

CRESSWIND REZONING PETITION NO. 2015-101

ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA

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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

PRELIMINARY NOT FOR CONSTRUCTION
SUBJECT TO FINAL DESIGN CHANGES

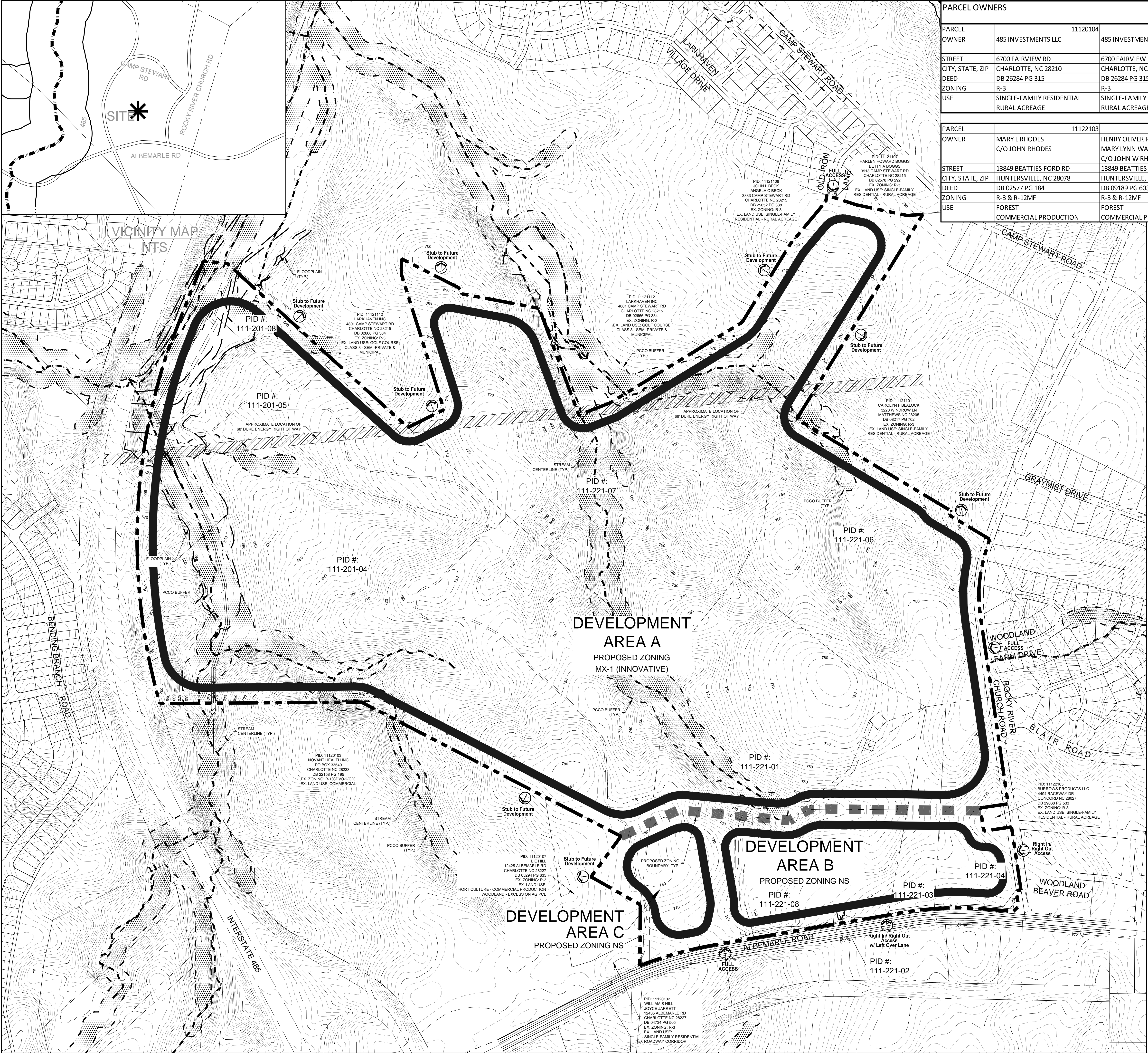
DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: AS SHOWN
PROJECT #: 1014398
SHEET #:

REVISIONS:
09/21/15 REVISE PER STAFF COMMENTS

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



LandDesign
223 N Graham Street Charlotte, NC 28202
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www.LandDesign.com



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 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).

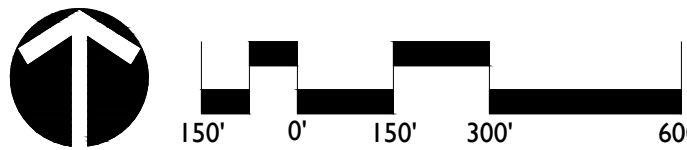
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: WITHIN THE NS ZONING DISTRICT UP TO: (I) 290,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, GENERAL AND MEDICAL OFFICE USES, EATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE), PERSONAL SERVICES, AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3); AND (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). 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

DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: 1"=300'
PROJECT #: 1014398
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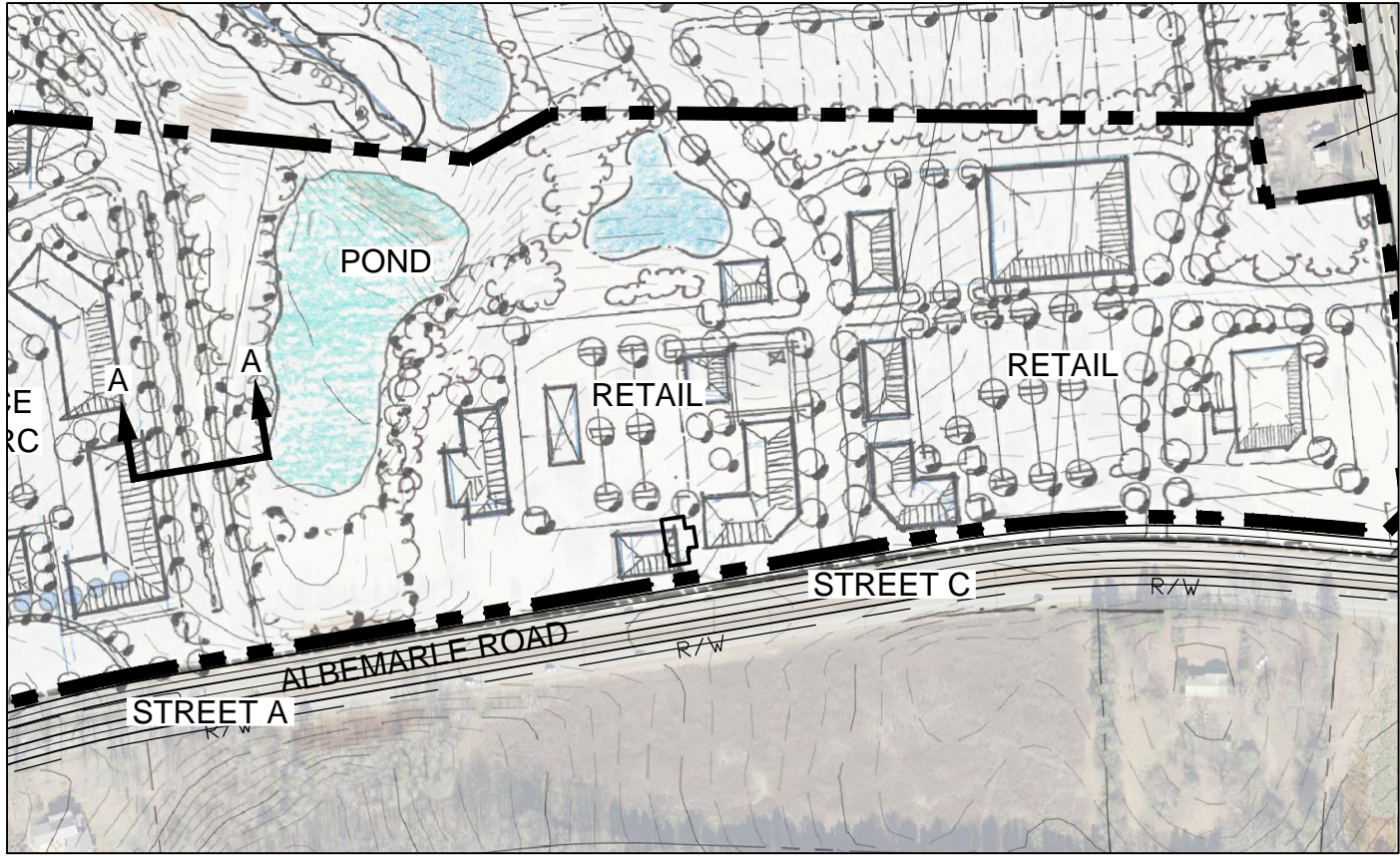
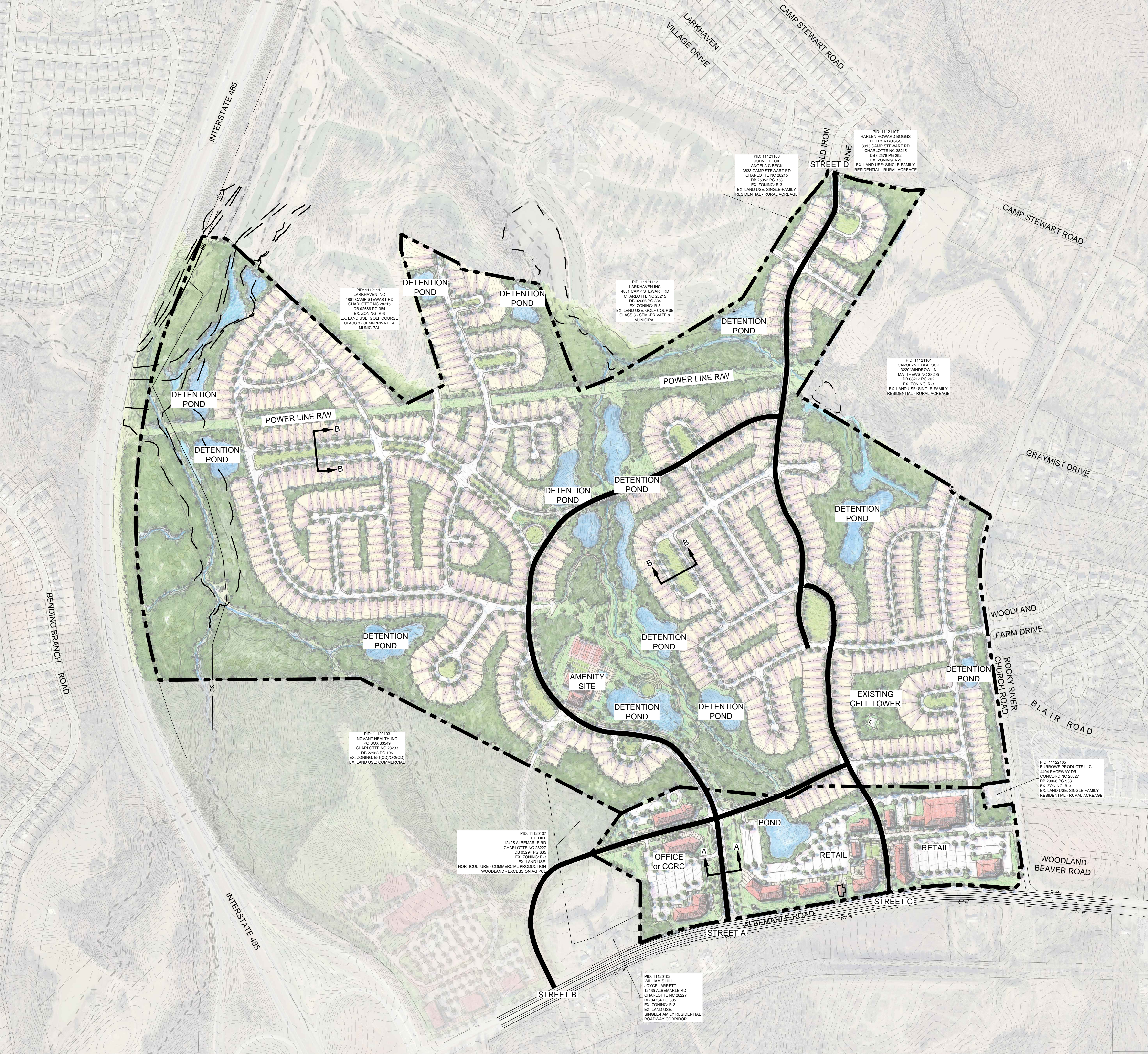
CRESSWIND
REZONING PETITION NO. 2015-101
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
TECHNICAL DATA SHEET

LandDesign

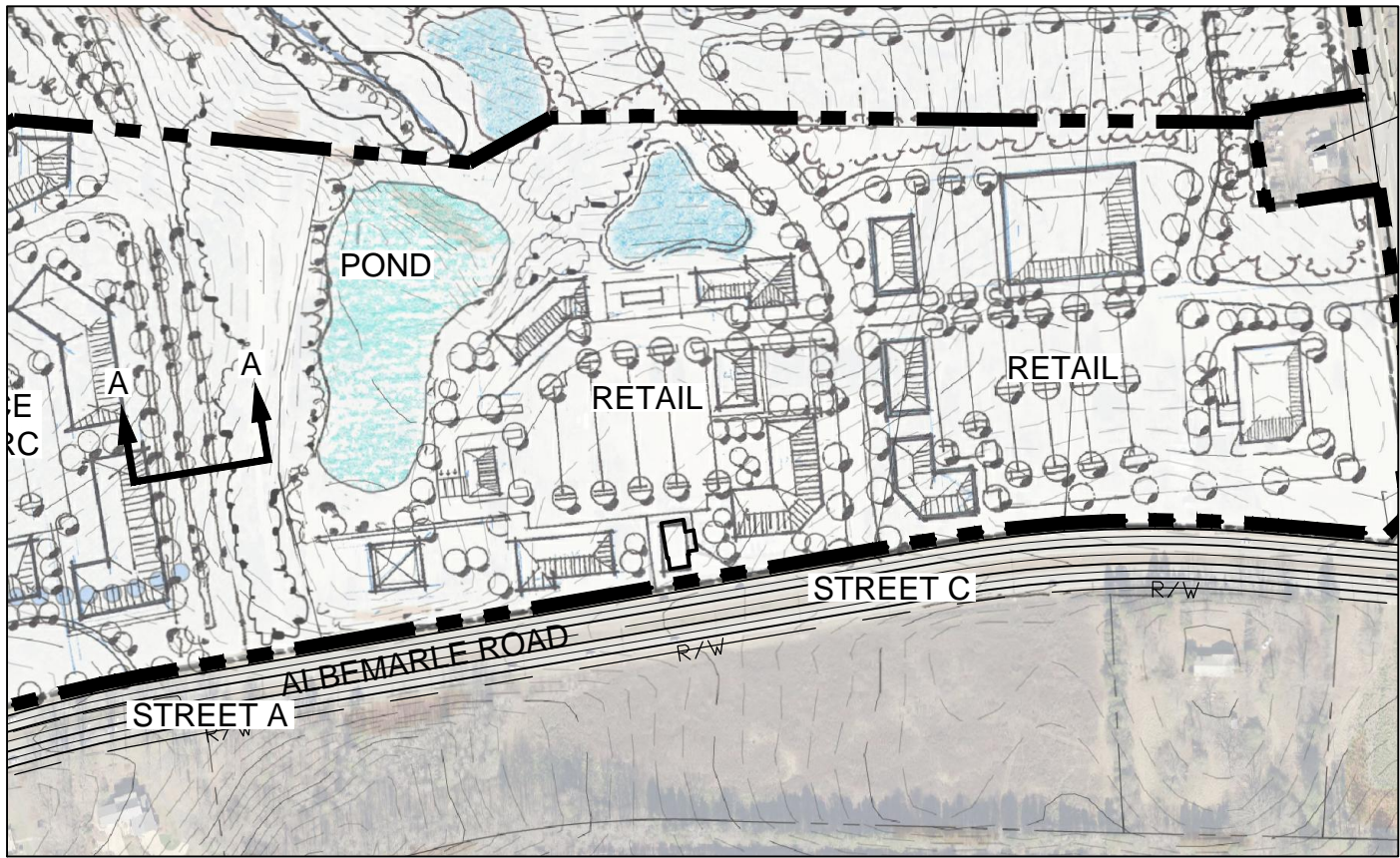
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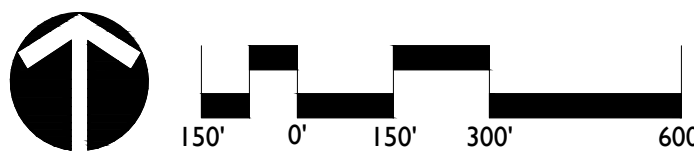
RZ-2.0



ALTERNATE RETAIL A



ALTERNATE RETAIL B



PRELIMINARY NOT FOR CONSTRUCTION
SUBJECT TO FINAL DESIGN CHANGES

DATE: JUNE 18, 2015
DESIGNED BY: KST
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SCALE: 1"=300'
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CRESSWIND
REZONING PETITION NO. 2015-101
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
SCHEMATIC SITE PLAN

REVISIONS:
09.21.15 REVISE PER STAFF COMMENTS

LandDesign
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www.LandDesign.com



RZ-3.0

Kolter Acquisitions, LLC ("Kolter Acquisitions")
Development Standards
9/21/15
Rezoning Petition No. 2015-101 - (Cresswind)

Site Development Data:

--**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
--**Proposed 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 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:** (i) 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 5); and (ii) a continuing care retirement community (CCRC) with up to 230 units (a CCRC is a nursing home made up of both independent and dependent living facilities). Within the MX-1 (Innovative) zoning district up to 850 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.

An age restricted dwelling unit will be defined as a detached dwelling unit, restricted to occupancy by households having at least on member who is 55 years of age or older.

--**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; otherwise building height will be measured as defined by the Ordinance.
--**Parking:** As required by the Ordinance.

1. General Provisions:

a. **Site Location.** These Development Standards, the Technical Data Sheet and Schematic Site Plan, and related graphics from the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Kolter Acquisitions, LLC (Kolter Acquisitions) ("Petitioner") to accommodate development of an Age Restricted residential community, a neighborhood shopping center with medical and general office uses as well as a Continuing Care Retirement Community on an approximately 371.00 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 (Innovative) zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Innovative Provisions provided below.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Development Areas (as defined below) and other development matters and site elements (collectively the "Development-Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and 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. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or
ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on Sheet RZ-2.

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 commercial (retail, EDEE, office, personal service uses), (land continuing care/retirement community), shall not exceed 20; and (ii) on the portion of the Site zoned MX-1 (Innovative) and developed for detached residential dwellings shall not exceed 850 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.

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. **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, the level of investment, the timing of development 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, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

2. Innovative Provisions for MX-1 (Innovative) Area

a. The Petitioner hereby seeks the following Innovative Development Standards in connection with development taking place within Development Area A, the MX-1 Community, to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian friendly residential community:

i. A minimum lot size for single-family detached lots of 3,800 square feet.

ii. A minimum lot width for single-family detached lots of 35 feet, except for the "Exterior Lots" which will have a minimum lot width of 40 feet.

iii. A minimum front setback of 10 feet as measured from the proposed right-of-way of public the streets, if a driveway is to be used to provide additional parking the minimum setback from the back of the sidewalk will be enough not to block the sidewalk feet.

iv. A minimum interior rear yard of 20 feet; and

v. The ability to allow single-family lots to front on private streets (if private streets are used they will not be gated).

b. In addition, the Petitioner reserves the right to modify the Innovative Provisions described above or seek other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

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

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

b. Development Area A may be developed with up to 850 Age Restricted detached dwelling units, of which up to 150 dwelling units could be duplex type units (one-family attached for sale), 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.) as well as an existing cell tower. Subject to the conservation/transfer rights listed below.

c. Subject to the restrictions, limitations, and transfer/conversion rights listed below, the principal buildings constructed within Development Area B may be developed: with (i) up to 130,000 square feet of gross floor area of retail, Eating Drinking Entertainment Establishment (EDEE), personal services uses, and (ii) up to 60,000 square feet of gross floor area of general and medical office uses, together with accessory uses as allowed in the NS zoning district. Up to two (2) uses with accessory/drive-through/windows may be constructed within Development Area B. Only one (1) EDEE (restaurant) with an accessory drive-through window will be allowed.

d. Development Area C may be developed with up to 100,000 square feet of gross floor area of general and medical office uses, or a continuing care/retirement community with up to 230 units (subject to the transfer right described below), together with accessory uses as allowed in the NS Zoning District. Up to one (1) use with an accessory drive-through window may be constructed within Development Area C as allowed in the NS zoning district.

e. The Petitioner reserves the right to increase the allowed number of CCRC units allowed in the Development Area B by 100 CCRC units by transferring and converting residential dwelling units from the MX-1 portion of the Site to Development Area B. For each residential units transferred from the MX-1 portion of the Site will equal two (2) additional CCRC units. No more than 50 units may be transferred from the MX-1 portion of the Site to Development Area B, and for each unit transferred the from the MX-1 portion of the Site the total number of units allowed in the MX-1 area will be reduced by an equal amount.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

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).

An age Restricted dwelling unit will be defined as a detached dwelling unit, restricted to occupancy by households having at least one member who is 55 years of age or older.

A continuing care retirement community (CCRC) is a nursing home made up of both independent and dependent living facilities.

4. Transportation Improvements and Access:

I. Proposed Improvements:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:
The following Transportation Improvements are also illustrated on Figure 15 on Sheet RZ-5 of the Rezoning Plan. The figure on Sheet RZ-5 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 15 for the proposed improvement).

[To be Determined]

II. Standards, Phasing and Other Provisions.

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 the jurisdiction of the State of North Carolina). 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 4.1 above, the following provisions shall permit development to take place prior to completion of all of the above-referenced improvements: **[TO BE FORTHCOMING]**

a.

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.

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 roadway improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

c. **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 alternative 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 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; were 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 and offset 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 provide from the adjoining street 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.

5. 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 areas will not be allowed between the proposed buildings in Development Areas B and C and Street A, B, C and D. 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 D.

c. Except for maneuvering for uses with a drive-thru service window parking areas will not 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 element.

e. Buildings located with Development Areas B and C will be designed so that the building facades oriented to the new or the existing streets and will not have lengths of uninterrupted blank building walls over 20 feet 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.

f. All buildings shall provide street level, pedestrian oriented active uses along street B, C and D. Buildings along these street fronts will also have operable pedestrian doors that face these streets when diagonal or 90 degree parking is also provided.

g. The principal entrance to a building, and any ground floor tenant space entrance, both functionally and architecturally shall front on the primary street (street B, C and D) when diagonal on-street parking is provided, or a public open space such as a square, plaza, courtyard or sidewalk.

h. A building located at the intersection of two streets (streets A, B, C and D) shall not have parking, loading or service areas along the primary of the two streets.

i. At least 50% of the first floor building facade between two (2) and ten (10) feet above grade, of buildings facing Street C, B and D will utilize transparent glass with vision glass. In areas where transparent vision glass cannot be utilized due to building or tenant constraints display windows may be utilized.

j. Major building entrances of multi-tenant office buildings or multi-family buildings that provide access to the primary uses in the building or a central lobby shall be distinguished from the secondary entrances.

k. 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, banding, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

l. 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.

m. At least one (1) open space area will be located within Development Area B. This open space area will be designed to act as an outdoor room for the tenants and customers of Development Area B.

n. Meter banks, transformers and similar utility structures will be screened where visible from public view at grade level.

6. Multi-Family (CCRC) Design Standards:

a. Parking areas for the multi-family uses will be located to the rear of the building or between the buildings, parking will not be allowed between the building and street B as generally depicted on the rezoning plan.

b. If pitched roofs are utilized the roof pitch must be greater than 6:12.

c. Stucco or EIFS with a smooth or sandy finish may be used as secondary material only on the 2nd and 3rd floors and be less than 40% of the wall area.

d. Building facade materials, with the exception of corner treatments and columns, shall be combined only horizontally, with the heavier below the lighter.

e. Blank, windowless walls over 20 feet in length are prohibited. At least 15% of the total wall area of each facade that faces a public street must be transparent windows (excluding glass block) or doorways (egress only doors excluded).

f. Buildings edges will be separated by at least four (4) feet from the back of the sidewalk.

7. 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. The setback along the 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 12.308).

d. Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links all the 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 (Innovative) will be a minimum of five (5) feet.

8. 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.

9. 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, and 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, and other open space areas of the community.

10. 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.

11. 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.

12. 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 approval of the first final plat for one of these two parcels.

13. Amendments to the Rezoning Plan:

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

14. 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.

PRELIMINARY NOT FOR CONSTRUCTION
SUBJECT TO FINAL DESIGN CHANGES

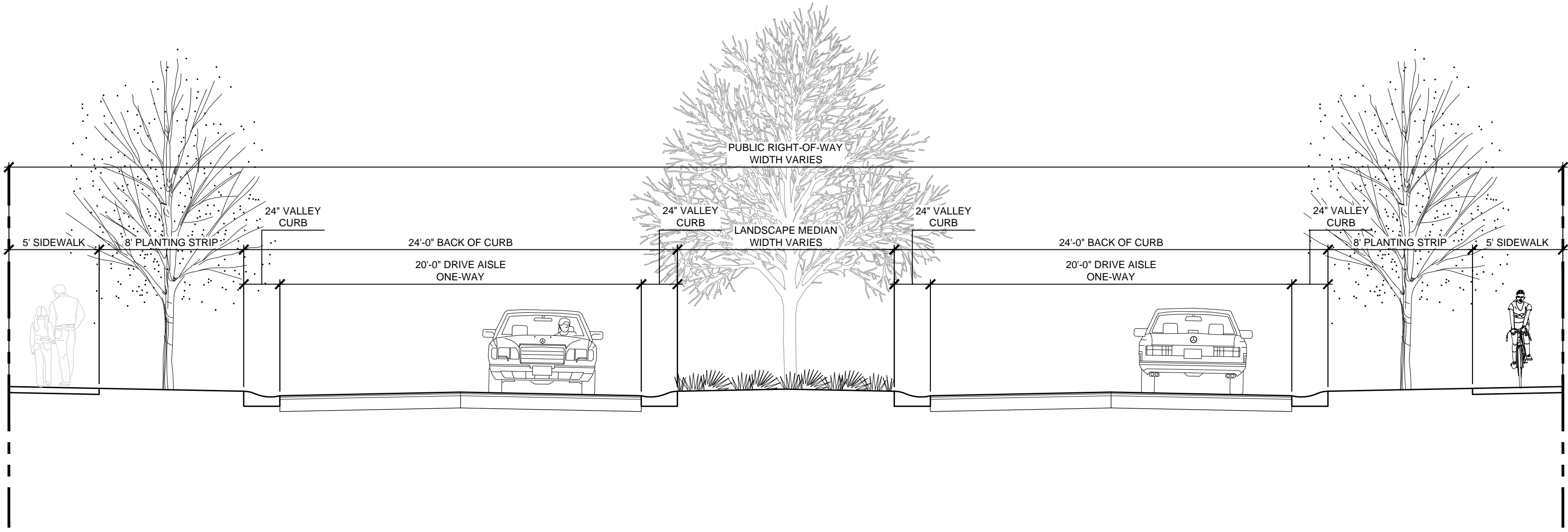
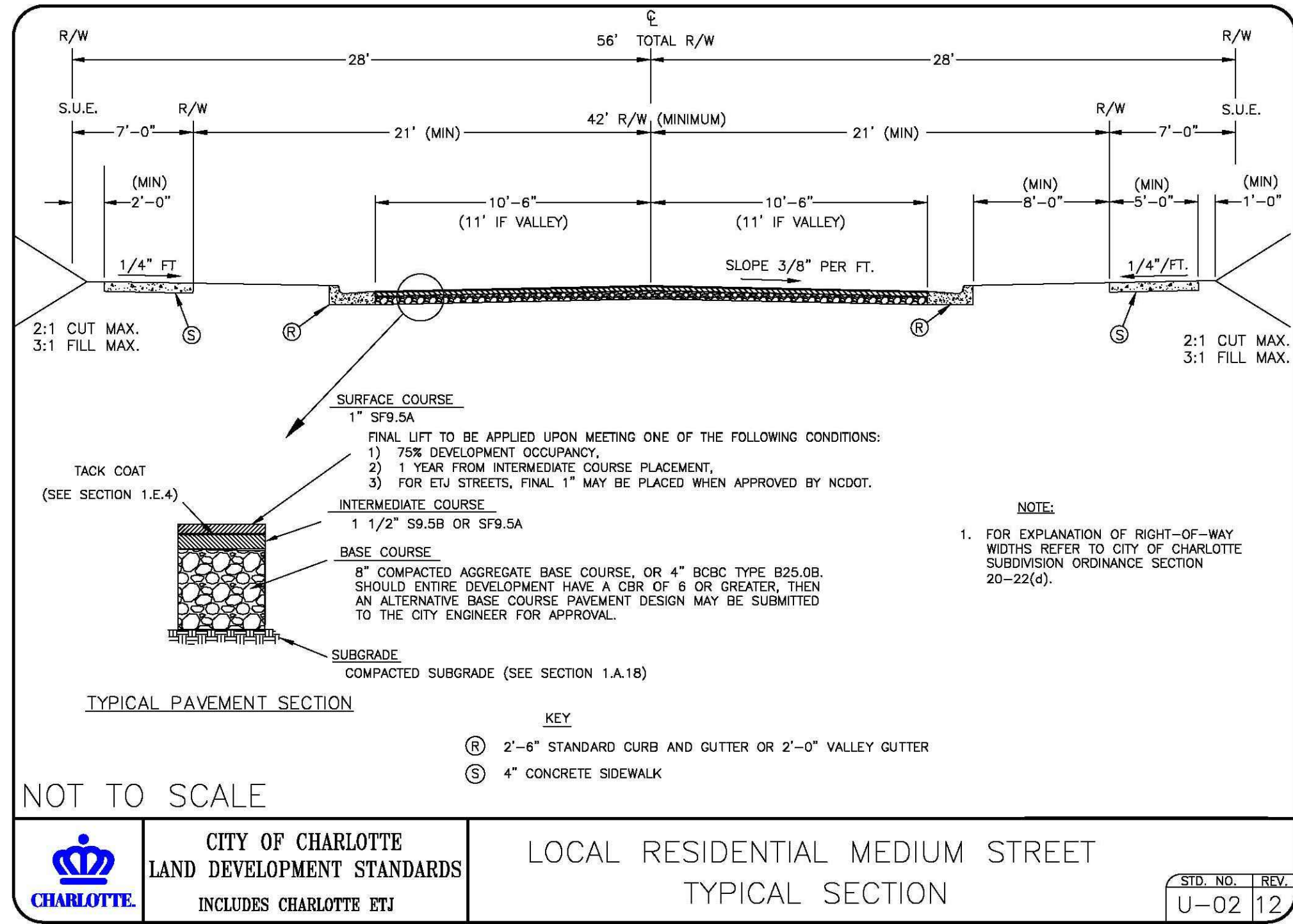
DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: AS SHOWN
PROJECT #: 1014398
SHEET #:

REVISIONS:
09-21-15 REVISE PER STAFF COMMENTS

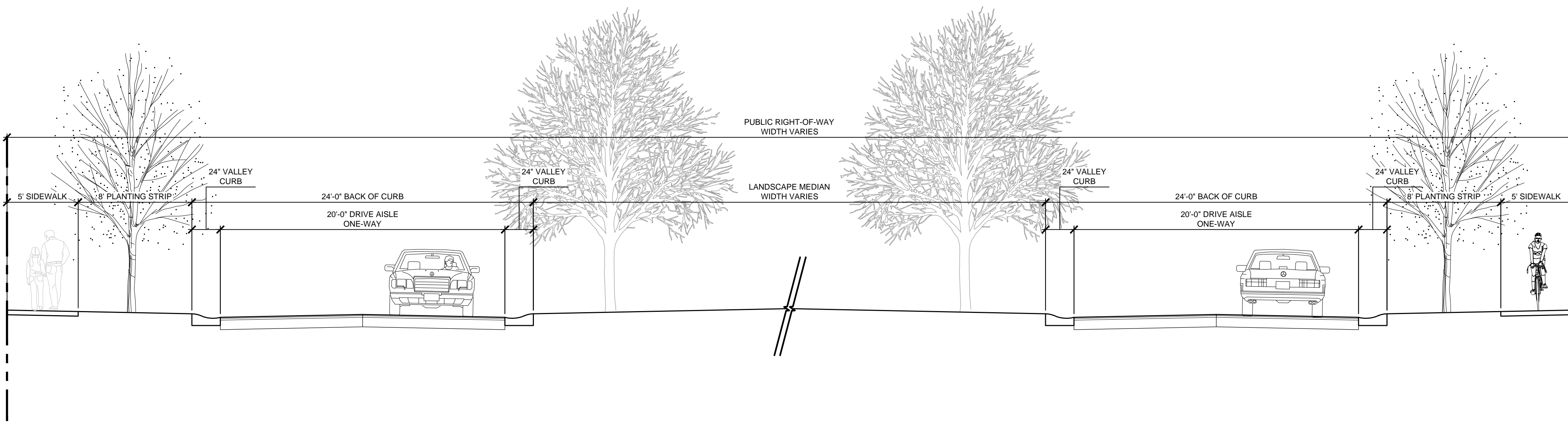
CRESSWIND
REZONING PETITION NO. 2015-101
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
DEVELOPMENT STANDARDS

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TYPICAL CROSS-SECTION A
SECTION NTS



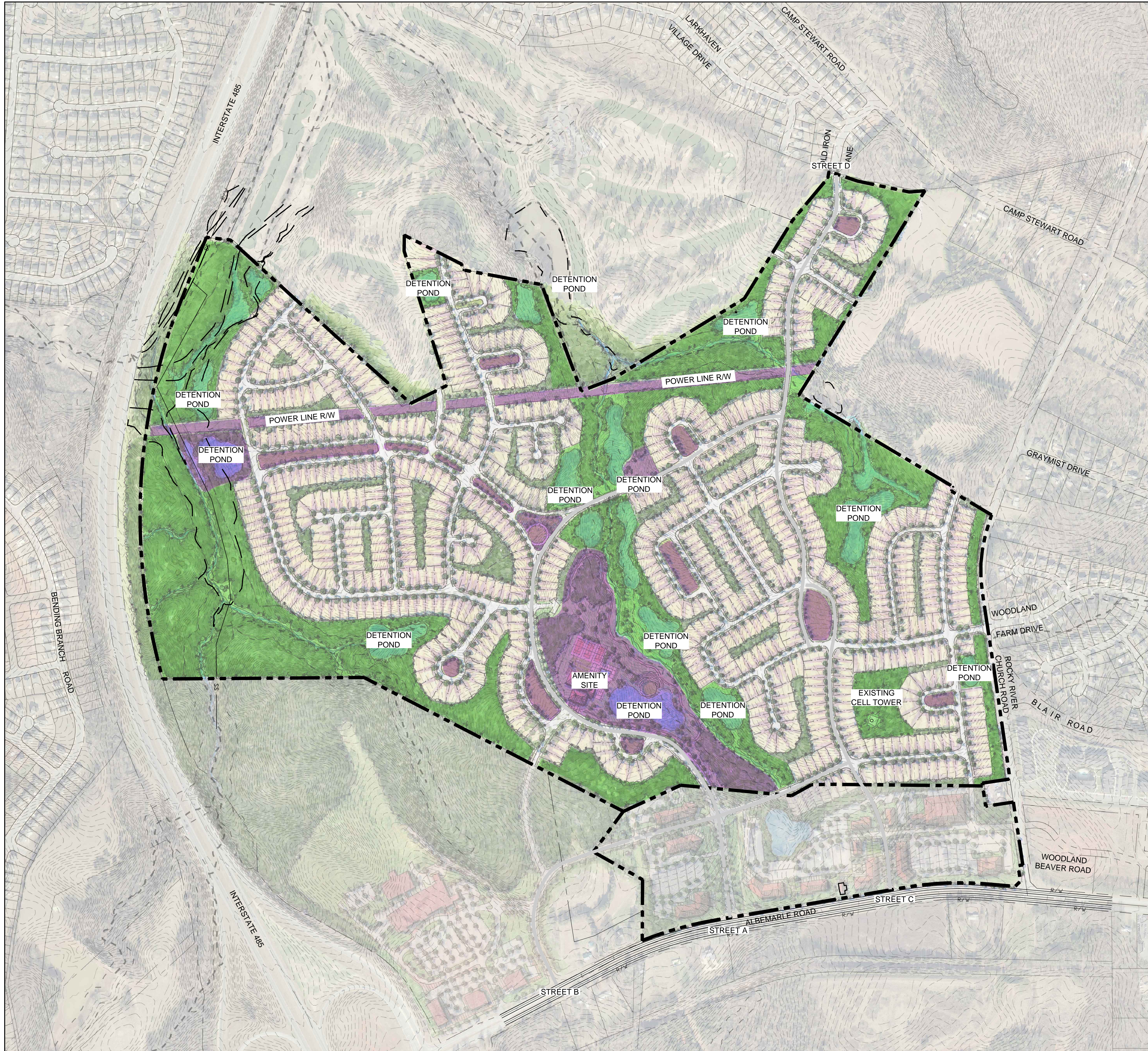
TYPICAL CROSS-SECTION B
SECTION NTS

PRELIMINARY NOT FOR CONSTRUCTION
SUBJECT TO FINAL DESIGN CHANGES

REVISIONS:
09.21.15 REVISE PER STAFF COMMENTS

DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: NTS
PROJECT #: 1014398
SHEET #:

CRESSWIND
REZONING PETITION NO. 2015-101
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
TYPICAL STREET SECTIONS



PASSIVE OPEN SPACE

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

MINIMUM: 20%

ACTIVE OPEN SPACE

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

MINIMUM: 10%



PRELIMINARY NOT FOR CONSTRUCTION
SUBJECT TO FINAL DESIGN CHANGES

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

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

REVISIONS:

09.21.15 REVISE PER STAFF COMMENTS

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RZ-6.0