



Childress Klein - Promenade
Development Standards
Rezoning Petition No. 2017-000

Site Development Data:

--Acreage: ± 27.6 acres
--Tax Parcel #: 229-151-07, 229-151-26, and 229-151-23
--Existing Zoning: CC
--Proposed Zoning: CC (SPA)
--Existing Use: Retail and commercial uses as permitted in Petition #1998-49c
--Proposed Uses: Retail and commercial uses as permitted in Petition #1998-49c
--Proposed Floor Area Ratio: As allowed by the CC Zoning District.
--Maximum Building Height: As permitted in Petition #1998-49c
--Parking: Parking as required by the Ordinance will be provided.

1. General Provisions:

- a. **Purpose.** These Development Standards form a part of the Rezoning Plan associated with the Site Plan Amendment Rezoning Petition filed by Childress Klein Properties, LLC ("Petitioner") to accommodate minor modifications to 27.6 acres (the "Site") of the 52.25 acre site rezoned by Petition #1998-49C. The Site Plan Amendment provisions are described in Section 2 and limited to site plan modifications related to parking, open space, landscaping and signage. The Site Plan Amendment does not include modifications to the square footage entitlements of Petition 1998-49C.
- b. **Site Location.** The Site is located on the approximately 27.6 acres at the intersection of Ballantyne Commons Parkway and Providence Road.
- 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 the regulations established under the Ordinance for the CC zoning classification shall govern.
- d. **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

2. Site Plan Amendment Provisions:

The following Site Plan Amendment provisions shall apply to the Site:

- a. To allow the Site to be modified to remove and replace an existing building under the approved entitlements set forth in Petition #1998-49C. The parking area will be reconfigured as generally depicted in Area A on Sheet RZ-02. The Planting Area as generally depicted in the northwest corner of Area A will be planted with a combination of large maturing trees, understory trees and shrubs in compliance with the ordinance. The four oaks preserved as a provision of Petition #1998-49C will be replaced at a 2:1 ratio. The remaining large maturing trees will be replaced at a 1:1 ratio. The replacement trees will be planted in Planting Area in Area A generally depicted on Sheet RZ-02 or in other locations on the Site in coordination with the City of Charlotte's Urban Forestry staff or representative.
- b. To allow a portion of the open space developed as a provision of Petition #1998-49C and described below in Section 9 to be modified to accommodate parking and up to two kiosk structures of no greater than 1000 square feet each in the locations generally depicted in Area B on Sheet RZ-02. Additionally, the open space in Area B will be enhanced with features such as, but not limited to new tables and chairs, lighting, landscaping and a permanent performance stage to accommodate outdoor concerts. The remaining open space will be a minimum of .65 acres.
- c. To allow signage as allowed by Ordinance and by the Planned Development Flexibility Option.

3. Petition #1998-49c Plan Concept:

- a. Plan Concept: The site plan, architecture, and landscape for this development is based on the following urban design principals:

The plan intent is to encourage pedestrian activity through the provision of sidewalks connecting most of the internal features of the plan and linking these to sidewalks to be provided along the frontages of Providence Road and Ballantyne Commons Parkway. Further, attention shall be given to the enhancement of sidewalks and other pedestrian spaces through the provision of amenities and furnishings that promote pedestrian activity.

The plan shall be organized based on a modified street grid. Within the area identified as 'Primary Building/Parking Envelope', an emphasis shall be made on buildings and building entrances placed along the street/sidewalk frontage to provide continuity of architectural building elevations and entrances. A majority of building area shall be provided within the area identified as 'Primary Building/Parking Envelope' and parking within this area shall emphasize mid-block and street parking areas. The 'Secondary Building/Parking Envelope' shall emphasize linking buildings within the Primary Building Envelope to buildings located near the project entrances and shall be the location for the majority of large parking fields.

Architectural diversity shall be encouraged. The buildings should be designed so that taken as a whole, a variety of elevations, rooflines, heights, and detailing is presented. Architecture shall emphasize the creation of pedestrian spaces and provide visual interest through the creation of landmarks/focal points.

Landscape design shall emphasize the creation of streetscape through the provision of street trees, pedestrian lighting and other landscape installations within sidewalk areas and other pedestrian zones.

4. Permitted Uses and Building Area Restrictions:

- a. The development may be devoted to any use which is permitted under the Ordinance in a Commercial Center Zoning District with the exception of a hotel. The gross retail area of all buildings constructed within the development may not exceed, in the aggregate, 450,000 square feet. However, any storage area used on the second floor shall not count against the total retail/commercial building area.
- b. One service station will be allowed.
- c. Office/service uses will be permitted on second floor areas as shown on the Technical Data Sheet. The total building area permissible for the office/service uses on second floor only shall be limited to 50,000 square feet with no single space to exceed 10,000 square feet.
- d. If second floor space is constructed, a "community room" shall also be constructed on the second floor.
- e. Freestanding fast food restaurants with or without drive through windows will not be permitted.

5. Access Points/Driveways:

The total number of ingress/egress points to Providence Road and Ballantyne Commons Parkway ("BCP") shall be limited to the number shown on the Technical Data Sheet. The exact locations may vary somewhat from that depicted based upon final design and locational requirements as regulated by CDOT and/or NCDOT.

6. Roadway Improvements:

- a. Roadway improvements required as part of Petition #1998-49C have been satisfied.

7. Buffers:

- a. Buffer areas established on this Technical Data Sheet shall conform to the standards of Section 12.302 of the Ordinance; subject, however, to the provisions of Section 12.304 thereof.

Buffer areas shall remain as open space and, subject to the provisions of Paragraphs (3) and (4) below, will be left undisturbed.

The Petitioner reserves the right to clear, grade and fill within the 25 foot wide area of the 75 foot wide buffer established along the western margin of the Site depicted on the Technical Data Sheet.

Petitioner reserves the right to install utilities within the buffer area established along the western margin of the Site. Utility installations may only cross buffer areas at interior angles measured at property lines which are not less than 75 degrees.

No buildings, parking spaces, maneuvering areas or storm water detention facilities may be located within buffer areas.

Where existing trees and natural vegetation have been cleared to accommodate pedestrian sidewalks or pathways or the installation of utilities, the cleared, unimproved areas will be landscaped with trees and shrubs.

8. Setback, Side Yards and Rear Yards:

- a. All buildings constructed within the development shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the Commercial Center Zoning District.
- b. No storm water detention facilities may be located within any setback areas.
- c. Grading for the installation of utilities, sidewalks, and entrances shall be permitted in the setbacks.

9. Screening, Landscape, and Open Space Areas:

Screening, Landscape, and Open Space Area provisions required as set forth below as part of Petition #1998-49C have been satisfied. 9.b below related to a minimum village square size has been modified as described in Section 2.b.

- a. Unless stated otherwise in these conditions, the Petitioner will, as a minimum, employ the standards of the City of Charlotte Tree Ordinance and commit to the following:
- i. Around the perimeter of the site that abuts I-485, Providence Road and Ballantyne Commons Parkway, trees will be planted in the setback area, unless existing trees are being preserved. A combination of large maturing trees 40' on center and/or small maturing trees 30' on center shall be planted.
- ii. The 35' setback fronting I-485 will be planted with a staggered double row of trees planted 40' on center with a minimum 3" caliper. This condition can be modified to a single row of tree plantings in the event a) the setback is increased by Petitioner to 50' or b) Petitioner negotiates an encroachment agreement with NCDOT to include plantings in 15' of the right of way on I-485.
- iii. Street trees at least 3" in caliper shall also be planted along the private streets within the Project.
- iv. Street trees may be planted in islands or tree grates within paved areas. Both types of planting shall count toward satisfying internal landscape requirements. In developed areas, one tree/10,000 SF of impervious area will be planted; in addition, no parking space shall be further than 60' from a tree.
- v. The periphery of each parking lot adjacent to public right-of-way shall be planted with a combination of evergreen and deciduous shrubs and trees so as to form a continuous shrub bed.
- vi. Dumpster areas visible from a public street or a pedestrian circulation area will be enclosed on all four sides by a brick wall with one side being a hinged gate. If one or more sides of a dumpster areas adjoining a rear wall of a building, the rear wall may be substituted for a side.
- b. As a minimum, at least 15% of the site will be devoted to open space exclusive of buildings and parking areas. The open space will include a village square, which will measure a minimum of .65 acres in size. The Village Square will serve as a public gathering space and will be designed to include areas of landscape and hardscape. Reference Site Plan Amendment Provisions 2.b.
- c. An attempt will be made to protect and preserve all significant tree cover in the setback areas to the extent possible based on other constraints such as grading, drainage, pedestrian pathways, utilities, lighting, signage and relative health of tree population, etc. In the setback area where significant existing vegetation has been cleared, the Petitioner will re-landscape these areas with a combination of trees, shrubs and grass. Any parking lot abutting the setback area or required yards adjacent to public right-of-ways, which do not have existing vegetation, shall, in addition to shrub planting, also have a combination of large maturing trees 40' on center and/or small maturing trees 30' on center
- d. To the extent that the site grading plan permits, trees 8 inches and greater in caliper which are located within the setback shall be preserved. Trees 8" and greater in caliper located within the setbacks only of Providence Road and Ballantyne Commons Parkway shall be preserved.
- e. Trees outside the setback area will be saved as noted on the Technical Data Sheet. Reference Site Plan Amendment Provisions 2.a.

10. Sidewalk / Pedestrian Access:

The development shall include the construction of a pedestrian walkway system, both internal and along Ballantyne Commons Parkway and along Providence Road. Specific location of the sidewalk will be determined at final design. The sidewalks will be a minimum of 6' in width and may be within or cross the setback area or the public right-of-way at the Petitioners option. Sidewalks shall not be closer than 8' to the back of the curb along the BCP and Providence Road rights of way. The purpose of this system shall be to permit pedestrians to walk between the various buildings within the site as well as adjoining properties in a safe and pleasant atmosphere. The intent of the system is illustrated on the Schematic Plan and depicted on section drawings on the Technical Data Sheet.

11. Parking:

- a. Off street parking will meet the minimum standards established under the Ordinance.
- b. The option is reserved to provide off street parking on one of the Parcels for another parcel in the development, so long as the requirements of the Ordinance are satisfied.
- c. On-street parallel and/or diagonal parking shall be utilized on interior private streets as determined appropriate during detailed site planning.
- d. A maximum of 50 parking spaces will be made available to Charlotte Transit for use as a park and ride facility.

12. Lighting and Furnishings:

- a. All freestanding streetscape lighting fixtures installed within the Site will be uniform in design.
- b. The maximum height of any freestanding lighting fixture, including its base, shall not exceed 30 feet in height.
- c. All direct lighting within the Site (except streetlights, which may be erected along Providence Road, Ballantyne Commons Parkway, and I-485) shall be designed such that direct illumination does not extend past any property line.
- d. Wall pack type lighting shall be prohibited.
- e. Pedestrian-scale lighting shall be provided in a regular pattern along all internal streets and along the sidewalks fronting BCP and Providence Road subject to receipt of appropriate encroachment agreements.
- f. Benches shall be provided at key locations along internal streets and in the central open space.

13. Signs:

- a. The sign provisions set forth in Petition #1998-49C have been modified as set forth in Section 2.c.

14. Architecture:

- a. Buildings located with faces along internal streets shall be designed to enhance pedestrian scale and quality. It is intended that this be accomplished by incorporating windows and doorways, along with other architectural elements such as awnings, arcades or streetscape elements such as trees and sidewalk furnishings. No blank walls on buildings along internal streets in excess of 20 feet in length shall be permitted.
- b. Any gas/service station constructed on the site will be constructed in a manner as to appear to be part of the retail village. The canopy over the service islands will be required to have architectural details which make it compatible with the retail village.

15. Plan Review:

- a. The Developer shall be required to submit building plans to the Planning Department Staff for the review and approval for zoning compliance prior to the issuance of building permits.

16. 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.

17. 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.

REVISIONS:

DATE: APRIL 24, 2017
DESIGNED BY:
DRAWN BY:
CHECKED BY:
SCALE:
PROJECT #1017052
SHEET #:

RZ-3

PROMENADE SHOPPING CENTER, LLC

REZONING PETITION NO. 2017-000

CHILDRESS KLEIN PROPERTIES, CHARLOTTE, NC

DEVELOPMENT STANDARDS



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