

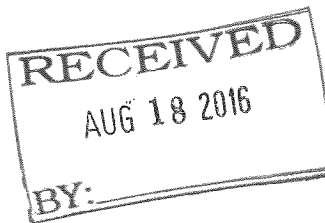
Rezoning Petition Packet

Petitions: 2016-132 through 2016-139

Petitions that were submitted by August 22, 2016

Staff Review Meeting: **September 15, 2016**

City Public Hearing: **To Be Determined**



**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2016-132

Petition #:	
Date Filed:	8/18/2016
Received By:	BK

Complete All Fields (Use additional pages if needed)

Property Owner: Stephen Hays Kellen & Peter Walter Kellen

Owner's Address: P.O. Box 5474

City, State, Zip: Cary, NC 27512

Date Property Acquired: Under Contract

Property Address: 5108 Sardis Road Charlotte, NC 28211

Tax Parcel Number(s): 187-01-103

Current Land Use: Single Family

Size (Acres): 2.04

Existing Zoning: R-3

Proposed Zoning: UR-2(CD)

Overlay: NA

(Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: John Kinley

Date of meeting: 8-9-2016

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: _____

Keith MacVean - Moore Van Allen

Name of Rezoning Agent

100 N. Tryon Suite 4700

Agent's Address

Charlotte, NC 28202

City, State, Zip

704 331-3531

Telephone Number

Fax Number

keithmacvean@mvalaw.com

E-Mail Address

Stephen Hays Kellen
Signature of Property Owner

Stephen Hays Kellen

(Name Typed / Printed)

Peter W. Kellen

Peter Walter Kellen

Richter Development, LLC

Name of Petitioner(s)

2410 Dunavant Street

Address of Petitioner(s)

Charlotte, NC 28203

City, State, Zip

704 651-1768

Telephone Number

Fax Number

dennis@richterdevelopment.com

E-Mail Address

Dennis Richter
Signature of Petitioner

Dennis Richter

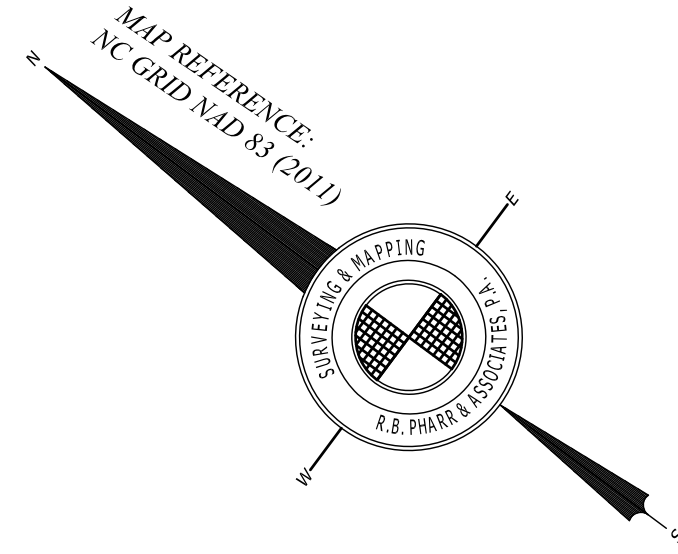
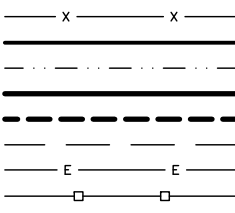
(Name Typed / Printed)

LEGEND:

C&G - CURB & GUTTER
CB - CATCH BASIN
CP - CALCULATED POINT
D.B. - DEED BOOK
ECM - EXISTING CONCRETE MONUMENT
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EOP - EDGE OF PAVEMENT
EU - END UNKNOWN
FC - FILL CAP
GV - GAS VALVE
HVAC - HEATING, VENTILATION, AIR COND.
LP - LIGHT POLE
(M) - MEASURED
M.B. - MAP BOOK
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
PIN - PARCEL IDENTIFICATION NUMBER
PM - POWER METER
PP - POWER POLE
PG - PAGE
(R) - RECORDED
R/W - RIGHT-OF-WAY
T - TOTAL
TBM - TEMPORARY BENCHMARK
VP - VENT PIPE
WM - WATER METER

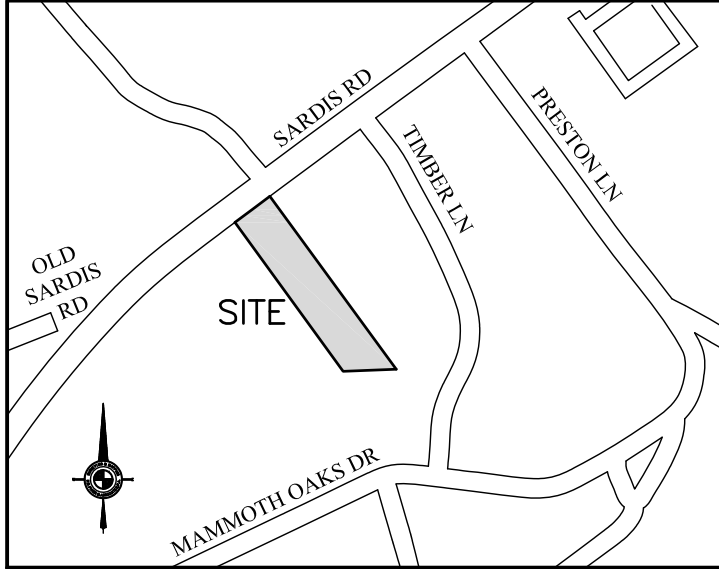
LINE LEGEND:

FENCE
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)
SETBACK
POWER LINE
WOOD FENCE



NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
4. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
5. ELEVATIONS BASED ON N.G.S. MONUMENT "BIG MIKE", ELEVATION = 738.51 FEET, NAVD 88.
6. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
7. SARDIS ROAD IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE.
8. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
9. A ZONING REPORT WAS NOT PROVIDED AT TIME OF SURVEY.



VICINITY MAP
NOT TO SCALE

ZONING:

ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: R-3

MINIMUM SETBACK: 30'
MINIMUM SIDE YARD: 6'
MINIMUM REAR YARD: 45'
MAXIMUM BUILDING HEIGHT: 48' (FRONT)
40' (SIDE)

FOR FURTHER INFORMATION CONTACT THE
CHARLOTTE-MECKLENBURG ZONING DEPARTMENT
AT 704-336-3569.

PARKING:

THERE ARE NO Delineated
PARKING SPACES AT TIME OF
SURVEY.

ALTA/NSPS CERTIFICATION:

TO: SARDIS PROPERTY HOLDINGS, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS
BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL
REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND
ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a),
7(b)(1), 7(c), 8, 9, 11, AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS
COMPLETED ON JULY 21, 2016.

CHARLES E. BELL, NCPLS I-4804
PROFESSIONAL LAND SURVEYOR
email: cbell@rphpharr.com

DATE

NET AREA: 84,856 SQ. FT. OR 1.9480 ACRES
AREA WITHIN R/W: 4,990 SQ.FT. OR 0.1146 ACRES
TOTAL AREA: 89,846 SQ. FT. OR 2.0626 ACRES

ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:
SARDIS PROPERTY HOLDINGS, LLC

5030 SARDIS ROAD
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.
DEED REFERENCE: 25383-846
TAX PARCEL NO: 187-011-03

R.B. PHARR & ASSOCIATES, P.A.

SURVEYING & MAPPING

420 HAWTHORNE LANE, SUITE 202, CHARLOTTE, NC 28204 TEL: (704) 376-2186

SCALE: DATE: FILE NO. W-5126

1" = 30' JULY 21, 2016 JOB NO. 85316

CREW: TR
DRAWN: BM
REVISED:

PRELIMINARY

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON
MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED
FEBRUARY 19, 2015.

MAP NUMBER: 3710456100K; ZONE X

THIS IS TO CERTIFY THAT ON THE 21ST DAY OF JULY, 2016, AN ACTUAL SURVEY WAS MADE UNDER
MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF
ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH
CAROLINA. BOARD RULE 1600 (21 NCAC 50) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF
ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 50 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF
ANGLES TURNED.

SIGNED

GPS CERTIFICATION:

I, CHARLES E. BELL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION
FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE
FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: A1(10,000)
- (2) POSITIONAL ACCURACY: HORIZ. NORTH=0.0007 EAST=0.001 VERT.=0.0074
- (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
- (4) DATES OF SURVEY: 7/12/2016
- (5) DATUM/EPOCH: NAD 83
- (6) PUBLISHED/FIXED-CONTROL USE: NGS MONUMENT "BIG MIKE"
- (7) GEOID MODEL: GEOID12B(CONUS)
- (8) COMBINED GRID FACTOR(S): 0.99984329
- (9) UNITS: US SURVEY FEET

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

AS SURVEYED DESCRIPTION:

Being that certain parcel of land lying and being in the City of Charlotte, Mecklenburg County, North Carolina, and
being more particularly described as follows:

BEGINNING at a calculated point situated on the centerline of Sardis Road (variable width public right of way);
thence South 36-32-29 East along the western line of the Martha Lawing Property (now or formerly) passing a new
1/2" iron rod at a distance of 40.00 feet and an existing 1/2" iron pipe at a distance of 666.87 feet for a total distance of
792.00 feet to a new 1/2" iron rod; said iron being on a northern line of the David G. Orr Property as described in
Deed Book 27951, page 256 of the Mecklenburg County Public Registry; thence with the aforesaid Orr Property and
with the William Kincaid Property as described in Deed Book 28890, Page 629 North 85-02-12 West passing an
existing 1" iron pipe at a distance of 30.06 feet and an existing axle at a distance of 134.17 feet for a total distance of
148.90 feet to an existing 4" square concrete monument; said monument being the easterly most corner of the
Common Open Space area as shown on Map Book 35, Page 295 a distance of 135.90 feet, also crossing an
existing capped 1/2" iron rod at a distance of 659.29 feet for a total distance of 699.29 feet to a calculated point
situated on the centerline of Sardis Road; thence with the centerline of Sardis Road North 52-25-51 East a distance of
125.00 feet back to the point and place of beginning. Containing 89,846 square feet or 2.0626 acres according to a
survey by R. B. Pharr & Associates, P. A. dated July 21, 2016. Map File No. W-5126, Job No. 85316.

UTILITIES:

POWER
DUKE POWER ENERGY
1-800-777-9898

TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-757-4500

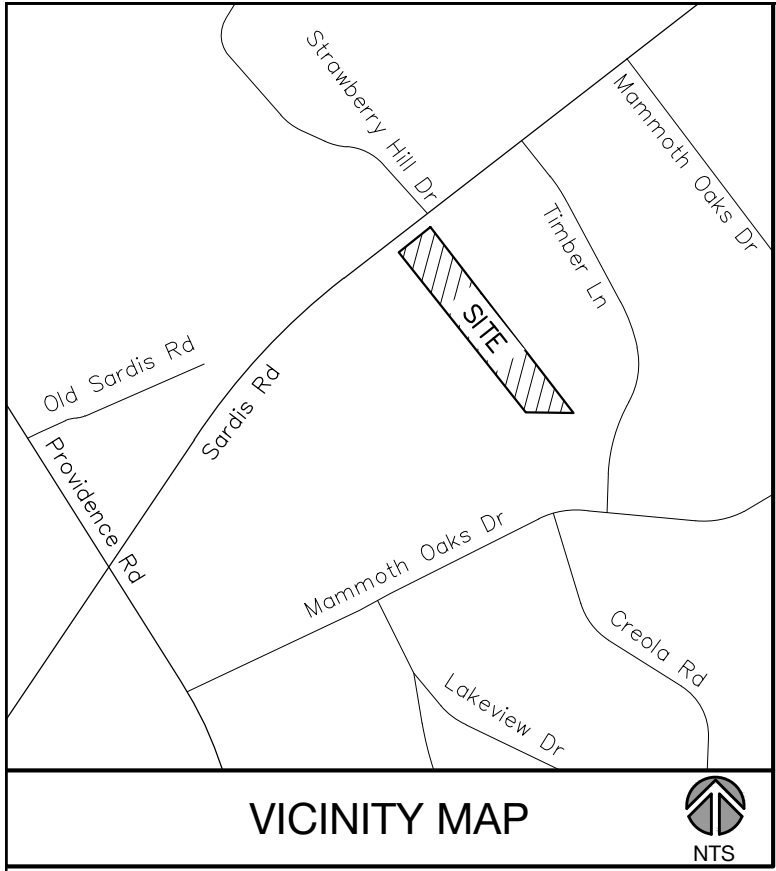
WATER & SEWER
CHAR-MECK. UTILITY DEPT. (CMUD)
(704) 336-2564 WATER
(704) 357-6064 SEWER

GAS
PIEDMONT NATURAL GAS CO.
1-800-752-7504

CABLE TELEVISION
TIME WARNER CABLE
1-800-892-2253



Know what's below.
Call before you dig.



VICINITY MAP



DEVELOPMENT STANDARDS

A. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Richter Development, LLC ("Petitioner") to accommodate the development of a residential community on that approximately 2.01 acre site located on the south side of Sardis Road, east of the intersection of Sardis Road and Providence Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel No. 187-011-03.
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 zoning district shall govern the development and use of the Site.
- Future amendments or modifications to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations or modifications to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

B. Permitted Uses

- The Site may be devoted only to a residential community containing a maximum of 23 for sale attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district

C. Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- The Petitioner shall construct and install two local public streets through the Site as generally depicted on the Rezoning Plan as Proposed Street 1 and Proposed Street 2. Proposed Street 1 shall be built to the local residential narrow typical street section as specified in the Charlotte Land Development Standards; Proposed Street 2 shall be built to the local residential medium typical street section as specified in the Charlotte Land Development Standards.

D. Architectural Standards

- The maximum height of the dwelling units shall be 3 stories or 45 feet as measured from the average grade at the base of each building.
- Exterior building materials may include brick/masonry, fiber cement siding, asphalt roofing, glazing/windows, and stucco, or a combination thereof. Vinyl is not allowed as a material except on windows and soffits.
- The building "ends" facing existing and proposed public streets are to be embellished with windows on living spaces on each floor and other elements of interest such as, but not limited to, bays, exterior wall offsets, projections, recesses, and changes in materials but are not required to have a "front door" or porch/stoop.

- Architectural elevations shall be designed to create visual interest through the following standards:
 - Vertical Modulation and Rhythm - Building elevations shall be designed with recognizable architectural vertical bays or articulated architectural facade features. The bays and features may include, but not be limited to, a combination of exterior wall offsets, projections/recesses, pilasters, and change in materials.
 - Building Base - Buildings shall be designed with a recognizable architectural base.
 - Blank Walls - Building elevations facing public streets shall not have expanses of blank walls greater than 20 feet. Architectural features such as, but not limited to, projected bays, banding, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

- For sale townhomes will include 400 square feet of private open space per subplot in accordance with Section 9.406 of the Ordinance. This private open space may include portions of the 10 foot landscape area.

E. Streetscape/Landscaping

- An 8 foot planting strip and a 6 foot sidewalk shall be installed along the Site's frontage on Sardis Road.
- A 10 foot landscape area with 6 foot height screening fence will be provided along the eastern and southern property lines as generally depicted on the Rezoning Plan.

F. Environmental Features

- The site will comply with the City of Charlotte Tree Ordinance.
- The site will comply with the City of Charlotte Post Construction Controls Ordinance.

G. Lighting

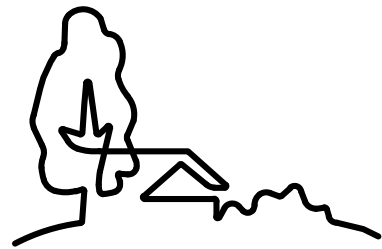
- All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks and landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 20 feet.
- Any lighting fixtures attached to the buildings to be constructed on the Site shall be decorative, capped and downwardly directed.

H. Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

DEVELOPMENT SUMMARY

TAX PARCEL ID #:	18701103
TOTAL SITE AREA:	± 2.01 ACRES
ZONING:	
EXISTING:	R-3
PROPOSED:	UR-2
PROPOSED USE:	TOWN HOMES (23)
DENSITY:	11.4 DUA
PARKING:	
REQUIRED:	1 SPACE/UNIT MIN. 3 SPACE/UNIT MAX.
PROVIDED:	PER ORDINANCE



URBAN
DESIGN
PARTNERS

1318-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com
nc firm no: P-0418
sc coa no: C-03044

Richter Development, LLC

Dennis Richter

2410 Dunavant Street
Charlotte, North Carolina 28203

The Towns at Jefferson Park

Rezoning Site Plan

Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 15-046

Date: 08.22.16

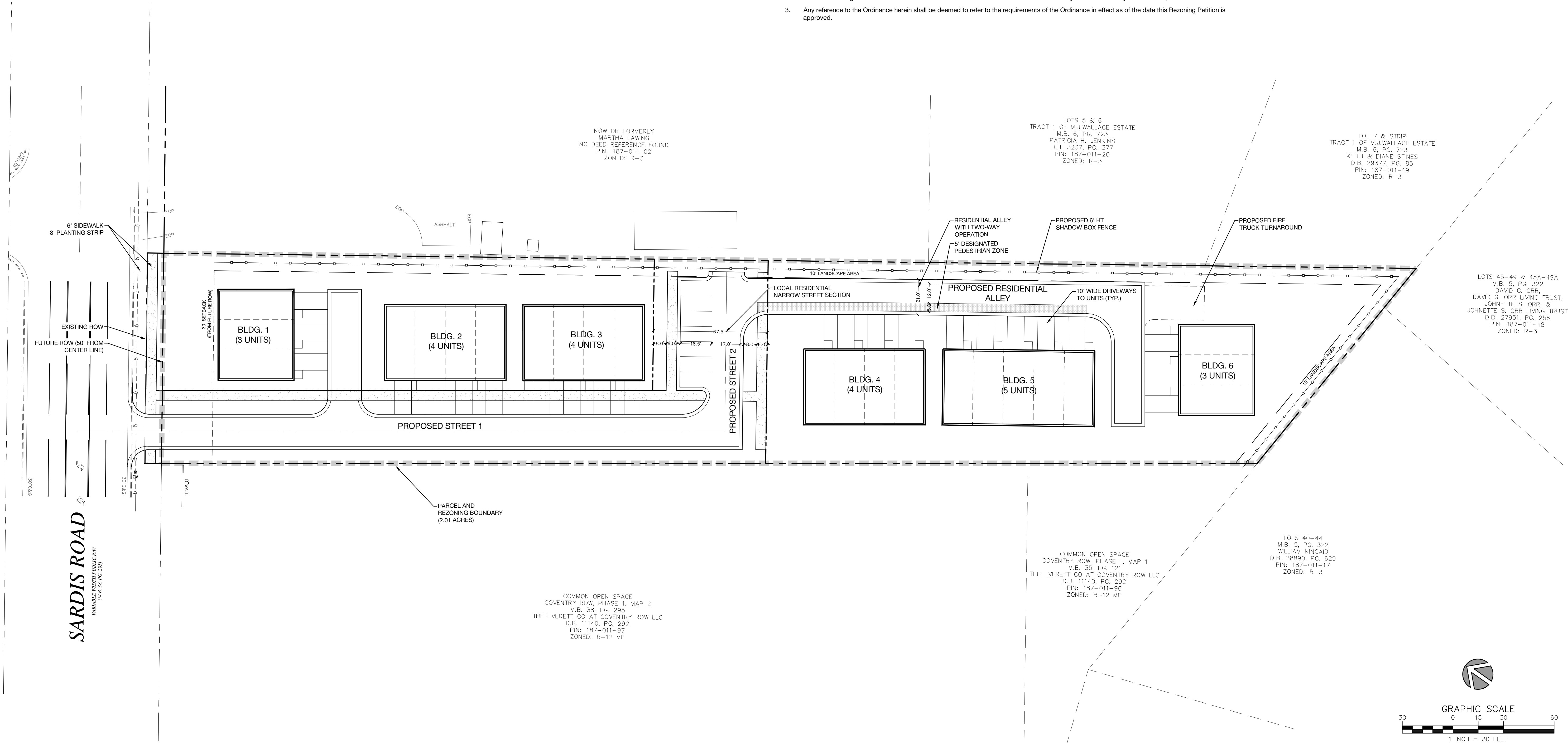
Designed by: udp

Drawn By: udp

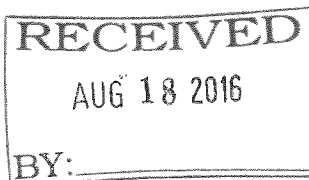
Scale: 1"=30'

Sheet No:

RZ-1.0



**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #: 2016-133
Date Filed: 8/18/2016
Received By: BK

Property Owners: Rees G. and Retha Russell Jr.

Owner's Addresses: 14812 Crooked Branch Lane, Charlotte, NC 28278

Date Properties
Acquired: 02/27/2006

Property Addresses: 13425 S Tryon Street, Charlotte, NC 28278

Tax Parcel Numbers: 219-121-12

Current Land Use: Single family/Vacant Size (Acres): ± 3.577

Existing Zoning: O-1(CD) Proposed Zoning: B-D(CD)

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

Required Rezoning Pre-Application Meeting* with: _____

Date of meeting: 8/16/2016

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

For Conditional Rezonings Only:

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

Purpose/description of Conditional Zoning Plan: To allow the development of a high quality climate controlled storage facility.

Jeff Brown, Keith MacVean & Bridget Dixon
Name of Rezoning Agent

Moore & Van Allen, PLLC
100 N. Tryon Street, Suite 4700
Agent's Address

Charlotte, NC 28202

704-331-1144 (JB) **704-378-1925 (JB)**
704-331-3531 (KM) **704-378-1954 (KM)**
704-331-2379 (BD) **704-378-1973 (BD)**
Telephone Number Fax Number

jeffbrown@mvalaw.com keithmacvean@mvalaw.com
bridgetdixon@mvalaw.com
E-mail Address

SEE ATTACHMENT A

Signature of Property Owner

K&H Development, Inc.
(Attn: Steve Hopper)
Name of Petitioner

PO Box 1259
Address of Petitioner

Waxhaw, NC 28173
City, State, Zip

704.607.4772
Telephone Number Fax Number

steveventures@aol.com
E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

CHAR2\1822366v1

ATTACHMENT A

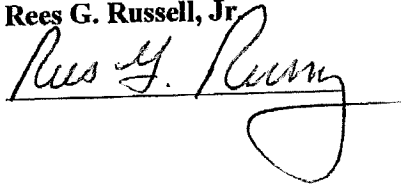
**REZONING PETITION NO. [2016-____]
K&H Development Inc.**

**PETITIONER JOINDER AGREEMENT
Rees G Russell, Jr.
Retha Russell**

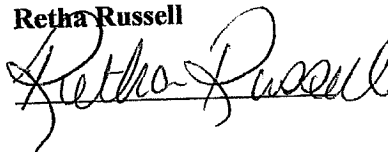
The undersigned, as the owner of the parcels of land located at 13425 South Tryon Street, Charlotte, NC That is designated as Tax Parcel No. 219-121-12 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Applications and consents to the change in zoning for the parcels from O-1(CD) zoning district to the B-D(CD) zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 12 day of August, 2016.

Rees G. Russell, Jr.

A handwritten signature in cursive script, appearing to read "Rees G. Russell, Jr.", written over a horizontal line.

Retha Russell

A handwritten signature in cursive script, appearing to read "Retha Russell", written over a horizontal line.

ATTACHMENT B

**REZONING PETITION NO. [2016-]
K&H Development Inc.**

Petitioner:

K&H Development Inc.

By:

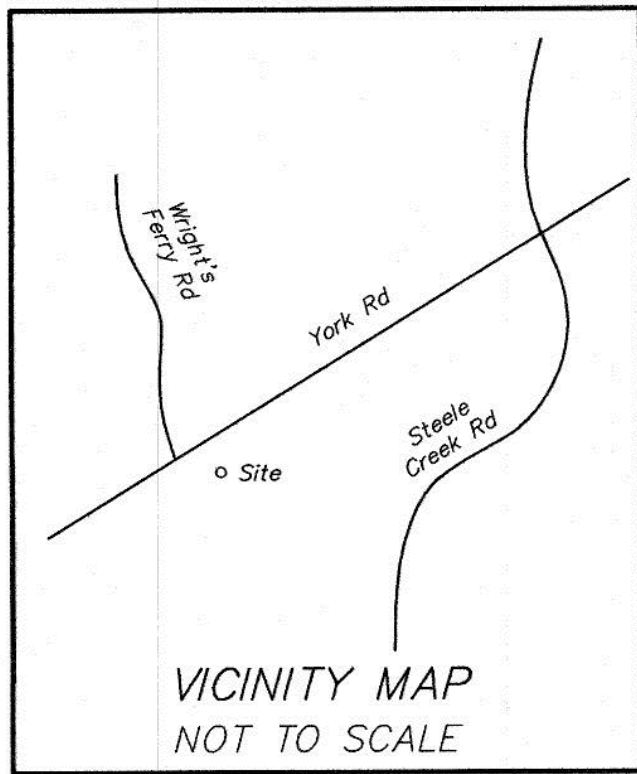
Steve W. Hopper

Name:

Steve W. Hopper

Title:

Partner

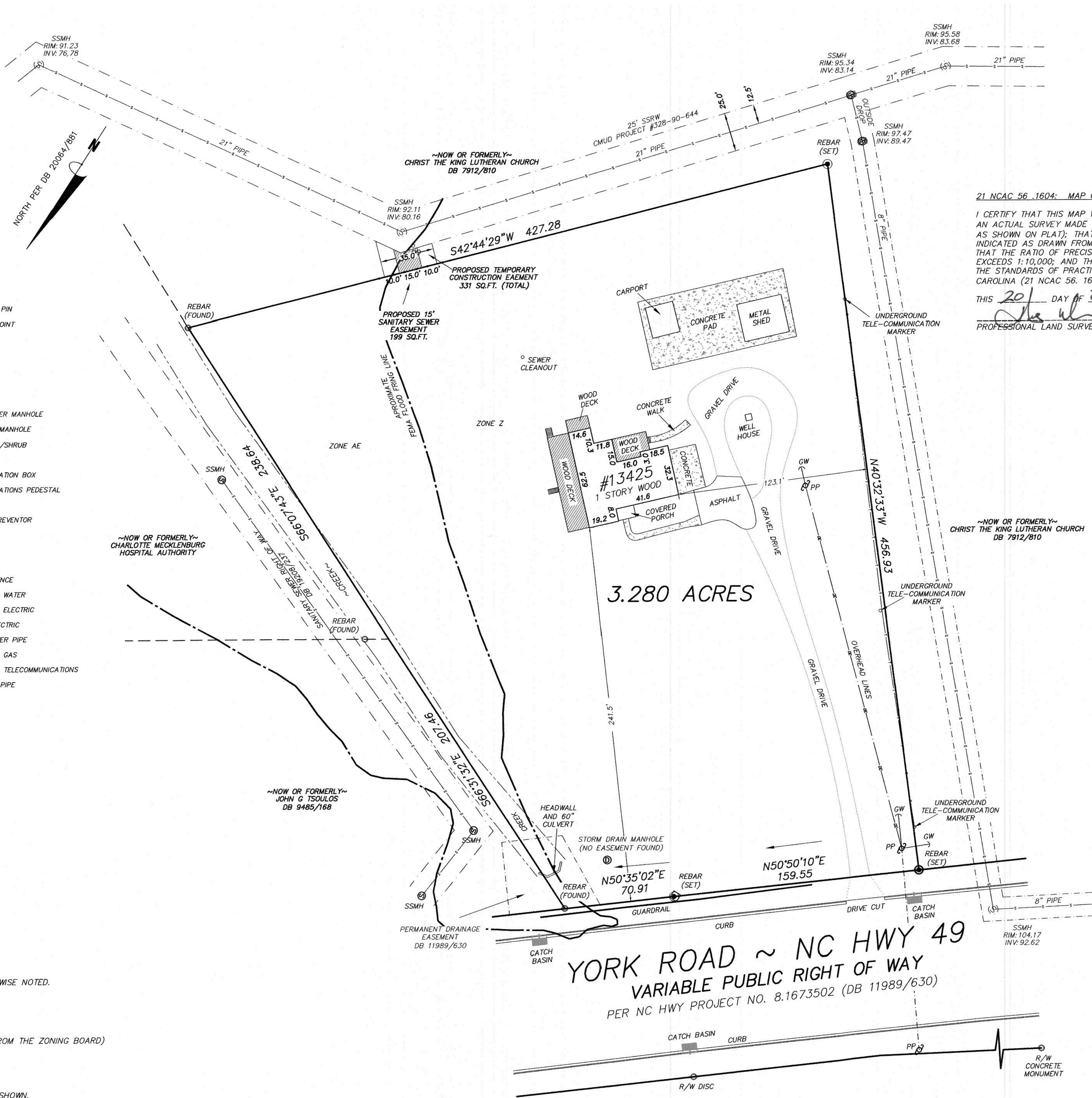


LEGEND:

- EIP = EXISTING IRON PIN
OIP = OLD IRON PIPE
SIP = SET IRON PIN
PWR = POWER PAD
PM = POWER METER
GM = GAS METER
AC = AIR CONDITIONING
TELE = TELEPHONE PEDESTAL
CATV = CABLE TELEVISION
WM = WATER METER
R/W = RIGHT OF WAY
PP = POWER POLE
LP = LIGHT POLE
CO = SEWER CLEAN OUT
YI = YARD INLET
FES = FLARED END SECTION
CB = CATCH BASIN
SDE = STORM DRAINAGE EASEMENT
SSE = SANITARY SEWER EASEMENT
SDMH = STORM DRAIN MANHOLE
SSMH = SANITARY SEWER MANHOLE
BC = BACK OF CURB
OE = OVERHEAD ELECTRICITY
CP = COVERED PORCH
- SIP = SET IRON PIN
EIP = EXISTING IRON PIN
OIP = OLD IRON PIPE
CP = CALCULATED POINT
GV = GAS VALVE
WV = WATER VALVE
MB = MAIL BOX
WM = WATER METER
FH = FIRE HYDRANT
SSMH = SANITARY SEWER MANHOLE
SDMH = STORM DRAIN MANHOLE
LOCATED TREE/SHRUB
LP = LIGHT POLE
TELECOMMUNICATION BOX
TELECOMMUNICATIONS PEDESTAL
PP = POWER POLE
BFP = BACK FLOW PREVENTOR
GW = GUY WIRE
CB = CATCH BASIN
DI = DROP INLET
- CHAIN LINK FENCE
UNDERGROUND WATER
UNDERGROUND ELECTRIC
OVERHEAD ELECTRIC
SANITARY SEWER PIPE
UNDERGROUND GAS
UNDERGROUND TELECOMMUNICATIONS
STORM DRAIN PIPE

NOTES:

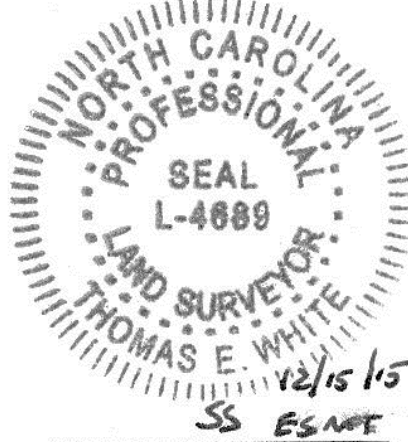
- IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
- PROPERTY ZONED: R-3
MINIMUM SETBACK 30' FROM BACK OF CURB
MINIMUM SIDE YARD 6'
MINIMUM REAR YARD 45'
(SETBACKS ARE SUBJECT TO AN INTERPRETATION FROM THE ZONING BOARD)
- TAX PARCEL NUMBER 21912112.
- DEED REFERENCE: DB 20064 PG 881.
- BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
- A PORTION OF THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION AE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710440900J, WITH A DATE OF IDENTIFICATION OF 3/2/09.
- THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
- AREA COMPUTED BY COORDINATED METHOD.
- NO NCGS MONUMENT FOUND WITHIN 2000'.
- UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AND MARKINGS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
- NOT ALL FEATURES SHOWN.



21 NCAC 56 .1604: MAP CERTIFICATION

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (TITLE REFERENCES AS SHOWN ON PLAT); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM TITLE REFERENCES AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY MEETS OR EXCEEDS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600).

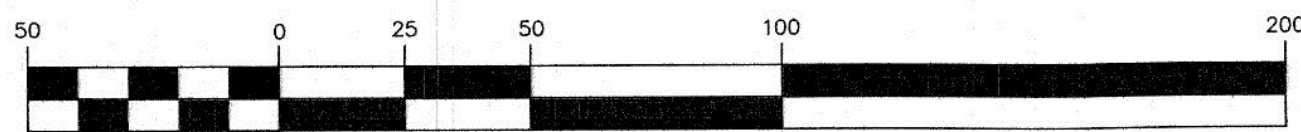
THIS 20 DAY OF JANUARY, 2015.
PROFESSIONAL LAND SURVEYOR



CAROLINA SURVEYORS, INC.
P.O. BOX 267 PINEVILLE, N.C. 28134 - 0267
HUSH E. WHITE, JR., NCRLS & SCRLS 889 - 7601
CERTIFICATE OF AUTHORIZATION NC-C-1242 SC-888

A PHYSICAL SURVEY OF
#13425 YORK ROAD
SURVEYED FOR: REES & REETHA RUSSELL
AREA: 3.280 ACRES
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



1318-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com

K&H Development, Inc.

Steele Creek Climate
Controlled Storage

Existing Conditions/Survey
Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 16-077
Date: 08.22.2016
Designed by: udp
Drawn by: udp
Scale: NTS
Sheet No:

SU-1.0



K&H Development, Inc.

Waxhaw, NC 28173

Steele Creek Climate Controlled Storage

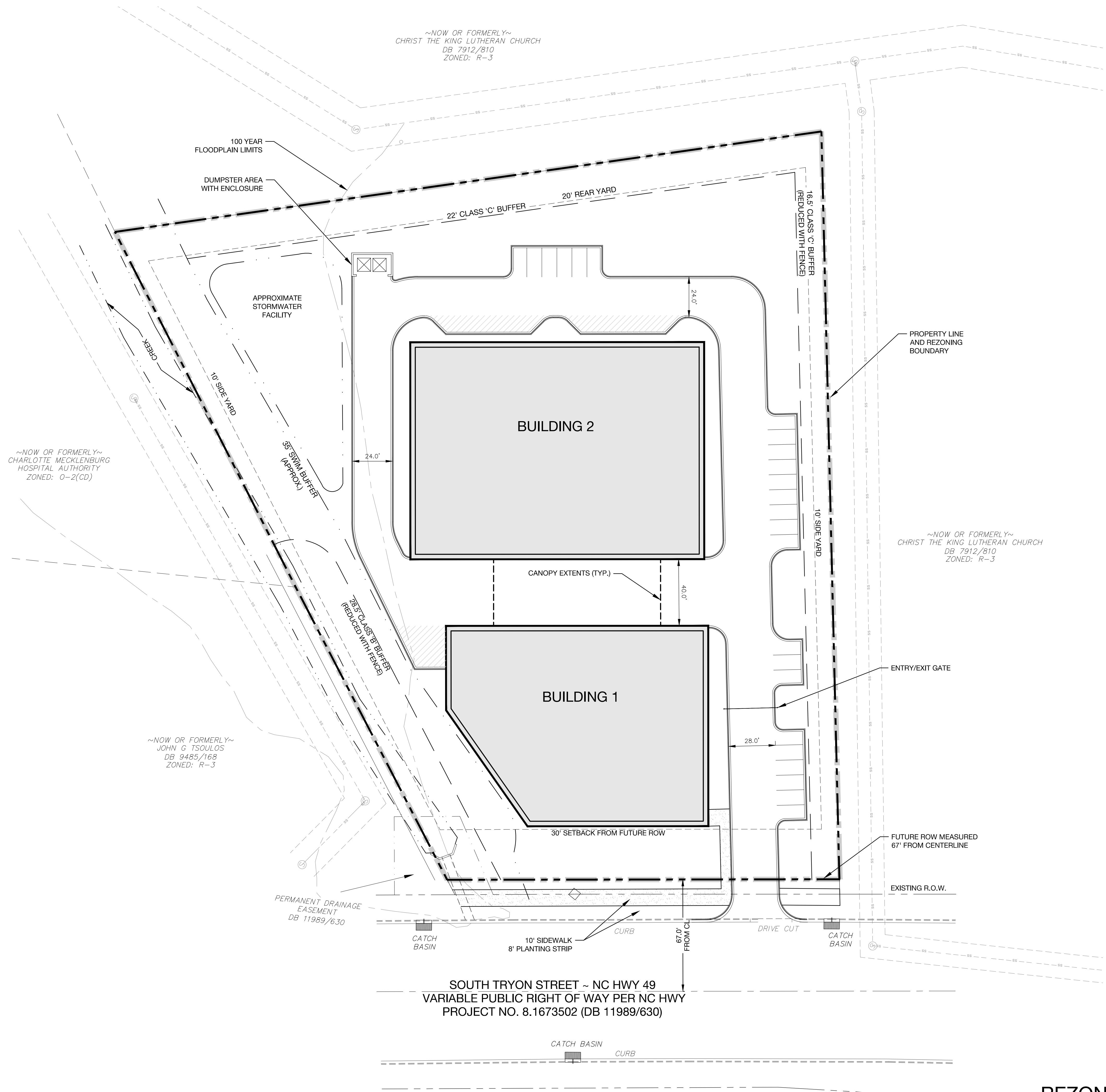
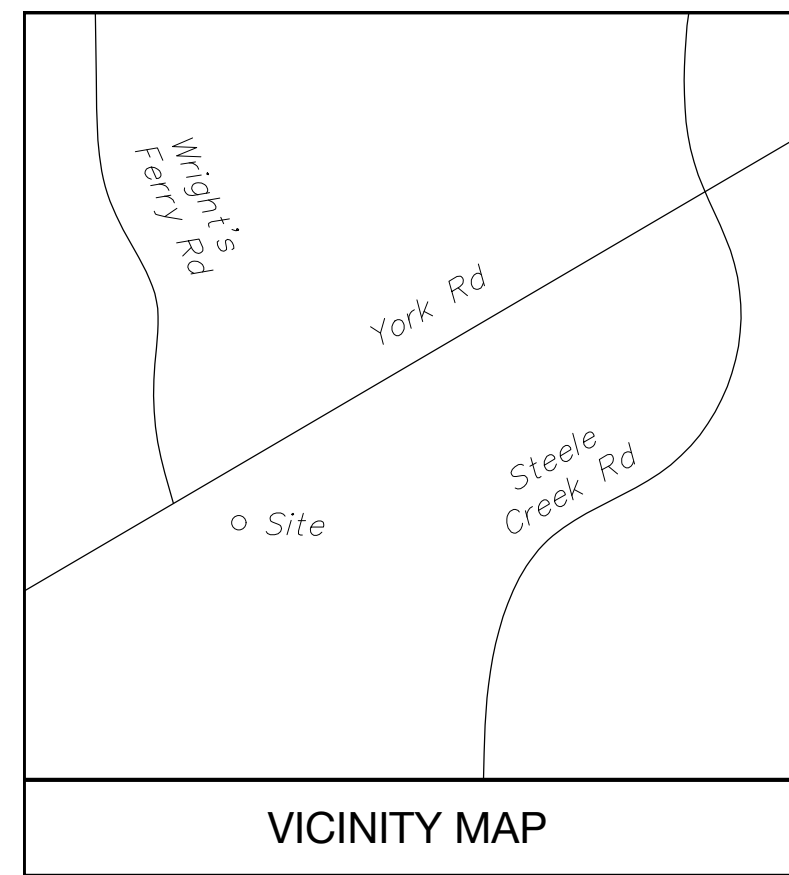
Rezoning Site Plan

Charlotte, North Carolina

[illegible]

Project No: 16-077
Date: 08.22.2016
Designed by: udp
Drawn By: udp
Scale: 1"=30'
Sheet No:

RZ-1.0



REZONING PETITION #2016-???

DEVELOPMENT STANDARDS

Site Development Data:

- Acreage: ± 3.48 acres
- Tax Parcel #: 219-121-12
- Existing Zoning: O-1(CD)
- Proposed Zoning: BD(CD)
- Existing Uses: Single Family.
- Proposed Uses: Indoor climate control storage uses, as permitted by right and under prescribed conditions together with accessory uses, as allowed in the BD zoning district (as more specifically described in the Development Standards below).
- Maximum Gross Square feet of Development: Up to 80,000 square feet of gross floor area of indoor climate control storage; all as allowed by right and under prescribed conditions in the BD zoning district (as more specifically described in the Development Standards below).
- Maximum Building Height: The maximum allowed building height will be three (3) stories not to exceed 40 feet; building height will be measured as defined by the Ordinance).
- Parking: As required by the Ordinance for the proposed use.

1. General Provisions:

- a. Site Location. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheet RZ-1 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by K & H Holdings, Inc. ("Petitioner") to accommodate the development of a high quality indoor climate control storage facility on an approximately 3.48 acre site located on South Tryon Street (the "Site").
- b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the BD zoning classification shall govern all development taking place on the Site.
- c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

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

- i. minor and don't materially change the overall design intent depicted on the Rezoning Plan; these include minor modifications to the configurations of the building location, driveway 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; or
- ii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties but no closer than the setback lines indicated on Sheet RZ-1.

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

- d. Number of Buildings Principal and Accessory. Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site will be limited to two (2). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s).

2. Permitted Uses, Development Area Limitations:

- a. Subject to the restrictions and limitations listed below in b. and c., the principal building constructed on the Site may be developed with up to 80,000 square feet of gross floor area of indoor climate controlled storage uses ("warehousing within an enclosed building") together with accessory uses allowed in the BD zoning district.
- b. Outdoor storage will not be allowed.
- c. Truck rental associated with the climate controlled storage facility will not be allowed.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, and all loading dock areas (open or enclosed).

3. Access:

- a. Access to the Site will be from South Tryon Street as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
- b. Petitioner will provide a new 10 foot wide sidewalk and 8 foot wide planting strip (the width of the planting strip may be adjusted to avoid existing utility poles) on South Tryon Street. The sidewalk will fulfill the required sidewalk requirement as well as provide an overland connector for the Walker Branch Tributary Greenway.
- c. The exact alignment, dimensions and location of the access point and parking and maneuvering to the Site, and the driveways on the Site may be modified from the elements shown on the Rezoning Plan provided that the overall design intent is not materially altered and requirements described in this Section 3 are met.

4. Parking Areas, Access and Circulation Design Guidelines.

- a. The loading areas associated with the proposed indoor climate controlled storage facility may not be located on the side of Building 1 that faces South Tryon Street (i.e. side facing the northern property line).

5. Setbacks, Buffers and Screening.

- a. The Ordinance required setback is 30 feet from future right of way. The provided building setback areas will predominately contain areas of existing trees, new trees/ and/or landscaping.
- b. As generally depicted on the Rezoning Plan, a 28.5 foot reduced Class B Buffer will be provided along the Site's northern property line, a 22 foot Class C Buffer will be provided along the Site's eastern property line, and a 16.5 foot reduced Class C Buffer will be provided along the Site's southern property line. Subject to Section 5.b. above, utility lines may cross the buffer at angles no greater than 75 degrees.

6. Architectural Standards Design Guidelines.

- a. The principal building constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hard-plank), metal panels (excluding the Building 1 façade on South Tryon), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
- b. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.
- c. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.
- d. Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual self-storage storage units shall be provided only by internal hallways.
- e. The buildings shall meet the following additional design requirements:
- i. The ground floor of the building fronting South Tryon Street shall have a minimum of 25% clear vision glass principally comprised of windows and, as applicable, building entrance in a zone 12 feet in height from the base of the building; and the upper story shall have a minimum of 25% clear vision and/or spandrel glass principally comprised of windows in a zone 12' in height measured from a minimum of 2' below the parapet and above the midpoint of the façade. The above 25% standard will be determined by a horizontal measurement within said zones.
- ii. Where expanses of solid wall are necessary on elevations, other than noted above, the facade of any floor of the building (including a facade that does not front a public street), may not have a blank or unarticulated wall that exceeds twenty (20) feet in length. Design elements that may be utilized to break up expanses of solid wall include, without limitation, ornamentation, molding, string courses, belt courses and/or changes in material or color.
- iii. Pedestrian entrances will feature prominent architectural elements.

7. Environmental Features:

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. Aboveground Water Quality and Detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens, or other like forms. The Petitioner reserves the right to provide BMPs as above ground or underground facilities.
- b. The Site will comply with Tree Ordinance.
- c. The Petitioner agrees to provide at a minimum a permanent 20 foot wide access easement through a portion of the 35' SWIM buffer along the entire length of the Site's northern boundary for future greenway use. The final location of the easement will be determined during the Design development, construction and permitting phases of the project.

8. Signage:

- a. Wall signs will be limited to 110 square feet of sign surface area per wall or 5% of the wall area to which they are attached, whichever is less. These wall signs must utilize individual letters that are LED internally illuminated and shall not use box/cabinet signage (other than for the logo sign portion). Digital/reader board type or neon wall signs will not be allowed.
- b. One ground mounted sign may be located at the entrance along South Tryon Street; such ground mounted sign shall have a maximum height of seven (7) feet and may not contain more than 64 square feet of sign area. No pole signs shall be allowed. Digital/reader board type or neon ground mounted signs will not be allowed.
- c. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.
- d. Signs are not permitted on windows with clear vision glass.
- e. Signs are permitted on non-clear vision glass windows and will be treated as wall signs.

9. Lighting:

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site, except street lights located along public streets, will be limited to 22 feet in height.
- c. Lighting fixtures that are decorative, capped and downwardly directed will be allowed on the proposed building walls.

10. Additional Security Measures:

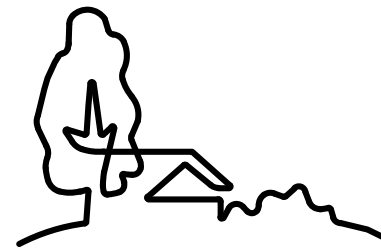
- a. The indoor climate controlled self-storage building will be fully enclosed with access points to the interior storage units controlled by key pad entry.
- b. The hours of access for the building shall be limited to 6:00 AM to 10:00 PM E.S.T.
- c. Security cameras for the interior and exterior of the building shall be provided.
- d. The exterior of the building will be well lit with downward casting lights as described above.

11. Amendments to the Rezoning Plan:

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

12. 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.



URBAN
DESIGN
PARTNERS

1318-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com

K&H Development, Inc.

PO Box 1259
Waxhaw, NC 28173

Steele Creek Climate
Controlled Storage

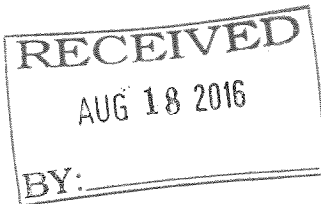
Development Standards and Notes
Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 15-077
Date: 08.22.2016
Designed by: udp
Drawn By: udp
Scale: 1"=30'
Sheet No:

RZ-2.0

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



Petition #: 2016-13A
Date Filed: 8/18/2016
Received By: BH

Complete All Fields (Use additional pages if needed)

Property Owner: Ashley Road Holdings LLC

Owner's Address: 4601 Nobility Ct., City, State, Zip: Charlotte, NC 28269

Date Property Acquired: March 22, 2016

Property Address: Ashley Road/Joy Street

Tax Parcel Number(s): 06109205

Current Land Use: Business, Residential Size (Acres): 5.81

Existing Zoning: B-1, R-12MF Proposed Zoning: UR-2(CD)

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

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

Date of meeting: August 09, 2016

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: Seeking to build up to 180 units consisting of up to 80 elderly apartments and up to 100 family affordable housing units.

Brian Smith
Name of Rezoning Agent

1318-e6 Central Avenue
Agent's Address

Charlotte, NC 28205
City, State, Zip

704-334-3303 ext. 102 704-334-3305
Telephone Number Fax Number

brian@urbandesigndesignpartners.com
E-Mail Address

[Signature]
Signature of Property Owner

Chris Ogunrinde
Name Typed / Printed)

CapRock LLC
Name of Petitioner(s)

2410 Dunavant Street
Address of Petitioner(s)

Charlotte, NC 28203
City, State, Zip

980-201-3265 800-954-0823
Telephone Number Fax Number

jroyster@caprockinvest.com
E-Mail Address

[Signature]
Signature of Petitioner

Ryan Lambert
(Name Typed / Printed)

DEVELOPMENT STANDARDS

A. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by CapRock, LLC ("Petitioner") to accommodate the development of a residential community on that approximately 5.81 acre site located on the west side of Ashley Road north of Joy Street, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel No. 061-092-02.
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 zoning district shall govern the development and use of the Site.
- Future amendments or modifications to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations or modifications to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

B. Permitted Uses

- The Site may be devoted only to a residential community containing a maximum of 180 multifamily units and 80 age restricted units and to any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district. Incidental and accessory uses may include, without limitation, amenities for the residents, such as a clubhouse and fitness center.
- A clubhouse building may be constructed on the Site in the general location depicted on the Rezoning Plan. The clubhouse building may contain, among other things, a leasing and management office and amenities such as a fitness center, a recreation room and meeting space.

C. Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- The maximum number of parking spaces allowed on the Site shall be limited to the maximum allowed in the UR-2 zoning district. The on-street parking spaces located on the new local public street to be constructed and installed on the Site shall not be considered or counted when determining the maximum number of parking spaces located on the Site.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- Petitioner shall construct the extension of Heywood Avenue through the site as generally depicted on the Rezoning Plan. This local public street shall be built to the local residential wide typical street section as specified in the Charlotte Land Development Standards.

D. Architectural Standards

- The maximum height in feet of each building shall be 40 feet as measured from the average grade at the base of each building.

E. Streetscape/Landscaping

- A 8 foot wide planting strip and a 8 foot wide sidewalk shall be installed along the west side of Ashley Road as generally depicted on the Rezoning Plan.
- Curb and gutter along with an 8 foot wide planting strip and 8 foot wide sidewalk shall be installed along the frontage of Bullard Street as generally depicted on the Rezoning Plan.
- An 8 foot wide planting strip and an 8 foot wide sidewalk shall be installed along the frontage of Joy Street as generally depicted on the Rezoning Plan.

F. Environmental

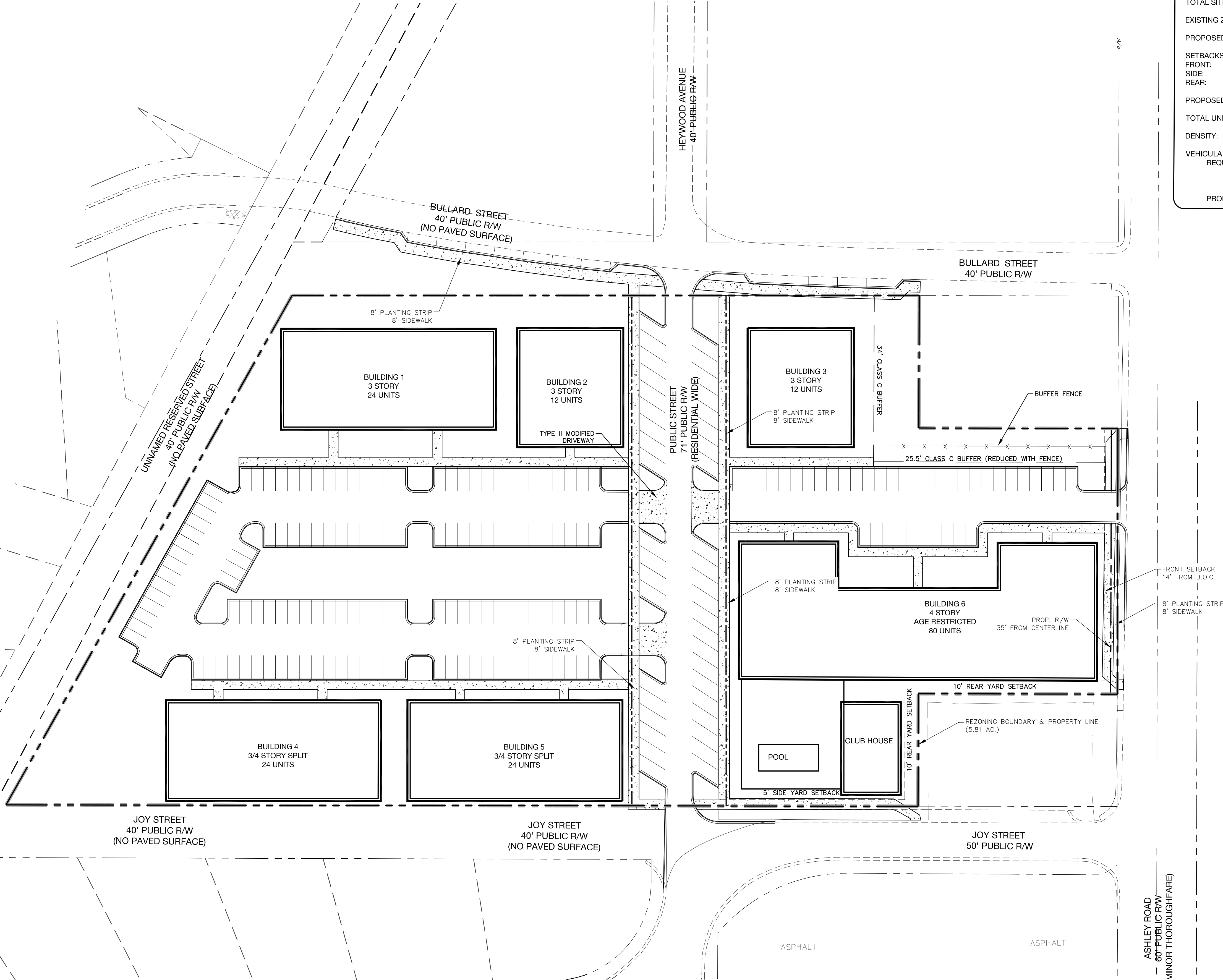
- Development of the Site shall comply with the requirements of the City of Charlotte Tree Ordinance.

G. Lighting

- All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks and landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 22 feet.
- Any lighting fixtures attached to the buildings to be constructed on the Site shall be decorative, capped and downwardly directed.

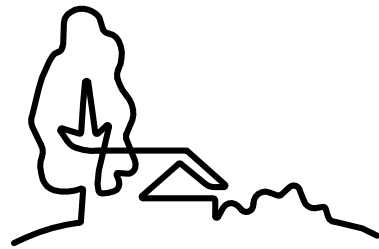
H. Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



DEVELOPMENT SUMMARY

TAX PARCEL ID #:	061-092-02
TOTAL SITE AREA:	5.81 ACRES
EXISTING ZONING:	R-12MF
PROPOSED ZONING:	UR-2
SETBACKS:	
FRONT:	14' FROM BACK OF CURB
SIDE:	5'
REAR:	10'
PROPOSED USE:	MULTI-FAMILY (APARTMENTS)
TOTAL UNITS:	176
DENSITY:	30.29 UNITS/ACRE
VEHICULAR PARKING:	
REQUIRED:	
MULTI-FAMILY:	144 (1.5 SPACES/UNIT)
MULTI-FAMILY ELDERLY:	20 (0.25 SPACES/UNIT)
TOTAL:	164 SPACES
PROPOSED:	226 SPACES



URBAN
DESIGN
PARTNERS

1318-w6 central ave. # 704.334.3303
charlotte, nc 28205 # 704.334.3305
urbandesignpartners.com
nc firm no: P-0418
sc cda no: C-03044

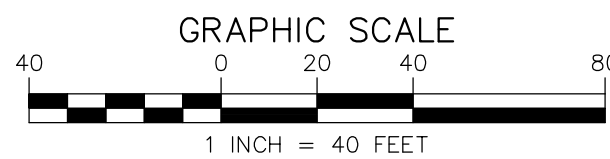
Ashley Road
Apartments

Rezoning Plan
Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 16-075
Date: August 9, 2016
Designed by: udp
Drawn by: udp
Scale: 1"=40'
Sheet No:

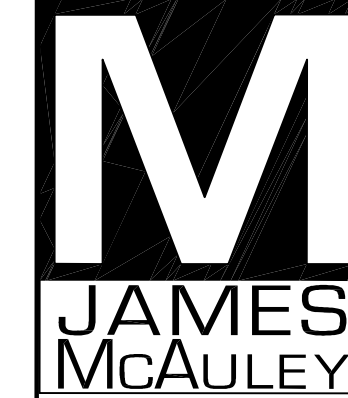
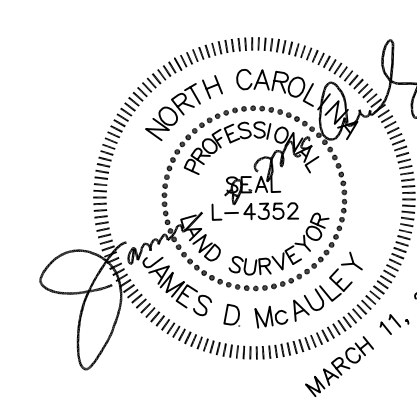
RZ-1.0



LAND OWNERS TABLE

1. CALVARY BAPTIST CHURCH INC.
DB 6556 PG 655
MB 3 PG 235
TAX ID 06109206
2. CALVARY BAPTIST CHURCH INC.
DB 6556 PG 655
MB 3 PG 235
TAX ID 06109205
3. CALVARY BAPTIST CHURCH INC.
DB 6556 PG 659
MB 3 PG 235
TAX ID 06109202
4. THE RIVER CATHEDRAL OF CHARLOTTE
DB 29554 PG 500
MB 3 PG 235
TAX ID 06109201
5. SERINA MARIE KILLIAN
DB 27929 PG 899
MB 3 PG 235
TAX ID 06109203
6. LOIS BELLE
DB 27205 PG 95
MB 3 PG 235
TAX ID 06109204
7. ALVACOR BUILDERS
DB 16596 PG 438
TAX ID 0611101
8. ANGELA LAVET BROOKS
DB 29372 PG 370
MB 3 PG 235
TAX ID 06109104
9. ANIBAL GODOY GARCIA
DB 26590 PG 806
MB 3 PG 235
TAX ID 06109112
16. THE RIVER CATHEDRAL OF CHARLOTTE
DB 29554 PG 500
TAX ID 06109401
17. CYNTHIA HOWELL
DB 22517 PG 623
MB 7 PG 287
TAX ID 06109617
18. THOMAS & MARY HOUSE
DB 1806 PG 75
MB 7 PG 287
TAX ID 06109616
19. PETER PESSINA
DB 28336 PG 222
MB 7 PG 287 06109615
20. IVEY MASSEY
DB 21209 PG 972
MB 7 PG 287
TAX ID 06109614
21. ALMA KATTA, YVONNE BUTLER
DB 5597 PG 264
MB 7 PG 287
TAX ID 06109613
22. JERMAINE & MICHELLE COVINGTON
DB 7939 PG 711
MB 7 PG 287
TAX ID 06109612
23. CHARLES WITHERSPOON
DB 6381 PG 410
MB 34 PG 567
TAX ID 06109307
24. ISREAL PARADA, AVELINA GARCIA
DB 25190 PG 338
MB 3 PG 234
TAX ID 06109302
25. ISREAL PARADA, AVELINA GARCIA
DB 21833 PG 292
MB 3 PG 234
TAX ID 06109301
26. RHONDA KEE
DB 22069 PG 292
MB 32 PG 326
TAX ID 06111402
27. VS RESIDENTIAL PROPERTIES FUND LLC
DB 29171 PG 56
MB 32 PG 326
TAX ID 6111401
28. ARTHUR, LEO HOLSHOUSER
DB 23542 PG 693
TAX ID 06111326

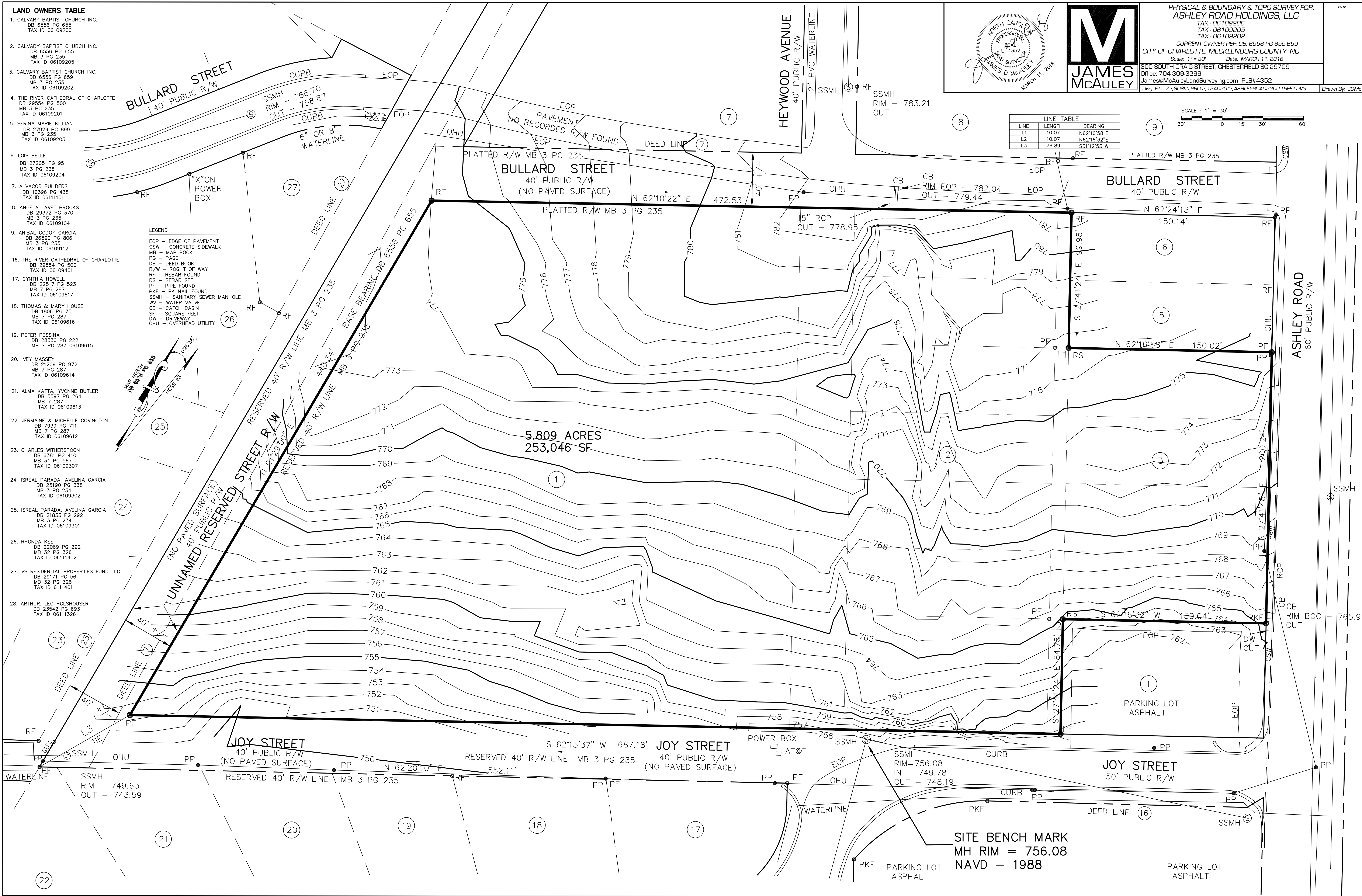
LEGEND
EOP - EDGE OF PAVEMENT
CSW - CONCRETE SIDEWALK
MB - MAP BOOK
PG - PAGE
DB - DEED BOOK
R/W - RIGHT OF WAY
RF - REBAR FOUND
RS - REBAR SET
PF - PIPE FOUND
PKF - PK NAIL FOUND
SSMH - SANITARY SEWER MANHOLE
WV - WATER VALVE
CB - CATCH BASIN
SF - SQUARE FEET
DW - DRIVEWAY
OHU - OVERHEAD UTILITY



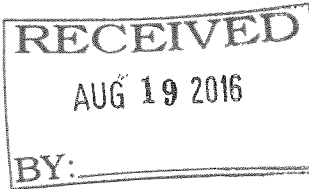
PHYSICAL & BOUNDARY & TOPO SURVEY FOR:
ASHLEY ROAD HOLDINGS, LLC
TAX - 06109206
TAX - 06109205
TAX - 06109202
CURRENT OWNER REF: DB. 6556 PG 655-659
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NC
Scale: 1" = 30' Date: MARCH 11, 2016
300 SOUTH CRAIG STREET, CHESTERFIELD SC 29709
Office: 704-309-3299
James@McAuleyLandSurveying.com PLS#4352
Dwg. File: Z:\SDSK\PROJ\1240201\ASHLEYROAD200.TREE.DWG Drawn By: JDMc

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.07	N62°16'58"E
L2	10.07	N62°16'32"E
L3	76.89	S31°12'53"W

SCALE: 1" = 30'
30' 0 15' 30' 60'



**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-135

Petition #: _____
Date Filed: 8/19/2016
Received By: RL

Complete All Fields (Use additional pages if needed)

Property Owner: Connecticut Ave., LLC

Owner's Address: 5625 Farview Rd. City, State, Zip: Charlotte, NC 28209

Date Property Acquired: 2/29/2008

Property Address: 940 W. Tyvola Road Charlotte, NC 28217

Tax Parcel Number(s): 16704246

Current Land Use: Vacant Size (Acres): 2.6 AC

Existing Zoning: CC Proposed Zoning: CC SPA

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

Required Rezoning Pre-Application Meeting* with: Planning Staff and CDOT

Date of meeting: 08/02/2016

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

For Conditional Rezonings Only:

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

Purpose/description of Conditional Zoning Plan: _____

Name of Rezoning Agent

Agent's Address

City, State, Zip

Telephone Number

Fax Number

asi.southpark@gmail.com
E-Mail Address

[Signature]
Signature of Property Owner

Connecticut Ave, LLC
(Name Typed / Printed)

David Meyer Jr. - QuikTrip Corporation

Name of Petitioner(s)

3701 Arco Corporate Dr., Suite 150

Address of Petitioner(s)

Charlotte, NC 28273

City, State, Zip

704-559-8013

Telephone Number

Fax Number

dmeyerjr@quiktrip.com

E-Mail Address

[Signature]
Signature of Petitioner

David Meyer Jr.

(Name Typed / Printed)

FILE LOCATION: J:\Drawings\Projects\QuikTrip\1037 (Charlotte, NC)\civil.dwg TAB NAME: Rezoning USER: wpjwylr SAVED: 8/17/2016 5:31 PM PLOTTED: 8/17/2016 5:44 PM

SITE DATA (QUIKTRIP STORE 1037)

TAX PARCEL ID #: A PORTION OF 167-042-46

TOTAL SITE / REZONING AREA: EXISTING (+/-1.851 AC.)
PROPOSED (+/-1.819 AC.)

EXISTING ZONING: B-D (CD), CC

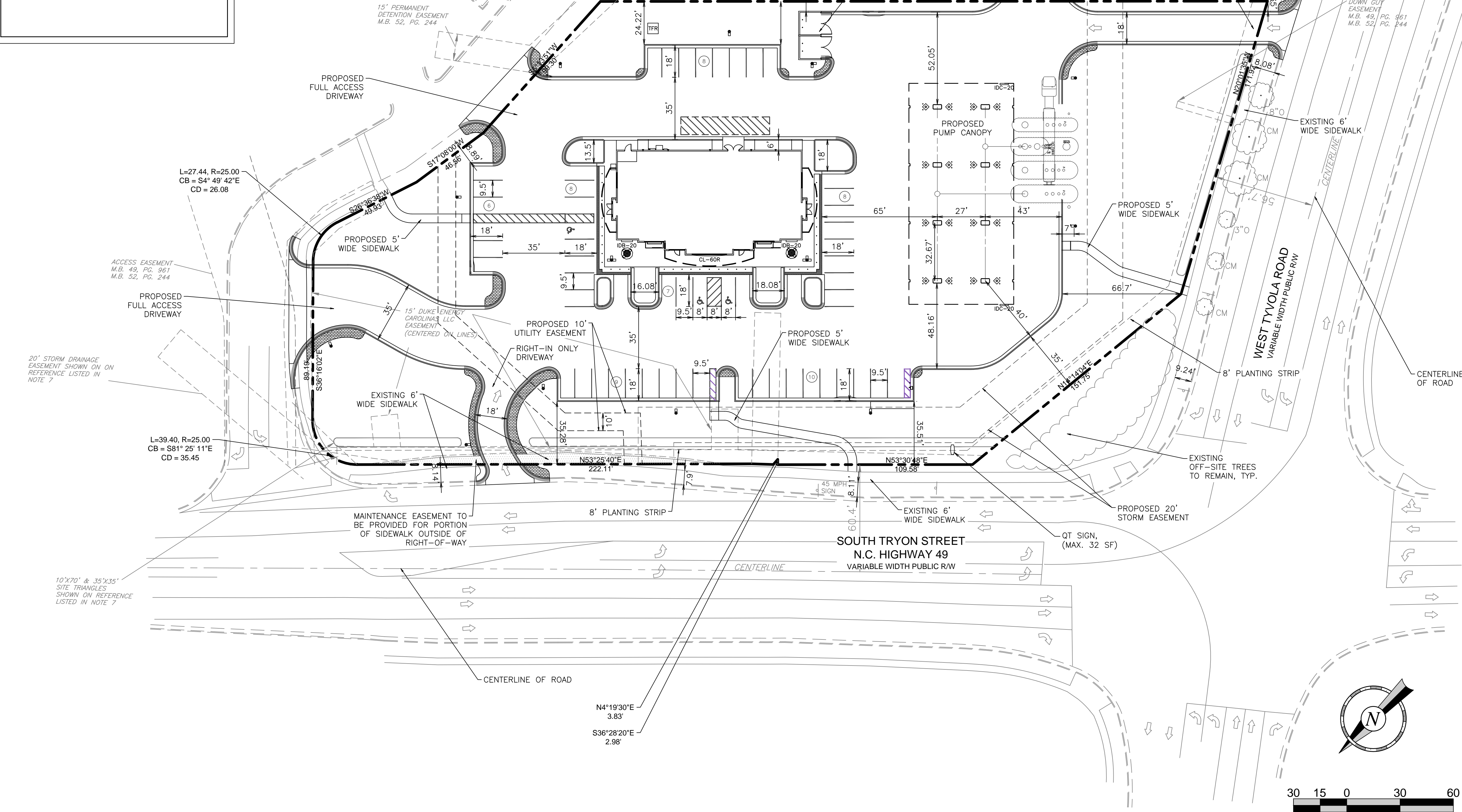
PROPOSED ZONING: B-D (CD), CC (SPA)

PROPOSED USE: CONVENIENCE STORE WITH FUEL SALES

DEVELOPMENT STANDARDS:
SETBACK (S. TRYON ST.) 35'
SETBACK (W. TYVOLA RD.) 35'
SETBACK (SOUTH) 5'
SETBACK (EAST) 5'

BUILDING AREA: MAXIMUM 6,000 SF

BUILDING HEIGHT: MAXIMUM 25' HEIGHT



NC COA: C-1532
ISSUE DATE: 08/17/2016

FREELAND and KAUFFMAN, INC.
Engineers and Surveyors
205 West Stone Avenue
Greensboro, NC 27407
Tel: 336-733-2400
Fax: 336-733-2496

QuikTrip No. 1037

SEC OF TRYON & TYVOLA
CHARLOTTE, NC

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



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PROTOTYPE: P-88 (08/01/16)
DIVISION: CAROLINA
VERSION: 001
DESIGNED BY: WP/CG/JE
DRAWN BY: WP/CG/JE
REVIEWED BY: WP/CG/JE

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 07/20/2016

SHEET TITLE:

REZONING PLAN
PETITION #: 2007-052 (SPA)

SHEET NUMBER:

RZ-1

FILE LOCATION: J:\Drawings\Projects\QuikTrip\1037 (Charlotte, NC)\civil.dwg TAB NAME: Dev Notes USER: wpjlyler SAVED: 8/17/2016 5:31 PM PLOTTED: 8/17/2016 5:44 PM

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. <u>General Provisions</u>														
1.1 This Site Plan Amendment to Rezoning Petition 2007–52 relates to 2.60 acres of land to be subdivided from the total 12.246 acres associated with the City Crossing rezoning plan at the corner of South Tryon Street and West Tyvola Road in Charlotte, NC. This amendment is filed by QuikTrip Corporation to accommodate the development of a convenience store with gasoline sales and any incidental or accessory uses relating thereto on that approximately 2.60 acre site, which site is more particularly depicted on the Rezoning Plan (the “Site”). The Site is comprised of a portion of Tax Parcel No. 167–042–46.														
1.2 Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”).														
1.3 Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the CC zoning district shall govern all development taking place on the Site.														
1.4 Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.														
2. <u>Permitted Uses/Development Limitations</u>														
2.1 The Site may only be devoted to a convenience store with gasoline sales and to any incidental or accessory uses associated therewith that are permitted under the Ordinance in the CC zoning district. Incidental and accessory uses may include, without limitation, an eating, drinking and entertainment use.														
2.2 Accessory drive through service windows shall not be permitted on the Site.														
2.3 A car wash shall not be permitted on the Site.														
2.4 One single tenant building may be located on the Site as allowed in section 3.4 of the development standards of Rezoning Petition 2007–52.														
2.5 The proposed convenience store with gasoline sales is located on Building Envelopes 1, 2 and a portion of Envelope 3 as allowed in Rezoning Petition 2007–52.														
2.6 As depicted on the Rezoning Plan, the minimum setbacks along South Tryon Street and West Tyvola Road shall be 35 feet as set forth in section 5.3 of Rezoning Petition 2007–52 for development with vehicular circulation and/or parking located in front of the building.														
2.7 As depicted on the Rezoning Plan, the minimum setbacks along the interior property lines shall be 5 feet including the portion of the property extending into the B–D (CD) zoned portion of Rezoning Petition 2007–52.														
2.8 Dedications of right–of–way for South Tryon Street and West Tyvola Road as set forth in section 5.1 of Rezoning Petition 2007–52 have already been granted and no further dedications are required.														
3. <u>Maximum Gross Floor Area</u>														
3.1 The maximum gross floor area of any building located on the Site shall be 6,000 square feet. The area under the canopy over the gas pumps associated with the convenience store and outdoor dining areas shall not be included in the calculation of the maximum gross floor area. As set forth in section 3.1 of Rezoning Petition 2007–52 this is within the maximum single tenant use of 50,000 sf and there will remain 104,000 sf of retail use for the remainder of Rezoning Petition 2007–52.														
4. <u>Transportation</u>														
4.1 Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. These access points include the two full access driveways as indicated in section 4 of the original Rezoning Petition 2007–52 with an additional right–in off of South Tryon Street and an additional right–in off of West Tyvola Road. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.														
4.2 The alignments of the internal drives to be located on the Site are subject to any minor modifications or alterations required during the construction permitting process.														
4.3 As depicted on the Rezoning Plan, Pedestrian access is provided from the site to South Tryon Street, West Tyvola Road, and the internal private drive.														
4.4 As depicted on the Rezoning Plan, bicycle facilities will be provided which are safe and secure in accordance with the guidelines provided in the Charlotte–Mecklenburg Bicycle Transportation Plan.														
4.5 As set forth in section 4.7 of Rezoning Petition 2007–52, a transit waiting pad was constructed at the existing bus stop located on West Tyvola Road. CATS shall be responsible for the installation and maintenance of any bench or shelter that may be located on the waiting pad.														
5. <u>Architectural Standards</u>														
5.1 The maximum height of the building to be constructed on the Site shall be 25 feet.														
5.2 Attached to the Rezoning Plan are schematic architectural renderings of the building to be constructed on the Site that are intended to depict the general conceptual architectural style and character of this building. Accordingly, the building to be constructed on the Site shall be designed and constructed so that it is substantially similar in appearance to the attached schematic architectural renderings with respect to architectural style, character and primary building materials. Notwithstanding the foregoing, changes and alterations to the elevations of the building which do not materially change the overall conceptual architectural style and character shall be permitted.														
5.3 The exterior building materials for the building to be constructed on the Site are designated on the attached schematic architectural renderings.														
5.4 Pedestrian pathways will be clearly differentiated from vehicular traffic as depicted on the Rezoning Plan.														
5.5 All utility meters to be located as depicted on the Rezoning Plan facing South Tryon Street and West Tyvola Road.														

6. Streetscape and Landscaping

6.1 Screening will conform to the applicable standards of Section 12.303 of the Charlotte Zoning Ordinance along with section 11.405(5) of the Commercial Center District design standards.

6.2 Landscaping along the Site’s frontage on both South Tryon Street and West Tyvola Road shall meet or exceed the requirements of the City of Charlotte Tree Ordinance.

6.3 The 10% tree save area as set forth in section 6.5 of Rezoning Petition 2007–52, for the 2.60 acre parcel of this amendment will be planted/replanted along the rear property lines in the tree save area as depicted in the Rezoning Petition 2007–52 Tree Save Plan.

6.4 An 8’–0” wide planting strip and 6’–0” sidewalk planted with large maturing trees will be provided along South Tryon Street and West Tyvola Road as set forth in section 6.7 of Rezoning Petition 2007–52. The large maturing trees shall be planted in the first 8’–0” of buffer area located on the “site” side of the sidewalk or as close as possible to the road as applicable if existing overhead utilities or underground utilities prohibit.

6.5 The minimum 6 foot wide sidewalk, or portions thereof, shall be located within a sidewalk utility easement rather than in public right of way where necessary as generally depicted on the Rezoning Plan.

6.6 Internal sidewalks shall be provided on the Site as generally depicted on the Rezoning Plan.

7. Environmental Features

7.1 Development of the Site shall comply with the City of Charlotte Tree Ordinance.

7.2 The proposed site will have best management practices (BMP’s) to achieve 85% Total Suspended Solid (TSS) removal for the entire post–development runoff volume for the first 1 inch of rainfall, control the entire runoff volume for the 1 year, 24 hour storm with a minimum drawdown time of 24 hours, but not more than 120 hours, and control the peak runoff rates to match the predevelopment runoff rates for the 10–yr and 25–yr, 6–hours storms. The BMP’s must be designed and constructed in accordance with the NC Department of Environmental and Natural Resources (NCDENR) Best Management Practices Manual, latest edition. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

8. Signage

8.1 All signs installed on the Site shall comply with the requirements of the Ordinance.

8.2 Notwithstanding paragraph 1 above, one detached outparcel sign shall be permitted on the Site, as set forth in section 10.3 of Rezoning Petition 2007–52. The sign permitted shall be limited to 32 square feet.

9. Lighting

9.1 Any freestanding lighting fixtures installed on Site shall have a maximum height of 30 feet including base, and all such freestanding lighting fixtures shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site, as set forth in section 9.2 and 9.5 of Rezoning Petition 2007–52.


9.2 Lighting on the site to be 24–foot candle at the ground and fixtures to be mounted flush with canopy overhead as set forth in section 9.4 of Rezoning Petition 2007–52.

10. Binding Effect of the Rezoning Documents and Definitions

10.1 If this Rezoning Petition amendment is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

10.2 Throughout these Development Standards, the term “Petitioner” shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

10.3 Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.




NC COA C-1532
ISSUE DATE: 08/17/2016

FREELAND and KAUFFMAN, INC.
Engineers and Architects
205 West Stone Avenue
Charlotte, NC 28203-3497
tel 844-228-9196

QuikTrip No. 1037

SEC OF TRYON & TYVOLA
CHARLOTTE, NC

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







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VERSION: 001
DESIGNED BY: WP/CG/JE
DRAWN BY: WP/CG/JE
REVIEWED BY: WP/CG/JE

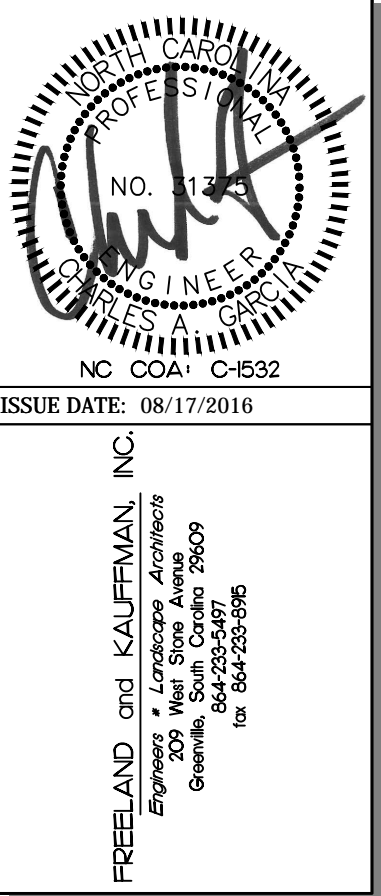
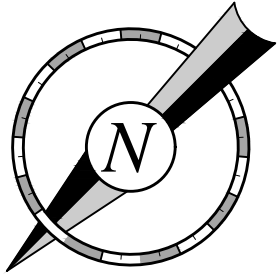
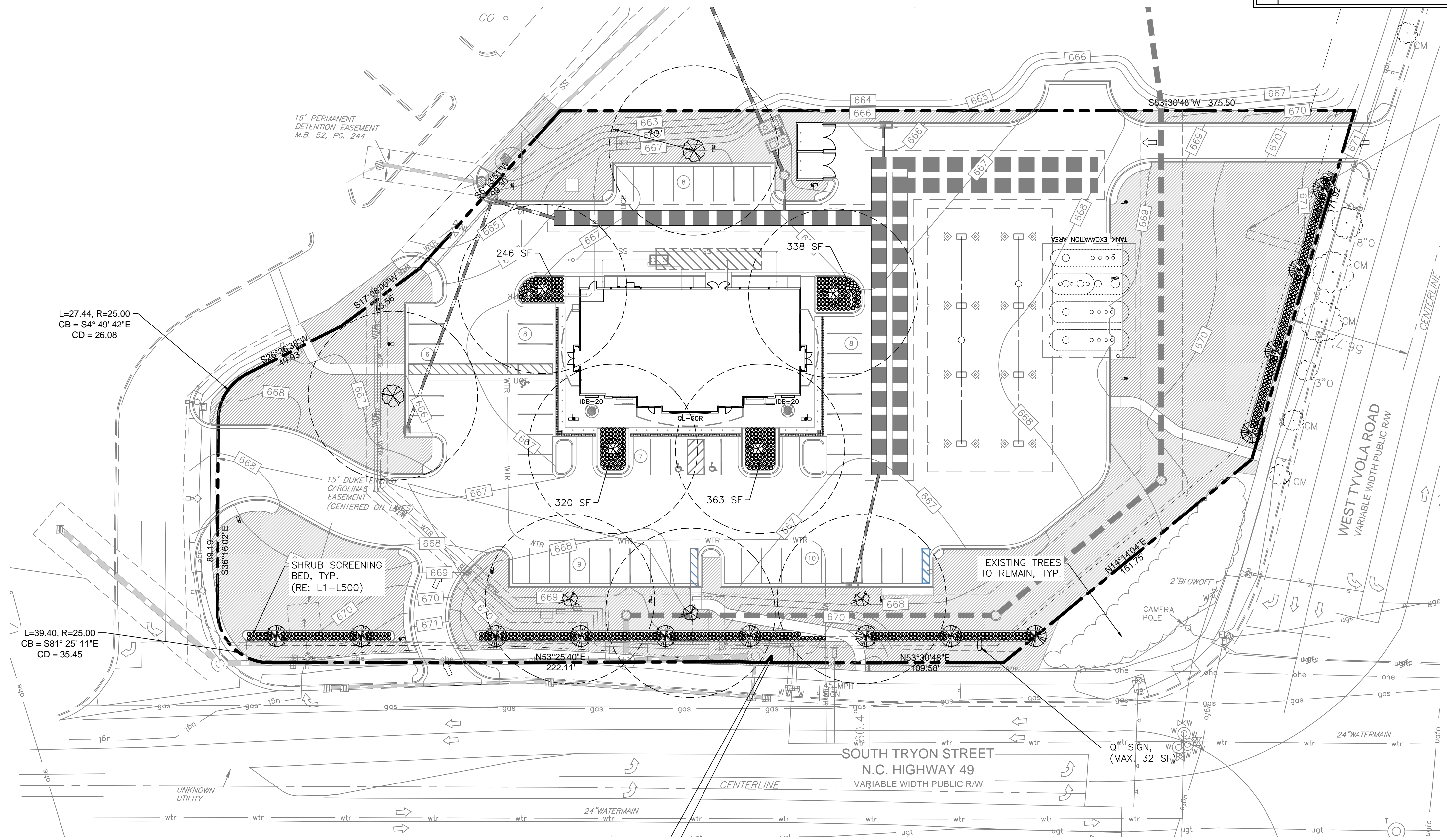
REV	DATE	DESCRIPTION

SHEET TITLE:
DEVELOPMENT STANDARDS
AND NOTES
SITE PLAN

SHEET NUMBER:
RZ-2

Landscape Schedule					
USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES	COMMENTS
SHRUBS		NEEDLE POINT HOLLY <i>Ilex Cornuta "Needle Point"</i>		631 EA.	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR LANDSCAPE BED LOCATIONS AND SHRUB SPACING
TREES		LACEBARK ELM <i>Ulmus Parvifolia</i>	3" CALIPER 12' HT	13 EA.	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR TREE PLACEMENT, AND PLANTING SPECIFICATIONS CONTRACTOR TO VERIFY TREE TYPE, LOCATION, SIZE, HEIGHT, AND SPREAD WITH OT REPRESENTATIVE PRIOR TO INSTALLATION
		WILLOW OAK <i>Quercus Phellos</i>	3" CALIPER 12' HT	6 EA.	
		CRAPE MYRTLE <i>Lagerstroemia Indica</i>	3" CALIPER (TOTAL) 6' HT	3 EA.	
MISC		TIFWAY 419 BERMUDA SOD		39,800 S.F.	

LANDSCAPE REQUIREMENTS		PROVIDED
PERIMETER (SEC. 21-96(e)(2))	(1) MINIMUM 8' WIDE PLANTING STRIP (2) ORNAMENTAL TREE (2" CAL.) PER 40 LF STREET FRONTAGE (30 LF OVERHEAD ELECTRIC) <u>S. TRYON</u> - ±350 LF/40= 8.75 (9) TREES <u>W. TRYON</u> - ±172 LF/40= 4.3 (4) TREES	TREES WITHIN 8' INSIDE 20' PARKING BUFFER 9 LACEBARK ELM (40' O.C.) (OUTSIDE OF 8' PLANTING STRIP DUE TO ELECTRIC EASEMENT) 4 LACEBARK ELM (40' O.C.)
INTERNAL (SEC. 21-96(f)(1) & (2))	(1) PLANTING AREA EQUAL TO 10% OF THE TOTAL IMPERVIOUS SURFACE MUST BE PROVIDED FOR LANDSCAPE PURPOSES AND TREE PLANTING ±72,000 X 10% = <u>7,200 S.F.</u> (2) ONE LARGE TREE PER 10,000 SQ FEET OF IMPERVIOUS COVER ±72,000 / 10,000 = <u>7.2 (7) SHADE TREES</u> -EA. PARKING SPACE MUST BE LOCATED WITHIN 40' OF A TREE. -75% OF TREES MUST BE LARGE, MATURING SHADE TREES -MINIMUM PLANTING AREA PER TREE SHALL BE 274 S.F. WITH MIN. WIDTH OF 8'. (200 S.F. FOR SMALL TREE)	±X S.F. 6 WILLOW OAK 3 CRAPE MYRTLE
PARKING LOT (SEC. 12-2A(3))	(1) EVERGREEN SHRUBS, ATLEAST 2-2.5' TALL WITH MINIMUM SPREAD OF 2' AND SPACED NO FURTHER THAN 5'.	386 NEEDLEPOINT HOLLY
TREE SAVE AREA (SEC. 21-94)	(1) 10% OF COMMERCIAL SITE MUST BE PRESERVED AS TREE SAVE AREA TOTAL AREA= 113,108 X 10% = 0.260 AC TOTAL TREE SAVE AREA PROVIDED= 0.260 AC	10% ALREADY ACCOUNTED FOR IN OVERALL DEVELOPMENT



QuikTrip No. 1037

SEC OF TRYON & TYVOLA
CHARLOTTE, NC

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



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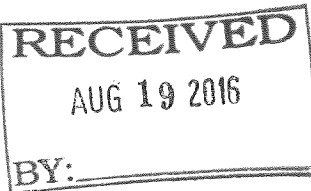
SHEET TITLE:

LANDSCAPE PLAN

SHEET NUMBER:

RZ-3

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016- (36)

Petition #:	
Date Filed:	8/19/2016
Received By:	RJ

Complete All Fields (Use additional pages if needed)

Property Owner: GATEWAY COMMUNITIES NC, LLC

Owner's Address: 6701 CARMEL RD #6701 City, State, Zip: Charlotte NC 28226

Date Property Acquired: 2/21/14

Property Address: N/A (property is a remnant with no frontage)

Tax Parcel Number(s): 08303145

Current Land Use: VACANT Size (Acres): .677

Existing Zoning: 1-2 Proposed Zoning: TOD-R

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

Required Rezoning Pre-Application Meeting* with: Sanja Sanders, Amanda Vari, Monica Holmes, Kory Hedrick

Date of meeting: 8/11/16 (second mtg)

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: to develop apartments on property

James P. Cannon
Name of Rezoning Agent

1318 Central Ave #e6
Agent's Address

Charlotte, NC 28205
City, State, Zip

704 334-3303 x107 704 334-3305
Telephone Number Fax Number

chip@urbanedesignpartners.com
E-Mail Address

[Signature]
Signature of Property Owner

David Ransenberg
(Name Typed / Printed)

GATEWAY COMMUNITIES NC, LLC
Name of Petitioner(s)

6701 Carmel Rd #118
Address of Petitioner(s)

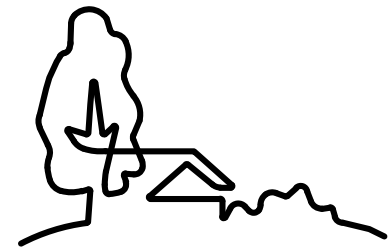
Charlotte NC 28226
City, State, Zip

704-752-8550 704-752-8440
Telephone Number Fax Number

Dave@esteconllc.com
E-Mail Address

[Signature]
Signature of Petitioner

DAVID RANSENBURG
(Name Typed / Printed)



URBAN
DESIGN
PARTNERS

1319-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com

Gateway Communities

6701 Carmel #118
Charlotte, NC 28226

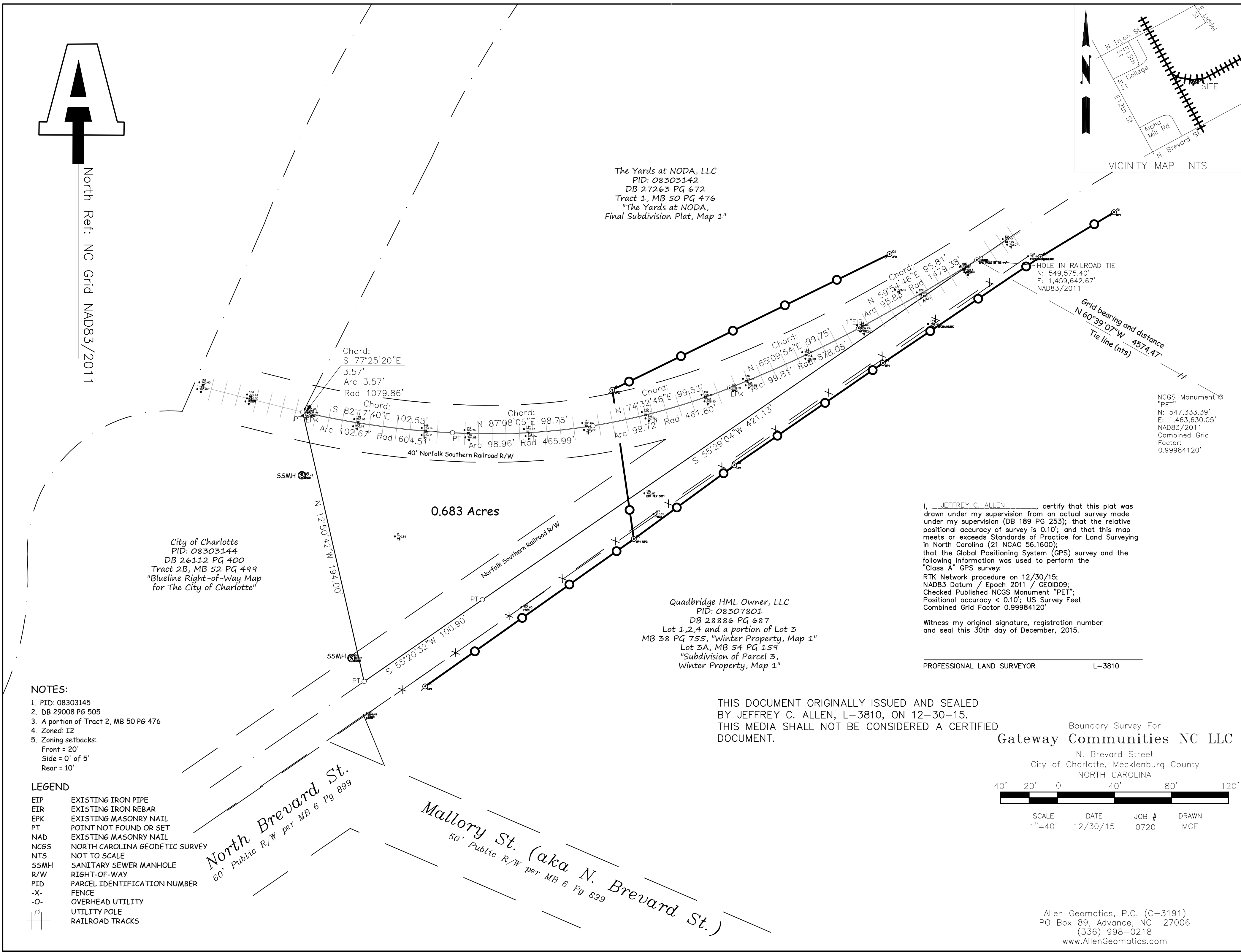
NoDa 40

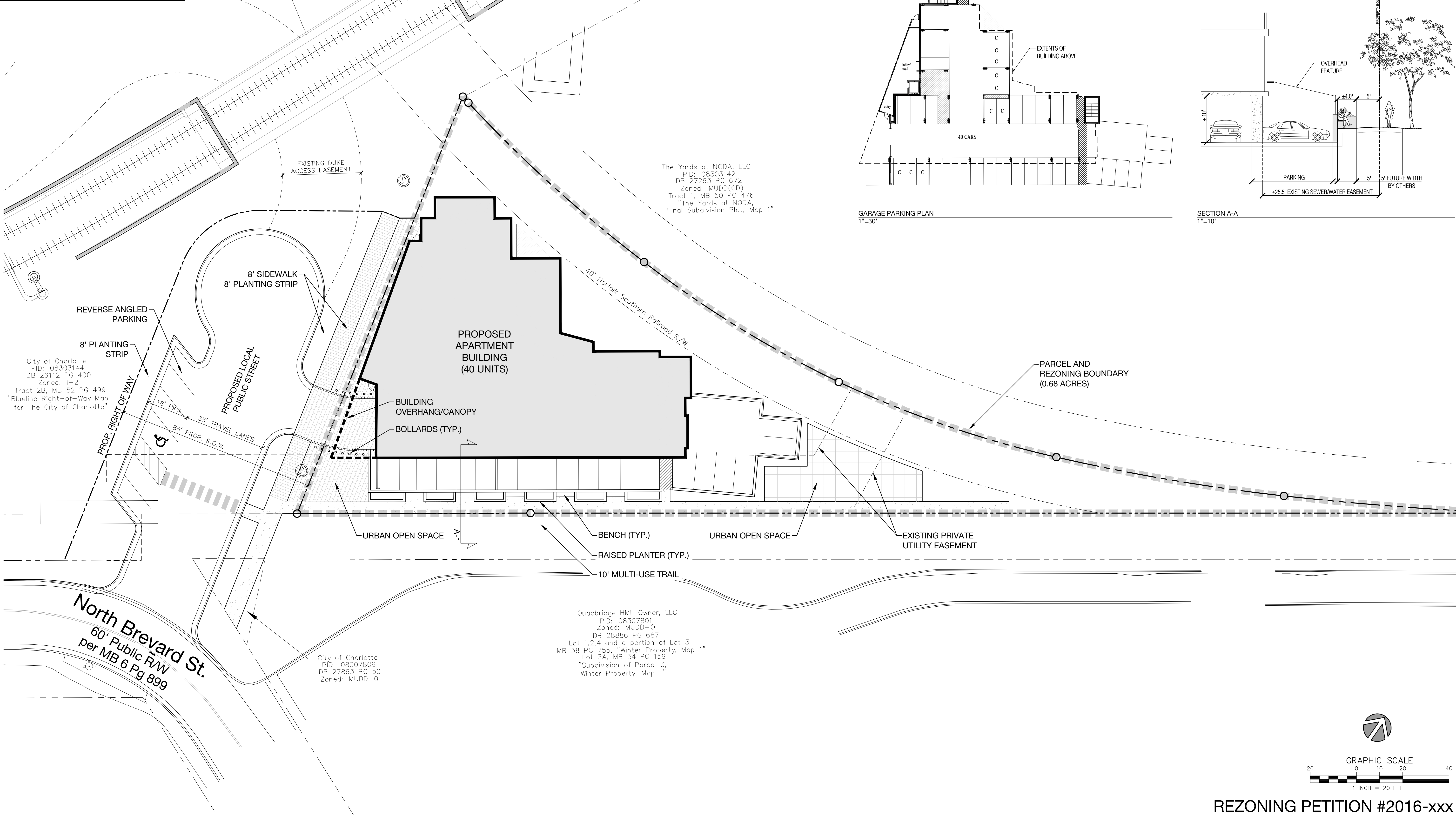
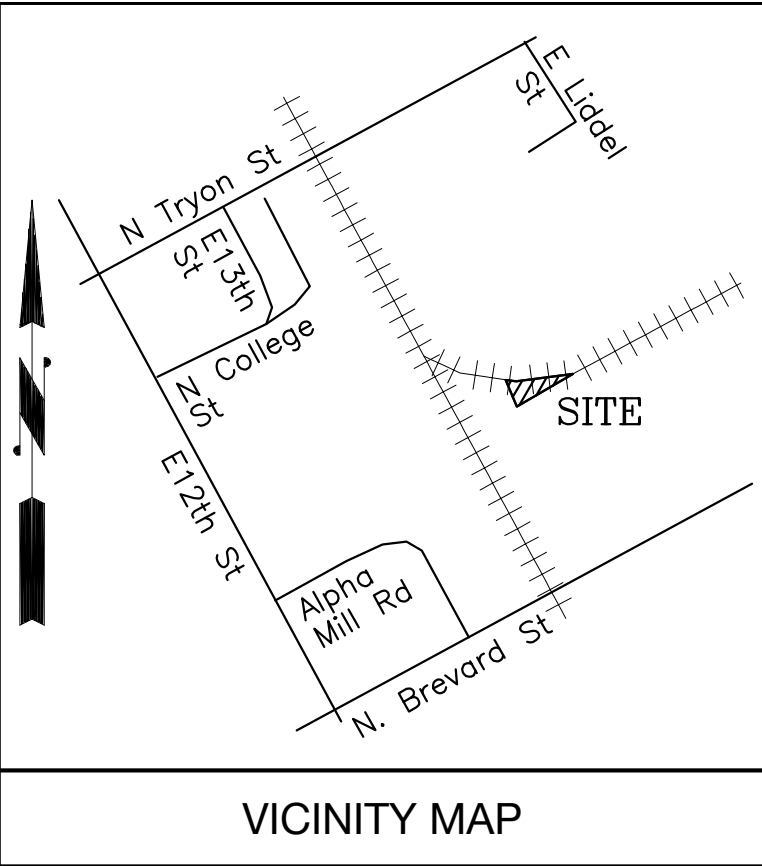
Survey
Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 15-041
Date: August 22, 2016
Designed by: udp
Drawn By: udp
Scale: 1" = 40'
Sheet No:

SU-1.0





DEVELOPMENT SUMMARY	
TAX PARCEL ID #:	08303145
TOTAL SITE AREA:	± 0.68 ACRES
ZONING:	
EXISTING:	I-2
PROPOSED:	TOD-R
PROPOSED USE:	MULTI-FAMILY (APARTMENTS)
TOTAL UNITS:	40
DENSITY:	58.8 DUA
PARKING:	
REQUIRED:	PER ORDINANCE
PROVIDED:	PER ORDINANCE



**URBAN
DESIGN
PARTNERS**

1319-e6 central ave. # 704.334.3303
charlotte, nc 28205 # 704.334.3305
urbandesignpartners.com

Gateway Communities

6701 Camel #118
Charlotte, NC 28226

NoDa 40

Rezoning Site Plan
Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 16-041
Date: August 22, 2016
Designed by: udp
Drawn By: udp
Scale: 1"=30'
Sheet No:

RZ-1.0

REZONING PETITION #2016-xxx

1. GENERAL PROVISIONS

10. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS
- A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



Gateway Communities

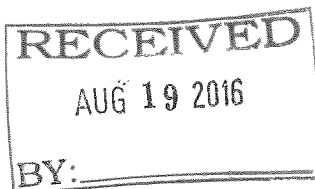
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Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

RZ-2.0

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-137

Petition #: _____
Date Filed: 8/19/2016
Received By: RJ

Complete All Fields (Use additional pages if needed)

Property Owner: Kyle Short

Owner's Address: 2328 Bay Street City, State, Zip: Charlotte, NC 28205

Date Property Acquired: October 8, 2013

Property Address: 700 East Woodlawn Road, Charlotte, NC 28209

Tax Parcel Number(s): 17101152

Current Land Use: SINGLE FAMILY Size (Acres): 1.57 AC

Existing Zoning: UR-2 (CD) Proposed Zoning: UR-2 (CD)(SPA)

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

Required Rezoning Pre-Application Meeting* with: JOHN KINLEY AND KENT MAIN

Date of meeting: August 9, 2016

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: _____

JAMES CANNON
Name of Rezoning Agent

1318 E-6 CENTRAL AVENUE
Agent's Address

CHARLOTTE, NC 28205
City, State, Zip

704-334-3303 EXT 107 704-334-3305
Telephone Number Fax Number

CHIP@URBANDESIGNPARTNERS.COM
E-Mail Address

[Signature]
Signature of Property Owner

Kyle Short
(Name Typed / Printed)

KYLE SHORT
Name of Petitioner(s)

2328 BAY STREET
Address of Petitioner(s)

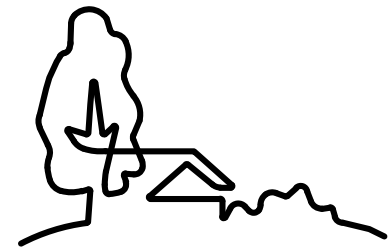
CHARLOTTE, NC 28205
City, State, Zip

704-258-2396
Telephone Number Fax Number

KYLE.A.SHORT@GMAIL.COM
E-Mail Address

[Signature]
Signature of Petitioner

KYLE SHORT
(Name Typed / Printed)



URBAN
DESIGN
PARTNERS

1318-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com
nc firm no: P-0418
sc coa no: C-03044

Short Development
Group, LLC

2328 Bay St.
Charlotte, NC 28205

Woodlawn Townhomes

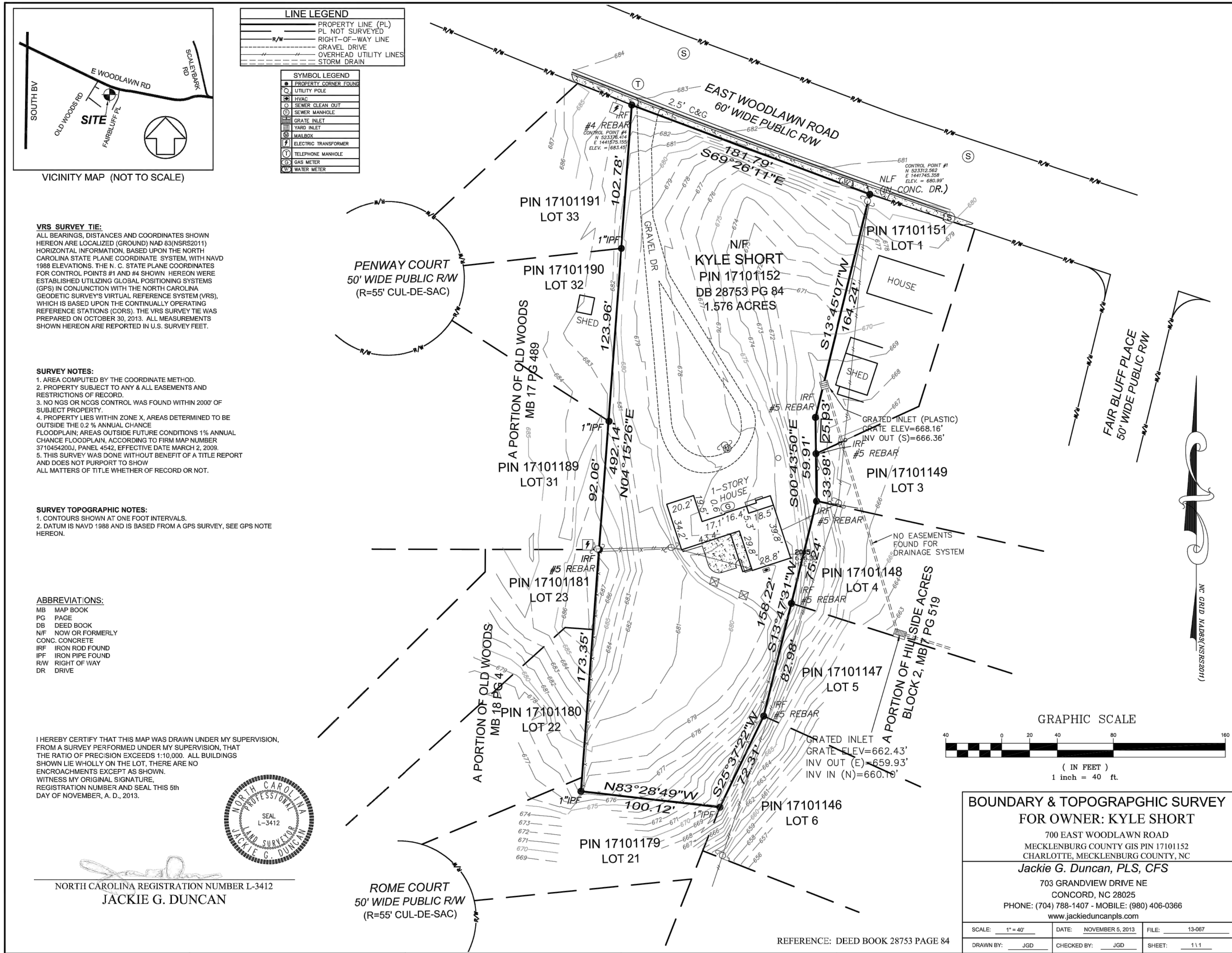
Existing Conditions/Survey

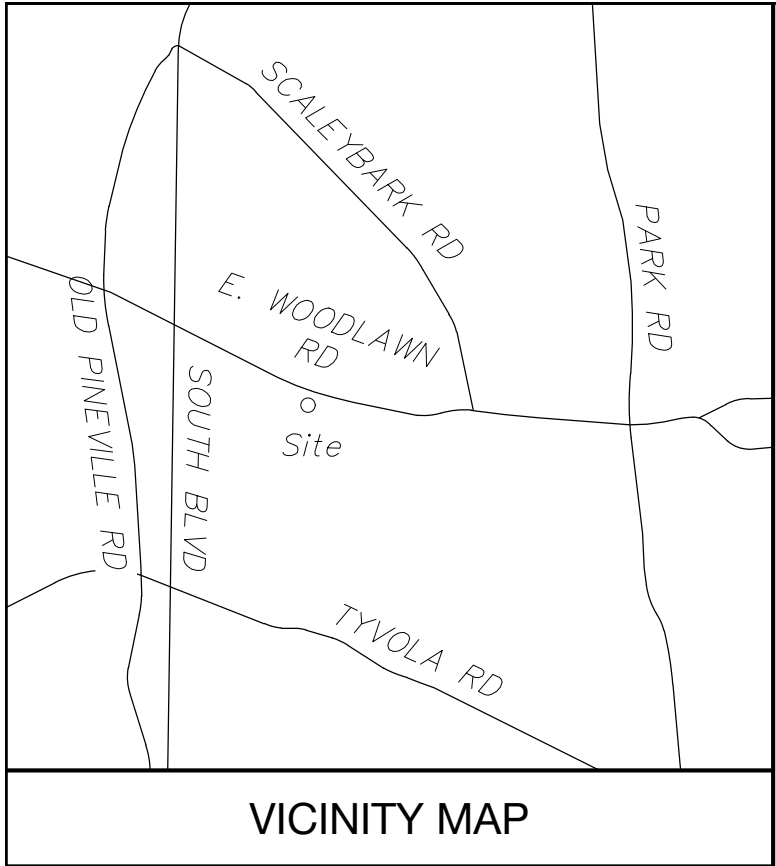
Charlotte, North Carolina

NO. DATE: BY: REVISIONS:

Project No: 15-064
Date: August 22, 2016
Designed by: udp
Drawn By: udp
Scale: NTS
Sheet No:

SU-1.0





VICINITY MAP

DEVELOPMENT STANDARDS

A. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Short Development Group, LLC ("Petitioner") to accommodate the development of a residential community on that approximately 1.57 acre site located on the south side of Woodlawn Road, east of the intersection of Woodlawn Road and Old Woods Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel No. 171-011-52.
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 zoning district shall govern the development and use of the Site.
- Future amendments or modifications to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations or modifications to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

B. Permitted Uses

- The Site may be devoted only to a residential community containing a maximum of 14 attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district. These accessory uses may include, but not be limited to, detached garages.

C. Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- Parking will be provided on site to meet the minimum standards of the ordinance for the UR-2 district. Parking may be located within internal garages, detached garages, and/or surface spaces on site as generally depicted on the Rezoning Plan.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.

D. Architectural Standards

- The maximum height in stories of the dwelling units shall be 3 stories.
- Exterior building materials may include brick/masonry, fiber cement siding, asphalt roofing, glazing/windows, and stucco, or a combination thereof. Vinyl is not allowed as a material except on windows and soffits.
- The building "ends" facing Woodlawn Road are to be embellished with windows on living spaces on each floor and other elements of interest such as, but not limited to, bays, exterior wall offsets, projections, recesses, and changes in materials but are not required to have a "front door" or porch/stoop.
- For sale townhomes will include 400 square feet of private open space per subplot in accordance with Section 9.406 of the Ordinance. This private open space may include portions of the 10 foot landscape area.

E. Streetscape/Landscaping

- An 18 foot planting strip and a 6 foot sidewalk shall be installed along the Site's frontage on Woodlawn Road as generally depicted on the Rezoning Plan.
- A 10 foot landscape area will be provided along the property boundaries abutting single family uses as generally depicted on the Rezoning Plan. This landscape area will include a 6 foot height screening fence and plantings to comply with the Class C buffer planting requirements.

F. Environmental Features

- The site will comply with the City of Charlotte Tree Ordinance.
- The site will comply with the City of Charlotte Post Construction Controls Ordinance.

G. Lighting

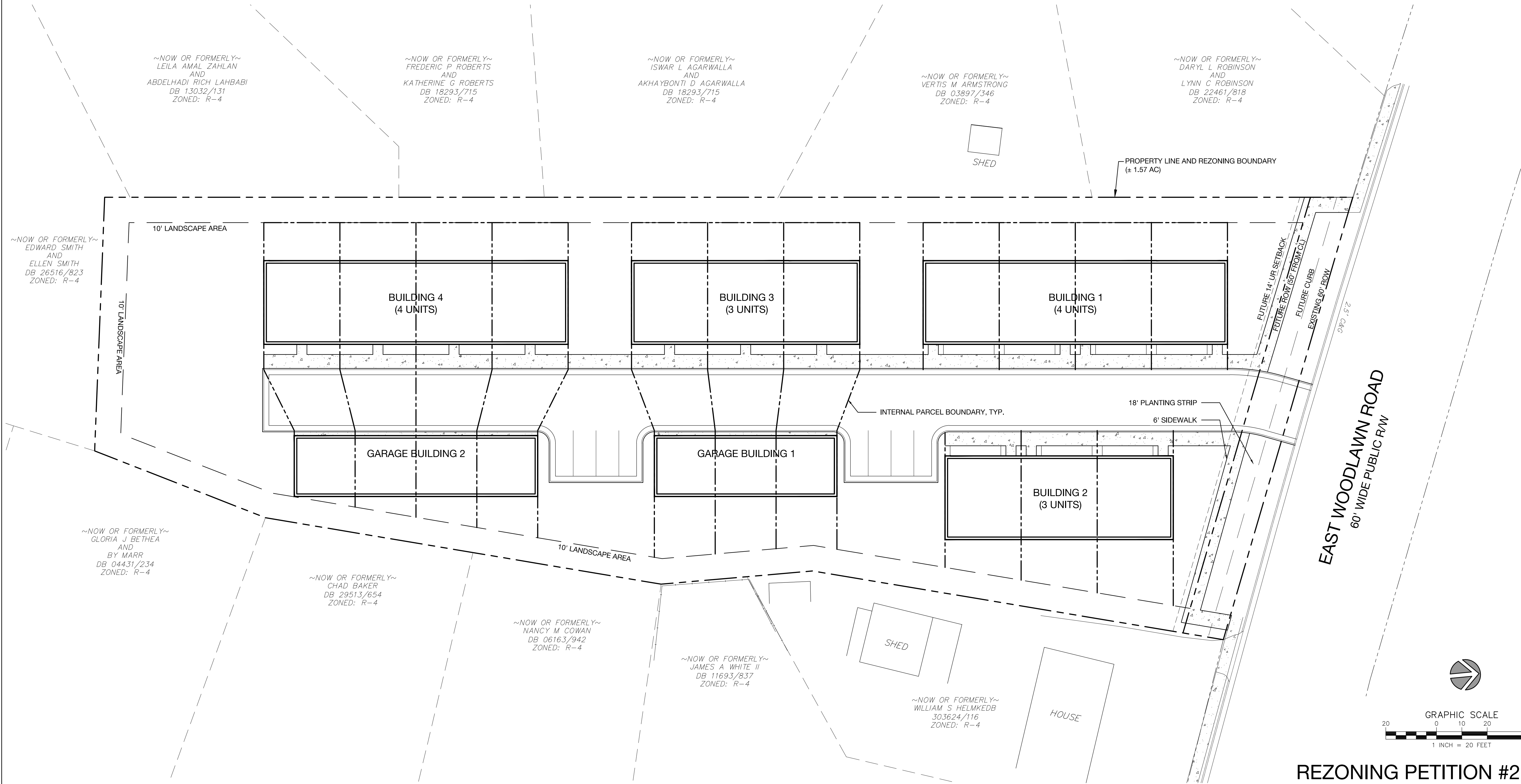
- All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks and landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 20 feet.
- Any lighting fixtures attached to the buildings to be constructed on the Site shall be decorative, capped and downwardly directed.

H. Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

DEVELOPMENT SUMMARY

TAX PARCEL ID #:	17101152
TOTAL SITE AREA:	± 1.57
EXISTING ZONING:	UR-2 (CD)
PROPOSED ZONING:	UR-2 (CD)(SPA)
PROPOSED USE:	TOWNHOMES (14 UNITS)
DENSITY:	± 8.91 DUA
SETBACKS:	
FRONT:	14' FROM BACK OF FUTURE CURB
SIDE:	5'
REAR:	10'
MAX. BUILDING HEIGHT:	40'
VEHICULAR PARKING:	
REQUIRED:	PER ORDINANCE (1.5 SPACES PER UNIT)
PROPOSED:	PROVIDED PER ORDINANCE



REZONING PETITION #2016-XXX

**URBAN
DESIGN
PARTNERS**

1318-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com
nc firm no: P-0418
sc coa no: C-03044

Short Development
Group, LLC

Woodlawn Townhomes

Rezoning Site Plan

Charlotte, North Carolina

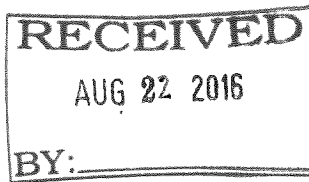
NO. DATE: BY: REVISIONS:

Project No: 16-064
Date: August 22, 2016
Designed by: udp
Drawn By: udp
Scale: 1"=20'
Sheet No:

RZ-1.0

2328 Bay St.
Charlotte, NC 28205

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-138
Petition #: _____
Date Filed: 8/22/2016
Received By: Bf

Complete All Fields (Use additional pages if needed)

Property Owner: Southminster, Inc.

Owner's Address: 8919 Park Road City, State, Zip: Charlotte, NC 28210

Date Property Acquired: December 23, 1985

Property Address: 8919 Park Road

Tax Parcel Number(s): 209-511-33 and 209-511-34

Current Land Use: Senior Living Community Size (Acres): +/- 25.4 acres

Existing Zoning: Institutional (CD) Proposed Zoning: Institutional (CD) S.P.A.

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

Required Rezoning Pre-Application Meeting* with: John Kinley, Kent Main and Jason Prescott

Date of meeting: May 10, 2016

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: To accommodate an expansion of the existing senior living community located on the site by developing an additional 120 independent living units, 30 healthcare beds and 2 hospice beds. (Totals are to be: 379 Independent Living units, 115 Healthcare beds, and 12 Hospice beds)

John Carmichael (Robinson Bradshaw)
Name of Rezoning Agent

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

Charlotte, NC 28246
City, State, Zip

704-377-8341
Telephone Number Fax Number

jcarmichael@rbh.com
E-Mail Address

SOUTHMINSTER, INC.
By: David Lacy
Signature of Property Owner

David Lacy
(Name Typed / Printed)

Southminster, Inc. (c/o David Lacy)
Name of Petitioner(s)

8919 Park Road
Address of Petitioner(s)

Charlotte, NC 28210
City, State, Zip

704-551-7101
Telephone Number Fax Number

DLacy@southminster.org
E-Mail Address

SOUTHMINSTER, INC.
By: David Lacy
Signature of Petitioner

David Lacy
(Name Typed / Printed)

P:\2016 Jobs\16007 - Southminster 2016 Expansion\CAD\Rezoning_RZ BASE.dwg

DEVELOPMENT DATA

TAX PARCEL: 209-511-33 & 209-511-34
EXISTING ZONING: INST (CD) PETITION #2006-028
PRIOR - PETITION #2005-039
PROPOSED ZONING: INST (CD) S.P.A.
TOTAL SITE AREA: 25.4 AC

EXISTING DENSITY

INDEPENDENT LIVING: 259 UNITS (10.19 UNITS/AC)
SKILLED NURSING: 60 BEDS
ASSISTED LIVING: 25 BEDS
HOSPICE: 8 BEDS
TOTAL HEALTHCARE BEDS: 93 BEDS (3.66 BEDS/AC)

PERMITTED DENSITY (PER SECTION 9.503(11))

INDEPENDENT LIVING: 43 UNITS/AC
HEALTHCARE (DEPENDENT LIVING): 100 BEDS/AC
FLOOR AREA RATIO: N/A

PROPOSED DENSITY

INDEPENDENT LIVING: 379 UNITS (14.92 UNITS/AC)
SKILLED NURSING/ASSISTED LIVING: 115 BEDS
HOSPICE: 12 BEDS
TOTAL HEALTHCARE BEDS: 127 BEDS (5 BEDS/AC)

SITE DATA

FRONT SETBACK: 40' MIN.
SIDE YARD: 20' MIN.
REAR YARD: 20' MIN.
BUILDING HEIGHT: 40' MAX. UP TO 110' PER 9.505 (1)(2)

EXISTING PARKING

259 UNITS @ 1.5 SPACE PER UNIT = 388 REQUIRED
93 BEDS @ 1 SPACE PER 3 BEDS = 31 REQUIRED
419 SPACES REQUIRED
449 SPACES PROVIDED

PROPOSED PARKING

379 UNITS @ 1.5 SPACE PER UNIT = 569 REQUIRED
143 BEDS @ 1 SPACE PER 3 BEDS = 48 REQUIRED
617 SPACES REQUIRED
617 SPACES PROVIDED (MIN.)

BUFFERING

50' TYPE C (SOUTH & EAST PROPERTY LINE - SEE VARIANCE 1)
25' TYPE C (ADJACENT TO CHURCH: $\frac{1}{2}$ OF REQUIRED - SEE VARIANCE 2)

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Southminster, Inc. (the "Petitioner") to accommodate the expansion of an existing senior living community situated on an approximately 25.94 acre site located on the east side of Park Road between Smithfield Church Road and Arbor Pointe Drive, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel Nos. 209-511-33 and 209-511-34.
- B. The use and development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the variances described below in paragraph 4.G., unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Institutional (CD) zoning district shall govern the use and development of the Site.
- C. The depiction and layout of the new buildings and building additions to be constructed on the Site and the associated parking and drive aisles are conceptual in nature and may be altered or modified during design development and construction phases subject to the requirements of the Ordinance and the Rezoning Plan, and provided that such improvements are located within the new building and parking envelopes depicted on the Rezoning Plan.
- D. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. The Site may only be devoted to a senior living community comprised of the following uses:

- (1) A maximum of 379 independent living units, which shall include apartment style independent living units and single family cottage style independent living units;
- (2) A maximum of 115 healthcare beds, which shall be comprised of any combination of assisted living beds and skilled nursing beds;
- (3) A maximum of 12 hospice beds (which may serve the general public as well as the residents of the senior community);
- (4) Related common areas, medical and rehabilitation facilities, recreational facilities, dining facilities and other support facilities; and
- (5) Any incidental or accessory uses associated therewith that are permitted under the Ordinance in the Institutional zoning district.

3. TRANSPORTATION

- A. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("CDOT").
- B. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- C. The alignment of the internal vehicular circulation areas and the driveways may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with applicable published standards.

4. STREETScape/LANDSCAPING

- A. Landscaping will meet or exceed the requirements of the Ordinance.
- B. Subject to paragraphs C and G below, a 50 foot Class C buffer shall be established along those portions of the Site's boundary lines that are more particularly depicted on the Rezoning Plan, which buffer shall conform to the standards of Section 12.302 of the Ordinance.
- C. A 25 foot Class C buffer shall established along those portions of the Site's boundary lines adjacent to Tax Parcel No. 209-511-35 as generally depicted on the Rezoning Plan.
- D. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas set out on the Rezoning Plan accordingly.
- E. Subject to paragraph G below, the buffer areas shall not be disturbed except for required driveways, sidewalks, or other pedestrian paths, walls, fences, or required landscaping, landscaping maintenance and replacement or the installation and maintenance of utility lines in accordance with Section 12.302(12) of the Ordinance.
- F. Where existing trees and natural vegetation have been cleared to accommodate those items set out above in paragraph E, the cleared unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.
- G. The following variances were granted by the Charlotte Zoning Board of Adjustment on January 25, 2005 in Case No. 05-007, and these variances shall continue in full force and effect and shall apply to the development and use of the Site:
- (1) The existing perimeter driveway located within the 50 foot Class C buffer on the southerly and easterly boundaries of the Site adjacent to the Cameron Woods Subdivision may remain in place and encroach into the 50 foot Class C buffer as depicted on the Rezoning Plan.
- (2) The existing 25 foot driveway located within the 25 foot Class C buffer on the northerly boundary of the Site adjacent to Tax Parcel No. 209-511-35 may remain in place and encroach into the 25 foot Class C buffer as depicted on the Rezoning Plan.
- (3) The buffer planting requirements are waived on the westerly boundary of the Site adjacent to Tax Parcel No. 209-511-35.
- (4) A public easement along the eastern boundary of Park Road will be granted for the existing public sidewalk if such easement has not already been granted.

5. SIGNAGE

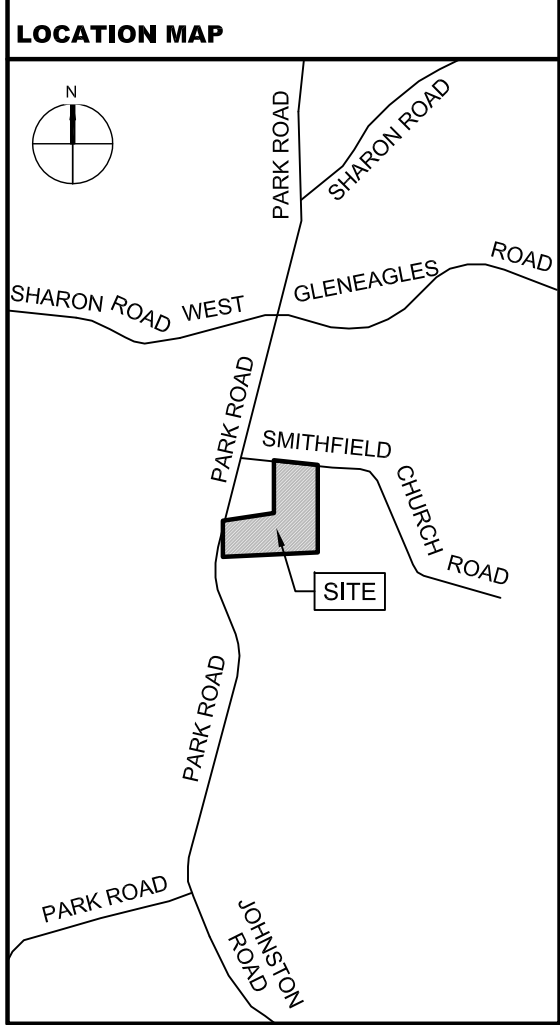
- A. All new signs installed on the Site shall comply with the requirements of the Ordinance.

6. LIGHTING

- A. All newly installed freestanding lighting fixtures on the Site (excluding street lights and lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas, patios and landscaped areas) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- B. The maximum height of any newly installed freestanding lighting fixture on the Site shall be 21 feet.
- C. Any lighting fixtures attached to the new buildings and building additions to be constructed on the Site shall be decorative, capped and downwardly directed.

7. BINDING EFFECT OF THE REZONING DOCUMENTS

- A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



SOUTHMINSTER RETIREMENT COMMUNITY CHARLOTTE, NC REZONING PETITION # 2016-XXX

TECHNICAL DATA SHEET

seals

This Plan Is A
Preliminary Design.
NOT Released For
Construction.

CORPORATE CERTIFICATIONS
NC PE: C-2930 NC LA: C-253
SC ENG: NO. 3599 SC LA: NO. 211

Project Manager: MDL

Drawn By: PGJ

Checked By: MDL

Date: 8/22/16

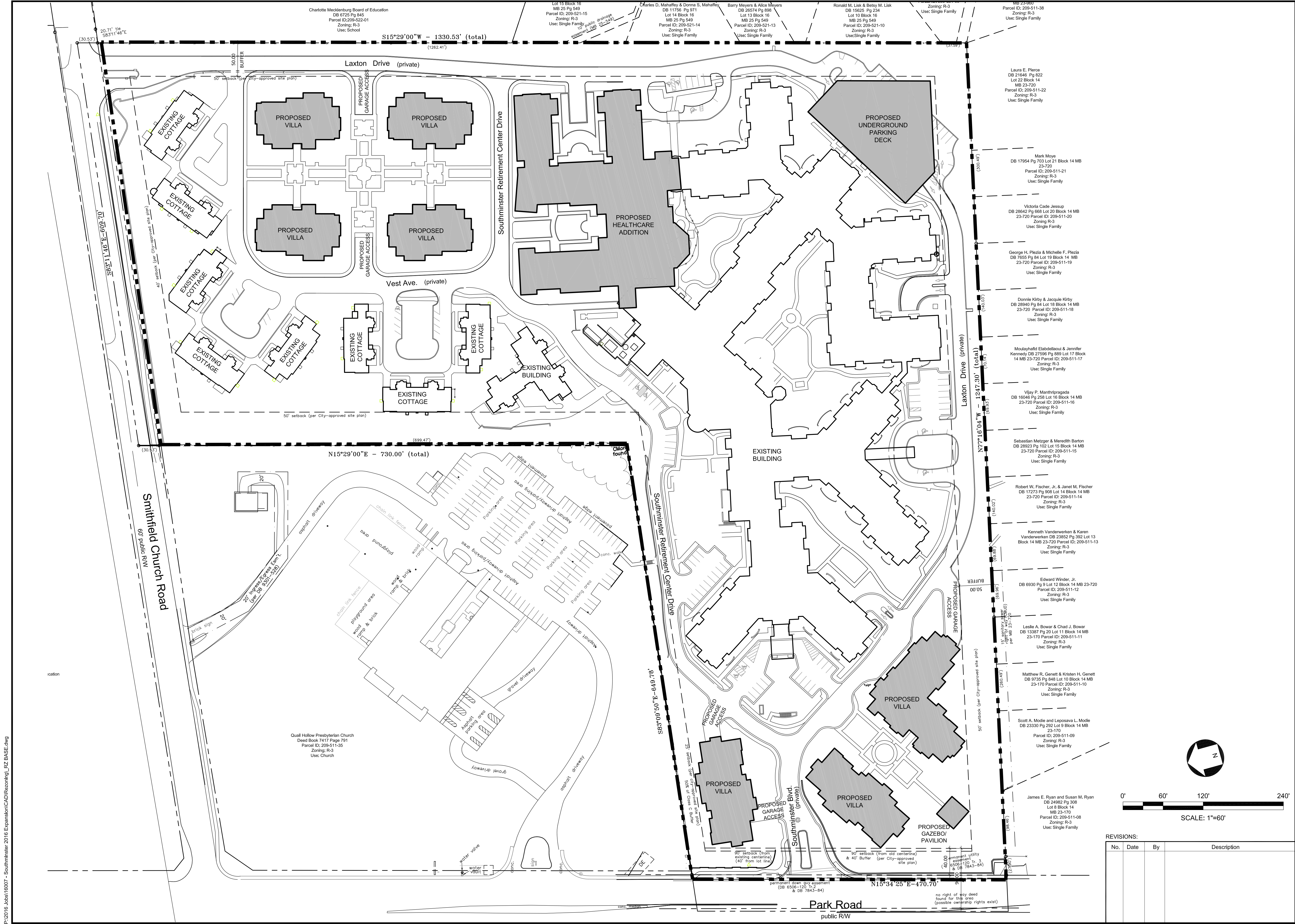
Project Number: 16007

Sheet Number:

RZ-1

SHEET # 1 OF 2

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Landworks
Design Group, P.A.
7621 Little Avenue, Suite 111
Charlotte, NC 28226
704-941-6007 fax: 704-941-6004

320 WEST SIXTH STREET
CHARLOTTE, NC 28202
F: 704.362.8602

SOUTHMINSTER RETIREMENT
COMMUNITY
CHARLOTTE, NC
REZONING PETITION # 2016-XXX

SCHEMATIC
SITE PLAN

seals

This Plan Is A
Preliminary Design.
NOT Released For
Construction.

CORPORATE CERTIFICATIONS
NC PE: C-2930 NC LA: C-253
SC ENG: NO. 3599 SC LA: NO. 211

Project Manager: MDL

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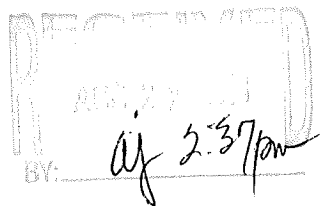
Project Number: 16007

Sheet Number:

RZ-2

SHEET # 2 OF 2

**I. REZONING APPLICATION
CITY OF CHARLOTTE**



2016-139

Petition #: _____
Date Filed: 8/22/2016
Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: See Exhibit A attached hereto

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

Date Property Acquired: See Exhibit A attached hereto

Property Address: See Exhibit A attached hereto

Tax Parcel Number(s): 029-021-21, 029-021-32, 029-021-24, 029-021-26, 029-021-33 and a portion of 029-021-01

Current Land Use: Vacant and single family residential Size (Acres): +/- 65.70 acres

Existing Zoning: RE-1, RE-3 (CD) and R-3 Proposed Zoning: Commercial Center

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

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Alberto Gonzalez, Josh Weaver and Rick Grochoske

Date of meeting: August 9, 2016

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: To accommodate a multi-use development that could contain up to 395 multi-family dwelling units and up to 160,000 square feet of gross floor area devoted to non-residential uses as described on the associated Conditional Rezoning Plan.

John Carmichael (Robinson Bradshaw)
Name of Rezoning Agent

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

Charlotte, NC 28246
City, State, Zip

704-377-8341
Telephone Number Fax Number

jcarmichael@rbh.com
E-Mail Address

Charter Properties, Inc. (c/o John Porter)
Browder Group Real Estate, LLC (c/o Matt Browder)

Name of Petitioner(s)
P.O. Box 37166
1440 South Tryon Street, Suite 104

Address of Petitioner(s)
Charlotte, NC 28237-7166
Charlotte, NC 28203

City, State, Zip
704-377-4172
704-335-8292

Telephone Number Fax Number
JDP@charterproperties.com

matt@browdergoup.com
E-Mail Address

See Attached Joinder Agreements
Signature of Property Owner

(Name Typed / Printed)

See Attached Signature Page
Signature of Petitioner

(Name Typed / Printed)

Exhibit A to Rezoning Application Filed by Charter Properties, Inc. and
Browder Group Real Estate, LLC

Property Owner Information, Acquisition Dates and Property Addresses

Tax Parcel No. 029-021-21

Summit Avenue URP, LLC
1440 South Tryon Street, Suite 104
Charlotte, NC 28203

Date Property Acquired: December 6, 2011

Property Address: West Mallard Creek Church Road

Tax Parcel No. 029-021-32

Robert Alan Garrison
Teresa A. Garrison
1501 Galloway Road
Charlotte, NC 28262

Date Property Acquired: October 16, 2009

Property Address: 1501 Galloway Road

Tax Parcel No. 029-021-24

Timothy L. Daniel
Linda Garrison Daniel
1427 Galloway Road
Charlotte, NC 28262

Date Property Acquired: June 15, 1976

Property Address: 1427 Galloway Road

Tax Parcel No. 029-021-26

Jill H. Garrison
1401 Galloway Road
Charlotte, NC 28262

Date Property Acquired: April 14, 1969

Property Address: 1401 Galloway Road

Tax Parcel No. 029-021-33

Selburn Creek, LLC
1401 Galloway Road
Charlotte, NC 28262

Date Property Acquired: October 24, 2000

Property Address: Galloway Road

Portion of Tax Parcel No. 029-021-01

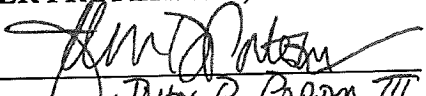
Mallard Creek Presbyterian Church, Inc.
1600 West Mallard Creek Church Road
Charlotte, NC 28262

Date Property Acquired: November 4, 1974

Property Address: 1600 West Mallard Creek Church Road

Signatures of Petitioners

CHARTER PROPERTIES, INC.

By: 
Name: John P. Porton III
Title: Executive VP

Date: August 15, 2016

BROWDER GROUP REAL ESTATE, LLC

By: _____
Name: _____
Title: _____

Date: August _____, 2016

Signatures of Petitioners

CHARTER PROPERTIES, INC.

By: _____
Name: _____
Title: _____

Date: August _____, 2016

BROWDER GROUP REAL ESTATE, LLC

By: Matthew
Name: Matthew D. Browder
Title: Manager

Date: August 22, 2016

**REZONING APPLICATION
CHARTER PROPERTIES, INC. and BROWDER GROUP REAL ESTATE, LLC,
PETITIONERS
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Charter Properties, Inc. and Browder Group Real Estate, LLC that is designated as Tax Parcel No. 029-021-21 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the Commercial Center zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 19 day of August, 2016.

SUMMIT AVENUE URP, LLC

By: _____

Name: _____

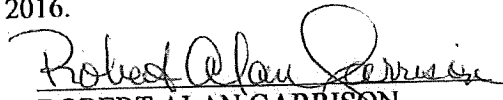
Title: _____

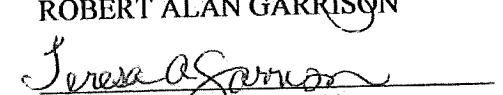
Matthew D Browder
Matthew D Browder
Manager

**REZONING APPLICATION
CHARTER PROPERTIES, INC. and BROWDER GROUP REAL ESTATE, LLC,
PETITIONERS
JOINDER AGREEMENT**

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by Charter Properties, Inc. and Browder Group Real Estate, LLC that is designated as Tax Parcel No. 029-021-32 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site to the Commercial Center zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 15th day of August, 2016.


ROBERT ALAN GARRISON

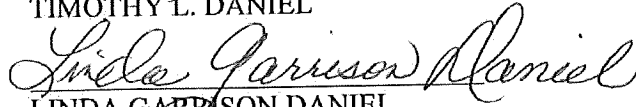

TERESA A. GARRISON

**REZONING APPLICATION
CHARTER PROPERTIES, INC. and BROWDER GROUP REAL ESTATE, LLC,
PETITIONERS
JOINDER AGREEMENT**

The undersigned, as the owners of that parcel of land subject to the attached Rezoning Application filed by Charter Properties, Inc. and Browder Group Real Estate, LLC that is designated as Tax Parcel No. 029-021-24 on the Mecklenburg County Tax Maps (the "Site"), hereby join in this Rezoning Application and consent to the change in zoning for the Site to the Commercial Center zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 15 day of August, 2016.


TIMOTHY L. DANIEL


LINDA GARRISON DANIEL

**REZONING APPLICATION
CHARTER PROPERTIES, INC. and BROWDER GROUP REAL ESTATE, LLC,
PETITIONERS
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Charter Properties, Inc. and Browder Group Real Estate, LLC that is designated as Tax Parcel No. 029-021-26 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the Commercial Center zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 15 day of August, 2016.


JILL H. GARRISON

**REZONING APPLICATION
CHARTER PROPERTIES, INC. and BROWDER GROUP REAL ESTATE, LLC,
PETITIONERS
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Charter Properties, Inc. and Browder Group Real Estate, LLC that is designated as Tax Parcel No. 029-021-33 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the Commercial Center zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 15 day of August, 2016.

SELBURN CREEK, LLC

By: _____

Name: WILLIAM J. GARRISON

Title: MANAGER

**REZONING APPLICATION
CHARTER PROPERTIES, INC. and BROWDER GROUP REAL ESTATE, LLC,
PETITIONERS
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Charter Properties, Inc. and Browder Group Real Estate, LLC that is designated as Tax Parcel No. 029-021-01 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for a portion of the Site to the Commercial Center zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan.

This 22 day of August, 2016.

MALLARD CREEK PRESBYTERIAN CHURCH, INC.

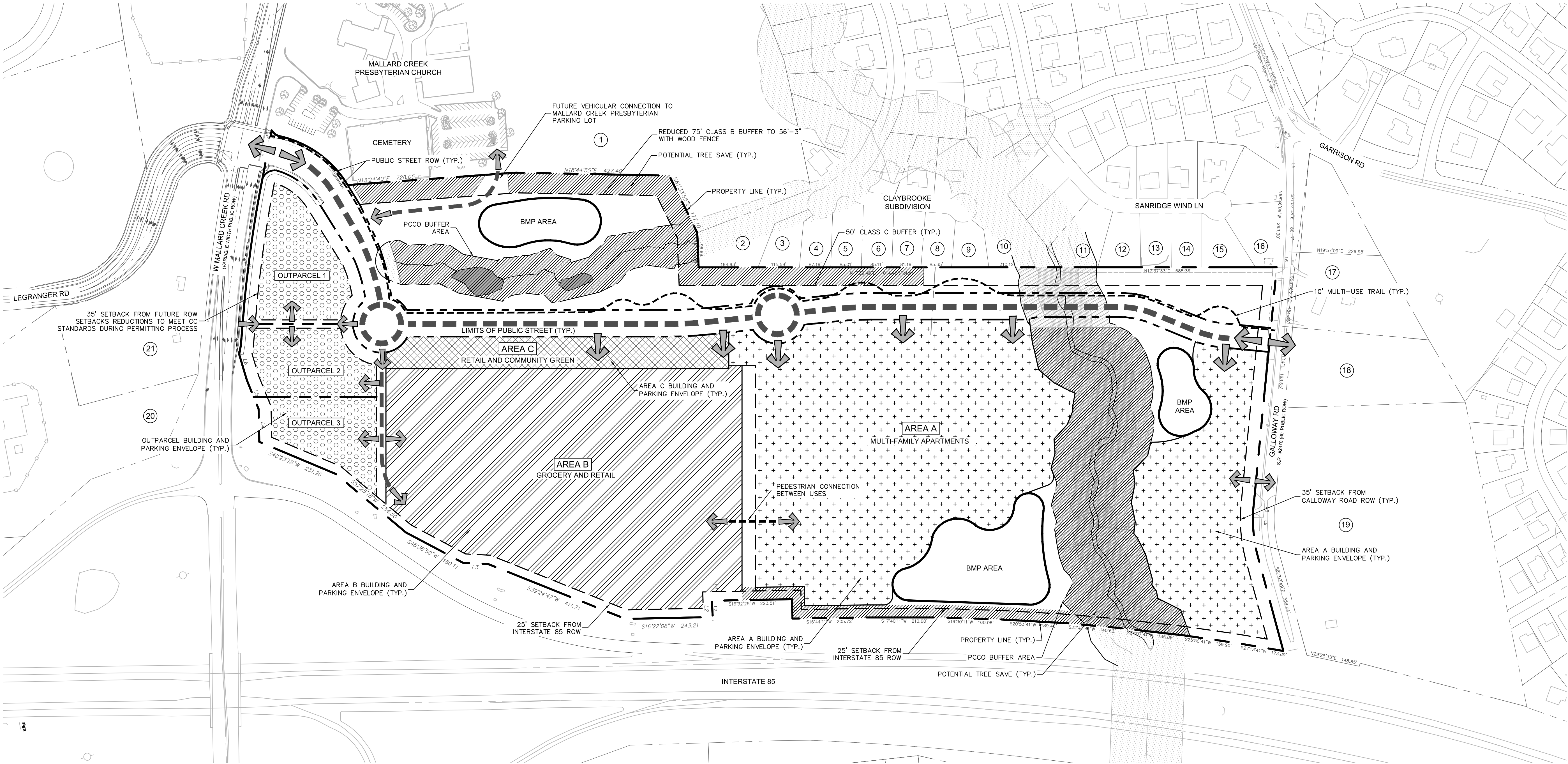
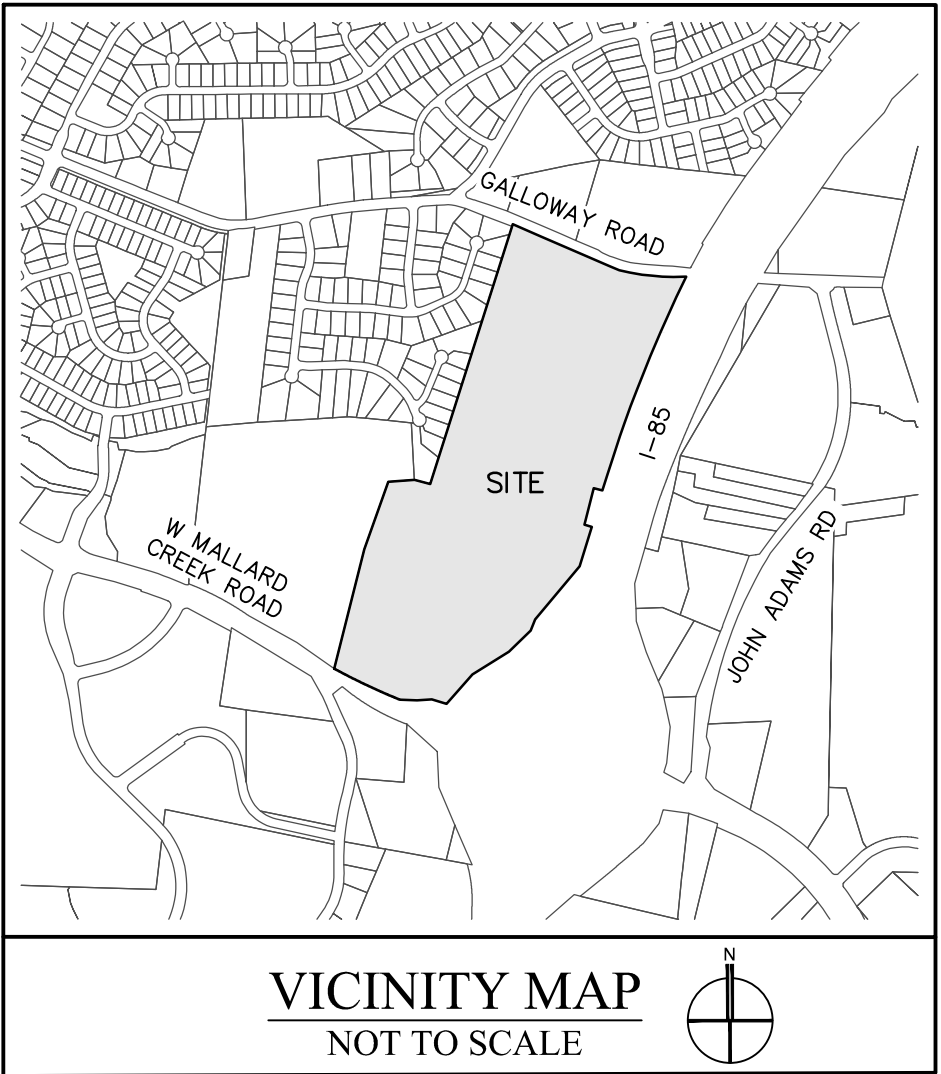
By: James H. Killian, Sr.
Name: James H. Killian Sr
Title: Clerk of Session

KEY TO ADJACENT PROPERTY OWNERS

1. MALLARD CREEK PRESBYTERIAN CHURCH	DB: 03717 P.: 709 PID#: 02902101 ZONING:R-3 USE: GOVT/INST.
2. PETER AND KATIOIA WERNER	DB: 10850 P.: 864 PID#: 02902348 ZONING:R-3 USE: SINGLE FAMILY
3. CLINTON AND LORRAINE WOUNG	DB: 10867 P.: 143 PID#: 02902347 ZONING:R-3 USE: SINGLE FAMILY
4. SIDONIE AND MAHLON LAWRENCE	DB: 22789 P.: 844 PID#: 02902346 ZONING:R-3 USE: SINGLE FAMILY
5. DETRINA WATKINS	DB: 29789 P.: 294 PID#: 02902345 ZONING:R-3 USE: SINGLE FAMILY
6. SHAWN O KENNEDY	DB: 23743 P.: 519 PID#: 02902344 ZONING:R-3 USE: SINGLE FAMILY
7. ERIC AND SANDY SNYDER	DB: 30872 P.: 151 PID#: 02902343 ZONING:R-3 USE: SINGLE FAMILY
8. WILLIAM AND BEVERLY PAYNE	DB: 11250 P.: 555 PID#: 02902342 ZONING:R-3 USE: SINGLE FAMILY
9. ROGER AND JULIANE MOORE	DB: 13752 P.: 664 PID#: 02902341 ZONING:R-3 USE: SINGLE FAMILY
10. AMIT AND KRISHNA PATEL	DB: 12017 P.: 404 PID#: 02902340 ZONING:R-3 USE: SINGLE FAMILY
11. PAUL MASSEY	DB: 25211 P.: 407 PID#: 02902318 ZONING:R-3 USE: SINGLE FAMILY
12. SEAN AND JENNIFER FLANNERY	DB: 27418 P.: 416 PID#: 02902317 ZONING:R-3 USE: SINGLE FAMILY
13. MARY ANN MACLEOD	DB: 13560 P.: 126 PID#: 02902316 ZONING:R-3 USE: SINGLE FAMILY
14. LOUITA WHITEFIELD	DB: 16829 P.: 809 PID#: 02902315 ZONING:R-3 USE: SINGLE FAMILY
15. DAVID AND JACQUELINE HERNANDEZ	DB: 30168 P.: 132 PID#: 02902314 ZONING:R-3 USE: SINGLE FAMILY
16. PAUL AND LINDA VAICKUS	DB: 18723 P.: 331 PID#: 02902313 ZONING:R-3 USE: SINGLE FAMILY
17. ROBERT AND CARLENE GARRISON	DB: 05307 P.: 423 PID#: 02912107 ZONING:R-3 USE: SINGLE FAMILY
18. ROBERT AND CARLENE GARRISON	DB: 05307 P.: 423 PID#: 02912107 ZONING:R-3 USE: SINGLE FAMILY
19. JAMES PARKER II LUMPKIN	DB: 09756 P.: 691 PID#: 02912108 ZONING:R-3 USE: SINGLE FAMILY
20. PB505B DUKE POWER COMPANY	DB: 05307 P.: 677 PID#: 04738202 ZONING:R-4 USE: SINGLE FAMILY
21. ASSOC IN HERLOCKER LESTER	DB: 04415 P.: 212 PID#: 04738203 ZONING:R-4 USE: SINGLE FAMILY

SITE DEVELOPMENT DATA

SITE ACREAGE:	±65.70 ACRES (2,862,072 SQ FT)
TAX PARCEL #:	02902121, 02902132, 02902124, 02902133, 02902126 AND A PORTION OF 02902101
EXISTING ZONING:	RE-1 AND RE-3(CD) AND R-3
PROPOSED ZONING:	CC
EXISTING USE:	VACANT — OPEN FIELD SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	• MULTI-FAMILY APARTMENTS: • BUSINESS RETAIL:
	395 UNITS (AREA A) 160,000 SF OF GROSS FLOOR AREA (AREAS B, C AND OUTPARCELS 1, 2 & 3)
WATERSHED:	MALLARD CREEK
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS
OPEN SPACE:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	SHALL MEET ORDINANCE REQUIREMENTS



REZONING PETITION
FOR PUBLIC HEARING
2016-XXX

REZONING PETITION

WEST MALLARD CREEK CHURCH ROAD
CHARLOTTE, NORTH CAROLINA

CHARTER PROPERTIES, INC &
BROWDER GROUP

TECHNICAL
DATA SHEET

0 150
SCALE: 1" = 150'

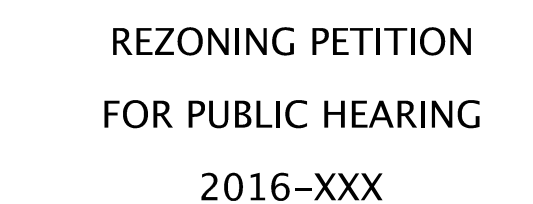
PROJECT #: 278-023
DRAWN BY: NB
CHECKED BY: JG

AUGUST 22, 2016

REVISIONS:



O 2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
P 704.343.0608
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WEST MALLARD CREEK CHURCH ROAD
CHARLOTTE, NORTH CAROLINA

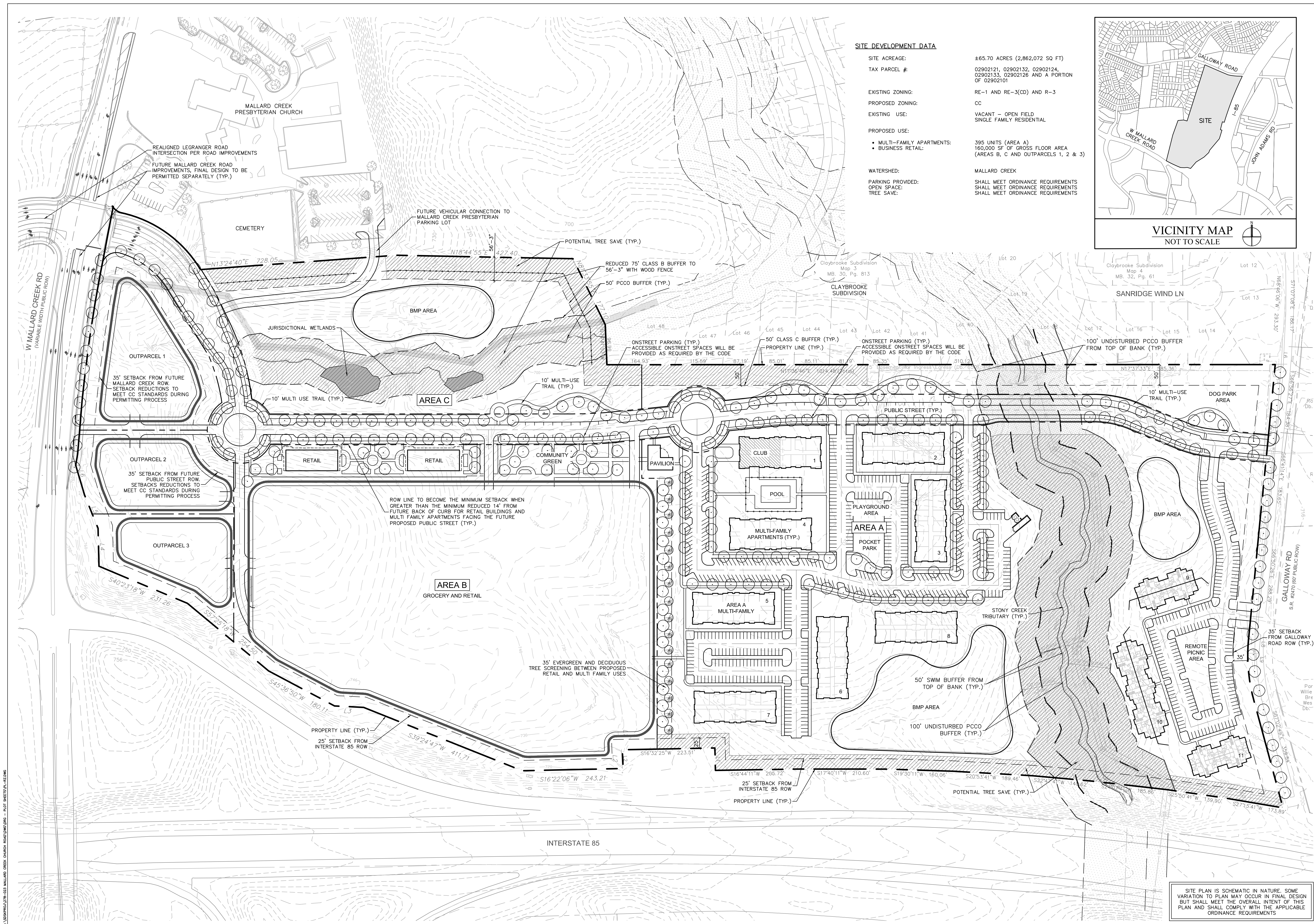
CHARTER PROPERTIES, INC. &
BROWDER GROUP

PROJECT #: 278-023
DRAWN BY: NB
CHECKED BY: JG

AUGUST 22, 2016

REVISIONS:

RZ 2.0



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SITE DEVELOPMENT DATA

SITE ACREAGE:	±65.70 ACRES (2,862,072 SQ FT)
TAX PARCEL #:	02902121, 02902132, 02902124, 02902133, 02902126 AND A PORTION OF 02902101
EXISTING ZONING:	RE-1 AND RE-3(CD) AND R-3
PROPOSED ZONING:	CC
EXISTING USE:	VACANT – OPEN FIELD SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	<ul style="list-style-type: none">MULTI-FAMILY APARTMENTS: 395 UNITS (AREA A)BUSINESS RETAIL: 160,000 SF OF GROSS FLOOR AREA (AREAS B, C AND OUTPARCELS 1, 2 & 3)
WATERSHED:	MALLARD CREEK
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS
OPEN SPACE:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	SHALL MEET ORDINANCE REQUIREMENTS

1. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN (COMPRISED OF THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND DEVELOPMENT STANDARDS SHEET) ASSOCIATED WITH THE REZONING PETITION FILED BY CHARTER PROPERTIES, INC. AND BROWDER GROUP REAL ESTATE, LLC (HEREINAFTER COLLECTIVELY REFERRED TO AS THE "PETITIONER") TO ACCOMMODATE A MULTI-USE DEVELOPMENT ON AN APPROXIMATELY 65.7 ACRE SITE LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSTATE 85 AND WEST MALLARD CREEK CHURCH ROAD INTERCHANGE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF THOSE PARCELS OF LAND DESIGNATED AS TAX PARCEL NOS. 029-021-21, 029-021-32, 029-021-24, 029-021-26 AND 029-021-33 AND A PORTION OF TAX PARCEL NO. 029-021-01.
- B. FOR ENTITLEMENT PURPOSES, THE SITE IS DIVIDED INTO FOUR SEPARATE DEVELOPMENT AREAS THAT ARE DESIGNATED AS DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C AND OUTPARCELS 1, 2 AND 3 ON THE REZONING PLAN. ANY REFERENCE HEREIN TO THE SITE SHALL BE DEEMED TO INCLUDE DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C AND OUTPARCELS 1, 2 AND 3 AS APPLICABLE UNLESS OTHERWISE NOTED.
- C. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE COMMERCIAL CENTER ("CC") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- D. THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS PROVIDED. HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
- E. THE DEVELOPMENT OF THE SITE PROPOSED UNDER THIS REZONING PLAN SHALL BE CONSIDERED TO BE A PLANNED/UNITED DEVELOPMENT. THEREFORE, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION REQUIREMENTS AND OTHER SIMILAR ZONING STANDARDS SHALL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS, USES AND OTHER ELEMENTS LOCATED ON THE SITE. FURTHERMORE, THE PETITIONER AND/OR THE OWNER(S) OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE PORTIONS OR ALL OF THE SITE AND TO CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, THAT THE DEVELOPMENT OF THE SITE SHALL BE REQUIRED TO MEET ANY APPLICABLE SETBACK, SIDE YARD, REAR YARD AND BUFFER REQUIREMENTS WITH RESPECT TO THE EXTERIOR BOUNDARIES OF THE SITE.
- F. PURSUANT TO SECTION 1-110 OF THE ORDINANCE AND SECTION 160A-385.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF THE DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES AND MARKET CONDITIONS.
- G. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

2. PERMITTED USES

A. DEVELOPMENT AREA A

- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA A ON THE REZONING PLAN MAY ONLY BE DEVOTED TO MULTI-FAMILY DWELLING UNITS, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE CC ZONING DISTRICT. INCIDENTAL AND ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, A LEASING AND MANAGEMENT OFFICE AND AMENITIES SUCH AS A FITNESS CENTER, CLUBHOUSE, SWIMMING POOL, DOG PARK, PLAYGROUND, POCKET PARK AND OUTDOOR GRILLING AND GATHERING AREAS.

B. DEVELOPMENT AREA B

- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA B ON THE REZONING PLAN MAY ONLY BE DEVOTED TO A NON-RESIDENTIAL USE OR USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE CC ZONING DISTRICT (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE CC ZONING DISTRICT.

C. DEVELOPMENT AREA C

- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA C ON THE REZONING PLAN MAY ONLY BE DEVOTED TO A NON-RESIDENTIAL USE OR USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE CC ZONING DISTRICT (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE CC ZONING DISTRICT.

D. OUTPARCELS 1, 2 AND 3

- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS OUTPARCELS 1, 2 AND 3 ON THE REZONING PLAN MAY ONLY BE DEVOTED TO A NON-RESIDENTIAL USE OR USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE CC ZONING DISTRICT (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE CC ZONING DISTRICT.

3. DEVELOPMENT LIMITATIONS

- A. A MAXIMUM OF 395 MULTI-FAMILY DWELLING UNITS MAY BE DEVELOPED ON DEVELOPMENT AREA A.
- B. A TOTAL MAXIMUM OF 160,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVELOPED ON DEVELOPMENT AREA B, DEVELOPMENT AREA C AND OUTPARCELS 1, 2 AND 3.
- C. AT LEAST TWO BUILDINGS SHALL ULTIMATELY BE DEVELOPED ON DEVELOPMENT AREA C THAT SHALL EACH CONTAIN A MINIMUM OF 5,000 SQUARE FEET OF GROSS FLOOR AREA. THE TIMING OF THE DEVELOPMENT OF THESE BUILDINGS SHALL BE DETERMINED BY PETITIONER IN ITS DISCRETION.
- D. THE BUILDINGS LOCATED ON DEVELOPMENT AREA B AND DEVELOPMENT AREA C MAY NOT HAVE DRIVE-THROUGH SERVICE LANES/WINDOWS AS AN ACCESSORY USE.
- E. THE BUILDINGS LOCATED ON OUTPARCELS 1, 2 AND 3 MAY HAVE DRIVE-THROUGH SERVICE LANES/WINDOWS AS AN ACCESSORY USE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 12.413 OF THE ORDINANCE.
- F. THE NUMBER OF PRINCIPAL BUILDINGS AND ACCESSORY STRUCTURES THAT MAY BE LOCATED ON DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C AND OUTPARCELS 1, 2 AND 3 SHALL BE GOVERNED BY THE APPLICABLE PROVISIONS OF THE ORDINANCE, PROVIDED, HOWEVER, THAT ANY SUCH BUILDINGS AND ACCESSORY STRUCTURES MUST BE LOCATED WITHIN THE BUILDING/PARKING ENVELOPES ON DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C AND OUTPARCELS 1, 2 AND 3.
- G. FOR PURPOSES OF THESE DEVELOPMENT LIMITATIONS AND THE DEVELOPMENT STANDARDS IN GENERAL, THE TERM "GROSS FLOOR AREA" 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 PARKING AREAS, 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. PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.

4. TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").
- B. AS GENERALLY DEPICTED ON THE REZONING PLAN, A NEW PUBLIC STREET SHALL BE CONSTRUCTED WITHIN THE SITE THAT WILL PROVIDE A VEHICULAR CONNECTION FROM WEST MALLARD CREEK CHURCH ROAD TO GALLOWAY ROAD.

- C. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

- D. THE ALIGNMENTS AND CONFIGURATIONS OF THE INTERNAL PRIVATE DRIVEWAYS, PARKING AREAS AND VEHICULAR CIRCULATION AREAS MAY BE MODIFIED BY PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

5. ARCHITECTURAL STANDARDS

- A. THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED ON THE SITE SHALL BE 60 FEET.
- B. THE PERMITTED PRIMARY EXTERIOR BUILDING MATERIALS FOR THE BUILDINGS CONTAINING MULTI-FAMILY DWELLING UNITS SHALL BE BRICK VENEER, STONE, MANUFACTURED STONE AND CEMENTITIOUS SIDING. VINYL AND ALUMINUM SHALL NOT BE A PERMITTED EXTERIOR BUILDING MATERIAL PROVIDED, HOWEVER, THAT VINYL AND/OR ALUMINUM MAY BE UTILIZED ON THE SOFFITS AND TRIM, AND VINYL WINDOWS, SHUTTERS, DOORS, GARAGE DOORS AND RAILINGS MAY BE INSTALLED ON THE BUILDINGS.
- C. SURFACE PARKING AND VEHICULAR MANEUVERING AND CIRCULATION AREAS MAY NOT BE LOCATED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREA C AND THE NEW PUBLIC STREET.
- D. THE BUILDINGS LOCATED ON DEVELOPMENT AREA C SHALL FEATURE FOUR-SIDED ARCHITECTURE AND WINDOWS THAT FRONT THE NEW PUBLIC STREET.
- E. PURSUANT TO SECTION 11.405(7) OF THE ORDINANCE, THE MINIMUM 35 FOOT SETBACK MAY BE REDUCED TO 14 FEET FROM THE BACK OF THE EXISTING OR PROPOSED FUTURE CURB PROVIDED THAT THE REQUIREMENTS OF SECTION 11.405(7) ARE SATISFIED. IN THOSE CIRCUMSTANCES WHERE THE RIGHT OF WAY IS GREATER THAN THE SETBACK FROM THE BACK OF THE EXISTING OR PROPOSED FUTURE CURB, THE RIGHT OF WAY LINE SHALL BE THE SETBACK LINE.

6. STREETScape/LANDSCAPING/BUFFERS/OPEN SPACE

- A. THE DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE LANDSCAPING AND SCREENING REQUIREMENTS OF THE ORDINANCE.
- B. A MINIMUM 56.25 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN BOUNDARY LINE THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, WHICH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. PURSUANT TO SECTION 12.302(8) OF THE ORDINANCE, THIS CLASS B BUFFER HAS BEEN REDUCED IN WIDTH BY 25% FROM 75 FEET TO 56.25 FEET AS A RESULT OF PETITIONER'S COMMITMENT TO INSTALL A FENCE THAT MEETS THE REQUIREMENTS OF SECTION 12.302(8) OF THE ORDINANCE IN THE CLASS B BUFFER.
- C. A MINIMUM 50 FOOT CLASS C BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN BOUNDARY LINE THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, WHICH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE.
- D. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS SET OUT ON THE REZONING PLAN ACCORDINGLY.
- E. THE BUFFER AREAS SHALL NOT BE DISTURBED EXCEPT FOR REQUIRED DRIVEWAYS, SIDEWALKS, OR OTHER PEDESTRIAN PATHS, WALLS, FENCES, OR REQUIRED LANDSCAPING, LANDSCAPING MAINTENANCE AND REPLACEMENT OR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES IN ACCORDANCE WITH SECTION 12.302(12) OF THE ORDINANCE. PURSUANT TO SECTION 12.302(12) OF THE ORDINANCE, THE MINIMUM 10 FOOT WIDE MULTI-USE PATH DESCRIBED BELOW IN PARAGRAPH G MAY BE LOCATED IN THE MINIMUM 50 FOOT CLASS C BUFFER.
- F. WHERE EXISTING TREES AND NATURAL VEGETATION HAVE BEEN CLEARED TO ACCOMMODATE THOSE ITEMS SET OUT ABOVE IN PARAGRAPH E, THE CLEARED UNIMPROVED AREAS WILL BE LANDSCAPED WITH TREES AND SHRUBS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.
- G. A MINIMUM 10 FOOT WIDE MULTI-USE PATH SHALL BE INSTALLED ALONG THE WESTERN EDGE OF THE NEW PUBLIC STREET AS GENERALLY DEPICTED ON THE REZONING PLAN. THIS 10 FOOT WIDE MULTI-USE PATH MAY MEANDER TO PROTECT EXISTING TREES AND NATURAL FEATURES.
- H. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.
- I. DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL OR FENCE WITH ONE SIDE BEING A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AND RECYCLING AREA ADJOIN A SIDE WALL OR REAR WALL OF A BUILDING, THEN THE SIDE WALL OR REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL OR FENCE ALONG EACH SUCH SIDE.
- J. AS PROVIDED ABOVE IN PARAGRAPH I.E., BUFFERS SHALL NOT BE REQUIRED BETWEEN USES LOCATED ON THE SITE, NOTWITHSTANDING THE FOREGOING, A MINIMUM 35 FOOT WIDE LANDSCAPED AREA SHALL BE INSTALLED ON THE SITE BETWEEN DEVELOPMENT AREA B AND THE MULTI-FAMILY USES LOCATED ON DEVELOPMENT AREA A.
- K. A COMMUNITY GREEN FEATURING LANDSCAPING AND HARDSCAPE SHALL BE INSTALLED ON DEVELOPMENT AREA C.

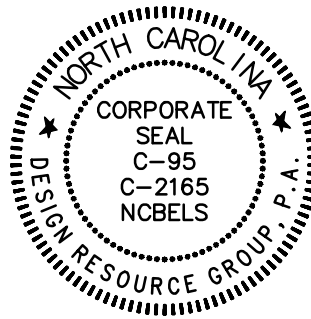
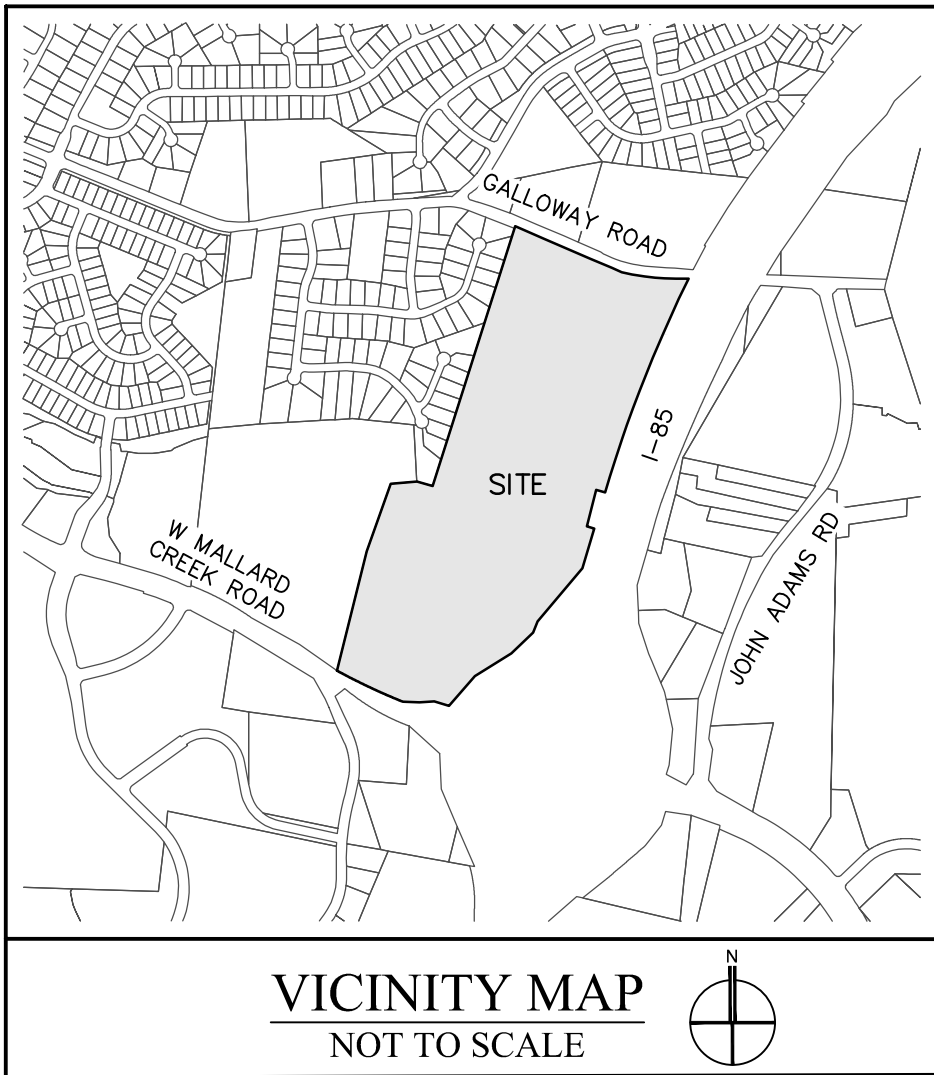
7. ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE.

- B. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE POST CONSTRUCTION CONTROLS ORDINANCE.

8. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.



REZONING PETITION

FOR PUBLIC HEARING

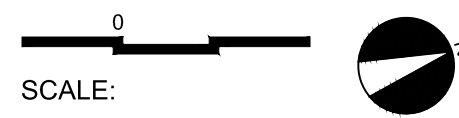
2016-XXX

REZONING PETITION

WEST MALLARD CREEK CHURCH ROAD
CHARLOTTE, NORTH CAROLINA

CHARTER PROPERTIES, INC &
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CONDITIONAL
NOTES



PROJECT #: 278-023
DRAWN BY: NB
CHECKED BY: JG

AUGUST 22, 2016

REVISIONS: