSORY USES AS ARE PERMITTED IN THE UR-2 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 DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

B. THE SITE WILL HAVE ONE INGRESS/EGRESS DRIVEWAY SERVING THE DEVELOPMENT FROM WEST KINGSTON AVENUE AS DEPICTED ON THE REZONING PLAN.

C. ALL DEVELOPMENT WILL COMPLY WITH THE CHARLOTTE DEPARTMENT OF TRANSPORTATION STANDARDS AND WILL BE PART OF THE REVIEW AND APPROVAL OF THE DESIGN DEVELOPMENT AND CONSTRUCTION PROCESS.

5. ARCHITECTURAL STANDARDS

A. BUILDINGS CONSTRUCTED ON SITE WILL BE COMPRISED OF A 4 STORY STRUCTURE AS DEPICTED ON THE REZONING PLAN.

B. VINYL MATERIAL IS PROHIBITED. VINYL AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, GARAGE DOORS AND FENCES, AND HANDRAILS/RAILINGS.

6. STREETSCAPE, YARDS, AND LANDSCAPING

A. THE EXISTING SIDEWALK AND PLANTING STRIP ARE TO REMAIN AS DEPICTED ON THE REZONING PLAN.

7. ENVIRONMENTAL FEATURES/TREE SAVE

A. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION ORDINANCE.

B. THE SITE WILL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

8. LIGHTING

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

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

9. AMENDMENTS TO THE REZONING PLAN

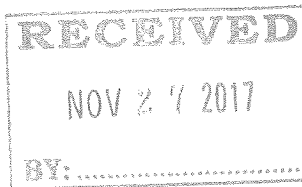
A. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

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.

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.

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-187

Petition #: _____
Date Filed: 11/27/2017
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: MAGA DEVELOPMENT LLC
Owner's Address: 2410 PROVIDENCE RD SOUTH City, State, Zip: WAXHAW, NC 28173
Date Property Acquired: OCT. 13TH 2017
Property Address: 9500 OLD MOORES CHAPEL RD. CHARLOTTE NC 28214
Tax Parcel Number(s): 05509109, ~~05566328~~
Current Land Use: RESIDENTIAL Size (Acres): ~~79.3~~ 79.3
Existing Zoning: R3, R4, R5, R8 Proposed Zoning: ~~R3~~ R6
Overlay: CR/LWWPA (Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting* with: CLAIRE / TAMMY KEPLINGER / ALBERTO
Date of meeting: 11/27/17

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

For Conditional Rezoning Only:

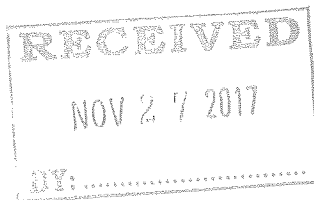
Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____

Purpose/description of Conditional Zoning Plan: _____

MAGA DEVELOPMENT LLC
TY A. MATTHEWS
Name of Rezoning Agent
2410 PROVIDENCE RD. SOUTH
Agent's Address
WAXHAW NC 28173
City, State, Zip
704-369-1145
Telephone Number Fax Number
TY @ MAGA DEVELOPMENT . COM
E-Mail Address
[Signature]
Signature of Property Owner
TY A. MATTHEWS
(Name Typed / Printed)

MAGA DEVELOPMENT LLC
Name of Petitioner(s)
2410 PROVIDENCE RD. SOUTH
Address of Petitioner(s)
WAXHAW NC 28173
City, State, Zip
704-369-1145
Telephone Number Fax Number
TY @ MAGA DEVELOPMENT . COM
E-Mail Address
[Signature]
Signature of Petitioner
TY A. MATTHEWS
(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-188

Petition #: _____
Date Filed: 11/27/2017
Received By: [Signature]

Property Owners: SEE SCHEDULE 1 ATTACHED HERETO

Owner's Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Date Properties
Acquired: SEE SCHEDULE 1 ATTACHED HERETO

Property Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Tax Parcel Numbers: SEE SCHEDULE 1 ATTACHED HERETO

Current Land Use: vacant/commercial (Acres): ± 5.96

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

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

Required Rezoning Pre-Application Meeting* with: Solomon Fortune, Catherine Mahoney, Carlos Alzate, Alan Goodwin, and Brent Wilkinson

Date of meeting: 10/25/17

(*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 re-use of the existing buildings and to allow redevelopment of the Site as allowed by 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

Providence Group Capital, LLC (Attn: J.Q. Freeman)

Name of Petitioner

1616 Camden Road, Ste. 550

Address of Petitioner

Charlotte, NC 28203

City, State, Zip

704.904.0713

Telephone Number

Fax Number

jfreeman@providencegroup.com

E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

SCHEDULE 1

Parcel	Property Address	Owner	Owner's Address	Acreage	Date Acquired
149-024-05	200 E Cama Street, Charlotte, NC 28217	Barringer Partners LLC	4020 Old Pineville Road, Charlotte, NC 28217	3.04	10/19/20117
149-024-14	4006 and 4010 Old Pineville Road, Charlotte, NC 28217			1.69	07/21/2016
149-024-16	4020 Old Pineville Road, Charlotte, NC 28217			1.23	08/26/2015

ATTACHMENT A

**REZONING PETITION NO. [2017-_____]
 Providence Group Capital, LLC**

**OWNER JOINDER AGREEMENT
 Barringer Partners LLC**


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

1. 200 E Cama Street, Charlotte, NC 28217 that is designated as Tax Parcel No. 149-024-05
2. 4006 and 4010 Old Pineville Road, Charlotte, NC 28217 that is designated as Tax Parcel No. 149-024-14
3. 4020 Old Pineville Road, Charlotte, NC 28217 that is designated as Tax Parcel No. 149-024-16

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 TOD-M 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 21 day of NOVEMBER, 2017.

Barringer Partners LLC

By: 
Name: CHRISTOPHER A BUTLAK
Its: EXP / MEMBER MANAGER

ATTACHMENT B

**REZONING PETITION NO. 2017-
Providence Capital Group**

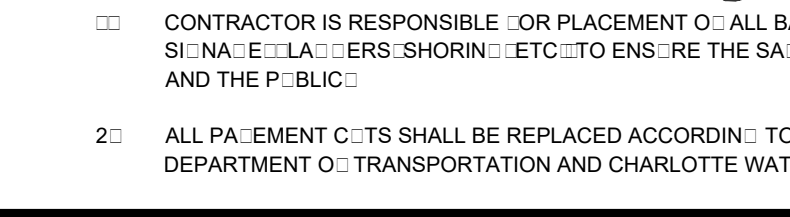
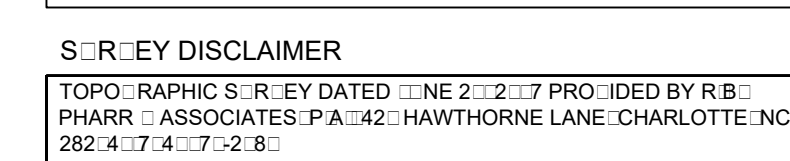
Petitioner:



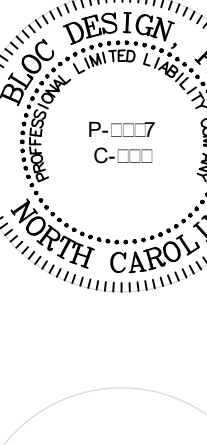
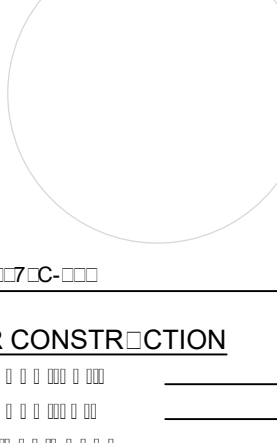
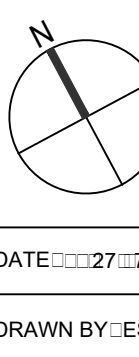

Providence Group Capital, LLC

By: 

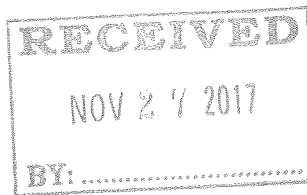
Name: James O. Freeman

Title: Member/Manager & Principal



 <p style="font-size: 24px; font-weight: bold; margin: 0;">BLOC</p> <p style="font-size: 18px; font-weight: bold; margin: 0;">BLOC Design</p> <p style="margin: 0;">2923 S. Tryon Street, Suite 320 Charlotte, NC 28203 phone: 704-940-2883 www.bloc-nc.com</p>																						
 <p style="font-size: 24px; font-weight: bold; margin: 0;">PROVIDENCE GROUP CAPITAL</p> <p style="margin: 0;">Camden Road Suite 55 Charlotte NC 28203 Phone 704.545.8200</p>																						
<div style="display: flex; justify-content: space-between;"> REVISIONS </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">NO.</th> <th style="width: 15%;">DATE</th> <th style="width: 85%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		NO.	DATE	DESCRIPTION																		
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<p style="font-size: 10px;">Disclaimer: This document is the property of Bloc Design, PLLC and the information listed on this document. The reproduction and/or use of this information is prohibited and may be subject to legal action to the fullest extent possible.</p> <p style="font-size: 10px; text-align: center;">stamp/seal</p> <div style="text-align: center; margin: 10px 0;">  </div> <div style="text-align: center; margin: 10px 0;">  </div> <p style="font-size: 10px;">NC JRM P-007 C-000</p>																						
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<p style="font-size: 24px; font-weight: bold;">PROVIDENCE GROUP CAPITAL</p> <p style="font-size: 18px; font-weight: bold;">Mixed-Use Development</p> <p style="margin: 10px 0;">200 E. Cama Street Charlotte NC 28207</p>																						
<p style="text-align: center; font-weight: bold;">RECONING PETITION</p> <p style="text-align: center;">2007-000</p>																						
<div style="display: flex; align-items: center;">  <div> <p style="font-weight: bold;">SCALE</p>  <p style="font-size: 12px;">0 25 50 000</p> </div> </div>																						
DATE: 2007/07	MPIC: WLL																					
DRAWN BY: ESS	CHECKED BY: H00																					
PROJECT NUMBER: 004000																						
SCALE: 1"=50'																						
<p style="text-align: center;">TITLE:</p> <p style="text-align: center; font-weight: bold;">DEVELOPMENT PLAN</p>																						
SHEET NO. 00																						
<div style="font-size: 48px; font-weight: bold; margin: 0;">R</div> <div style="display: flex; justify-content: center; align-items: center; gap: 10px; margin-top: 5px;"> <div style="width: 40px; height: 40px; border: 1px solid black; margin: 0 5px;"></div> <div style="width: 40px; height: 40px; border: 1px solid black; margin: 0 5px;"></div> <div style="width: 40px; height: 40px; border: 1px solid black; margin: 0 5px;"></div> </div>																						

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-189

Petition #: _____
Date Filed: 11/27/2017
Received By: [Signature]

Property Owners: William H Kelley III
Owner's Addresses: 10137 Horton Road, Charlotte, NC 28278
Date Properties Acquired: 06/28/1984
Property Addresses: 10137 Horton Road, Charlotte, NC 28278
Tax Parcel Numbers: 141-181-02
Current Land Use: Vacant (Acres): ± 42.6
Existing Zoning: R-3 Proposed Zoning: I-1(CD)
Overlay: Airport Noise Overlay
(Specify PED, Watershed, Historic District, etc.)
Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Alberto Gonzalez, Carlos Alzate, Joshua Weaver, Grant Meacci
Date of meeting: November 6, 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 allow the development of industrial uses on the Site.

Bridget Grant & Jeff Brown

Name of Rezoning Agent

Moore & Van Allen, PLLC

100 N. Tryon Street, Suite 4700

Agent's Address

Charlotte, NC 28202

704.331.2379 (BG) 704-378-1973 (BG)

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

Telephone Number

Fax Number

bridgetgrant@mvalaw.com; jeffbrown@mvalaw.com

E-mail Address

SEE ATTACHMENT A

Signature of Property Owner

SL Horton Road, LLC

c/o The Silverman Group (Attn: Dan Lacz)

Name of Petitioner

788 Morris Turnpike

Address of Petitioner

Short Hills, NJ 07078

City, State, Zip

973.765.0100 x4063

Telephone Number

973.765.0101

Fax Number

DanLacz@silvermangroup.net

E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

ATTACHMENT A

**REZONING PETITION NO. 2017-_____
SL Horton Road, LLC**

**OWNER JOINDER AGREEMENT
William H Kelley III**

The undersigned, as the owner of the parcel of land located at 10137 Horton Road, Charlotte, NC 28278 that is designated as Tax Parcel No. 141-181-02 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Applications and consents to the change in zoning for the parcels from R-3 zoning district to the I-1 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 21 day of November, 2017.

William H Kelley III

William H. Kelley III

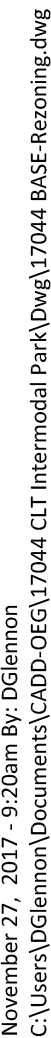
ATTACHMENT B

**REZONING PETITION NO. 2017-
SL Horton Road, LLC**

Petitioner:

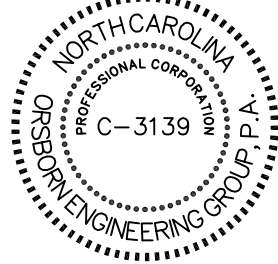
SL Horton Road, LLC

By: _____
Name: Blake Silverman
Title: Member



ORSBORN ENGINEERING GROUP
 610 EAST MOREHEAD STREET, SUITE 106
 CHARLOTTE, NC 28202
 P) 704-749-1432 • F) 704-749-1433

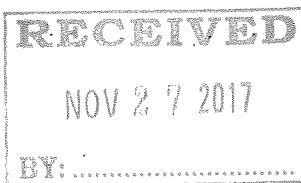
SL HORTON ROAD, LLC
788 MORRIS TURNPIKE
SHORT HILLS, NJ 07078

[illegible]

JOB #	17044
DATE:	11/22/17
SCALE:	1" = 40'
DRAWN BY:	DLG
APPROVED BY:	JCO

RZ-1

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2017-190

Petition #:	
Date Filed:	11/27/2017
Received By:	<i>[Signature]</i>

Property Owners: Royal Properties LLC

Owner's Addresses: 3331 Johnny Cake Lane, Charlotte, NC 28226

Date Properties Acquired: 04/15/2005

Property Addresses: 924 W Sugar Creek Road, Charlotte, NC 28213

Tax Parcel Numbers: 089-064-39

Current Land Use: vacant (Acres): ± 9.82

Existing Zoning: R-4 Proposed Zoning: UR-2(CD)

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

Required Rezoning Pre-Application Meeting* with: Sonja Sanders, Mandy Rosen, Monica Holmes, Shannon Frye, and Isaiah Washington

Date of meeting: 11/21/17

(*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 development of the Site with a high-quality multi-family residential community.

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

C4 Investments, LLC (Attn: Barry James)
Name of Petitioner

121 West Trade Street, Ste. 2550
Address of Petitioner

Charlotte, NC 28202
City, State, Zip

704.414.7477
Telephone Number Fax Number

bjames@csere.com
E-mail Address

SEE ATTACHMENT B
Signature of Petitioner

ATTACHMENT A

**REZONING PETITION NO. [2017-_____]
 C4 Investments, LLC**

**OWNER JOINDER AGREEMENT
 Royal Properties LLC**

The undersigned, as the owner of the parcel of land located at 924 W Sugar Creek Road that is designated as Tax Parcel No. 089-064-39 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Applications and consents to the change in zoning for the parcels from R-4 zoning district to the UR-2(CD) zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 20 day of November, 2017.

Royal Properties LLC

By: [Signature]
Name: D. H. Patel
Its: Owner / Manager

ATTACHMENT B

**REZONING PETITION NO. 2017-
C4 Investments, LLC**

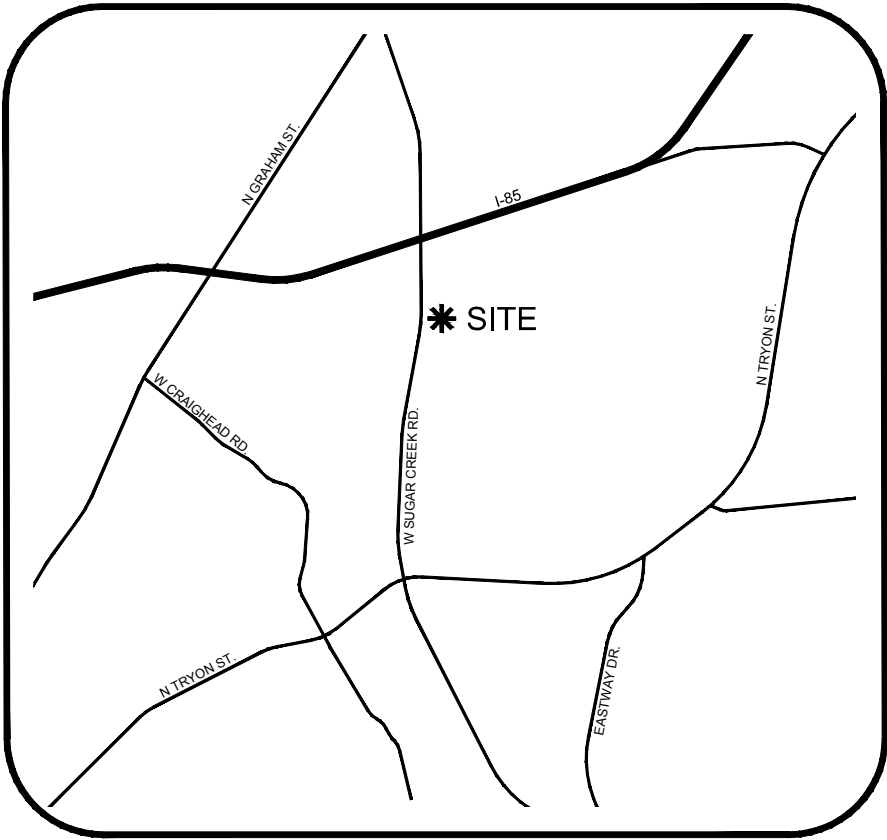
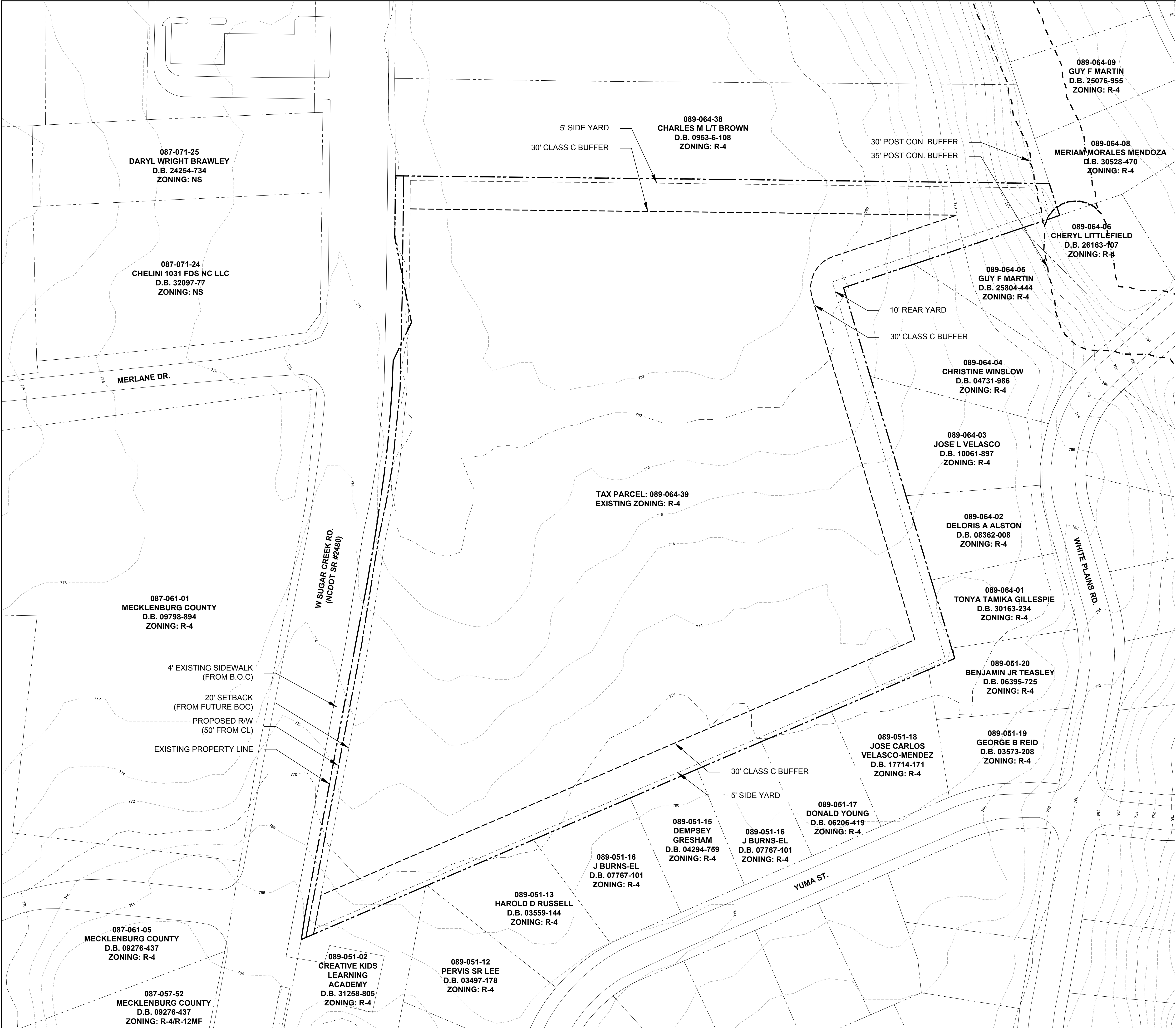
Petitioner:

C4 Investments, LLC

By: 

Name: Timothy D. Sitema

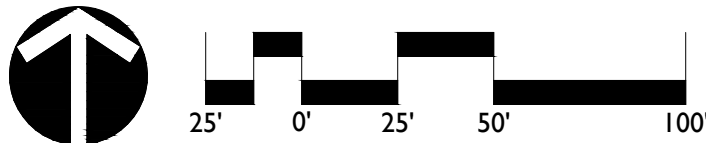
Title: Manager



VICINITY MAP
NTS

SITE DEVELOPMENT DATA

ACREAGE: ± 9.82 AC
TAX PARCEL #S: 089-064-39
EXISTING ZONING: R-4
PROPOSED ZONING: UR-2(CD)
EXISTING USES: VACANT
PROPOSED USES: UP TO 180 MULTI-FAMILY RESIDENTIAL DWELLING UNITS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN UR-2 ZONING DISTRICT.



REVISIONS:

DATE: 11/27/17
DESIGNED BY: JY
DRAWN BY: JY
CHECKED BY: JY
SCALE: 1"=50'
PROJECT #: 1017333
SHEET #:

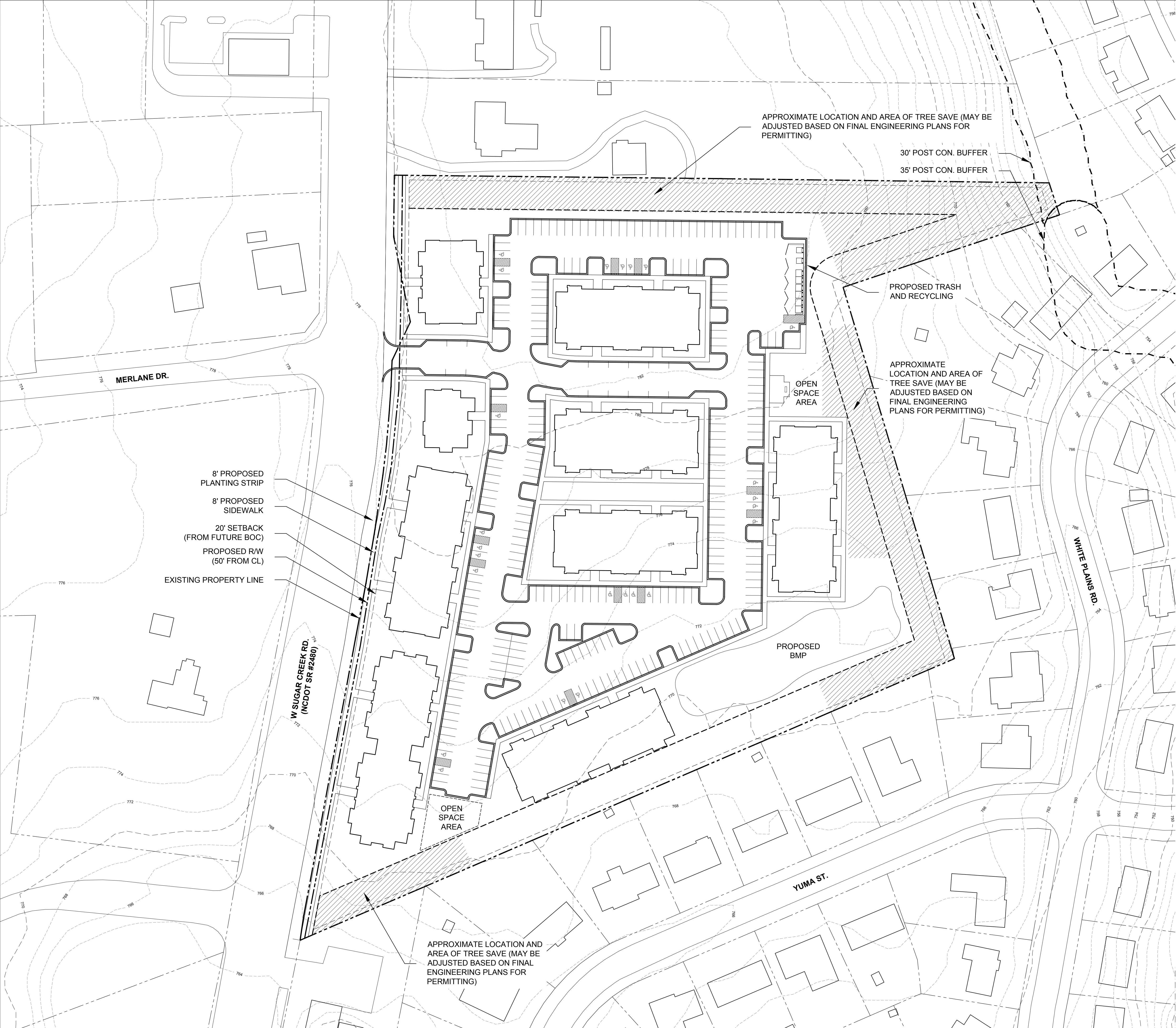
WEST SUGAR CREEK AFFORDABLE
REZONING PETITION No. 2017-XXX
CHARLOTTE, NC

TECHNICAL DATA SHEET

LandDesign

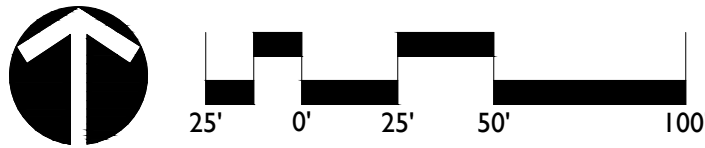
223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.333.3246
www.LandDesign.com

RZ-1



SITE LEGEND

- PROPERTY LINE
- SETBACK
- CLASS C BUFFER
- POST CONSTRUCTION BUFFER



DATE: 11/27/17
DESIGNED BY: JY
DRAWN BY: JY
CHECKED BY: FM
SCALE: 1"=50'
PROJECT #: 1017333
SHEET #:

WEST SUGAR CREEK AFFORDABLE
REZONING PETITION No. 2017-XXX
CHARLOTTE, NC
SCHEMATIC SITE PLAN

REVISIONS:

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

Site Development Data:

--Acreage: ± 9.82 acres
--Tax Parcel #: 089-064-39
--Existing Zoning: R-4
--Proposed Zoning: UR-2(CD)
--Existing Uses: vacant
--Proposed Uses: Up to 180 multi-family residential dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
--Proposed Floor Area Ratio: As allowed by the UR-2 Zoning District.
--Maximum Building Height: The proposed buildings will be a maximum of three (3) story buildings. The allowed building height will be measured as required by the Ordinance.
--Parking: Parking as required by the Ordinance will be provided.

1. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by C4 Investments, LLC ("Petitioner") to accommodate the development of a 180 multi-family residential dwelling unit community on approximately 9.82 acre site located at 924 W Sugar Creek Road (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the UR-2 zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

i.minor and don't materially change the overall design intent depicted on the Rezoning Plan.

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 11. 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.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 180 multi-family residential dwelling units together with accessory uses as allowed by the UR-2 zoning district.
- b. Parking spaces and maneuvering for parking spaces may not be located between the proposed buildings and West Sugar Creek Road as generally depicted on the Rezoning Plan.
3. **Access and Transportation:**
- a. Access to the Site will be from West Sugar Creek Road in the manner generally depicted on the Rezoning Plan. Access to the Site will line up with Merlane Drive.
- b. The placement and configuration of the vehicular access points is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
- c. The Petitioner will dedicate 50 feet of right-of-way as measured from the existing center line of West Sugar Creek Road to the NCDOT.
- d. The Petitioner will dedicate and convey via a fee simple deed any additional right-of-way indicated on the proposed site plan prior to the issuance of the first certificate of occupancy. Right-of-way conveyance to be located two feet behind the sidewalk or a two (2) utility easement to be provided behind the sidewalk if two (2) feet right-of-way cannot be conveyed behind the sidewalk.
- e. Any required roadway improvement will be approved and constructed prior to the issuance of the first certificate of occupancy subject to the petitioner ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.
- f. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

4. Architectural Standards, Court Yards/Amenity Areas:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, canopies, and on handrails/railings; concrete masonry units not architecturally finished are prohibited as a building material.
- b. Preferred Exterior Building Materials: All principal and accessory buildings abutting West Sugar Creek Road shall comprise a minimum of 20% of that building's entire façade (exclusive, of windows and doors) facing West Sugar Creek Road using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
- c. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.
- d. Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20 percent Preferred Exterior Building Materials and/or architecturally finished concrete masonry units. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

5. Streetscape, Buffers, Yards, and Landscaping:

- a. A 20 foot setback as measured from the future back of curb will be provided along West Sugar Creek Road as generally depicted on the Rezoning Plan. The last four (4) feet of the proposed setback may be used as a transition zone; the four (4) foot transition zone will be located between the back of the sidewalk and the face of the building if located outside of the R/W. The principle buildings will not be allowed to be located in the four (4) foot transition zone, however, stoops, porches, steps, rails, and similar items may be located within the transition zone.
- b. Cantilevered balconies located above the first floor may extend up to two (2) feet into the transition zone described in above.
- c. Along West Sugar Creek Road an eight (8) foot planting strip will be provided and a six (6) foot sidewalk will be provided as generally depicted on the Rezoning Plan.
- d. Along the Site's internal parking area, the Petitioner will provide a sidewalk and cross-walk network that links to the proposed buildings on the Site and to the sidewalks along West Sugar Creek Road in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.
- e. A 30 foot class C buffer will be provided where the Site abuts existing single-family homes as generally depicted on the Rezoning Plan. If the zoning on the adjoining property changes to a use or zoning no longer requiring a buffer as outlined in the Ordinance the buffer may be eliminated.
- f. Screening requirements of the Ordinance will be met.
- g. Above ground backflow preventers will be screened from public view and will be located outside of the proposed setback.

6. General Design Guidelines:

- a. The scale and massing of buildings longer than 120' along a street feet shall be minimized by utilizing a combination of the following options: (i) varied roof lines through the use of slopes, modulated buildings heights, gables, dormers or innovative architectural solutions; (ii) utilize building corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses; (iii) utilize horizontal variation of a minimum of 8 inches and vertical variations of a minimum of 24 inches in wall planes; or (iv) provide enclosed balconies.
- b. The maximum contiguous area without windows or doors on any floor facing West Sugar Creek Road shall not exceed 20 feet in length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination the following options: (i) provide a higher level of transparency on the ground floor (exaggerated or larger windows indicative of living areas); (ii) utilize horizontal and vertical variations in wall planes; and/or (iii) provide architectural protrusion.
- c. If the final architectural design cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director or designee.
- d. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
- (a) Building elevations shall be designed with vertical bays or articulated architectural façade features which shall include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors
- (b) Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes
- e. Building entrances serving 50% or more of the units in a proposed building, and when provided along West Sugar Creek Road shall be at or slightly above grade (one to two feet above average 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/sconces; (ii) architectural details carried through to upper stories; (iii) covered porches, canopies, awnings or sunshades; (iv) archways; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (viii) double doors; (ix) stoops or stairs; and/or (x) contrasting pavement from primary sidewalk.
- f. Common and/or private individual unit entrances shall be provided along West Sugar Creek Road at intervals of no greater than 110 feet.
- g. Where a building is served by common entrances (not individual unit entrances) and cannot achieve the interval spacing, common usable open spaces, amenity areas or courtyards can be utilized to break up the wall plane.
- h. Individual residential unit entrances, if oriented to West Sugar Creek Road should give the appearance of a front door orientation rather than a back patio design and will provide a pedestrian connection to the proposed sidewalk along on West Sugar Creek Road.
- i.Balconies will be design so that their size and location maximize their intended use for open space. The balconies may encroach into the transition zone above the first story of the building.
- j. If breezeways are included in the proposed residential buildings on the Site, the breezeways shall be framed with architectural elements to minimize the size of the breezeway opening and to provide the appearance of an enclosed breezeway.
- k. All facades shall incorporate windows, arches, balconies or other architectural details along with varying build materials, or roof lines or building offsets.

l.Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

- (a) Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets
- (b) For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls

- m. Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street

7. Environmental Features:

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

8. Signage:

- a. Signage as allowed by the Ordinance will be provided.
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, parking areas and courtyards.
- b. Detached lighting on the Site will be limited to 26 feet in height. Street lights new and existing along West Sugar Creek Road are not subject to this standard.

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 of Chapter 6 of the Ordinance.

11. Binding Effect of the Rezoning Application:

- b. 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 o

REVISIONS:

DATE: 11/27/17
DESIGNED BY:
DRAWN BY:
CHECKED BY:
SCALE:
PROJECT #: 1017333
SHEET #:

RZ-3

WEST SUGAR CREEK AFFORDABLE
REZONING PETITION No. 2017-XXX

CHARLOTTE, NC

DEVELOPMENT STANDARDS

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