

CRESSWIND REZONING PETITION NO. 2015-101

ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA

SHEET INDEX:

RZ-1.0	COVER SHEET
RZ-2.0	TECHNICAL DATA SHEET
RZ-3.0	SCHEMATIC SITE PLAN
RZ-4.0	DEVELOPMENT STANDARDS
RZ-4A	DEVELOPMENT STANDARDS
RZ-5.0	OPEN SPACE PLAN

LAND OWNERS

485 Investments LLC
6700 Fairview Road
Charlotte, NC 28210

Lee Security Partnership
6209 Windy Knoll Lane
Charlotte, NC 28227

Henry Oliver Rhodes, Sr.
Mary L. Rhodes c/o John Rhodes
13849 Beatties Ford Road
Huntersville, NC 28078

Jerry N. Helms Family Trust
11901 Albemarle Road
Charlotte, NC 28227

PETITIONER

Kolter Acquisitions, LLC
701 S. Olive Avenue, Suite 104
West Palm Beach, FL 33401
Contact: John Morgan
Phone #: 843.696.6907

LANDSCAPE ARCHITECT/
CIVIL ENGINEER

LandDesign, Inc.
223 North Graham St.
Charlotte, NC 28202
Contact: Mark Kime
Phone #: 704.333.0325

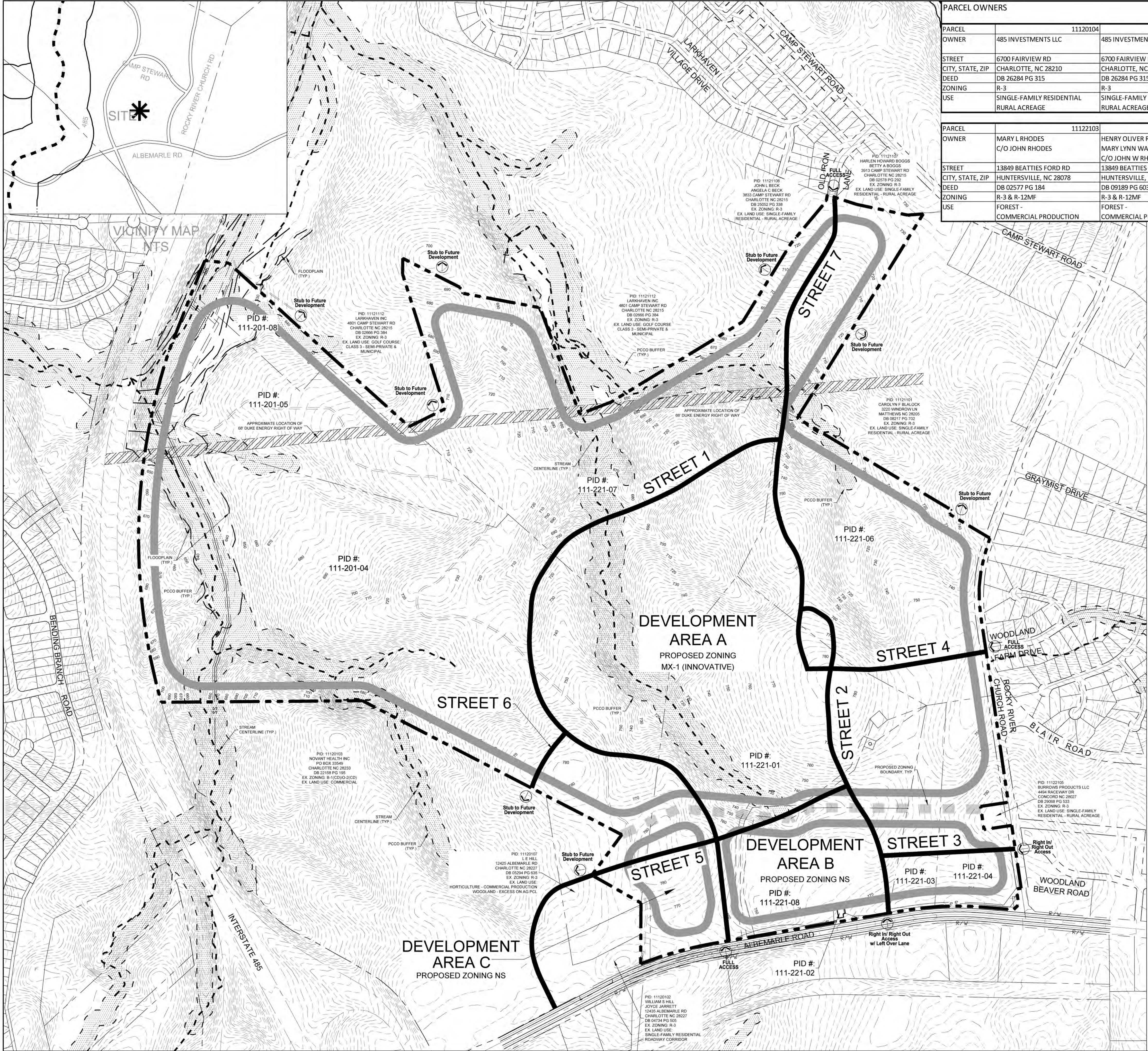
SURVEYOR

LDSI, INC
508 W. 5th Street, Suite 125
Charlotte, NC 28202
Contact: David Boyles
Phone #: 704.337.8329



REVISIONS:

09-21-15	REVISE PER STAFF COMMENTS
12-17-15	REVISE PER STAFF COMMENTS



PARCEL OWNERS					
PARCEL	11120104	11120105	11120108	11122101	11122102
OWNER	485 INVESTMENTS LLC	485 INVESTMENTS LLC	485 INVESTMENTS LLC	LEE SECURITY PARTNERSHIP	JERRY N HELMS FAMILY TRUST
STREET	6700 FAIRVIEW RD	6700 FAIRVIEW RD	6700 FAIRVIEW RD	9117 CASTLE GARDEN LN	11901 ALBEMARLE RD
CITY, STATE, ZIP	CHARLOTTE, NC 28210	CHARLOTTE, NC 28210	CHARLOTTE, NC 28210	CHARLOTTE, NC 28215	CHARLOTTE, NC 28227
DEED	DB 26284 PG 315	DB 26284 PG 315	DB 26284 PG 315	DB 08403 PG 147	DB 27950 PG 406
ZONING	R-3	R-3	R-3	R-3	B-1(CD)
USE	SINGLE-FAMILY RESIDENTIAL	SINGLE-FAMILY RESIDENTIAL	GOLF COURSE CLASS 3 - SEMI-PRIVATE & MUNICIPAL	FOREST - COMMERCIAL PRODUCTION	COMMERCIAL

PARCEL	11122103	11122104	11122106	11122107	11122108
OWNER	MARY L RHODES C/O JOHN RHODES	HENRY OLIVER RHODES SR MARY LYNN WALKER RHODES C/O JOHN W RHODES	HENRY OLIVER RHODES SR MARY LYNN WALKER RHODES C/O JOHN W RHODES	485 INVESTMENTS LLC	JERRY N HELMS FAMILY TRUST
STREET	13849 BEATTIES FORD RD	13849 BEATTIES FORD RD	13849 BEATTIES FORD RD	6700 FAIRVIEW RD	11901 ALBEMARLE RD
CITY, STATE, ZIP	HUNTERSVILLE, NC 28078	HUNTERSVILLE, NC 28078	HUNTERSVILLE, NC 28078	CHARLOTTE, NC 28210	CHARLOTTE, NC 28227
DEED	DB 02577 PG 184	DB 09189 PG 603	DB 09189 PG 606	DB 26284 PG 315	DB 27950 PG 406
ZONING	R-3 & R-12MF	R-3 & R-12MF	R-3	R-3	R-3 & B-1(CD)
USE	FOREST - COMMERCIAL PRODUCTION	FOREST - COMMERCIAL PRODUCTION	FOREST - COMMERCIAL PRODUCTION	GOLF COURSE CLASS 3 - SEMI-PRIVATE & MUNICIPAL	SINGLE-FAMILY RESIDENTIAL RURAL ACREAGE

DEVELOPMENT SUMMARY

PETITIONER: KOLTER ACQUISITIONS, LLC
701 S. OLIVE AVE, SUITE 104
WEST PALM BEACH, FL 33401
CONTACT: JOHN MORGAN
(843) 696-6907
JMORGAN@KOLTER.COM

ACREAGE: ± 371.00 ACRES

TAX PARCEL #S: 111-201-04, 05 AND 08; AND 111-221-01 THRU 04; AND 111-221-06 THRU 08.

EXISTING ZONING: R-3, R-12MF AND B-1(CD)

PROPOSED ZONING: MX-1 (INNOVATIVE) AND NS WITH FIVE (5) YEARS VESTED RIGHTS

EXISTING USES: VACANT LAND, SINGLE-FAMILY HOMES AND A RESTAURANT.

PROPOSED USES: 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 (INCLUDING CELL TOWERS); AS ALLOWED IN THE MX-1(INNOVATIVE) ZONING DISTRICT ON THE PORTION OF THE SITE ZONED MX-1 (INNOVATIVE) (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: WITHIN THE NS ZONING DISTRICT UP TO: (I) 290,000 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 IN SECTION 3); (II) A CONTINUING CARE RETIREMENT COMMUNITY (CCRC) WITH UP TO 230 UNITS (A CCRC IS A NURSING HOME MADE UP BOTH INDEPENDENT AND DEPENDENT LIVING FACILITIES) ; AND (III) 12 SINGLE-FAMILY HOMES WITHIN THE MX-1(INNOVATIVE) ZONING DISTRICT UP TO 850 AGE RESTRICTED (AS DEFINED BY THE DEPARTMENT OF HUD) DETACHED DWELLING UNITS, OF WHICH UP TO 150 DWELLING UNITS COULD BE DUPLEX TYPE UNITS (ONE-FAMILY ATTACHED FOR SALE) SUBJECT TO THE LIMITATIONS AND INNOVATIVE PROVISIONS DESCRIBED BELOW.

MAXIMUM BUILDING HEIGHT: IN THE AREA ZONED MX-1(INNOVATIVE), BUILDING HEIGHT AS SPECIFIED BY THE ORDINANCE WILL BE ALLOWED. IN THE AREA ZONED NS, BUILDING HEIGHTS WILL BE LIMITED TO A MAXIMUM OF FOUR (4) STORIES AND 60 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

PARKING: AS REQUIRED BY THE ORDINANCE.

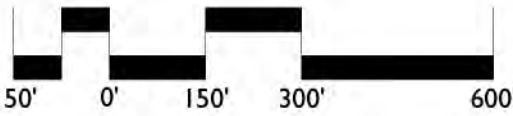
SITE LEGEND



SITE ACCESS

ZONING LINE

DEVELOPMENT AREA

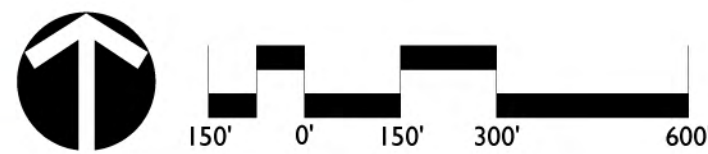


REVISIONS:
09-21-15 REVISE PER STAFF COMMENTS
12-17-15 REVISE PER STAFF COMMENTS

DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: 1"=300'
PROJECT #: 1014398
SHEET #:

RZ-2.0

CRESSWIND
REZONING PETITION NO. 2015-101
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
TECHNICAL DATA SHEET



DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: 1"=300'
PROJECT #: 1014398
SHEET #:

REVISIONS:
09-21-15 REVISE PER STAFF COMMENTS
12-17-15 REVISE PER STAFF COMMENTS

CRESSWIND
REZONING PETITION NO. 2015-101
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
SCHEMATIC SITE PLAN

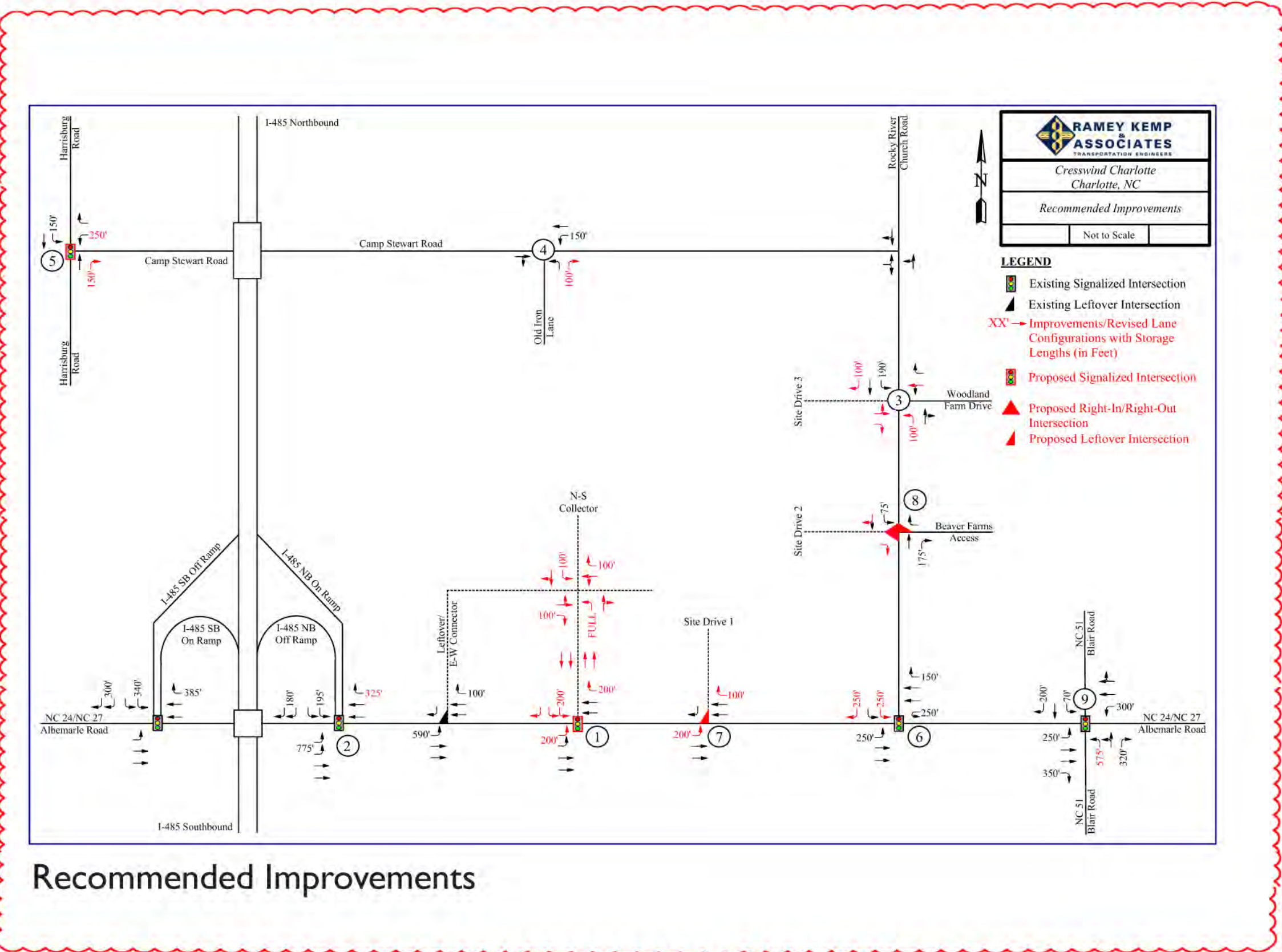


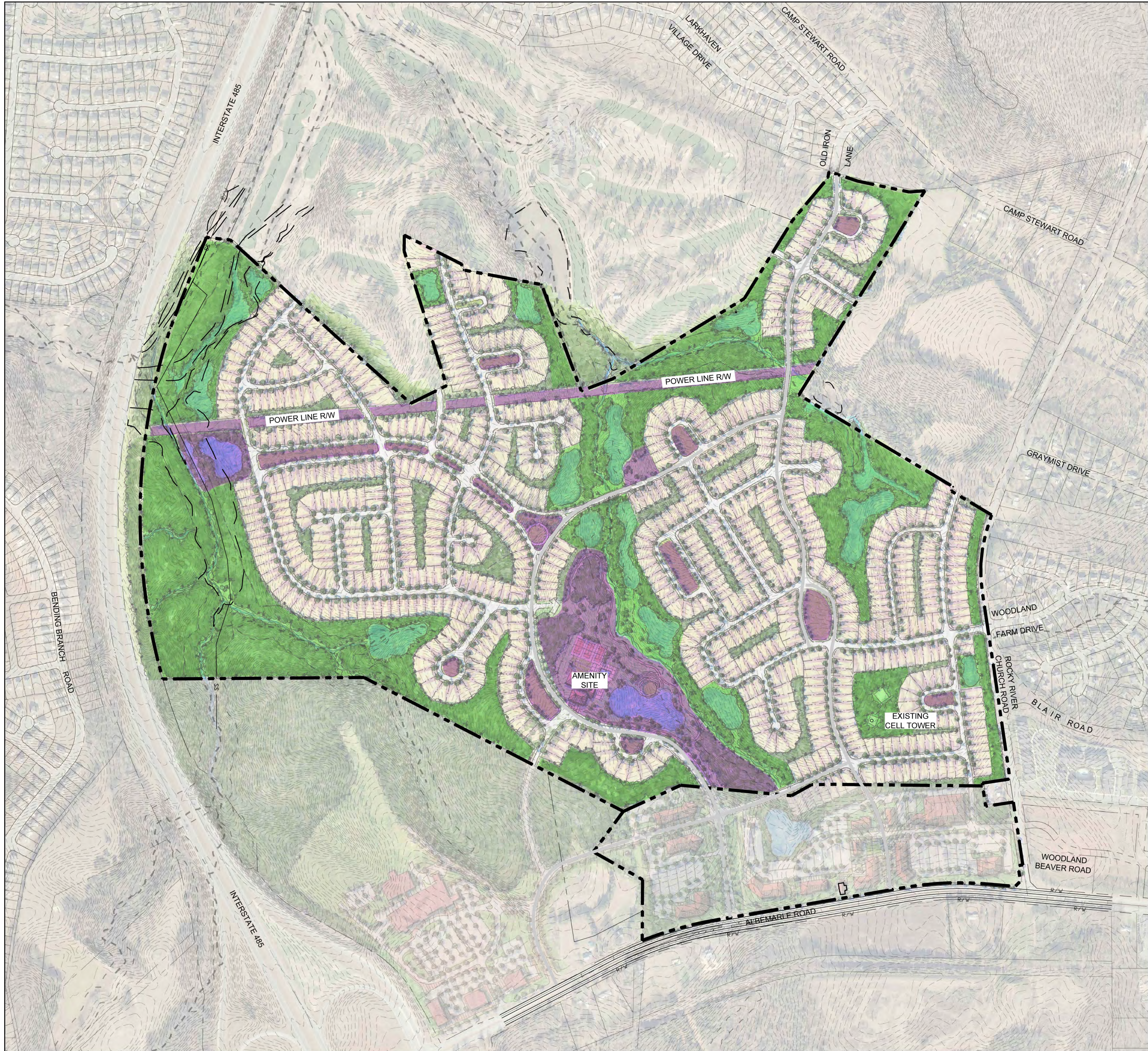
LandDesign
223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.332.3246
www.LandDesign.com

- c. Substantial Completion. Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.II above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.II.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.
- d. Right-of-way Availability. It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way (for example the acquisition of the Connector Right-of-Way as set forth above). 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, Rocky River Church Road, Old Iron lane as well as other public street extensions and connections made from the Site and into the Site from adjoining properties 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 reserves the right to provide angled parking (including reverse angle parking) on both sides of the portion Street # 2 that is located within Development Area B, to help support the retail uses that will front Street # 2.
- e. The Petitioner will dedicate 35 feet of right-of-way from the existing center line of Rocky River Church Road to the City of Charlotte as development occurs along Rocky River Road.
5. Design Intent Statement:
- a. The Petitioner proposes to develop a walkable active adult residential community with neighborhood retail and office uses; where the residents of the community will have convenient and easy access to a series of passive and active open spaces that are interconnected by a network of streets, and trails. The emphasis of the design will be to provide alternative modes of transportation to the residents of the community which will allow them to access the community's amenity areas as well as the retail and office uses located along the Site's frontage on Albemarle Road. The design of the non-residential area along Albemarle Road will also emphasize walkability (buildings will be oriented toward the streets when possible and operable doors will be provided from adjoining streets when the design of the adjoining street facilitates pedestrian access) and will be integrated into the residential community with a network of internal interconnected streets and sidewalks that provide convenient and easy access to these uses.
6. Architectural Standards and Parking Location Restrictions:
- a. The principal buildings constructed on the Site (Development Areas A, B, and C) may use a variety of building materials. The building materials used for buildings (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
- b. Parking and maneuvering for parking will not be allowed between the proposed buildings in Development Areas B and C and Street #1, 2, 3 and 5. Except that the building located at the corner of Rocky River Church Road and Albemarle Road may have parking and maneuvering for parking between the building and Street #3.
- c. Maneuvering associated with the allowed accessory drive-through windows will be allowed between the proposed buildings and Albemarle Road and Rocky River Road.
- d. The minimum height of one-story non-residential buildings constructed within Development Areas B and C will be a minimum 22 feet including architectural elements.
- e. Buildings located with Development Areas B and C will be designed so that the building facades orient to the new or the existing streets and will not have lengths of uninterrupted blank building walls over 20 feet in length. Building walls may be interrupted with glass display windows, glass entry doors, windows, and changes in building materials and other treatments that help create visual interest and to encourage pedestrian activity.
- f. All buildings shall provide street level, pedestrian oriented active uses along Streets #'s 5, 2 and 3. Buildings along these street fronts will also have operable pedestrian doors that face these streets when angled parking is also provided. Angled on-street parking will be provided if allowed by the jurisdiction and/or NCDOT.
- g. The principal entrance to a building, and any ground floor tenant space entrance, both functionally and architecturally, shall front on the primary streets (Streets 2, 5, and 3) when angled on-street parking is provided, or a public open space such as a square, plaza, courtyard or sidewalk is provided. Angled on-street parking will be provided if allowed by the jurisdiction and/or NCDOT.
- h. A building located at the intersection of two streets (Streets 1, 2, 3 and 5) shall not have parking, loading or service areas along the primary of the two streets.
- i. At least 50% of the first floor building façade between two (2) and ten (10) feet above grade of buildings facing Street #2 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.
- j. Major building entrances of multi-tenant office buildings or CCRCs buildings that provide access to the primary uses in the building or a central lobby shall be distinguished from the secondary entrances.
- k. The Street Walls of the building constructed within Development Area B abutting Albemarle Road will be treated with a combination of the following features: (i) windows with applied graphics images; (ii) internally illuminated window boxes with applied graphics images; (iii) vertical elements such as art work and/or decorative garden and landscape elements; (iv) decorative lighting elements; and (v) landscaped areas composed of a combination of large and small maturing evergreen and deciduous trees, evergreen and deciduous shrubs and seasonal color.
- l. The service areas of the new buildings constructed within Development Areas B and C will be screened from the adjoining streets with walls designed to complement the building architecture of the adjacent buildings. Architectural features such as, but not limited to, branding, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls and to encourage pedestrian activity.
- m. Open spaces in the Development Areas B and C (other than water quality ponds or ponds) shall be partially enclosed with buildings walls, freestanding walls, landscaping, raised planters, or on-street parking to create an "outdoor" room.
- n. At least one (1) open space area will be located within Development Area B and along Street #2, the open space will have a minimum of 30 feet of frontage on Street #2 and a minimum depth of 50 feet. This open space area will be designed to act as an outdoor room for the tenants and customers of Development Area B. The open space are will contain seating areas, landscaping and hardscape elements.
- o. Meter banks, transformers and similar utility structures will be screened where visible from public view at grade level.
7. Continuing Care Retirement center (CCRC) Design Standards:
- a. Parking areas for the CCRC uses will be located to the rear of the buildings or between the buildings; parking will not be allowed between the buildings and Street B as generally depicted on the Rezoning Plan.
- b. The CCRC buildings located along Street # 5 will have at least one primary building entrance oriented to Street # 5.
- c. If pitched roofs are utilized the roof pitch must be greater than 6:12.
- d. Stucco or EIFS with a smooth or sandy finish may be used as secondary material only on the 2nd and 3rd floors and such material shall be less than 40% of the aggregate wall area excluding roofs and siding.
- e. Building façade materials, with the exception of corner treatments and columns, shall be combined only horizontally, with the heavier below the lighter.
- f. Blank, windowless walls over 20 feet in length are prohibited. At least 15% of the total wall area of each façade that faces a public street must be transparent windows (excluding glass block) or doorways (egress only doors are excluded).
- g. Buildings edges will be separated by at least four (4) feet from the back of the sidewalk.
8. Streetscape, Landscaping and Buffer:
- a. Setbacks and yards as required by the MX-1 (Innovative) zoning district and as allowed by the Innovative Provisions above will be provided.
- b. Within Development Areas B and C, a minimum building and parking setback of 20 feet as measured from the existing right-of-way will be provided along Albemarle Road and Rocky River Church Road. Along Street # 5 a minimum building setback of 25 feet as measured from the back of curb will be provided. The setback along the other internal public streets will be provided as required by the Ordinance.
- c. Within Development Area A along Rocky River Road, a common open space area within a minimum width of 30 feet will be provided. This 30 foot common open space area will be treated as required by the Ordinance (Section 12.3.08).

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 side-walks 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 (Innovative) will be a minimum of five (5) feet.

9. 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.
10. Plazas and Open Space:
- a. The Petitioner will provide a series of passive and active open space areas throughout the residential community as generally depicted on Sheet RZ-6 (the exact location and configuration of these open space areas may vary from what is illustrated; the final locations and configuration of the open space areas will be determined/finalized during each phase of the subdivision approval process). A minimum of 15% of the MX-1 area will be provided as passive open space areas and a minimum of 8% of the MX-1 area will be provided and improved as active open space areas. Active open space areas will be areas improved with seating areas, trails, recreation fields, tennis courts, play grounds, swimming pools, amenitized ponds (i.e. water quality ponds/areas improved with trails, seating areas and other amenities), a club house or other amenity areas designed to be used and enjoyed by the residents and guests of the community. Passive open space areas will be environmental areas such as tree save areas, water quality buffers, slopes, tree save areas, water quality areas or other open space areas of the community.
- b. The design of the club house amenity area located within Development Area A will emphasize walkability and pedestrian access. The proposed building will be oriented toward the street with primary parking located to the side or the rear of the building.
- c. An open space area/plaza will be provided within Development Area B adjacent to Street # 2 as generally depicted on the Rezoning Plan.
11. Signage:
- a. Signage as allowed by the Ordinance may be provided. The Site will be viewed as a Planned/Unified Development as defined by the Ordinance; consequently uses located on the interior of the Site may be identified on the allowed signs for the use in Development Area B and C, and vice versa uses located on along Albemarle Road may be identified on signs located on the interior of the Site.
- b. Development Area A will be allowed a sign along Albemarle Road as allowed by the NS zoning district.
- c. For the purposes of signage Development Area B may be treated as two separate Development Areas, if developed as two separate areas under separate ownership. Area number one will be the area between Street # 1 and Street # 2; Area two will be the area between Rocky River Church Road and Street # 2.
- d. The existing sign for Jake's Restaurant may remain until the Jake's restaurant building is demolished.
12. 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 25 feet in height in the portions of the Site used for non-residential uses and 15 feet in height in the portions of the Site used for residential uses.
13. Greenway Dedication:
- a. The Petitioner will dedicate and convey to County Parks and Recreation the portion of the 100 foot SWIM buffer located on Tax Parcel #'s 111-201-05 and 08 as generally depicted on the Rezoning Plan. This area will be dedicated and conveyed to County Parks and Recreation as part of the subdivision approval process for this portion of the Site. Storm water detention and water quality treatment areas may not be located within the area to be dedicated to County Parks and Recreation.
14. 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.
15. Binding Effect of the Rezoning Application:
- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.





PASSIVE OPEN SPACE

- ENVIRON. AREAS/TREESAVE
- BUFFERS
- SLOPES
- GENERAL OPEN SPACE
- PONDS

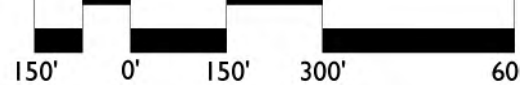
MINIMUM: 15%



ACTIVE OPEN SPACE

- AMENITY AREAS
- POCKET PARKS
- TRAILS
- FIELDS
- HARDSCAPE
- AMENITIZED PONDS

MINIMUM: 8%



DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: 1"=300'
PROJECT #: 1014398
SHEET #:

REVISIONS:
09.21.15 REVISE PER STAFF COMMENTS
12.17.15 REVISE PER STAFF COMMENTS

CRESSWIND
REZONING PETITION NO. 2015-101
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
RESIDENTIAL COMMUNITY OPEN SPACE (ZONED MX-1)

LandDesign

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



RZ-5.0