

MONTANA DRIVE OZ FUND, LLC

<u>DEVELOPMENT STANDARDS</u>

(08/01/201910/08/2019)

<u>REZONING PETITION NO. 2019-</u>(117)

SITE DEVELOPMENT DATA:

--ACREAGE: ± 11.51 ACRES --TAX PARCEL #S: PORTION OF 069-144-17, AND 069-144-04 THRU 14. --EXISTING ZONING: R-5 AND I-1

--PROPOSED ZONING: I-1(CD)

--EXISTING USES: VACANT
--PROPOSED USES: WAREHOUSING, WAREHOUSE DISTRIBUTION, MANUFACTURING, OFFICE, AND INDUSTRIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE I-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN THE DEVELOPMENT STANDARDS BELOW).

--MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 200,000 SQUARE FEET OF GROSS FLOOR ARÉA OF ALLOWED USES AS DESCRIBED AND RESTRICTED BY THE REZONING PLAN AND ALLOWED IN THE I-1 ZONING DISTRICT.
--MAXIMUM BUILDING HEIGHT: THE HEIGHT OF THE PROPOSED BUILDINGS WILL BE LIMITED TO 40 FEET, AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
--PARKING: AS REQUIRED BY THE ORDINANCE FOR THE PROPOSED USES.

1. GENERAL PROVISIONS:

a. SITE LOCATION. THESE DEVELOPMENT STANDARDS, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON SHEET RZ-1 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY MONTANA DRIVE OZ FUND, LLC ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF BUSINESS PARK ON AN APPROXIMATELY 11.51 ACRE SITE LOCATED ALONG MONTANA DRIVE (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") IN EXISTENCE AS OF THE DATE OF THE APPROVAL OF THIS REZONING. UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE I-1 ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

C. GRAPHICS AND ALTERATIONS. ANY SCHEMATIC DEPICTIONS OF THE BUILDING ENVELOPES, PARKING AREAS, 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. ANY LAYOUTS, 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; SUCH AS MINOR MODIFICATIONS TO THE CONFIGURATIONS OF ANY BUILDING ENVELOPE, DRIVEWAYS AND PARKING AREA DIMENSIONS AND THE LIKE AS LONG AS THE MODIFICATIONS MAINTAIN THE GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT GENERALLY 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 building(s) shown on the rezoning plan, the total number of principal buildings to be developed on the site will be limited to five three (53). Accessory buildings and structures located on the site shall not be considered in any limitation on the number of buildings on the site.

2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

a. SUBJECT TO THE RESTRICTIONS AND LIMITATIONS LISTED BELOW IN SUBSECTION 2.B. BELOW, THE PRINCIPAL BUILDING CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO 200,000 SQUARE FEET OF GROSS FLOOR AREA OF WAREHOUSING, WAREHOUSE DISTRIBUTION, OFFICE, MANUFACTURING, AND INDUSTRIAL USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES; ALL ALLOWED IN THE I-1 ZONING DISTRICT.

b. IN NO EVENT SHALL THE FOLLOWING USES BE PERMITTED AS A PRINCIPAL USES ON THE SITE:

AMUSEMENT, COMMERCIAL OUTDOORS; ANIMAL CREMATORIUMS; ARMORIES FOR MEETINGS AND TRAINING OF MILITARY ORGANIZATIONS; ASSEMBLY OR FABRICATION OF PREVIOUSLY MANUFACTURED PARTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING TURNITURE AND FIXTURES. LEATHER AND LEATHER PRODUCTS, LUMBER AND WOOD PRODUCTS, PAPER AND ALLED PRODUCTS, PLASTIC AND RUBBER PRODUCTS; METAL PRODUCTS; TRANSPORTATION EQUIPMENT; AND OTHER SIMILAR USES. AUCTION SALES; AUTOMOBILES, TRUCK AND UTILITY TRAILER RENTAL; AUTOMOTIVE REPAIR GARAGES; AUTOMOTIVE SALES AND REPAIR, INCLUDING TRACTOR-TRUCKS AND ACCOMPANYING TRAILER UNITS; AUTOMOTIVE SERVICE STATIONS; BOAT AND SHIP SALES AND REPAIR; CONTROL AND DISINECTIBLES AND MOUFACTURE, AND PILOT PLANTS; RECYCLING CENTERS, INCLUDING DROP-OFF CENTERS, REPAIR OF ANY GOODS, EQUIPMENT AND VEHICLES, THE MANUFACTURE, ASSEMBLY OR SALES OF WHICH ARE PERMITTED IN THE DISTRICT; SIGN PAINTING, EXCLUSIVE OF MANUFACTURE; ABATTOIRS; ADULT ESTABLISHMENTS; ANY ESTABLISHMENT FLEA MARKET; CEMETERIES; COMMERCIAL ROOMING HOUSES; CREMATORY FACILITIES; DAY LABOR SERVICE AGENCY; JAILS AND PRISONS; MANUFACTURING (LIGHT) USES OF: BATTERIES; BOAT AND SHIP BUILDING; BROOMS AND BRUSHES; BURIAL CASKETS; ELECTRICAL LIGHTING AND WIRING EQUIPMENT; FABRICATED METAL PRODUCTS, EXCLUDING USE OF BLAST FURNACES OR DROP FORGES; HOUSEHOLD APPLIANCES; JEWELRY, SILVERWARE, AND PLATED WARE; MEATED PRODUCTS EXCLUDING SLAUGHTERING AND DRESSING; PLASTIC PRODUCTS, FABRICATED FROM PREVIOUSLY PREPARED PLASTIC MATERIALS; PURPS; SIGNS; AND TOYS AND SPORTING GOODS. NURSERY/GREENHOUSES, RETAIL AND WHOLESALE; PETROLEUM STORAGE FACILITIES WASHES; HELIPORTS AND HELISTOPS, HIGHWAY AND RAILROAD RIGHTS OF WAY; TATTOO ESTABLISHMENTS; AND THEATERS, MOTION PICTURE.)

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: STRUCTURED PARKING FACILITIES AND ALL LOADING DOCK AREAS (OPEN OR ENCLOSED).

3. ACCESS AND TRANSPORTATION:

a. ACCESS TO THE SITE WILL BE FROM MONTANA DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE EXACT ALIGNMENT, DIMENSIONS AND LOCATION OF THE ACCESS POINT TO THE SITE AND 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.

b. ANY REQUIRED TRANSPORTATION IMPROVEMENTS SHALL BE CONSTRUCTED AND APPROVED PRIOR TO THE RELEASE OF THE FIRST UP FIT CERTIFICATE OF OCCUPANCY. THE PETITIONER MAY POST A BOND FOR ANY IMPROVEMENTS NOT COMPLETED AT THE TIME A CERTIFICATE OF OCCUPANCY IS REQUESTED.

THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY REQUIRED RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED, THE REQUIRED RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

4. BUFFERS, AND SCREENING:
a. CLASS A BUFFER WITH ASOLID DECORATIVE FENCEBERM WILL BE PROVIDED ALONG PORTIONS OF THE SITE'S BOUNDARY AS GENERALLY DEPICTED ON THE REZONING PLAN.

c. PETITIONER MAY INSTALL A FENCE IN THE BUFFER.

c. PETITIONER RESERVES THE OPTION TO SEER AN ALTERNATE BUFFER APPROVAL TO ALLOW THE EXISTING TREES IN THE BUFFER TO REMAIN AND SUBSTITUTE A SOLID FENCE FOR A BERM AS ALLOWED BY SECTION 12:304 OF THE ORDINANCE.

5. ARCHITECTURAL STANDARD'S DESIGN GUIDELINES:

a. THE PRINCIPAL BUILDING(S) CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING SYSTEMS AND MATERIALS. THE EXTERIOR BUILDING MATERIALS USED FOR THE PROPOSED BUILDINGS MAY BE ONE OR A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRE-CAST STONE, PRE-CAST STONE, PRE-CAST STONE, STONE,

b. HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AND FROM VIEW OF ADJACENT PROPERTIES AND PROPOSED PUBLIC STREETS AT GRADE.

c. THE PRINCIPLE BUILDING WILL PROVIDE A RECOGNIZABLE ENTRANCE, THROUGH ARCHITECTURAL TREATMENTS, CLEAR GLASS, AND/OR SIMILAR ELEMENTS.

6. <u>ENVIRONMENTAL FEATURES:</u>

a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

b. THE SITE WILL COMPLY WITH TREE ORDINANCE.

MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS AND SOFFITS.

c. THE PROPOSED BUFFER/BERM SHALL NOT CONFLICT WITH STORM DRAINAGE DISCHARGE FROM THE SITE AND SHALL BE DESIGNED TO DISCONTINUE AT NATURAL SITE DISCHARGE POINTS.

d. DEVELOPMENT WITHIN ANY SWIM/PCSO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE.

7. <u>LIGHTING:</u>

a. THE MAXIMUM HEIGHT OF THE PROPOSED DETACHED LIGHTS WILL BE LIMITED TO 26 FEET. DETACHED LIGHTING FIXTURES WILL FULL CUT-OFF LIGHT FIXTURES.
b. WALL-PAK TYPE LIGHT ON THE PORTIONS OF THE BUILDING ADJACENT TO RESIDENTIAL USES MUST BE DESIGNED AS DOWN LIGHTS.

8. <u>AMENDMENTS TO THE REZONING PLAN</u>:

a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OR APPLICABLE PARCELS OR DEVELOPMENT AREAS WITHIN THE SITE IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

9. 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.

REVISIONS
REV DATE COMMENT CHECK!

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.



NOT APPROVED FOR

CONSTRUCTION

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DRAWN BY: SI

09/04/2019

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PROP.

REZONING

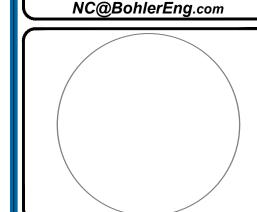
DOCUMENTS

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DEVELOPMEN STANDARDS

SHEET NUMBER

RZ-2