

Rezoning Petition Packet

Petitions:

2019-138 through 2019-153

Petitions that were submitted in October 2019

2019-138

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #:	_____
Date Filed:	<u>9/5/2019</u>
Received By:	<u>RL</u>

Complete All Fields (Use additional pages if needed)

Property Owner: Horace L Willoughby & Faye P Willoughby

Owner's Address: 1206 Charles Avenue City, State, Zip: Charlotte, NC 28205

Date Property Acquired: December 4, 1987

Property Address: 3024 Whiting Avenue, Charlotte, 28205

Tax Parcel Number(s): 08316403

Current Land Use: Single Family Residential Size (Acres): 0.55

Existing Zoning: R-5 Proposed Zoning: R-8(CD)

Overlay: N/A Tree Survey Provided: ___ N/A: X

Required Rezoning Pre-Application Meeting* with: Isaiah Washington, Charlotte Lamb, Michael Russell

Date of meeting: 7/16/2019 10AM

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team 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: For the establishment of four (4) single family detached residential homes.

Paul Pennell – Urban Design Partners
Name of Rezoning Agent

1318 Central Ave. Suite E6
Agent's Address

Charlotte, NC 28205
City, State, Zip

704-334-3303 Fax Number
Telephone Number

paul@urbandesignpartners.com
E-Mail Address

Horace L. Willoughby - Faye P. Willoughby
Signature of Property Owner

Horace L. Willoughby & Faye P. Willoughby
(Name Typed / Printed)

Bill Katsaros – Roma Homes
Name of Petitioner(s)

3415 Holt Street
Address of Petitioner(s)

Charlotte, NC 28205
City, State, Zip

614-282-1131 Fax Number
Telephone Number

bill@roma-homes.com
E-Mail Address

Bill Katsaros
Signature of Petitioner

Bill Katsaros
(Name Typed / Printed)

2019-139

I. REZONING APPLICATION CITY OF CHARLOTTE

Petition #:	_____
Date Filed:	9/5/2019
Received By:	BS

Complete All Fields (Use additional pages if needed)

Property Owner: JDSI, LLC

Owner's Address: 3515 Dovewood Dr City, State, Zip: Charlotte NC 28226

Date Property Acquired: 10/26/16 & 08/02/19

Property Address: 8136 E. WT Harris & XXX Wallace Av

Tax Parcel Number(s): 10324103 & 10331225

Current Land Use: Vacant Land Size (Acres): 5.3225

Existing Zoning: R-12MF(CD) & R-3 Proposed Zoning: R-8

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

Required Rezoning Pre-Application Meeting* with: East District Customer Service Group

Date of meeting: 9/5/19

(*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: _____

Judson Stringfellow
Name of Rezoning Agent

Same
Agent's Address

City, State, Zip

Telephone Number Fax Number

E-Mail Address


Signature of Property Owner

Judson Stringfellow
(Name Typed / Printed)

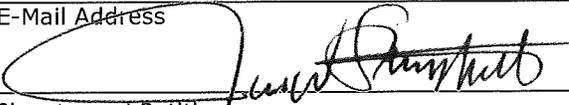
JDSI, LLC
Name of Petitioner(s)

3515 Dovewood Dr
Address of Petitioner(s)

Charlotte NC 28226
City, State, Zip

704-361-7777
Telephone Number Fax Number

judsonstringfellow@gmail.com
E-Mail Address


Signature of Petitioner

Judson Stringfellow
(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-160

Petition #:	_____
Date Filed:	9/6/2019
Received By:	BJ

Complete All Fields (Use additional pages if needed)

Property Owner: Gloria J. Martin

Owner's Address: P.O. Box 136 City, State, Zip: Pineville, NC 28134

Date Property Acquired: 7/10/1977

Property Address: 11740 Providence Road West

Tax Parcel Number(s): 223-133-05

Current Land Use: Single-family residential Size (Acres): +/- 2.22

Existing Zoning: R-3 Proposed Zoning: UR-2(CD)

Overlay: None (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: JOHN KINLEY

Date of meeting: 7/23/2019

(*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 accommodate a townhome community

Collin Brown and Bailey Patrick, Jr.
Name of Rezoning Agent

214 N. Tryon Street, 47th Floor
Agent's Address

Charlotte, NC 28202
City, State, Zip

704-331-7531 704-353-3231
Telephone Number Fax Number

Collin.Brown@klgates.com / Brittany.Lins@klgates.com
E-Mail Address

Gloria J. Martin
Signature of Property Owner

GLORIA J. MARTIN
(Name Typed / Printed)

C Investments 5, LLC
Name of Petitioner(s)

7512 Polyantha Rose Circle
Address of Petitioner(s)

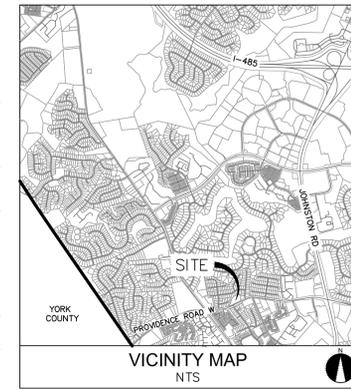
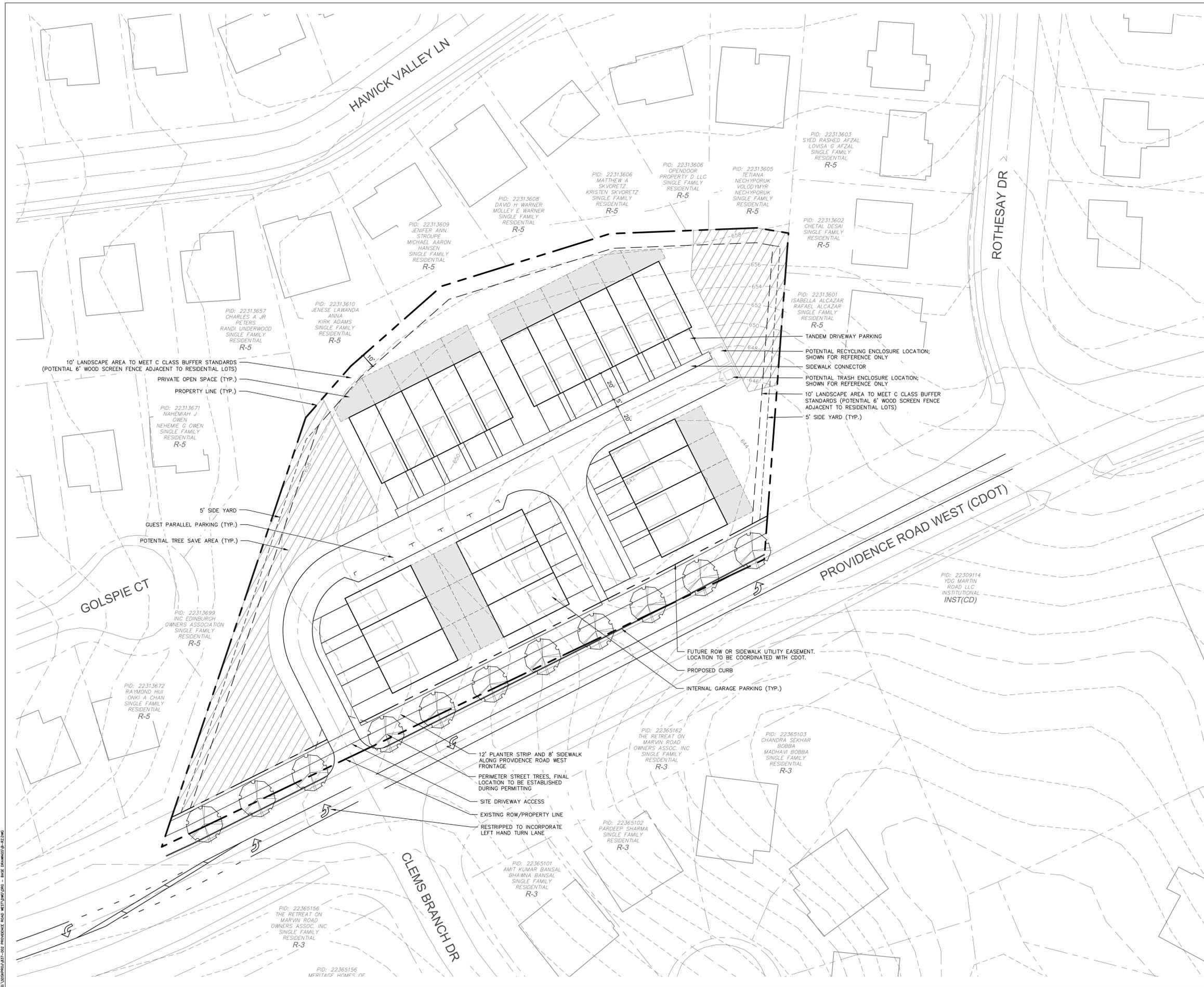
Matthews, NC 28104
City, State, Zip

704-201-8412
Telephone Number Fax Number

rick.mccorkle@gmail.com
E-Mail Address

[Signature]
Signature of Petitioner

Rick J McCorkle
(Name Typed / Printed)



SITE DATA

SITE AREA:	±2.22 AC. (±96,833 SF)
TAX PARCEL ID #:	22313305
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2(CD)
EXISTING USE:	SINGLE FAMILY
PROPOSED USE:	TOWNHOMES
PROPOSED UNITS:	21 TOTAL UNITS
DENSITY PROPOSED:	±9.46 UNITS PER ACRE
BUILDING HEIGHT:	AS REQUIRED PER ORDINANCE
TREE SAVE PROVIDED:	AS REQUIRED PER ORDINANCE
OPEN SPACE PROVIDED:	AS REQUIRED PER ORDINANCE



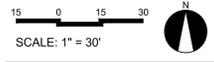
REZONING PETITION
FOR PUBLIC HEARING
2019-XXX

REZONING DOCUMENT

PROVIDENCE RD WEST
CHARLOTTE, NC

C INVESTMENTS 2, LLC
7512 POLYANTHA ROSE CR
WEDDINGTON, NC 28104
704.201.8412

SCHEMATIC
SITE PLAN

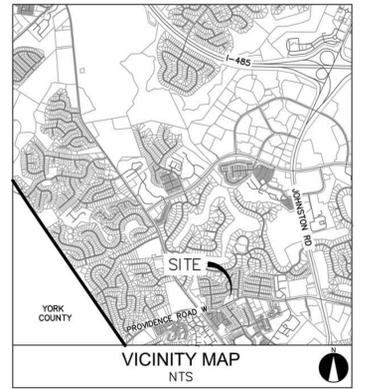


PROJECT #: 837-002
DRAWN BY: WSM
CHECKED BY: NB

AUGUST 8, 2019

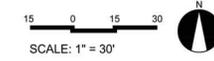
REVISIONS:

SITE PLAN IS SCHEMATIC IN NATURE. SOME VARIATION TO PLAN MAY OCCUR PER SECTION 6.207 OF THE ZONING ORDINANCE.



SITE DATA

SITE AREA:	±2.22 AC. (±96,833 SF)
TAX PARCEL ID #:	22313305
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2(CD)
EXISTING USE:	SINGLE FAMILY
PROPOSED USE:	TOWNHOMES
PROPOSED UNITS:	21 TOTAL UNITS
DENSITY PROPOSED:	±9.46 UNITS PER ACRE
BUILDING HEIGHT:	AS REQUIRED PER ORDINANCE
TREE SAVE PROVIDED:	AS REQUIRED PER ORDINANCE
OPEN SPACE PROVIDED:	AS REQUIRED PER ORDINANCE



PROVIDENCE ROAD WEST

CHARLOTTE, NORTH CAROLINA



C INVESTMENTS 5, LLC

**REZONING PETITION NO. 2019-xxx
9/6/2019**

Development Data Table:

Site Area:	+/- 2.22 acres
Tax Parcels:	223-133-05
Existing Zoning:	R-3
Proposed Zoning:	UR-2(CD)
Existing Use:	Residential
Proposed Uses:	Up to 21 Single-family Attached (Townhome) Dwelling Units
Maximum Building Height:	Up to Forty (40) feet
Parking:	Shall meet or exceed Ordinance standards

I. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by C Investments 5, LLC (the "Petitioner") to accommodate the development of a single-family attached (townhome) residential community on that approximately 2.22-acre site located on the north side of Providence Road West, west of Rothesay Drive, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Mecklenburg County Tax Parcel Number 233-133-05.
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").
3. 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.
4. The development and street layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such 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 setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan.
5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Minor alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

II. Permitted Uses

The Site may be devoted only to a residential community containing a maximum of twenty one (21) single-family attached dwelling units and any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district.

III. Transportation

1. As depicted on the Rezoning Plan, the Site will be served by internal public and private drives, and minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process.
2. A maximum of one (1) access point shall be provided along Providence Road West, as generally depicted on the Rezoning Plan.
3. Petitioner shall dedicate all rights-of-way in fee simple conveyance to the City of Charlotte before the Site's first building certificate of occupancy is issued.
4. Unless stated otherwise herein, the Petitioner shall ensure that all transportation improvements are substantially completed prior to the issuance of the Site's first building certificate of occupancy.

IV. Architectural Standards

1. Preferred Exterior Building Materials: All principal and accessory buildings shall be comprised of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.
2. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl hand rails, windows, soffits or door trim, and (ii) concrete masonry units not architecturally finished.
3. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.

4. All ground floor entrances shall include a direct pedestrian connection between street facing doors to adjacent sidewalks.
5. Roof overhangs, eaves, cornices, chimneys, gutters, vents, bay windows, pilasters, pillars, open porches (if provided), and other architectural elements may project up to twenty-four (24) inches into the required setbacks.
6. Usable porches or stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Stoops and entry-level porches may be covered but shall not be enclosed.
7. For all corner/end units that face a public or private street, stoops shall face the public realm and corner units will have enhanced side elevations with a front stoop. Side elevations shall not contain blank wall expanses greater than ten (10) feet on all building levels.
8. Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to twenty (20) feet on all building levels, including but not limited to doors, windows, awnings, and/or architectural design elements.
9. To provide privacy, all residential entrances within fifteen (15) feet of the sidewalk shall be either raised or lowered from the average sidewalk grade by a range of twelve (12) to twenty four (24) inches.
10. Attached dwelling units shall be limited to a maximum of six (6) units per building along all public and private streets.
11. All townhome units shall be provided with a garage for a minimum of one (1) vehicle.

V. Streetscape and Landscaping

1. The Petitioner shall provide a minimum ten (10) foot landscaped area planted to Class C buffer standards along the Site's northern property boundary, which may include a six (6) foot opaque fence, in the area as generally depicted on the Rezoning Plan.
2. The Petitioner shall construct a minimum six (6) foot wide planting strip and a minimum six (6) foot wide sidewalk along all internal streets.
3. The Petitioner may subdivide the Site and create lots within the Site with no side or rear yards as part of a unified development plan.

VI. Environmental Features

1. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. The location, size, and type of stormwater 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.
2. The Petitioner shall comply with tree save requirements.

VII. Lighting

1. All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks as 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.
2. The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed twenty-one (21) feet.

VIII. Amendments to Rezoning Plan

Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of a particular Tract within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

IX. Binding Effect of the Rezoning Documents and Definitions

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

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

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 2019-141
Date Filed: 9/10/2019
Received By: Be

Complete All Fields (Use additional pages if needed)

Property Owner: Whitestone Holdings Inc.

Owner's Address: 1604 Stevens Ridge Rd. City, State, Zip: Matthews, NC 28105

Date Property Acquired: 3/04/2019

Property Address: 1239 Sharon Amity Lane, Charlotte, NC

Tax Parcel Number(s): 15720312

Current Land Use: Residential - Single Family Dwelling Size (Acres): 0.437

Existing Zoning: R-3 Proposed Zoning: UR-2(CD)

Overlay: _____ Tree Survey Provided: Yes: N/A: _____

Required Rezoning Pre-Application Meeting* with: Sonda Kennedy

Date of meeting: 4/23/2019

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

For Conditional Rezonings Only:

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

Purpose/description of Conditional Zoning Plan: UR-2 (CD) WITH 5 YR VESTING RIGHTS

David Wales
Name of Rezoning Agent

400 Roselawn Place
Agent's Address

Charlotte, NC 28211
City, State, Zip

704-689-9202
Telephone Number Fax Number

dwales@saltlightbuilders.com
E-Mail Address

Mark Bolous
Signature of Property Owner

Mark Bolous
(Name Typed / Printed)

Mark Bolous
Name of Petitioner(s)

1604 Stevens Ridge Rd.
Address of Petitioner(s)

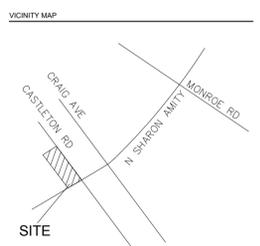
Matthews, NC 28105
City, State, Zip

732-766-5158
Telephone Number Fax Number

markbolous@gmail.com
E-Mail Address

Mark Bolous
Signature of Petitioner

Mark Bolous
(Name Typed / Printed)



PROJECT
REZONING PLAN

PROJECT NUMBER
19028

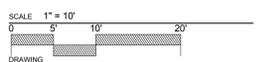
DATE
9-10-19

ISSUED FOR
REZONING STAFF REVIEW

NO.	DATE	DESCRIPTION	BY

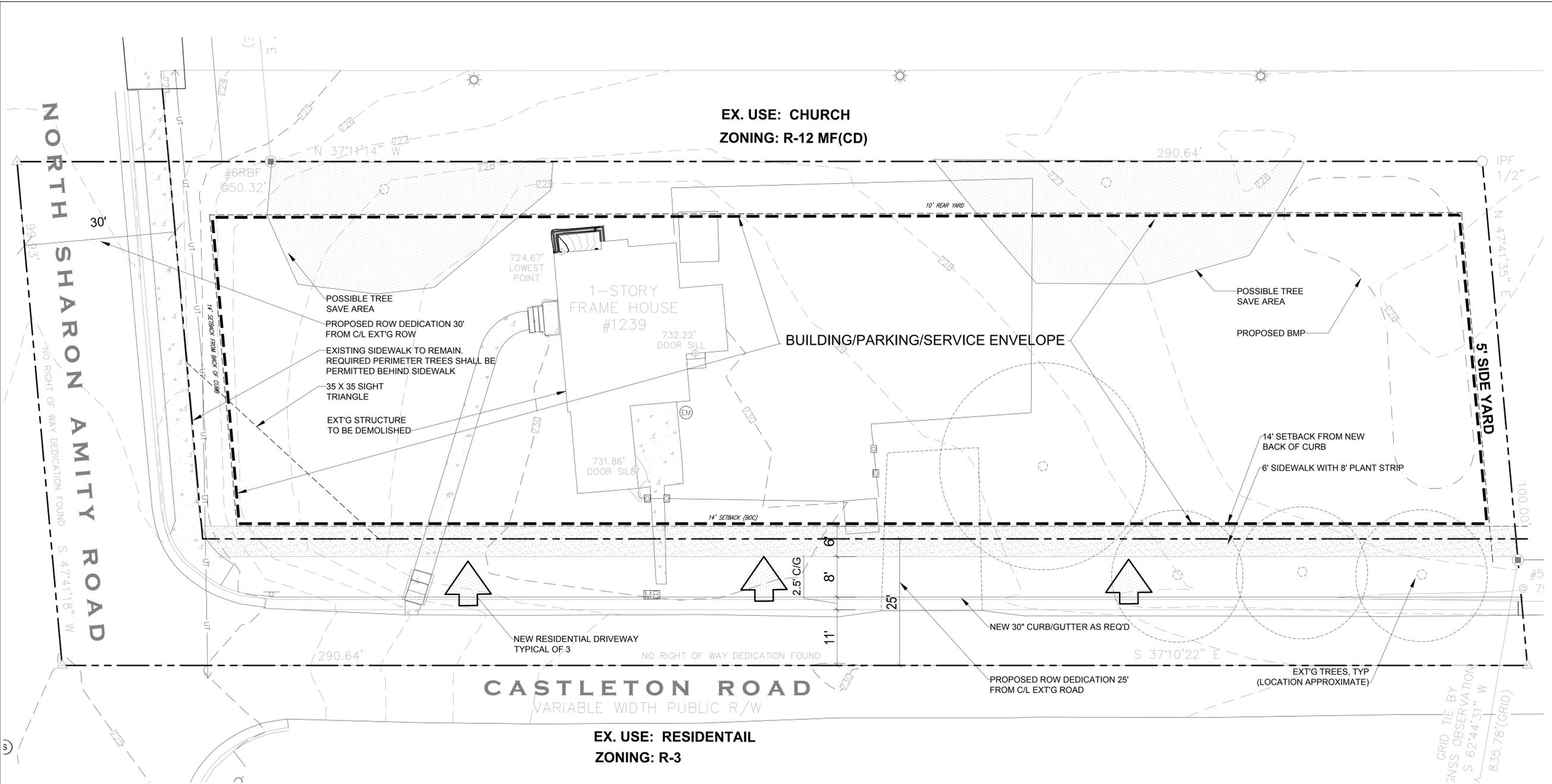
PROJ. MANAGER:
DRAWN BY:
CHECKED BY:

SCALE



TECHNICAL DATA SHEET

RZ-1.0



- A. General Provisions**
- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by Whitestone Holdings Inc (the "Applicant") to accommodate the development of a residential community on that approximately 0.44 acre site located on the west side of North Sharon Amity Road at Castleton Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of the entirety of Parcel 157-203-12.
 - 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 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 the Ordinance. Alterations to the Rezoning Plan are subject to the Ordinance.
- B. Permitted Uses/Development Limitations**
- The Site may be devoted only to a residential community containing a maximum of five (5) for-sale single-family attached/detached 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 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 ("NCDOT").
- As depicted on the rezoning plan, the site will be served by private driveways, and minor adjustment to the location of the driveway shall be allowed during the construction permitting process
- D. Architectural Standards**
- The maximum height in feet of the single family attached dwelling units to be located on the Site shall be 44 feet.
 - The actual widths of the dwelling units may vary from the widths depicted on the Rezoning Plan.
 - Permitted building materials shall comprise of brick, cedar shake, wood siding, fiber cement siding, stucco, masonry, and or other material approved by the City Planning Director.
 - Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
 - Permitted slope roof material are asphalt shingles, composition shingles, wood shingles, tin, standing seam metal, and wood shakes.
- E. Streetscape and Landscaping**
- A minimum eight (8) foot wide planting strip and a minimum six (6) foot wide sidewalk shall be installed along the existing public streets

- abutting the property as generally depicted on the Rezoning Plan.
- Building setbacks shall be measured from the back of proposed curb as generally depicted on the Rezoning Plan.
- F. Open Space**
- Petitioner intends to comply with the 400 SF private open space requirement in Section 9.406 of the Zoning Ordinance if required in the UR-2 zoning district at the time of permitting. Alternatively, the Petitioner may provide 10% useable common open space in lieu of private open space.
- G. Lighting**
- All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks as landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed.
 - The maximum height of any pedestrian scale freestanding light fixture installed on the site, including its base, shall not exceed sixteen (16) feet.
- H. Environmental Features**
- Development of the site shall comply with Charlotte Tree Ordinance.
 - Adjustments to the location, size, and type of storm water management systems depicted on the Rezoning Plan may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

- I. Binding Effect of the Rezoning Documents and Definitions**
- If this Rezoning Application 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 Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns.
 - Throughout these Development Standards, the term "Applicant" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant 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 Application is approved.

DEVELOPMENT DATA

PARCEL NUMBER	157-203-12
SITE AREA	0.44 AC +/-
EXT'G ZONING	R-3
PROPOSED ZONING	UR-2 (CD)
EXISTING USE	RESIDENTIAL
PROPOSED USE	5 DU's (ATTACHED AND DETACHED SINGLE FAMILY)
PARKING	AS REQ'D FOR UR-2 ZONING
TREE SAVE	REQ'D: 15% MIN = 2,875 SF (0.07 AC)
SETBACK	14'-0" FROM BOC, OR THE R/W WHICHEVER IS GREATER
REAR YARD	10'-0"
SIDE YARD	5'-0"

2019-142

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #:	_____
Date Filed:	<u>9/17/2019</u>
Received By:	<u>BH</u>

Complete All Fields (Use additional pages if needed)

Property Owner: 3131 Tuckaseegee LLC

Owner's Address: 125 W Tremont Avenue, Suite 818 City, State, Zip: Charlotte NC 28203

Date Property Acquired: October 31, 2018

Property Address: 3131 Tuckaseegee Road, Charlotte NC 28208

Tax Parcel Number(s): ⁰⁴⁵⁻065-~~045~~-01

Current Land Use: Vacant Size (Acres): 0.268

Existing Zoning: B-1 Proposed Zoning: NS

Overlay: _____ Tree Survey Provided: Yes: _____ N/A: X

Required Rezoning Pre-Application Meeting* with: Alberto Gonzales, Lisa Arnold, David Pettine
Date of meeting: August 13, 2019

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

For Conditional Rezonings Only:
Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____
Purpose/description of Conditional Zoning Plan: <u>Relief of parking requirements under B-1</u>

Name of Rezoning Agent

Agent's Address

City, State, Zip

Telephone Number

Fax Number

Kennedychoward@msn.com
E-Mail Address

Signature of Property Owner

Kennedy C Howard
(Name Typed / Printed)

Kennedy Howard

Name of Petitioner(s)

125 WEST TREMONT AVE, STE 818
Address of Petitioner(s)

CHARLOTTE NC 28203
City, State, Zip

704-236-8029
Telephone Number

Fax Number

kennedychoward@msn.com
E-Mail Address

E-Mail Address

Signature of Petitioner

Kennedy Howard
(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

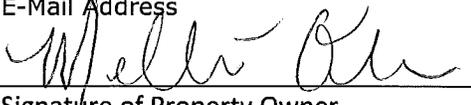
Petition #: 2019-143
Date Filed: 9/18/2019
Received By: RK

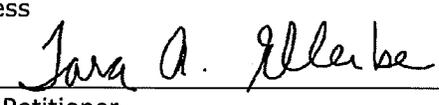
Complete All Fields (Use additional pages if needed)

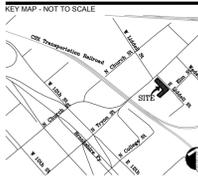
Property Owner: THE OPTIMUS BUILDING, LLC
Owner's Address: 1910 ABBOTT ST. SUITE 202 City, State, Zip: CHARLOTTE, NC, 28203
Date Property Acquired: _____
Property Address: 1024 N. TRYON ST. CHARLOTTE NC, 28206
Tax Parcel Number(s): 08102410, 08102406
Current Land Use: VACANT COMMERCIAL Size (Acres): +/- 0.33
Existing Zoning: I-2 Proposed Zoning: MUDD
Overlay: N/A Tree Survey Provided: Yes: _____ N/A: X
Required Rezoning Pre-Application Meeting* with: WILL LINVILLE
Date of meeting: 09/12/2019

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

For Conditional Rezonings Only:
Requesting a vesting period exceeding the 2 year minimum? Yes/ No. Number of years (maximum of 5): _____
Purpose/description of Conditional Zoning Plan: SITE TO BE REZONED TO MUDD AND EXISTING BUILDING USED FOR OFFICE AND RESTAURANT

MELLISSA OLIVER - LANDDESIGN
Name of Rezoning Agent
223 N. GRAHAM ST.
Agent's Address
CHARLOTTE, NC, 28202
City, State, Zip
704-333-0325
Telephone Number Fax Number
m.oliver@landdesign.com
E-Mail Address

Signature of Property Owner
MELLISSA OLIVER
(Name Typed / Printed)

TARA ELLERBE - ELITE
Name of Petitioner(s)
1910 ABBOTT ST. SUITE 202
Address of Petitioner(s)
CHARLOTTE, NC, 28203
City, State, Zip
704-200-9925
Telephone Number Fax Number
tellerbe@elitehealthinc.com
E-Mail Address

Signature of Petitioner
TARA ELLERBE
(Name Typed / Printed)



SCALE



**PETITION
NUMBER XXXX**

PROJECT

1024 N. TRYON

ELITE
1024 N TRYON
CHARLOTTE, NC 28217

LANDDESIGN PROJ.# 1019346

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	09/17/2019

DESIGNED BY: MRO
DRAWN BY: MRO
CHECKED BY: NLD

SCALE: NORTH

VERT: N/A
HORZ: AS NOTED

SHEET TITLE

**ARCHITECTURAL
ELEVATIONS**

SHEET NUMBER

RZ - 3

ELEVATION NOTES

SEE DISCIPLINE SHEETS FOR DISCIPLINE SPECIFIC NOTES

- ADDRESSING SIGNAGE TO BE LOCATED ON THE SIDE OF THE BUILDING FROM WHERE THE BUILDING IS ADDRESSED (ONE SIDE ONLY). PROVIDE BUILDING ADDRESS IN 6" HIGH LETTERS TO BE APPROVED BY FIRE MARSHALL.
- FACE OF SLAB SHALL NOT BE EXPOSED AT SLOPED EXTERIOR PAVING CONDITIONS. COORDINATE EXT. PAVING CONDITIONS WITH CIVIL, TYP.
- COORDINATE ALL DOWNSPOUT TIE-INS WITH CIVIL DRAWINGS. PROVIDE SPLASH BLOCKS FOR DOWNSPOUTS W/OUT TIE-INS.
- VERTICAL CONTROL JOINTS ARE ILLUSTRATED FOR REFERENCE PURPOSES IN BUILDING ELEVATIONS. CJS ARE RECOMMENDED WHERE TRANSITIONS IN BRICK HEIGHT OCCUR. AT THE CORNERS OF LARGE OPENINGS, ALL INSIDE CORNERS, WITHIN 10' OF OUTSIDE CORNERS AND A MAXIMUM OF 30' O.C. MASONRY CONTRACTOR TO PROVIDE HORIZONTAL AND VERTICAL EXPANSION JOINTS IN BRICKWORK PER TECHNICAL NOTES 18A AS PUBLISHED BY THE BRICK INDUSTRY ASSOCIATION.
- NO MASONRY CORE HOLES SHALL BE EXPOSED, TYP. CLOSURE (SOLID CORE) MASONRY SHALL BE USED WHERE CORE HOLES WOULD OTHERWISE BE EXPOSED TO ELEMENTS.
- EXPOSED STEEL LINTELS AND BREAK METAL TO BE PAINTED TO MATCH ADJACENT SURFACE UNLESS OTHERWISE NOTES, TYP.
- ALL PENETRATIONS, INCLUDING WINDOWS AND DOORS, SHALL BE SEALED TO THE BACKUP WALL AT THE PRIMARY MOISTURE BARRIER.
- ALL CAULKING IS TO MATCH ADJACENT SURFACES.
- PROVIDE SOLID BLOCKING WITHIN WALL CAVITY SEGMENTS BEHIND ALL EXTERIOR LIGHTS AND SIGNAGE.

EXTERIOR COLOR LEGEND

PAINT COLORS TO BE COORDINATED DURING CONSTRUCTION WITH ARCHITECT, OWNER AND HISTORIC LANDMARKS COMMISSION.

EXTERIOR SYMBOL LEGEND

SEE DISCIPLINE SHEETS FOR DISCIPLINE SPECIFIC SYMBOLS

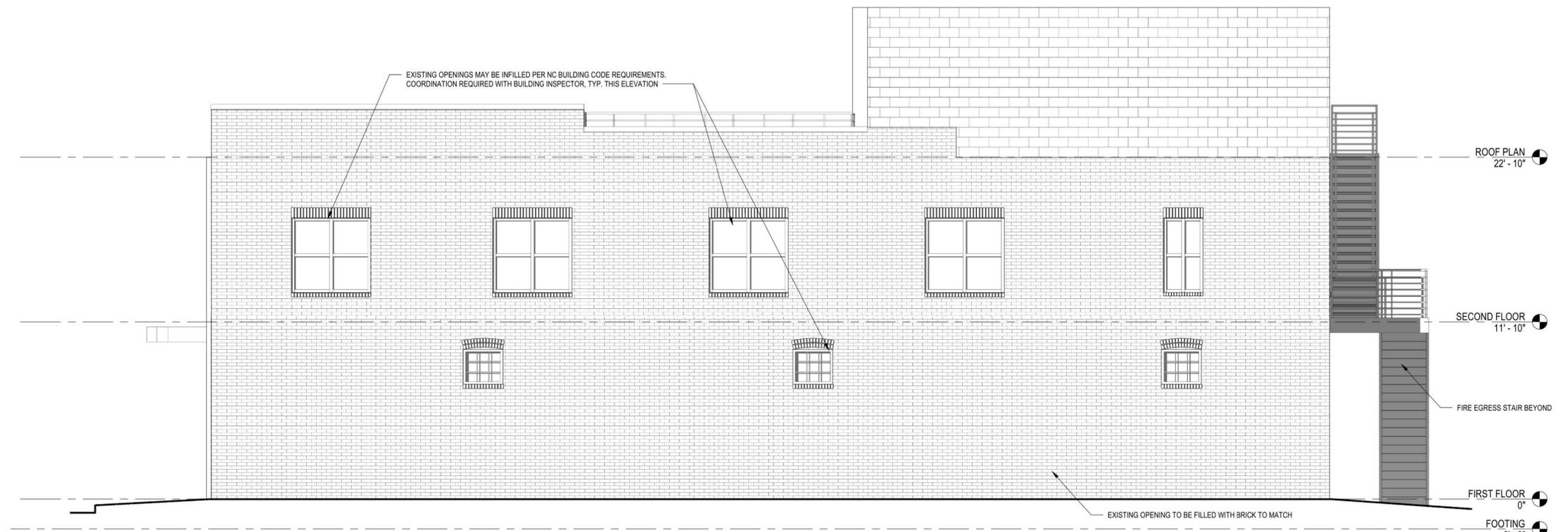
(11)	DOOR TAG	SPOT ELEVATION MARKERS
(11)	WINDOW TAG (REFER TO A602 FOR WINDOW SIZES AND INFORMATION)	LEVEL MARKER
D.S.	DOWNSPOUT LOCATION	CENTER LINE
CJ	CONTROL JOINT LOCATION	

DETAIL SHEET (A301) SECTION DETAIL
DETAIL SHEET (A501) ENLARGED VIEW

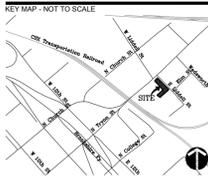
E1-A0 EXTERIOR ASSEMBLY TYPE. SEE A030 FOR ASSEMBLY TYPES
P1 EXTERIOR FINISH COLOR. SEE COLOR LEGEND



1 SOUTH ELEVATION
A201 SCALE: 1/4" = 1'-0" R.E. = 1/A101



2 EAST ELEVATION
A201 SCALE: 1/4" = 1'-0" R.E. = 1/A101



SEAL



**PETITION
NUMBER XXXX**

1024 N. TRYON

ELITE
1024 N TRYON
CHARLOTTE, NC 28217

LANDDESIGN PROJ.# 1019346

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	09/17/2019

DESIGNED BY: ---
DRAWN BY: ---
CHECKED BY: ---

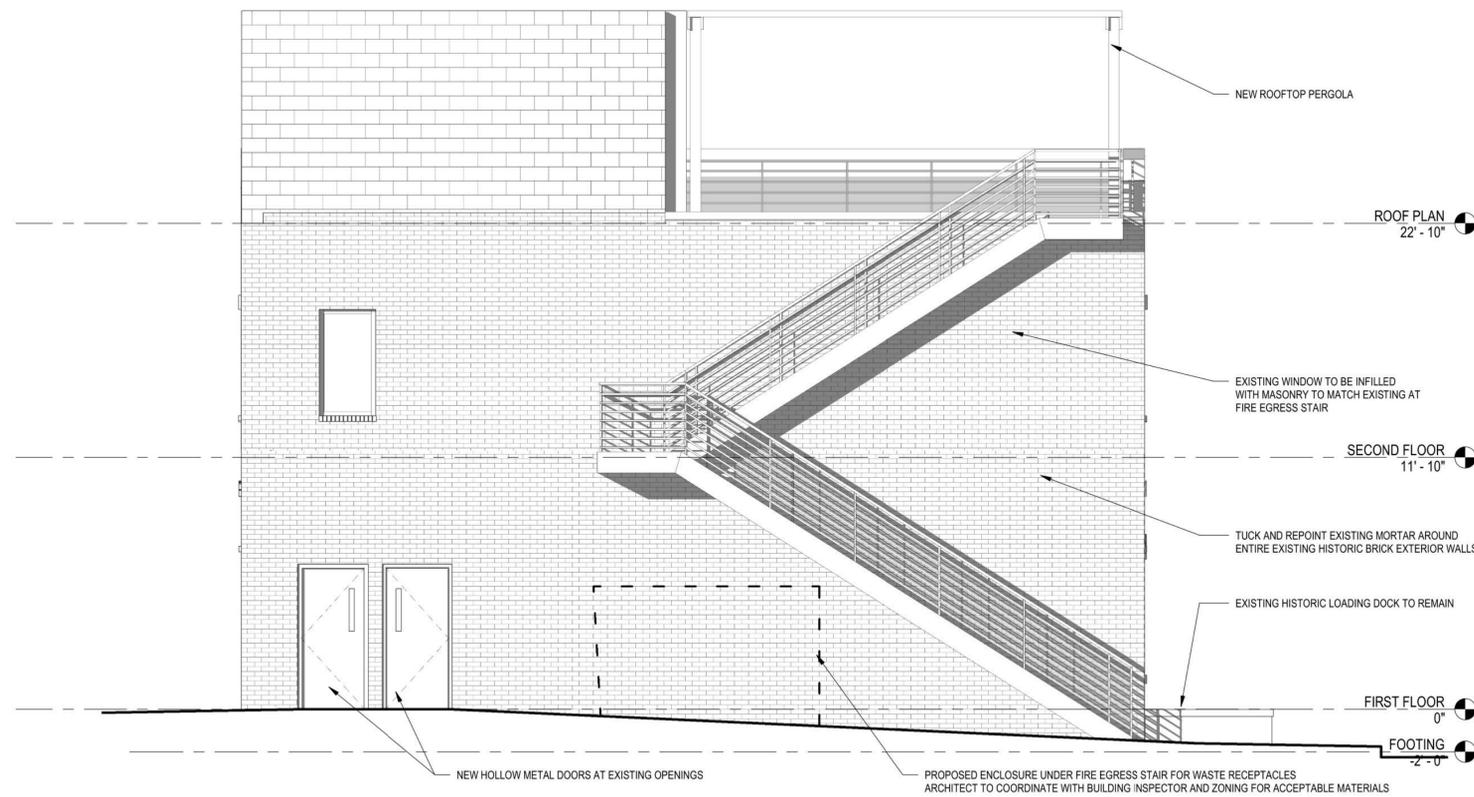
SCALE: NORTH

VERT: N/A
HORZ: AS NOTED

SHEET TITLE
**ARCHITECTURAL
ELEVATIONS**

SHEET NUMBER

RZ - 4



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"
R.E. = 1/A101

- ELEVATION NOTES**
- SEE DISCIPLINE SHEETS FOR DISCIPLINE SPECIFIC NOTES
- ADDRESSING SIGNAGE TO BE LOCATED ON THE SIDE OF THE BUILDING FROM WHERE THE BUILDING IS ADDRESSED (ONE SIDE ONLY). PROVIDE BUILDING ADDRESS IN 6" HIGH LETTERS TO BE APPROVED BY FIRE MARSHALL.
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 - NO MASONRY CORE HOLES SHALL BE EXPOSED. TYP. CLOSURE (SOLID CORE) MASONRY SHALL BE USED WHERE CORE HOLES WOULD OTHERWISE BE EXPOSED TO ELEMENTS.
 - EXPOSED STEEL LINTELS AND BREAK METAL TO BE PAINTED TO MATCH ADJACENT SURFACE UNLESS OTHERWISE NOTES, TYP.
 - ALL PENETRATIONS, INCLUDING WINDOWS AND DOORS, SHALL BE SEALED TO THE BACKUP WALL AT THE PRIMARY MOISTURE BARRIER.
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EXTERIOR COLOR LEGEND

PAINT COLORS TO BE COORDINATED DURING CONSTRUCTION WITH ARCHITECT, OWNER AND HISTORIC LANDMARKS COMMISSION.

EXTERIOR SYMBOL LEGEND

SEE DISCIPLINE SHEETS FOR DISCIPLINE SPECIFIC SYMBOLS

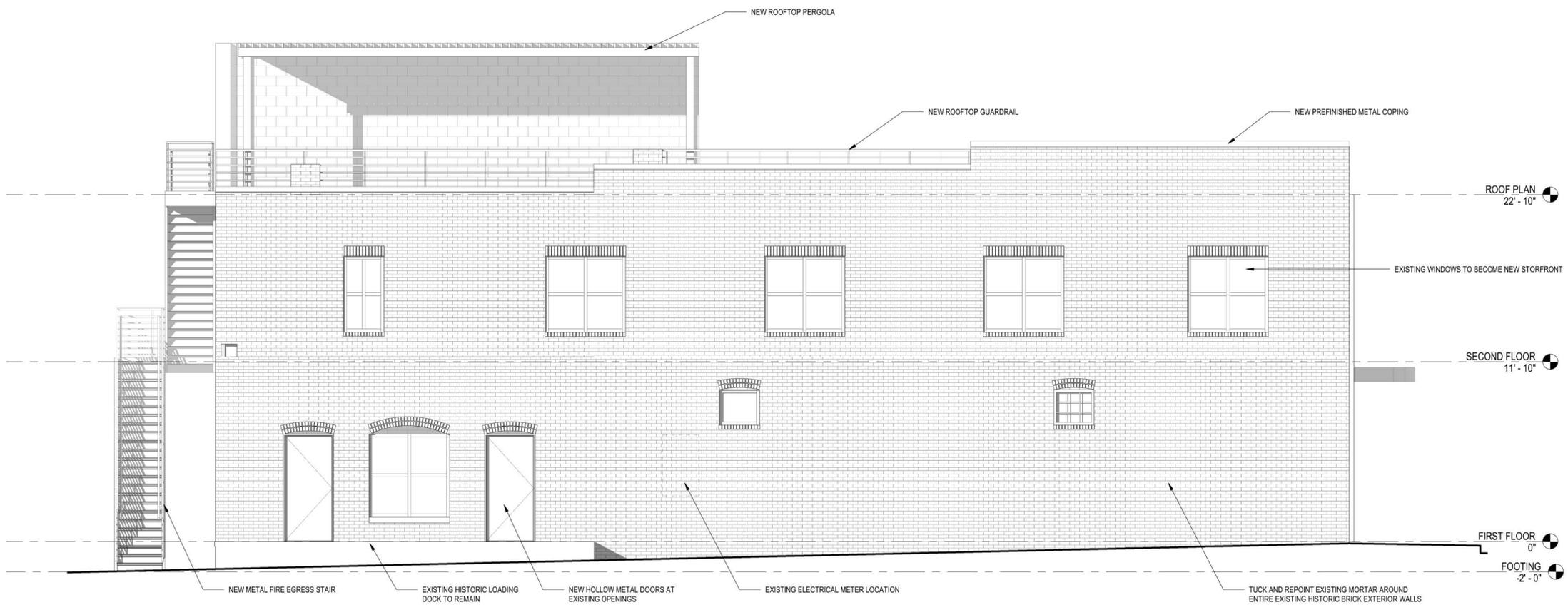
- (11) DOOR TAG
- (11) WINDOW TAG (REFER TO A602 FOR WINDOW SIZES AND INFORMATION)
- D.S. DOWNSPOUT LOCATION
- CJ CONTROL JOINT LOCATION
- SPOT ELEVATION MARKERS
- LEVEL MARKER
- CENTER LINE

DETAIL SHEET A301 SECTION DETAIL

DETAIL SHEET A501 ENLARGED VIEW

E1-A0 EXTERIOR ASSEMBLY TYPE. SEE A030 FOR ASSEMBLY TYPES

P1 EXTERIOR FINISH COLOR. SEE COLOR LEGEND



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"
R.E. = 1/A101

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-144

Petition #:	_____
Date Filed:	<u>9/20/2019</u>
Received By:	<u>R+</u>

Property Owners: SEE SCHEDULE 1 ATTACHED HERETO

Owner's Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Date Properties Acquired: SEE SCHEDULE 1 ATTACHED HERETO

Property Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Tax Parcel Numbers: SEE SCHEDULE 1 ATTACHED HERETO

Current Land Use: vacant/residential (Acres): ± 23.99

Existing Zoning: R-3 & R-12(CD) Proposed Zoning: R-12MF(CD)

Overlay: N/A Tree Survey Provided: Yes: N/A:

Required Rezoning Pre-Application Meeting* with: Michael Russell, Charlotte Lamb, Kent Main, Isaiah Washington, Grant Meacci, Josh Weaver

Date of meeting: 7/17/19

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

<p>For Conditional Rezonings Only:</p> <p>Requesting a vesting period exceeding the 2 year minimum? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. Number of years (maximum of 5): <u>N/A</u></p> <p>Purpose/description of Conditional Zoning Plan: <u>To allow development of the site with multi-family residential community, designed for college students.</u></p>

Keith MacVean, Dujuana Keys & Jeff Brown
Name of Rezoning Agent

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

Charlotte, NC 28202

704.331.3531 (KM) 704-378-1954(KM)
704-331-2371 (DK) 704-339-5888 (DK)
704-331-1144 (JB) 704-378-1925 (JB)
Telephone Number Fax Number

keithmacvean@mvalaw.com;
dujuanakeys@mvalaw.com;
jeffbrown@mvalaw.com
E-mail Address

SEE ATTACHMENTS A-C
Signature of Property Owner

York Acquisitions, LLC
dba Aspen Heights Partners (Attn: Dan Koebel)
Name of Petitioner

8008 Corporate Center Drive, Ste 201
Address of Petitioner

Charlotte, NC 28226
City, State, Zip

704.255.4283
Telephone Number Fax Number

dkoebel@ahpliving.com
E-mail Address

SEE ATTACHMENT D
Signature of Petitioner

SCHEDULE 1

Parcel	Property Address	Owner	Owner's Address	Date Acquired
029-031-12	9920 Mallard Glen Dr, Charlotte, NC 28262	Kevin Evans Ann Evans	1150 Liberty Rd, Gold Hill, NC 28071	05/15/2015
029-031-22	139 Northbend Drive, Charlotte, NC 28213	ML North Carolina Apartments LP	2 N. Riverside Plaza, Ste 400, Chicago, IL 60606	10/19/1998
029-031-25	1601 Sir Anthony Dr, Charlotte, NC 28262			10/19/1998
Portion of 029-031-24	N/A	Sybil Del Bueno	PO BOX 970 Pinehurst, NC 28370	06/15/2010

ATTACHMENT A

REZONING PETITION NO. 2019-____
Aspen Heights Partners

OWNER JOINDER AGREEMENT029
Kevin Evans
Ann Evans

The undersigned, as the owner of the parcel of land located at 9920 Mallard Glen Dr, Charlotte, NC that is designated as Tax Parcel No. 029-031-12 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Application and consents to the change in zoning for the parcel from R-3 zoning district to the R-12MF(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 4th day of September, 2019.

Kevin Evans
Kevin Evans

Ann Evans
Ann Evans

ATTACHMENT B

REZONING PETITION NO. 2019-_____
Aspen Heights Partners

OWNER JOINDER AGREEMENT
ML North Carolina Apartments LP

The undersigned, as the owner of the parcel of land located at

1. 139 Northbend Dr, Charlotte, NC that is designated as Tax Parcel No. 029-031-22
2. 1601 Sir Anthony Dr, Charlotte, NC that is designated as Tax Parcel No. 029-031-25

on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Application and consents to the change in zoning for the parcels from R-12(CD) zoning district to the R-12MF(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 3rd day of September, 2019.

**ML North Carolina Apartments LP, a
Georgia limited partnership**

By: ERP-Southeast Properties,
L.L.C., a Georgia limited liability
company, its general partner

By: ERP Operating Limited
Partnership, an Illinois limited
partnership, its member

By: Equity Residential, a Maryland
real estate investment trust, its general
partner

By: [Signature]
Its: ERP - Investments

ATTACHMENT C

**REZONING PETITION NO. 2019-____
Aspen Heights Partners**

**OWNER JOINDER AGREEMENT
Sybil Del Bueno**

The undersigned, as the owner of the parcel of land located at N/A, Charlotte, NC that is designated as Tax Parcel No. 029-031-24 on the Mecklenburg County Tax Map and which a portion of is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Application and consents to the change in zoning for the portion of the parcel from R-3 zoning district to the R-12MF(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 24th day of September, 2019.


Sybil Del Bueno
Sybil Del Bueno

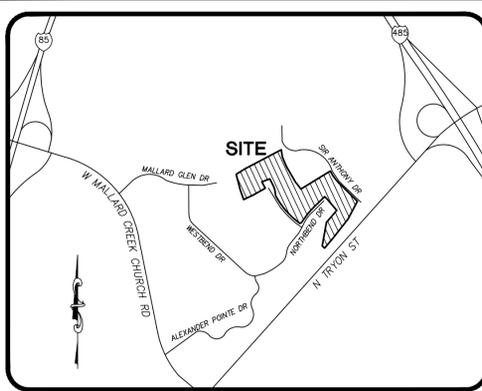
ATTACHMENT D

**REZONING PETITION NO. 2019-
Aspen Heights Partners**

Petitioner:

**York Acquisitions, LLC
dba Aspen Heights Partners**

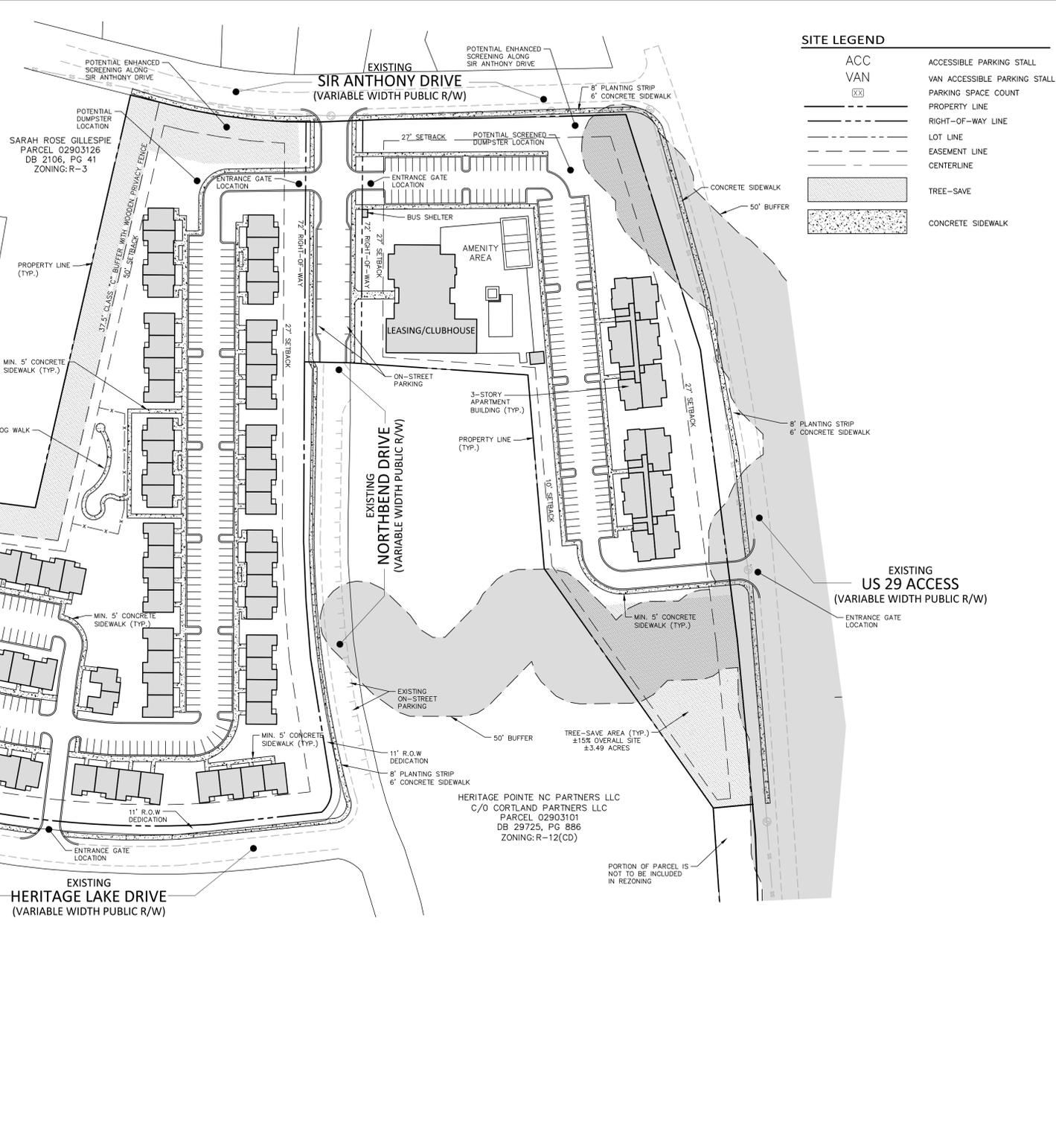
By: 
Name: DAVID J. HENRICHS
Title: Authorized Agent



VICINITY MAP
NTS

SITE DATA	
DEVELOPER	ASPEN HEIGHTS PARTNERS 8008 CORPORATE CENTER DRIVE, SUITE #201 CHARLOTTE, NC 28226
SITE AREA:	GROSS SITE ACREAGE: ±22.69 AC RIGHT-OF-WAY DEDICATION: ±0.61 AC NET SITE ACREAGE: ±22.08 AC
PID:	02903112, 02903122, 02903125, 02903124
EXISTING ZONING:	R-12(CD), R-3
PROPOSED ZONING:	R-12MF(CD)
EXISTING USE:	VACANT
PROPOSED USE:	MULTI-FAMILY
TREE SAVE AREA REQUIRED:	3.40 AC (22.69 AC x 15%)
TREE SAVE AREA PROVIDED:	3.16 AC*

* SITE LOCATED IN CORRIDOR. EITHER PAYMENT IN LIEU OR OFF-SITE MITIGATION FOR REMAINING 0.24 AC OF REQUIRED TREE-SAVE.



SITE LEGEND	
ACC VAN	ACCESSIBLE PARKING STALL
(Symbol)	VAN ACCESSIBLE PARKING STALL
(Symbol)	PARKING SPACE COUNT
(Symbol)	PROPERTY LINE
(Symbol)	RIGHT-OF-WAY LINE
(Symbol)	LOT LINE
(Symbol)	EASEMENT LINE
(Symbol)	CENTERLINE
(Symbol)	TREE-SAVE
(Symbol)	CONCRETE SIDEWALK

McADAMS
The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713
phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT
ASPEN HEIGHTS PARTNERS
8008 CORPORATE CENTER DRIVE, SUITE #201
CHARLOTTE, NC 28226
PHONE: 704. 255. 5942

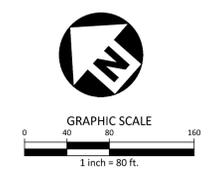


UNCC HERITAGE
REZONING CONCEPT PLAN
NORTHBEND DR. & HERITAGE LAKE DR.
CHARLOTTE, NORTH CAROLINA, 28262

REVISIONS	
NO.	DATE

PLAN INFORMATION	
PROJECT NO.	AHP-19010
FILENAME	AHP19000-RZ1
CHECKED BY	
DRAWN BY	AJB
SCALE	1"=80'
DATE	09.18.2019

REZONING PLAN
RZ-1



SEE REZONING NOTES ON SHEET RZ-2

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

Y:\Projects\AHP\AHP-19010\04-Production\Engineering\Resoning\AHP19000-RZ1.dwg, 10/25/2019 1:54:48 PM, Woodard, Jonathan

**York Acquisitions, LLC
Development Standards
09/11/2019
Rezoning Petition No. 2019-**

Site Development Data:

--Acreage: ± 22.69 acres
--Tax Parcel #: 029-031-12, 029-031-22, 029-031-24, and 029-031-25
--Existing Zoning: R-3 and R-12(CD)
--Proposed Zoning: R-12MF(CD)
--Existing Uses: Vacant & Single-family Residential

--Proposed Uses: Residential dwellings units as permitted by right, and under prescribed conditions, together with accessory uses, as allowed in the R-12MF zoning district (all as more specifically described and restricted below in Section 3).

--Maximum Number of Residential Dwelling Units: Up to [194] multi-family residential dwelling units as allowed by right and under prescribed conditions in the R-12MF zoning district.

--Maximum Building Height: Up to three (3) stories and not to exceed a maximum average height at the front building line of 48 feet. Height to be measured per the Ordinance.

--Parking: As required by the Ordinance.

I. General Provisions:

a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other site plan sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by York Acquisitions, LLC ("Petitioner") to accommodate the development of a high quality residential community on an approximately 22.69 acre site located at the intersection of Northbend Drive and Heritage Lake Drive (the "Site").

b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the R-12MF(CD) zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, building and parking envelopes 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.

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.** The total number of principal buildings to be developed on the Site will be limited to 41. 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) located within the same Development Area as the accessory structure/building.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to [194] multi-family residential dwellings units together with accessory uses allowed in the R-12MF zoning district as generally depicted on the Rezoning Plan.

3. Transportation Improvements and Access:

I. Proposed Improvements:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

The following Transportation Improvements are also illustrated on Exhibit - and - on Sheet -- of the Rezoning Plan. The Exhibits on Sheet --- is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on Exhibits - and - for the proposed improvement).

The following roadway improvements will be made by the Petitioner as part of the redevelopment of the Site as proposed by the rezoning Plan:

a. *To be completed after the submittal of the TIA.*

-

II. Standards, Phasing and Other Provisions.

a. **CDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT (as it relates to the roadway improvements within its road system authority). It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad east Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

b. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 3.1 above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 3.1.I.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

c. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

d. **Alternative Improvements.** Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT and the Planning Director; provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

III. Access:

a. Access to the Site will be from US 29 Service Road, Northbend Drive, Sir Anthony Drive, and Heritage Lake Drive in the manner generally depicted on the Rezoning Plan.

b. The Petitioner reserves the right to install gates at each of the access points. The location of the proposed gates to be reviewed and approved by CDOT during the land development approval process for the Site.

c. All transportation improvements shall be constructed and approved prior to the release of a certificate of occupancy for the first building constructed on the Site. The petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is requested.

d. The placement and configuration of the vehicular access point is subject to minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with applicable published standards.

e. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

f. The Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

4. General Architectural Standards:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

b. The following architectural commitments shall apply to the permanent buildings located on the Site; at least [20%] of the exterior building facades, exclusive of windows, doors, balconies and roofs, shall be constructed of brick, stone, pre-cast stone or pre-cast concrete as generally depicted on the Rezoning Plan.

c. Meter banks will be screened from adjoining properties and from the abutting public streets.

d. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.

e. Dumpster and recycling area 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 buildings. The location of the proposed dumpster and recycling area is generally depicted on the Rezoning Plan.

5. Streetscape, Buffers, Setbacks, Yards, Open Space and Landscaping:

a. A 27 foot setback as measured from the right-of-way of US-29 Service Road, Sir Anthony Drive, Northbend Drive, and Heritage Lake Drive will be provided as generally depicted on the Rezoning Plan. The setback along Northbend Drive, and Heritage Drive may be reduced to 15 feet as allowed by the Ordinance (Section 19.f).

b. Along the Site's internal parking areas the Petitioner will provide a sidewalk and cross-walk network that links to the building on the Site and to the sidewalks along the abutting public streets in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.

c. The Petitioner will provide an eight (8) foot planting strip and a six (6) foot sidewalk along the Site's frontage on US-29 Service Road, Northbend Drive, Sir Anthony Drive, and Heritage Lake Drive as generally depicted on the Rezoning Plan.

d. Buffers as required by the ordinance will be installed as generally depicted on the Rezoning Plan. The Petitioner reserves the right to reduce buffer widths with a fence or berm as allowed by the Ordinance, or to eliminate a proposed fence and increase the buffer width as allowed by the Ordinance.

e. The Petitioner may install security fencing around the perimeter of the Site.

[6. General Design Guidelines]

a. Buildings shall front (the side of a building that has windows will also be considered a front) a minimum of 65% of the total street frontage on the site (exclusive of driveways, pedestrian access points, usable open space, tree save areas, natural areas, and/or tree re-planting areas).

b. **Building Massing – Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (recess, projection, architectural treatment, etc.).** Modulations shall be a minimum of 10 feet wide and shall extend or recess a minimum of 5 feet, extending through all floors.

c. **Vertical Modulation and Rhythm – Building elevations shall be designed with recognizable vertical bays or articulated architectural facade features.** The bays and features may include, but not limited to a combination of exterior wall offsets, projections, and/or recesses, pilasters, and change in materials.

d. **Building Base – Buildings shall be designed with a recognizable architectural base.** A minimum of three elevations of each building will be articulated with a water table of Preferred Exterior Building Materials listed above of a minimum of three (3) feet in height. (*Preferred building materials will be defined as brick, stone, precast stone, precast concrete, stucco, and decorative block.*)

e. Building elevations facing streets shall not have expanses of blank walls greater than 20 feet.

f. Architectural features such as, but not limited to, banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

g. Roof form and rooflines shall be designed to avoid the appearance of a large monolithic roof structure through the following standards:

(i). Long rooflines (pitched or flat) shall avoid continuous expanses without variation by including changes in height and/or roof form (e.g. dormers, gables, etc.).

(ii). For pitched roofs the allowed minimum pitch shall be 4:12 (four feet in vertical height for every twelve feet in horizontal length), excluding buildings with a flat roof and parapet walls.

h. Utility structures need to be screened architecturally or with evergreen plant material.
j. Walls shall be designed to match and complement the building architecture of the residential buildings of the subject property.

7. Open Space:

a. Improved open space areas will be provided as generally depicted on the Rezoning Plan. The proposed open space amenity areas will be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area.

8. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. 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.

b. The Site will comply with the Tree Ordinance.

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, parking areas and courtyards.

b. Detached lighting on the Site will be limited to 26 feet in height.

10. Amendments to the Rezoning Plan:

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

11. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



McADAMS

The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

ASPEN HEIGHTS PARTNERS
8008 CORPORATE CENTER DRIVE, SUITE #201
CHARLOTTE, NC 28226
PHONE: 704. 255. 5942



UNCC HERITAGE
REZONING CONCEPT PLAN
NORTHBEND DR. & HERITAGE LAKE DR.
CHARLOTTE, NORTH CAROLINA, 28262

REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. AHP-19010
FILENAME AHP19000-R21
CHECKED BY
DRAWN BY AJB
SCALE N/A
DATE 09. 18. 2019

SHEET

REZONING NOTES

RZ-2

2019-145

I. REZONING APPLICATION CITY OF CHARLOTTE

Petition #:	_____
Date Filed:	9/23/2019
Received By:	RK

Complete All Fields (Use additional pages if needed)

Property Owner: MOD CLT LLC

Owner's Address: 1000 NC Music Factory Blvd Ste C6 City, State, Zip: Charlotte NC, 28206

Date Property Acquired: 10/22/2018

Property Address: 2808 Shenandoah Ave, Charlotte NC, 28205

Tax Parcel Number(s): 12907619

Current Land Use: Residential/Office Size (Acres): 0.470 AC

Existing Zoning: R-4/O-2 Proposed Zoning: UR-2

Overlay: N/A Tree Survey Provided: Yes: N/A: X

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

Date of meeting: 8/14/2019

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

For Conditional Rezonings Only:
Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____
Purpose/description of Conditional Zoning Plan: _____

Fredrick J. Laury III
Name of Rezoning Agent

1000 NC Music Factory Blvd Suite C6
Agent's Address

Charlotte, NC 28206
City, State, Zip

704-785-6788 _____
Telephone Number Fax Number

info@modclt.com
E-Mail Address


Signature of Property Owner

Frederick J. Laury III
(Name Typed / Printed)

MOD CLT LLC
Name of Petitioner(s)

1000 NC Music Factory Blvd Suite C6
Address of Petitioner(s)

Charlotte, NC 28206
City, State, Zip

704-785-6788 _____
Telephone Number Fax Number

info@modclt.com
E-Mail Address


Signature of Petitioner

Frederick J. Laury III
(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-146

Petition #:	_____
Date Filed:	9/24/2019
Received By:	BK

Complete All Fields (Use additional pages if needed)

Property Owner: United of Carolinas, Inc

Owner's Address: 1008 North Tryon Street City, State, Zip: Charlotte, NC 28206

Date Property Acquired: January 2019

Property Address: 1521 No Davidson Street Charlotte, NC

Tax Parcel Number(s): 08107308

Current Land Use: Single Family Size (Acres): .17 acres

Existing Zoning: R-8 Proposed Zoning: UR-1(CD) and UR-C (CD)

Overlay: _____ Tree Survey Provided: Yes: _____ N/A: NA

Required Rezoning Pre-Application Meeting* with: William Linville, Charlotte Lamb, David Pettine, Isaiah Washington

Date of meeting: August 20, 2019

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

For Conditional Rezoning Only:

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

Purpose/description of Conditional Zoning Plan: UR-C (CD) for the site that shall contain the former commercial structure and conditionally rezoning the back portion UR-1 to allow the desired duplex within the remaining lot square footage.

United of Carolinas, Inc (ANGIE LAUER)

Name of Rezoning Agent

1008 North Tryon Street

Agent's Address

Charlotte, NC 28206

City, State, Zip

704-999-1869 704-503-9595

Telephone Number Fax Number

ali@unitedcarolinas.com Lauer.alb@icloud.com

E-Mail Address



Signature of Property Owner

Ali Bahmanyar

(Name Typed / Printed)

ALB Architecture, PA

Name of Petitioner(s)

1200 E Morehead Street Suite 240

Address of Petitioner(s)

Charlotte, NC 28204

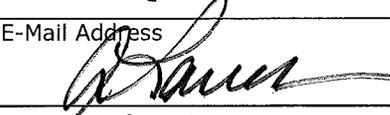
City, State, Zip

704-503-9595

Telephone Number Fax Number

lauer.alb@icloud.com

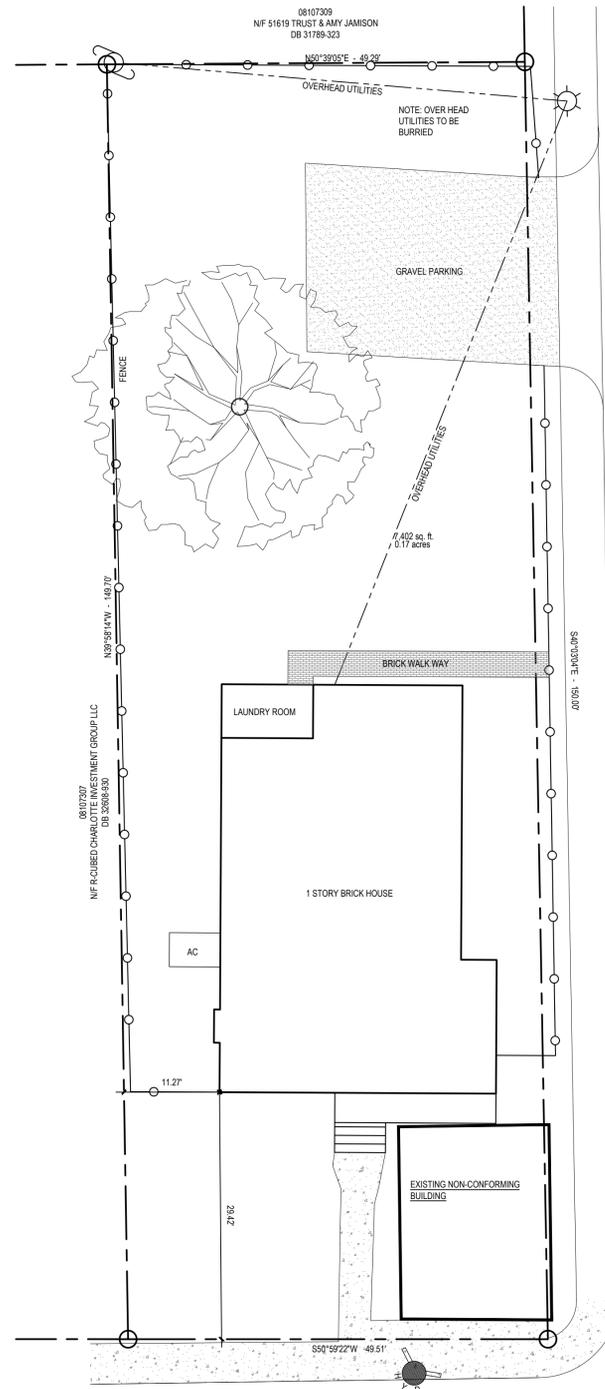
E-Mail Address



Signature of Petitioner

Angie F Lauer

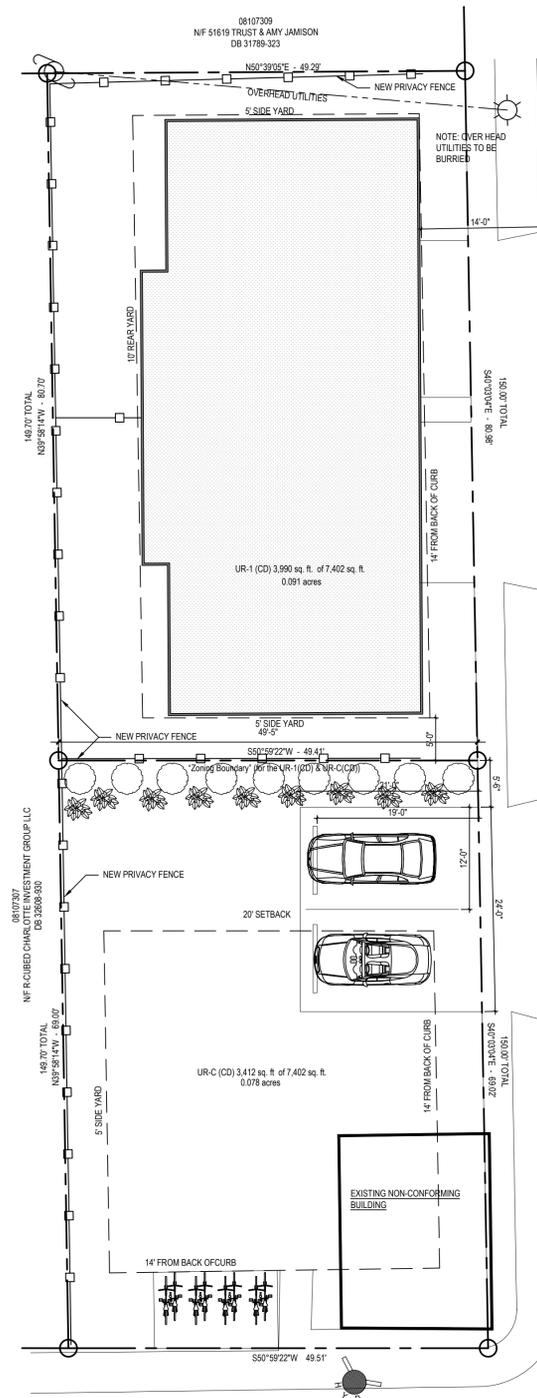
(Name Typed / Printed)



N DAVIDSON STREET
PUBLIC RIGHT OF WAY

2 EXISTING SITE PLAN
1" = 10'-0"

E. 19TH STREET
40' PUBLIC RIGHT OF WAY



N DAVIDSON STREET
PUBLIC RIGHT OF WAY

1 PROPOSED SITE PLAN
1" = 10'-0"

E. 19TH STREET
40' PUBLIC RIGHT OF WAY

1. **General Provisions**
 - A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by The City of Charlotte ("Petitioner") to accommodate the existing non-conforming building on the southeastern portion (.091 acre) and the duplex planned for the northwestern portion (.078 acre) of the .17 acre site located at 1521 N Davidson Street, Charlotte, NC 28205, the site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Number 08107308, to be divided into two parcels.
 - B. This petition proposed to rezone the southeastern portion (.091 acre) from R-8 to UR-C (CD) and the northwestern portion (.078 acre) from R-8 to UR-1 (CD).
 - 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"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the UR zoning district shall govern the development and use of the Site.
 - D. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the locations of the internal drives depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction document phases.
 - E. 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. **Optional Provisions**
 - A. The following optional provisions shall apply to the development of the Site: The existing non-conforming building near corner of N. Davidson Street and E. 19th Street shall remain on site.
3. **Permitted Uses**
 - A. The Site may be devoted only to multi-use development and to any incidental and accessory uses relating thereto that are allowed in the UR zoning district.
4. **Transportation**
 - A. 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.
 - B. As depicted on the Rezoning Plan, the Site will be served by private drives on N. Davidson and E. 19th Street.
 - C. All transportation improvements will be approved and constructed before the issuance of the first certificate of occupancy for the Site or phased per the Site's development plan.
5. **Architectural Standards**
 - A. The maximum height of the building shall be 40'-0"
6. **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.

NOTE:

CONCRETE		KEY:		WALL TO BE REMOVED
GRAVEL				ITEM TO BE REMOVED
RETAINING WALL				
PAVER SYSTEM				

LEGEND:

BOUNDARY LINE:	
OVERHEAD UTILITIES:	
FENCE (TYPE NOTED):	
UTILITY POLE:	
R/W:	RIGHT OF WAY
E.P.:	EDGE OF PAVEMENT
C.L.:	CENTERLINE



ALB Architecture
1200 E. Morehead St.
Suite 240
Charlotte, NC 28204
Phone: 704.503.9595

E-mail:
brooks.alb@icloud.com
lauer.alb@icloud.com

Seal

This architectural package will expire on December 31, 2019 at 11:59 PM if building permits is not acquired prior to expiration date.
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Designed Exclusively For:
THE ROSE GARDEN
1521 N Davidson Street, Charlotte, NC 28205

PROJECT #: 19011
ISSUED: 20 SEPT 2019
REVISIONS:

EXISTING & PROPOSED SITE PLAN
A-1.0
OF: THREE



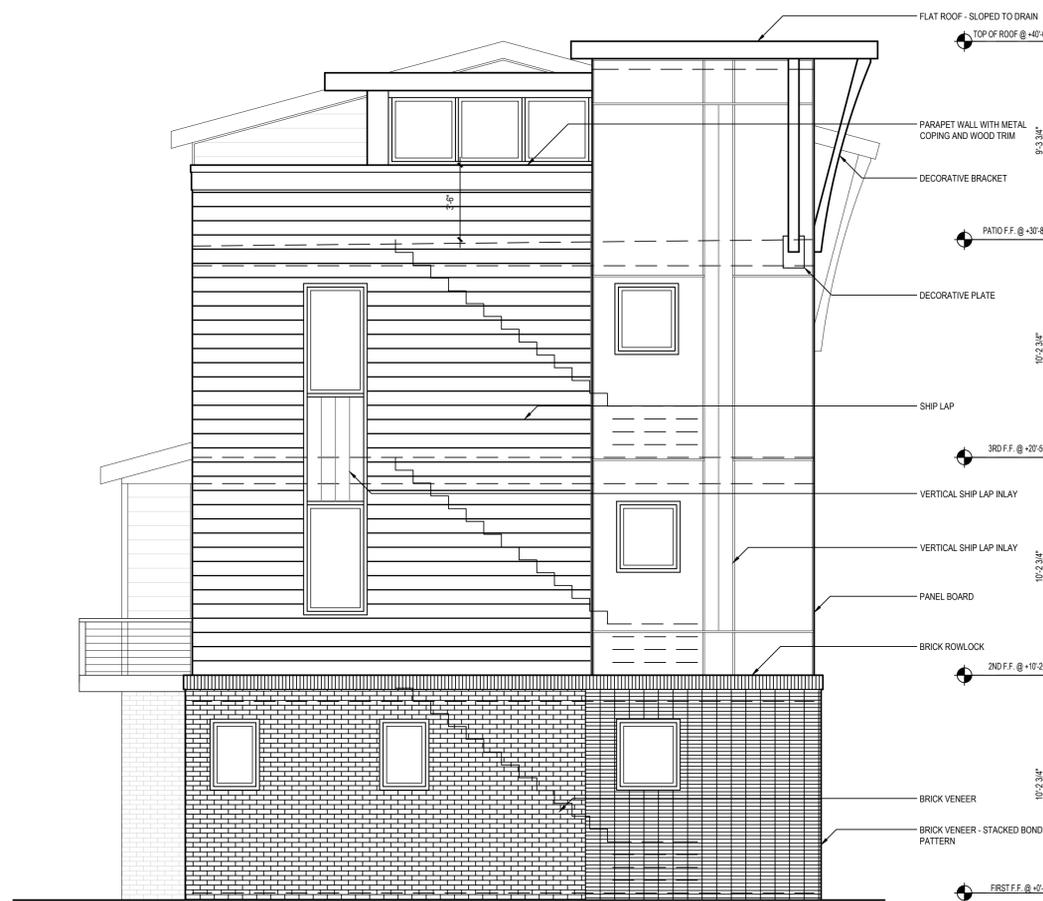
1 PROPOSED FRONT ELEVATION
1/4" = 1'-0"

- NOTE:
- REUSE OR MODIFICATION OF THESE CONSTRUCTION DOCUMENTS BY THE CLIENT, WITHOUT THE ARCHITECTS PERMISSION, SHALL BE AT THE CLIENT'S SOLE RISK, AND THE CLIENT AGREES TO INDEMNIFY AND HOLD THE ARCHITECT HARMLESS FOR ALL CLAIMS, DAMAGES AND EXPENSES, INCLUDING ATTORNEY FEES ARISING OUT OF SUCH REUSE BY CLIENT OR BY OTHERS ACTING THROUGH CLIENT.
 - THESE DRAWINGS ARE NOT TO BE SCALED FOR ANY REASON. ALL DIMENSIONS TO BE FIELD VERIFIED. IF DIMENSIONS ARE IN QUESTION, OBTAIN CLARIFICATION FROM ARCHITECT.

Designed Exclusively For:
THE ROSE GARDEN
1521 N Davidson Street, Charlotte, NC 28205

PROJECT #: 19011
ISSUED: 20 SEPT 2019
REVISIONS:

PROPOSED FRONT
ELEVATION
A-3.0
OF THREE



1 PROPOSED LEFT ELEVATION
1/4" = 1'-0"

- NOTE:
- REUSE OR MODIFICATION OF THESE CONSTRUCTION DOCUMENTS BY THE CLIENT, WITHOUT THE ARCHITECTS PERMISSION, SHALL BE AT THE CLIENT'S SOLE RISK, AND THE CLIENT AGREES TO INDEMNIFY AND HOLD THE ARCHITECT HARMLESS FOR ALL CLAIMS, DAMAGES AND EXPENSES, INCLUDING ATTORNEY FEES ARISING OUT OF SUCH REUSE BY CLIENT OR BY OTHERS ACTING THROUGH CLIENT.
 - THESE DRAWINGS ARE NOT TO BE SCALED FOR ANY REASON. ALL DIMENSIONS TO BE FIELD VERIFIED. IF DIMENSIONS ARE IN QUESTION, OBTAIN CLARIFICATION FROM ARCHITECT.

Designed Exclusively For:
THE ROSE GARDEN
1521 N Davidson Street, Charlotte, NC 28205

PROJECT #: 19011
ISSUED: 20 SEPT 2019
REVISIONS:

PROPOSED LEFT ELEVATION

A-3.3
OF THREE

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 2019-147
 Date Filed: 9/24/2019
 Received By: [Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: Guy Properties LLC
 Owner's Address: 4401 East Indep. Blvd. City, State, Zip: Charlotte, N.C. 28205
 Date Property Acquired: _____
 Property Address: 351 E 36th Street
 Tax Parcel Number(s): 091-101-01, 091-101-02, 091-101, 03
 Current Land Use: _____ Size (Acres): 4416
 Existing Zoning: MUDDO Proposed Zoning: TOD-NC
 Overlay: _____ Tree Survey Provided: Yes: _____ N/A: _____
 Required Rezoning Pre-Application Meeting* with: Will Linville
 Date of meeting: Sept. 19, 2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team 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: Rezoned property to a transit supported zoning district.

James R. Guy Jr.
 Name of Rezoning Agent
4401 East Independence Blvd
 Agent's Address
Charlotte, NC 28202
 City, State, Zip
704-537-1861 704-563-3311
 Telephone Number Fax Number
faithshoe@hotmail.com
 E-Mail Address
[Signature]
 Signature of Property Owner
JAMES R. GUY JR.
 (Name Typed / Printed)

Guy Properties
 Name of Petitioner(s)
4401 East INDEP. Blvd.
 Address of Petitioner(s)
Charlotte, N.C. 28205
 City, State, Zip
(704) 537-1861 (704) 563-3311
 Telephone Number Fax Number
faithshoe@hotmail.com
 E-Mail Address
[Signature]
 Signature of Petitioner
JAMES R. GUY JR.
 (Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-148

Petition #:	_____
Date Filed:	<u>10/1/2019</u>
Received By:	<u>RH</u>

Property Owners: Branful LLC

Owner's Addresses: 104 Mull Street, Morganton, NC 28655

Date Properties Acquired: 08/02/2019

Property Addresses: 1045 W Sugar Creek Road, Charlotte, NC 28213
1037 W Sugar Creek Road, Charlotte, NC 28213

Tax Parcel Numbers: 087-071-40
087-071-25

Current Land Use: restaurant/vacant (Acres): ± 1.554

Existing Zoning: B-1(CD) & NS Proposed Zoning: NS & NS SPA

Overlay: N/A Tree Survey Provided: Yes N/A:

Required Rezoning Pre-Application Meeting* with: Michael Russell, Charlotte Lamb, Grant Meacci, Isaiah Washington, and Kent Main

Date of meeting: 9/11/19

(*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 allow redevelopment of the site with expanded EDEE uses.

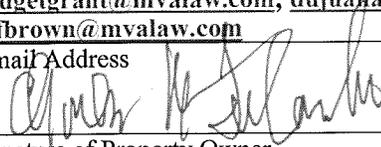
Bridget Grant, Dujuana Keys, & Jeff Brown
Name of Rezoning Agent

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

Charlotte, NC 28202
City, State, Zip

704.331.2379 (BG) 704-378-1973(BG)
704-331-2371 (DK) 704-339-5888 (DK)
704-331-1144 (JB) 704-378-1925 (JB)
Telephone Number Fax Number

bridgetgrant@mvalaw.com; dujuanakeys@mvalaw.com;
jeffbrown@mvalaw.com
E-mail Address


Signature of Property Owner

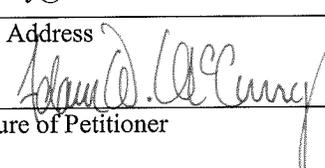
Branful LLC (Attn: Adam McCurry)
Name of Petitioner

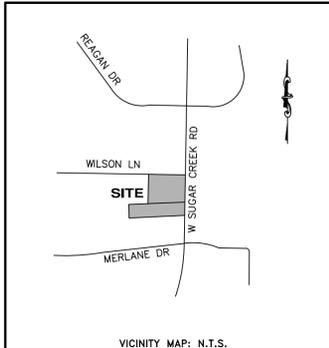
104 Mull Street
Address of Petitioner

Morganton, NC 28655
City, State, Zip

828-432-8307
Telephone Number Fax Number

amccurry@fulenwider.net
E-mail Address


Signature of Petitioner



SITE DEVELOPMENT DATA:
 --ACREAGE: ± 1.554 ACRES
 --TAX PARCEL #: 087-071-40 AND 087-071-025
 --EXISTING ZONING: B-1(CD) AND NS
 --PROPOSED ZONING: NS
 --EXISTING USES: RETAIL/VACANT
 --PROPOSED USES: RETAIL AND EDEE (RESTAURANTS) USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE NS ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 2).
 --PROHIBITED USES: THE FOLLOWING USE IS NOT PERMITTED ON THE SITE: AUTOMOTIVE SERVICE STATIONS WITH OR WITHOUT A CONVENIENCE STORE.
 --MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 5,000 SQUARE FEET OF GROSS FLOOR AREA.
 --MAXIMUM BUILDING HEIGHT: AS ALLOWED BY THE ORDINANCE.
 --PARKING: PARKING WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.

1. GENERAL PROVISIONS:
 A. SITE LOCATION. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY BRANFUL LLC ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A COMMERCIAL BUILDING WITH UP TO 5,000 SQUARE FEET OF GROSS FLOOR AREA OF USES ALLOWED IN THE NS ZONING DISTRICT ON APPROXIMATELY ±1.554 ACRE SITE LOCATED AT 1045 W. SUGAR CREEK ROAD (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 NS ZONING CLASSIFICATION SHALL GOVERN.
 C. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, DRIVEWAYS, 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 FORMS 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 MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN. THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

D. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY. THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED ONE (1). 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 LOCATED ON THE SITE.

2. PERMITTED USES & DEVELOPMENT AREA LIMITATION:
 A. THE SITE MAY BE DEVELOPED WITH UP TO 5,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL AND EDEE (RESTAURANTS) USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS, TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE NS ZONING DISTRICT.
 B. ONLY ONE USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW WILL BE ALLOWED ON THE SITE.

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) AND OUTDOOR SEATING OR SERVICE AREAS (PARKING WILL PROVIDED FOR OUTDOOR SEATING AREAS ASSOCIATED WITH A RESTAURANT).

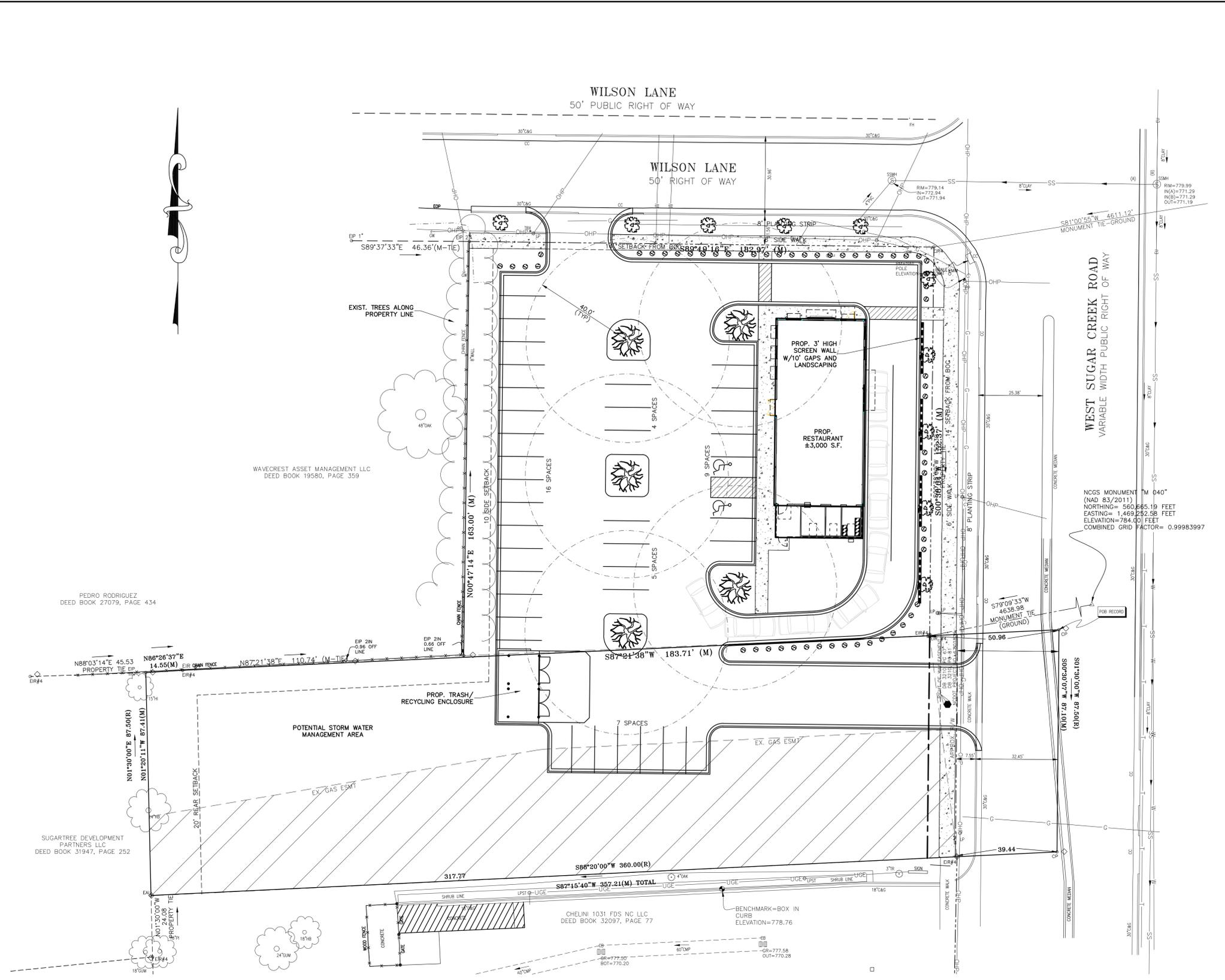
C. THE FOLLOWING USE IS NOT ALLOWED ON THE SITE: AUTOMOTIVE SERVICE STATIONS WITH OR WITHOUT A CONVENIENCE STORE.
 D. THE SETBACK ALONG EACH OF THE ABUTTING PUBLIC STREETS (WILSON LANE AND W. SUGAR CREEK ROAD) WILL BE FOURTEEN (14) FEET AS MEASURED FROM THE FACE OF CURB, AS GENERALLY DEPICTED ON THE REZONING PLAN.

3. ACCESS AND TRANSPORTATION:
 A. VEHICULAR ACCESS TO THE SITE WILL BE FROM WILSON LANE AND W. SUGAR CREEK ROAD IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN.
 B. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY NCDOT AND/OR CDOT AS APPLICABLE IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
 C. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY NCDOT AND/OR CDOT AS APPLICABLE IN ACCORDANCE WITH PUBLISHED STANDARDS.
 D. ANY PROPOSED ROADWAY IMPROVEMENTS WILL BE CONSTRUCTED AND APPROVED BEFORE THE SITE'S FIRST CERTIFICATE OF OCCUPANCY IS ISSUED. THE PETITIONER RESERVES THE RIGHT TO POST A LETTER OF CREDIT FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME OF THE ISSUANCE OF FIRST CERTIFICATE OF OCCUPANCY.

4. ARCHITECTURAL STANDARDS:
 A. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTITIOUS SIDING (SUCH AS HARDY-PARK), STUCCO, EPS, DECORATIVE BLOCK, ARCHITECTURAL METAL PANELS AND/OR WOOD. VINYL AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, AND ON HANDRAILS/RAILINGS.
 B. THE PROPOSED BUILDING WILL BE LOCATED AT THE CORNER OF WILSON LANE AND W. SUGAR CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE BUILDING WALLS ALONG WILSON LANE AND W. SUGAR CREEK ROAD WILL BE DESIGNED TO HAVE STORE FRONTS WITH CLEAR GLASS FACING EACH STREET.
 C. THE BUILDING FACADES ON WILSON LANE AND W. SUGAR CREEK ROAD WILL HAVE BUILDING ENTRANCE(S) THAT ORIENT AND CONNECT TO THE SIDEWALK SYSTEM ALONG WILSON LANE AND W. SUGAR CREEK ROAD. THE ENTRANCES TO THE SIDEWALKS ALONG THE ABUTTING STREETS WILL BE OPEN AND OPERABLE DURING THE BUSINESS HOURS OF THE ASSOCIATED USE.
 D. THE SERVICE SIDE OF THE BUILDING SHALL NOT BE ORIENTED TO WILSON LANE OR W. SUGAR CREEK ROAD.

5. STREETScape, BUFFERS, YARDS AND LANDSCAPING:
 A. ALONG THE SITE'S FRONTAGE ON EACH OF THE ABUTTING PUBLIC STREETS (WILSON LANE AND W. SUGAR CREEK ROAD) THE PETITIONER WILL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND A SIX (6) FOOT SIDEWALK AS GENERALLY DEPICTED ON THE REZONING PLAN.
 B. THE PETITIONER WILL PROVIDE A SIDEWALK NETWORK THAT LINKS THE PROPOSED BUILDING ON THE SITE TO THE SIDEWALK ALONG EACH OF THE ABUTTING PUBLIC STREETS IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. THE MINIMUM WIDTH FOR THIS INTERNAL SIDEWALK WILL BE FIVE (5) FEET.
 C. THE PETITIONER WILL PROVIDE AN INTERMITTENT MASONRY WALL A MINIMUM OF 3.5 FEET TALL ALONG W. SUGAR CREEK ROAD IN COMBINATION WITH LANDSCAPING TO SCREEN PARKING AREAS AND THE PROPOSED DRIVE-THROUGH LANES AS GENERALLY DEPICTED ON THE REZONING PLAN. SCREENING ALONG WILSON LANE WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE AS GENERALLY DEPICTED ON THE REZONING PETITION.
 D. ABOVE-GROUND BACKFLOW PREVENTERS WILL BE SCREENED FROM PUBLIC VIEW.
 E. DUMPSTER AREAS AND RECYCLING AREAS WILL BE ENCLOSED BY A SOLID WALL WITH ONE SIDE BEING A DECORATIVE GATE. THE WALL USED TO ENCLOSE THE DUMPSTER WILL BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING MATERIALS AND COLORS USED ON THE PRINCIPAL BUILDING.

6. ENVIRONMENTAL FEATURES:
 A. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION ORDINANCE.
 B. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.
 7. SIGNAGE:
 A. AS ALLOWED BY THE ORDINANCE.
 8. LIGHTING:
 A. ALL NEW DETACHED AND ATTACHED 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 WILL BE LIMITED TO 26 FEET IN HEIGHT.
 9. AMENDMENTS TO THE REZONING PLAN:
 A. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.
 10. BINDING EFFECT OF THE REZONING APPLICATION:
 A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



PETITION #2019-

Project: **KFC**
 1045 WEST SUGAR CREEK ROAD
 CHARLOTTE, NORTH CAROLINA

Title: **REZONING PLAN**

File #: 19194-RZ.DWG Date: 09/19/19 Project Egr: BTU
 Design By: BTU
 Drawn By: CBH
 Scale: 1"=20'

8720 RED OAK BOULEVARD, SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

PRELIMINARY FOR REVIEW PURPOSES ONLY

NO.	BY	DATE	REVISION

GRAPHIC SCALE
 1 INCH = 20 FEET

RZ1.0

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #:	<u>2019-149</u>
Date Filed:	<u>10/3/2019</u>
Received By:	<u>R</u>

Complete All Fields (Use additional pages if needed)

Property Owner: Ideal Investments & Property Management LLC; Southeast Lighting Inc; North Mecklenburg Animal Rescue Inc.

Owner's Address: 1331 Emerald Shores Road; 10604 Round Rock Road; 2023 Oakdale Road
City, State, Zip: Mt. Gilead, NC 27306; Charlotte, NC 28277; Old Fort, NC 28762

Date Property Acquired: 5/01/2009, 5/04/2009, 2/02/2000, 3/15/2017

Property Address: 501, 505, 509, 529, and 533 E. 21st Street; 520 E. 22nd Street

Tax Parcel Number(s): 08304408, 08304409, 08304410, 08304417, 08304415, and 08304416

Current Land Use: Residential/Industrial/Commercial Size (Acres): +/- 2.8 acres

Existing Zoning: TOD-MO Proposed Zoning: TOD-UC

Overlay: None Tree Survey Provided: Yes: N/A: x

Required Rezoning Pre-Application Meeting* with: Will Linville, Charlotte Lamb
Date of meeting: 10/3/19

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

For Conditional Rezoning Only:
Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): <u>N/A</u>
Purpose/description of Conditional Zoning Plan: <u>N/A</u>

Collin Brown & Brittany Lins
Name of Rezoning Agent

1420 E. 7th Street, Suite 100
Agent's Address

Charlotte, NC 28204
City, State, Zip

704-200-2637
Telephone Number Fax Number

Collin.Brown@alexanderricks.com /
Brittany.Lins@alexanderricks.com
E-Mail Address

See Attached
Signature of Property Owner

(Name Typed / Printed)

Wood Partners
Name of Petitioner(s)

521 East Morehead Street, Suite 350
Address of Petitioner(s)

Charlotte, NC 28202
City, State, Zip

██████████ 704-332-8995
Telephone Number Fax Number

tom.burkert@woodpartners.com
E-Mail Address

[Signature]
Signature of Petitioner

Tom Burkert
(Name Typed / Printed)

REZONING PETITION NO. 2019-_____

WOOD PARTNERS, PETITIONER

JOINDER AGREEMENT

The undersigned, as the owner of those parcels of land located at 501, 505, and 509 E. 21st Street in the City of Charlotte, Mecklenburg County, North Carolina that are designated as Tax Parcel Numbers 083-044-08, 083-044-09, and 083-044-10 on the Mecklenburg County Tax Map and which are the subject of the attached Rezoning Application, hereby joins in this Rezoning Application and consents to the requested Zoning Map Amendment.

This 3 day of October, 2019.

A handwritten signature in cursive script, appearing to read "Wade Shaffer", is written over a horizontal line.

Ideal Investments & Property Management LLC

REZONING PETITION NO. 2019- _____

WOOD PARTNERS, PETITIONER

JOINDER AGREEMENT

The undersigned, as the owner of that parcel of land located at 520 E. 22nd Street in the City of Charlotte, Mecklenburg County, North Carolina that is designated as Tax Parcel Number 083-044-17 on the Mecklenburg County Tax Map and which is the subject of the attached Rezoning Application, hereby joins in this Rezoning Application and consents to the requested Zoning Map Amendment.

This 2nd day of October, 2019.

<i>Robert M. Straple</i>	dotloop verified 10/02/19 9:37 AM EDT NRZR-059N-KQUE-R43N
--------------------------	---

Southeast Lighting Inc.

REZONING PETITION NO. 2019-_____

WOOD PARTNERS, PETITIONER

JOINDER AGREEMENT

The undersigned, as the owner of those parcels of land located at 529 and 533 E. 21st Street in the City of Charlotte, Mecklenburg County, North Carolina that are designated as Tax Parcel Numbers 083-044-15 and 083-044-16 on the Mecklenburg County Tax Map and which are the subject of the attached Rezoning Application, hereby joins in this Rezoning Application and consents to the requested Zoning Map Amendment.

This 2 day of October, 2019.

DocuSigned by:
Beth Phillips

E4230F70EAA741B...

North Mecklenburg Animal Rescue Inc.

2019-150

I. REZONING APPLICATION CITY OF CHARLOTTE

Petition #:	_____
Date Filed:	<u>10/4/2019</u>
Received By:	<u>BJ</u>

Property Owners: SEE SCHEDULE 1 ATTACHED HERETO

Owner's Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Date Properties Acquired: SEE SCHEDULE 1 ATTACHED HERETO

Property Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Tax Parcel Numbers: SEE SCHEDULE 1 ATTACHED HERETO

Current Land Use: vacant/residential (Acres): ± 32.0

Existing Zoning: R-3 Proposed Zoning: I-1(CD)

Overlay: N/A Tree Survey Provided: Yes N/A

Required Rezoning Pre-Application Meeting* with: Lisa Arnold and David Pettine

Date of meeting: 8/27/2019

(*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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. Number of years (maximum of 5): <u>N/A</u>
Purpose/description of Conditional Zoning Plan: <u>To allow development of the site with industrial uses.</u>

Bridget Grant & Jeff Brown
Name of Rezoning Agent

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

Charlotte, NC 28202

<u>704.331.2379 (BG)</u>	<u>704-378-1973(BG)</u>
<u>704-331-1144 (JB)</u>	<u>704-378-1925 (JB)</u>
Telephone Number	Fax Number

bridgetgrant@mvalaw.com; jeffbrown@mvalaw.com
E-mail Address

SEE ATTACHMENTS A-F
Signature of Property Owner

Oakmont Industrial Group, operating as Oakmont Pacolet Acquisitions, LLC (Attn: Vincent Aglialoro)
Name of Petitioner

3520 Piedmont Road, Ste 100
Address of Petitioner

Atlanta, GA 30305
City, State, Zip

<u>404.869.9995</u>	
Telephone Number	Fax Number

vaglialoro@oakmontre.com
E-mail Address

SEE ATTACHMENT G
Signature of Petitioner

SCHEDULE 1

Parcel	Property Address	Owner	Owner's Address	Date Acquired
053-122-11	12132 Moores Chapel Road, Charlotte, NC 28214	Exodus Financial LLC Erlo Properties LLC	20265 Harroway Drive, Charlotte, NC 28214	03/28/2019
053-122-12	12120 Moores Chapel Road, Charlotte, NC 28214	Anthony Huffman	12120 Moores Chapel Road, Charlotte, NC 28214	03/10/2015
053-122-19	12108 Moores Chapel Road, Charlotte, NC 28214	Myra Suzanne Joye	12108 Moores Chapel Road, Charlotte, NC 28214	10/13/2015
053-122-13	N/A		12108 Moores Chapel Road, Charlotte, NC 28214	10/13/2015
053-122-14	12004 Moores Chapel Road, Charlotte, NC 28214	Myra Suzanne Joye John D Joye Judy Lynn Joye	12108 Moores Chapel Road, Charlotte, NC 28214	12/15/2017
053-122-28	11900 Moores Chapel Road, Charlotte, NC 28214		12004 Moores Chapel Road, Charlotte, NC 28214	12/15/2017
053-122-24	N/A	Charles Dennis Joye Myra Suzanne Joye Judy Lynn Joye	12108 Moores Chapel Road, Charlotte, NC 28214	12/15/2017
053-122-20	11942 Moores Chapel Road, Charlotte, NC 28214	Charles Dennis Joye Myra Suzanne Joye Judy Lynn Joye John D Joye	12004 Moores Chapel Road, Charlotte, NC 28214	12/15/2017

ATTACHMENT A

**REZONING PETITION NO. 2019-_____
Oakmont Industrial Group, operating as
Oakmont Pacolet Acquisitions, LLC
OWNER JOINDER AGREEMENT
Exodus Financial LLC
Erlo Properties LLC**

The undersigned, as the owner of the parcel of land located at 12132 Moores Chapel Road that is designated as Tax Parcel No. 053-122-11 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Application and consents to the change in zoning for the parcels from R-3 zoning district to the I-1(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 _____ day of _____, 2019.

Exodus

By:
Name:
Its:



Erlo Properties LLC

By: [Signature]
Name: Shane Pursifull
Its: Member / mjr

ATTACHMENT B

**REZONING PETITION NO. 2019-____
Oakmont Industrial Group, operating as
Oakmont Pacolet Acquisitions, LLC
OWNER JOINDER AGREEMENT
Anthony Huffman**

The undersigned, as the owner of the parcel of land located at 12120 Moores Chapel Road that is designated as Tax Parcel No.153-122-12 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 R-3 zoning district to the I-1(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 26th day of September, 2019.


Anthony Huffman

ATTACHMENT C

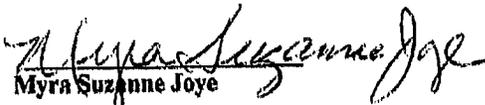
REZONING PETITION NO. 2019-____
Oakmont Industrial Group, operating as
Oakmont Pacolet Acquisitions, LLC
OWNER JOINDER AGREEMENT
Myra Suzanne Joye

The undersigned, as the owner of the parcel of land located at

1. 12108 Moores Chapel Road that is designated as Tax Parcel No. 053-122-19
2. *N/A that is designated as Tax Parcel No. 053-122-13*

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 R-3 zoning district to the I-1(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 26 day of September, 2019.


Myra Suzanne Joye

ATTACHMENT D

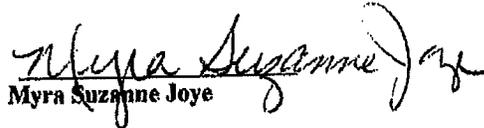
REZONING PETITION NO. 2019-____
Oakmont Industrial Group, operating as
Oakmont Pacolet Acquisitions, LLC
OWNER JOINDER AGREEMENT
Myra Suzanne Joye
John D Joye
Judy Lynn Joye

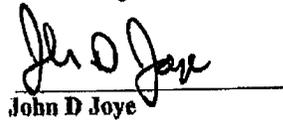
The undersigned, as the owner of the parcel of land located at

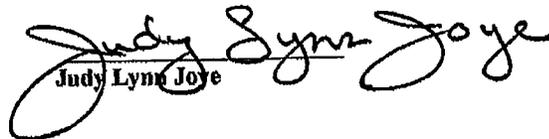
1. 12004 Moores Chapel Road that is designated as Tax Parcel No. 053-122-14
2. 11900 Moores Chapel Road that is designated as Tax Parcel No. 053-122-28

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 R-3 zoning district to the I-1(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 26 day of September 2019.


Myra Suzanne Joye


John D Joye


Judy Lynn Joye


Charles Dennis Joye

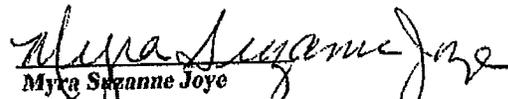
ATTACHMENT E

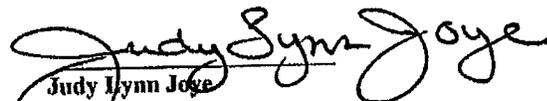
REZONING PETITION NO. 2019-____
Oakmont Industrial Group, operating as
Oakmont Pacolet Acquisitions, LLC
OWNER JOINDER AGREEMENT
Charles Dennis Joye
Myra Suzanne Joye
Judy Lynn Joye

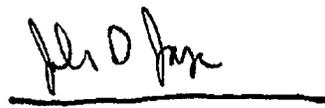
The undersigned, as the owner of the parcel of land located at N/A that is designated as Tax Parcel No. 053-122-24 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Applications and consents to the change in zoning for the parcels from R-3 zoning district to the I-1(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 26 day of September, 2019.


Charles Dennis Joye


Myra Suzanne Joye


Judy Lynn Joye


John D. Joye

ATTACHMENT F

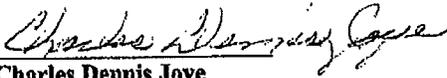
REZONING PETITION NO. 2019-____
Oakmont Industrial Group, operating as
Oakmont Pacolet Acquisitions, LLC

OWNER JOINDER AGREEMENT

Charles Dennis Joye
Myra Suzanne Joye
Judy Lynn Joye
John D Joye

The undersigned, as the owner of the parcel of land located at 11942 Moores Chapel Road that is designated as Tax Parcel No. 053-122-20 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 R-3 zoning district to the I-1(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 26 day of September, 2019.


Charles Dennis Joye


Myra Suzanne Joye


Judy Lynn Joye

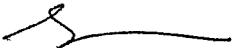

John D Joye

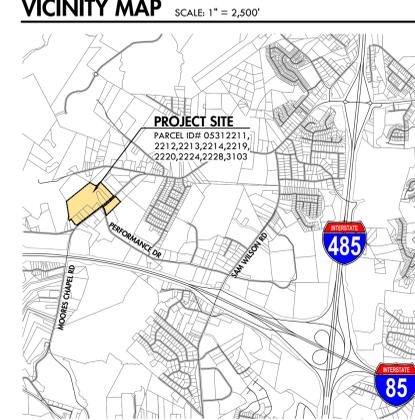
ATTACHMENT G

**REZONING PETITION NO. 2019-
Oakmont Industrial Group, operating as
Oakmont Pacolet Acquisitions, LLC**

Petitioner:

Oakmont Pacolet Acquisitions, LLC

By: 
Name: STEPHEN L. NELSON
Title: AUTHORIZED SIGNATORY



SITE DEVELOPMENT TABLE	
PROJECT NAME:	MOORES CHAPEL INDUSTRIAL
PETITION NO.:	# 2019-
PETITIONER:	OAKMONT INDUSTRIAL GROUP
PLANS PREPARED BY:	OAK ENGINEERING, PLLC
ACREAGE:	332.00 ACRES
TAX PARCEL NUMBERS:	05312211, 12, 13, 14, 19, 20, 24, 28
CURRENT ZONING:	R-3
PROPOSED ZONING:	I-1 (CD)
OVERLAY DISTRICT:	LAKE WYLLIE PROTECTED AREA OVERLAY
EXISTING USE:	VACANT / RESIDENTIAL
PROPOSED LAND USE:	OFFICE / WAREHOUSING / INDUSTRIAL (ALL USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE I-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN THE ORDINANCE STANDARDS.)
MAXIMUM GFA:	500,000 SF
MAXIMUM HEIGHT:	HEIGHT AS PERMITTED BY ORDINANCE AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING:	AS REQUIRED BY THE ORDINANCE FOR THE PERMITTED USES
JURISDICTION:	CITY OF CHARLOTTE
WATERSHED DISTRICT:	WESTERN CATAWBA PC DISTRICT
FEMA INFORMATION:	MAP NO. 3710450500M
MAP DATES:	9/2/2015
FLOOD ZONE:	X

DEVELOPMENT STANDARDS

OCTOBER 4, 2019

1. GENERAL PROVISIONS:

a. **SITE LOCATION.** THESE DEVELOPMENT STANDARDS, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON SHEET RZ-1 AND ANY OTHER SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY OAKMONT INDUSTRIAL GROUP ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF THE REQUESTED PERMITTED USES ON THE APPROXIMATELY 32.00 ACRE SITE LOCATED NORTH OF PERFORMANCE DRIVE ALONG MOORES CHAPEL ROAD (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 I-1 ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

c. **GRAPHICS AND ALTERATIONS.** ANY SCHEMATIC DEPICTIONS OF THE BUILDING ENVELOPES, PARKING AREAS, SIDEWALKS, DRIVEWAYS, STREETS, OPEN SPACE, BUFFERS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. ANY LAYOUTS, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

i. MINOR AND DO NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN; SUCH AS MINOR MODIFICATIONS TO THE CONFIGURATIONS OF ANY BUILDING ENVELOPE, DRIVEWAYS AND PARKING AREA DIMENSIONS AND THE LIKE AS LONG AS THE MODIFICATIONS MAINTAIN THE GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT GENERALLY DEPICTED ON THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

d. **PLANNED/UNIFIED DEVELOPMENT.** THE SITE SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN. AS SUCH, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE. THE PETITIONER AND/OR OWNER(S) OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE SHALL BE ADHERED TO AND ALL SQUARE FOOTAGE MAXIMUM REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 2 BELOW AS TO THE SITE TAKEN AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN.

e. **NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY.** NOTWITHSTANDING THE NUMBER OF BUILDING(S) SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO 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). IN THE EVENT MORE THAN ONE PRINCIPAL BUILDING IS DEVELOPED ON THE SITE, THE SITE SHALL ADHERE TO THE SUBDIVISION ORDINANCE.

2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

a. THE SITE MAY BE DEVELOPED WITH UP TO 500,000 SQUARE FEET GROSS FLOOR AREA OF WAREHOUSING; WAREHOUSE DISTRIBUTION, MANUFACTURING, OFFICE, AND ALL OTHER INDUSTRIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE I-1 ZONING DISTRICT.

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FAR REQUIREMENTS), THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALLOWED GROSS FLOOR AREA (FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE: STRUCTURED PARKING FACILITIES AND ALL LOADING DOCK AREAS (OPEN OR ENCLOSED).

3. TRANSPORTATION IMPROVEMENTS AND ACCESS:

a. THE PETITIONER WILL PROVIDE ACCESS TO THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN AND SUBJECT TO THE PROVISIONS BELOW; PROVIDED THAT THE EXACT ALIGNMENT, DIMENSIONS AND LOCATION OF THE ACCESS POINT TO THE SITE AND THE DRIVEWAY ON THE SITE MAY BE MODIFIED FROM THE ELEMENTS SHOWN ON THE REZONING PLAN AS LONG AS THE OVERALL DESIGN INTENT IS NOT MATERIALLY ALTERED AND REQUIREMENTS DESCRIBED IN THIS SECTION 3 ARE MET.

b. AN EIGHT (8) FOOT PLANTING STRIP AND SIX (6) FOOT SIDEWALK SHALL BE PROVIDED ALONG MOORES CHAPEL ROAD.

c. THE PETITIONER SHALL INSTALL THE FOLLOWING TRANSPORTATION IMPROVEMENTS AS GENERALLY DEPICTED ON THE REZONING PLAN:

c.a. PERFORMANCE ROAD: IMPROVEMENTS INCLUDE (i) A RIGHT TURN LANE ONTO MOORES CHAPEL ROAD (APPROXIMATELY 100' OF STORAGE WITH APPROPRIATE TAPER);

c.b. MOORES CHAPEL ROAD: IMPROVEMENTS INCLUDE (i) A RIGHT TURN LANE ONTO PERFORMANCE ROAD (APPROXIMATELY 150' OF STORAGE WITH APPROPRIATE TAPER); (ii) A LEFT TURN LANE ONTO PERFORMANCE ROAD (APPROXIMATELY 100' OF STORAGE WITH APPROPRIATE TAPER); (iii) A LEFT TURN LANE INTO THE SITE'S NORTHERNMOST DRIVEWAY (ACCESS #2) (APPROXIMATELY 50' OF STORAGE WITH APPROPRIATE TAPER)

d. THE IMPROVEMENTS IN THIS SECTION 3 SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE FIRST UPFIT WITHIN A BUILDING SHELL ON THE SITE.

e. THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS DESCRIBED IN SECTION 3 WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AS APPLICABLE. REFERENCE TO "SUBSTANTIAL COMPLETION" OR "SUBSTANTIALLY COMPLETED" FOR IMPROVEMENTS AS SET FORTH IN THE PROVISIONS ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE ABOVE STANDARDS PROVIDED, HOWEVER, IN THE EVENT ALL SUCH ROADWAY IMPROVEMENTS ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE OR IN CONNECTION WITH ANY DEVELOPMENT PHASING, THEN THE PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDING(S); AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

f. CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS IN THIS SECTION 3 CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT, AND THE PLANNING DIRECTOR AS APPLICABLE, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS SECTION.

4. SETBACKS, BUFFERS AND SCREENING:

a. A TWENTY (20) FOOT SETBACK SHALL BE PROVIDED AS DEFINED BY ORDINANCE FROM PUBLIC STREETS.

b. A ONE HUNDRED (100) FOOT CLASS A BUFFER THAT CAN BE REDUCED PER ORDINANCE WILL BE PROVIDED ADJACENT TO THE SINGLE-FAMILY HOMES AS GENERALLY DEPICTED ON THE REZONING PLAN.

5. ARCHITECTURAL STANDARDS AND DESIGN GUIDELINES:

1. BUILDING MATERIALS. THE PRINCIPAL BUILDING(S) CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS MAY 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 (ON NORTH AND WEST ELEVATIONS ONLY), EIFS, CAST ON SITE CONCRETE PANEL OR WOOD. VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOW AND SOFFITS.

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

3. DUMPSTER SCREENING. DUMPSTER AREAS AND RECYCLING AREAS WILL BE ENCLOSED BY A SOLID WALL OR FENCE.

4. PEDESTRIAN ENTRANCES. THERE SHALL BE A MINIMUM OF ONE STREET FACING ENTRANCE TO EACH PUBLIC STREET. CORNER ENTRANCES SHALL MEET THIS REQUIREMENT FOR BOTH STREETS. ALL PEDESTRIAN ENTRANCES, EXCLUDING EMERGENCY EXITS, WILL BE ARCHITECTURALLY DEFINED WITH GLAZING, AWNINGS, CANOPIES AND/OR OTHER ARCHITECTURAL ELEMENT, AND HAVE A CONNECTION TO ADJACENT PUBLIC STREETS.

6. ENVIRONMENTAL FEATURES:

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

b. THE SITE WILL COMPLY WITH TREE ORDINANCE.

7. LIGHTING:

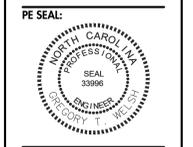
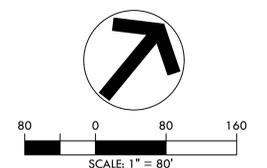
a. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.

8. 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 OR APPLICABLE PARCELS WITHIN THE SITE IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

9. BINDING EFFECT OF THE REZONING APPLICATION:

a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



MOORES CHAPEL INDUSTRIAL
12108 MOORES CHAPEL ROAD
CHARLOTTE, NORTH CAROLINA
OAKMONT INDUSTRIAL GROUP
REZONING PLAN (PETITION # 2019-)

2019-151

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #:	_____
Date Filed:	<u>10/4/2019</u>
Received By:	<u>RF</u>

Property Owners: SEE SCHEDULE 1 ATTACHED HERETO

Owner's Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Date Properties Acquired: SEE SCHEDULE 1 ATTACHED HERETO

Property Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Tax Parcel Numbers: SEE SCHEDULE 1 ATTACHED HERETO

Current Land Use: vacant/residential (Acres): ± 11.63

Existing Zoning: R-3 Proposed Zoning: UR-2(CD)

Overlay: N/A Tree Survey Provided: Yes: N/A:

Required Rezoning Pre-Application Meeting* with: Michael Russell, Charlotte Lamb, Kent Main, Josh Weaver, Grant Meacci, David Pettine

Date of meeting: 9/18/2019

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

<p>For Conditional Rezonings Only:</p> <p>Requesting a vesting period exceeding the 2 year minimum? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. Number of years (maximum of 5): <u>N/A</u></p> <p>Purpose/description of Conditional Zoning Plan: <u>To allow redevelopment of site with a residential townhome community</u></p>

Keith MacVean & Jeff Brown
Name of Rezoning Agent

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

Charlotte, NC 28202

704.331.3531 (KM) 704-378-1954(KM)
704-331-1144 (JB) 704-378-1925 (JB)
Telephone Number Fax Number

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

SEE ATTACHMENTS A and B
Signature of Property Owner

Longbranch Development (Attn: Brett Basnight)
Name of Petitioner

111 South Spring Street
Address of Petitioner

Spartanburg, SC 29306
City, State, Zip

704-724-7019
Telephone Number Fax Number

bbasnight@longbranchdevelopment.com
E-mail Address

SEE ATTACHMENT C
Signature of Petitioner

SCHEDULE 1

Parcel	Property Address	Owner	Owner's Address	Date Acquired
029-301-34	N/A	Jane E. McKinnon Richard Kirk Thompson Julie Rane Shock Teddie C. Thompson	3440 Johnston Oehler Road, Charlotte, NC 28269	01/01/1975
029-331-05	3551 Johnston Oehler Road, Charlotte, NC 28269			04/28/1981
029-331-08	3801 Johnston Oehler Road, Charlotte, NC 28269	C. Russell Patterson Julie Pruitt Cheri Patterson	3801 Johnston Oehler Road, Charlotte, NC 28269	10/30/2014
029-331-09	3749 Johnston Oehler Road, Charlotte, NC 28269			08/25/1981

ATTACHMENT A

**REZONING PETITION NO. 2019-____
Longbranch Development**

OWNER JOINDER AGREEMENT

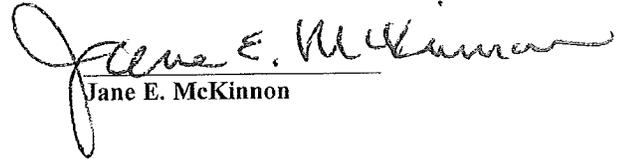
**Jane E. McKinnon
Richard Kirk Thompson
Julie Rane Shock
Teddie C. Thompson**

The undersigned, as the owner of the parcels of land located at

1. N/A that is designated as Tax Parcel No. 029-301-34
2. 3551 Johnston Oehler Rd that is designated as Tax Parcel No. 029-331-05

on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Application and consents to the change in zoning for the parcels from R-3 zoning district to the UR-2(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 20th day of September, 2019.


Jane E. McKinnon

Richard Kirk Thompson

Julie Rane Shock

Teddie C. Thompson

ATTACHMENT B

ATTACHMENT A

REZONING PETITION NO. 2019-____
Longbranch Development

OWNER JOINDER AGREEMENT
Jane E. McKinnon
Richard Kirk Thompson
Julie Rene Shock
Teddie C. Thompson

The undersigned, as the owner of the parcels of land located at

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2. 3551 Johnston Oehler Rd that is designated as Tax Parcel No. 029-331-05

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This 20 day of September, 2019.

Jane E. McKinnon

Richard Kirk Thompson
Richard Kirk Thompson

Julie Rene Shock
Julie Rene Shock
Julie Rene Shock

Teddie C. Thompson

ATTACHMENT B

ATTACHMENT A

REZONING PETITION NO. 2019-_____
Longbranch Development

OWNER JOINDER AGREEMENT

**Jane E. McKinnon
Richard Kirk Thompson
Julie Rane Shock
Teddie C. Thompson**

The undersigned, as the owner of the parcels of land located at

1. N/A that is designated as Tax Parcel No. 029-301-34
2. 3551 Johnston Oehler Rd that is designated as Tax Parcel No. 029-331-05

on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Application and consents to the change in zoning for the parcels from R-3 zoning district to the UR-2(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 23 day of September, 2019.

Jane E. McKinnon

Richard Kirk Thompson

Julie Rane Shock



Teddie C. Thompson

REZONING PETITION NO. 2019-____
Longbranch Development

OWNER JOINDER AGREEMENT
C. Russell Patterson
Julie Pruitt
Cheri Patterson

The undersigned, as the owner of the parcels of land located at

1. 3801 Johnston Oehler Road that is designated as Tax Parcel No. 029-331-08
2. 3749 Johnston Oehler Road that is designated as Tax Parcel No. 029-331-09

on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Application and consents to the change in zoning for the parcels from R-3 zoning district to the UR-2(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 ____ day of _____, 2019.

DocuSigned by:
C. Russell Patterson
C. Russell Patterson

DocuSigned by:
Julie Pruitt
Julie Pruitt

DocuSigned by:
Cheri Patterson
Cheri Patterson

ATTACHMENT C

REZONING PETITION NO. 2019-____
Longbranch Development

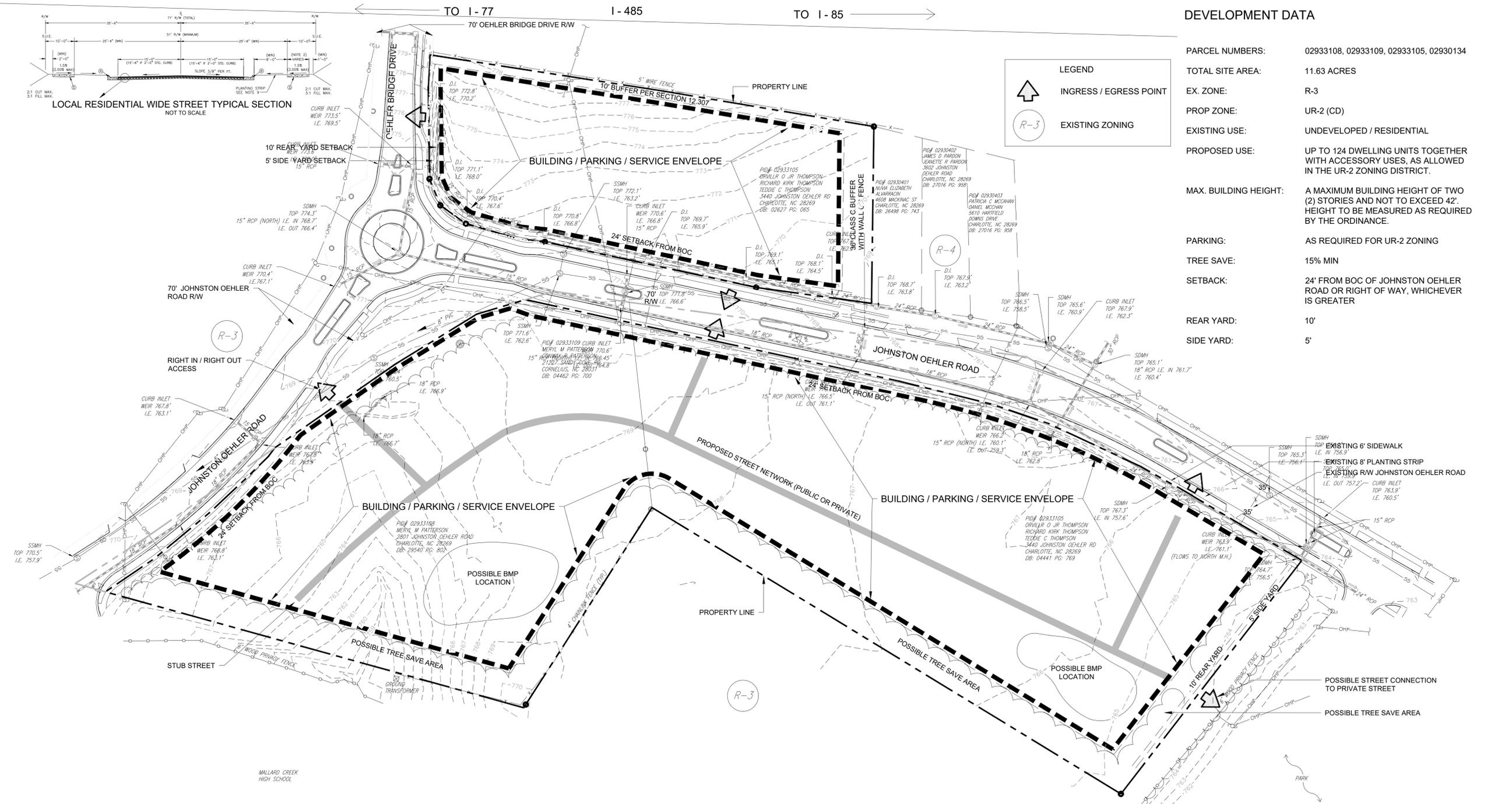
Longbranch Development

Petitioner:

Longbranch Development

By: *B. Basnight*
Name: BRETT BASNIGHT
Title: MEMBER

T:\PROJECTS\2019 PROJECTS\19067 Townhomes at Mallard Crk-Lonbranch\CAD SHEETS\SITE\REZONING PLAN\19067-RZ.dwg / 10/4/2019 10:18 AM



DEVELOPMENT DATA

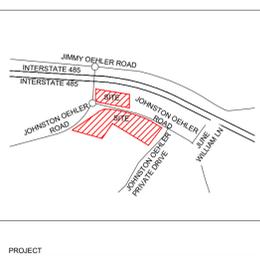
Table with 2 columns: Field Name and Value. Fields include Parcel Numbers, Total Site Area, Ex. Zone, Prop Zone, Existing Use, Proposed Use, Max. Building Height, Parking, Tree Save, Setback, Rear Yard, and Side Yard.



master planning . civil engineering
urban design . landscape architecture

420 hawthorne ln . charlotte, nc 28204
704.724.7019 . www.dprassociates.net
NC Eng. Firm License # C-0560

CLIENT / OWNER
LONGBRANCH DEVELOPMENT
111 SOUTH SPRING STREET
SPARTANBURG, SOUTH CAROLINA 29306
704.724.7019



PROJECT
JOHNSTON OEHLER TOWNHOMES

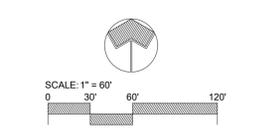
PROJECT NUMBER
19067
DATE
10/04/2019

ISSUED FOR
PLANNING REVIEW

Table with 4 columns: NO., DATE, DESCRIPTION, BY. Contains revision information.

PROJ. MANAGER: B.S.
DRAWN BY: T.W.
CHECKED BY: B.S.

SCALE
1" = 60'



SCALE
1" = 60'
DRAWING
TECHNICAL DATA SHEET

RZ 1.0

1. General Provisions: a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Longbranch Development ("Petitioner") to accommodate the development of a residential community on approximately 11.63 acre site located along Johnston Oehler Road (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"). 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. d. 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. 2. Permitted Uses & Development Area Limitation: a. The Site may be developed with up to 124 residential dwelling units, together with accessory uses allowed in the UR-2 zoning district. b. The proposed residential buildings and dwelling units will be designed as single-family attached dwelling units (townhomes). Units may be rented or sold. c. Parking spaces or parking lots will not be located between any of the proposed buildings and Johnston Oehler Road, however, parking spaces or parking lots may be located to the side of the proposed buildings. 3. Access and Transportation: a. Access to the Site will be from Johnston Oehler Road in the manner generally depicted on the Rezoning Plan. b. The Site's frontage on Johnston Oehler Road has already been improved with a sidewalk and a planting strip. The Petitioner will maintain these existing improvements. c. The Site's internal street will be built as a private or public street and will be constructed to meet a USD3 street standard as required by the subdivision regulations. d. Along the Site's internal private alleys/sidewalks, a minimum of five (5) feet wide, will be provided on at least one side and in some cases on both sides of the proposed private drives as generally depicted on the Rezoning Plan. e. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards. f. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards. g. The Petitioner will dedicate via a fee simple conveyance 35 feet of right-of-way from the center line of Johnston Oehler Road, if not already in place, before the Site's first building certificate of occupancy is issued. h. The roadway improvements required by the development of the Site must be substantially completed prior to the issuance of the first certificate of occupancy for the first building on the Site, subject to the ability of the Petitioner to post a letter of credit or

a bond for any improvements not in place at the time the first certificate of occupancy is issued. 4. Architectural Standards, Court Yards/Amenity Areas: a. Maximum height of the single family attached dwelling units to be located on the site shall be two (2) stories. b. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, vinyl, stucco, EIFS, decorative block and/or wood. Aluminum as a building material may only be used on windows, soffits and on handrails/railings. The proposed roofing materials will be architectural asphalt shingles, metal type roofing materials may also be used. c. The end units will have multiple windows on the end facades and a combination of landscaping materials to create interest and avoid a blank wall. d. The proposed garage doors utilized throughout the Site be decorative style doors. e. The residential dwelling units with frontage on Johnston Oehler Road will have the appearance of a front door orientation rather than a back patio design to Johnston Oehler Road. Each unit will have a door oriented toward Johnston Oehler Road that will also be connected to Johnston Oehler Road via an individual sidewalk and will provide a pedestrian connection to the proposed sidewalk on Johnston Oehler Road. f. Residential dwelling unit entrances along Johnston Oehler Road, shall be at or slightly above grade and shall be highly visible and architecturally treated as a prominent pedestrian entrance through a combination of at least four (4) of the following features: (i) decorative pedestrian lighting/scones; (ii) architectural details carried through to upper stories; (iii) covered porches, canopies, awnings or sunshades; (iv) arched; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) stoops or stairs; and/or (ix) contrasting pavement from primary sidewalk. g. On the interior of the Site end units that abut the internal private streets will have multiple windows on the end facades and a combination of landscaping materials to create interest and avoid a blank street wall. h. The proposed buildings shall be limited to six (6) units or less. However, to allow a unit shift as generally depicted on the Rezoning Plan, the building located at the northern end of the Site, along Johnston Oehler Road, may have up to seven (7) units. i. Meter banks will be screened from adjoining properties and from Johnston Oehler Road. Conditioned upon local service provider's acceptance of such screening treatment.

j. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade. k. The Site will contain passive or active amenities in those locations more particularly identified on the rezoning plan. l. Bike racks, benches and other specialty equipment will be installed near the designated amenity areas of the community. Such specialty equipment shall be used to enhance the pedestrian experience. 5. Streetscape, Buffers, Yards, and Landscaping: a. A setback of 24 feet as measured from the future back curb will be provided along Johnston Oehler Road as generally depicted on the Rezoning Plan. b. A 10 foot side/rear yard will be provided along the Site's perimeter as generally depicted on the Rezoning Plan. The private open space, if provided, for the proposed units may be located within the proposed rear and side yards, but not in the proposed buffers. c. A 36 foot Class C Buffer will be provided along the Site's perimeter where the Site abuts existing single-family homes as generally depicted on the Rezoning Plan. d. The Petitioner will provide a 10 foot Buffer as required by Section 12.307 of the Ordinance along the Site's frontage on I-485. e. The Petitioner will work with City of Charlotte to improve the right-of-way area located between the Site and the existing roundabout into an improved open space area. The area will be improved with landscaping, lawn areas, lighting, seating areas and other amenities suited to the design of the open space and as allowed by the City. f. Utilities may cross proposed buffers at angles greater than 75 degrees. Storm drainage discharge aprons and swales without rip-rap may also cross the buffer at angles greater than 75 degrees in order to allow for the natural flow storm water. g. Above ground backflow preventers will be screened from public view and will be located behind the proposed right-of-way of Johnston Oehler Road, but may be located within the proposed setback. 6. Environmental Features: a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. b. 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. c. The Site will comply with the Tree Ordinance. d. All utilities within the Site will be placed underground. 7. 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, parking areas and courtyards. b. Detached lighting on the Site will be limited to 16 feet in height. c. Decorative pedestrian scale lights will be provided along the internal private drives. The number and spacing of the pedestrian scale lighting will installed per Duke Energy recommended standards. d. Architectural lighting on building facades, such as but not limited to scones, will be permitted. 8. Signage: a. Reserved. 9. Amendments to the Rezoning Plan: a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance. 10. Binding Effect of the Rezoning Application: a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

2019-152

I. REZONING APPLICATION CITY OF CHARLOTTE

Petition #:	_____
Date Filed:	<u>12/7/2019</u>
Received By:	<u>[Signature]</u>

Property Owners: SEE SCHEDULE 1 ATTACHED HERETO

Owner's Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Date Properties Acquired: SEE SCHEDULE 1 ATTACHED HERETO

Property Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Tax Parcel Numbers: SEE SCHEDULE 1 ATTACHED HERETO

Current Land Use: residential/vacant (Acres): [± 26.58]

Existing Zoning: R-3 Proposed Zoning: UR-2(CD)

Overlay: N/A Tree Survey Provided: Yes: _____ N/A: _____

Required Rezoning Pre-Application Meeting* with: Will Linville, David Pettine, Isaiah Washington, Charlotte Lamb, and Grant Meacci

Date of meeting: 9/17/19

(*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 allow development of the Site with a multi-family residential community

Keith MacVean, Dujuana Keys & Jeff Brown
Name of Rezoning Agent

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

Charlotte, NC 28202
City, State, Zip

<u>704-331-3531 (KM)</u>	<u>704-378-1954(KM)</u>
<u>704-331-2371 (DK)</u>	<u>704-339-5888 (DK)</u>
<u>704-331-1144 (JB)</u>	<u>704-378-1925 (JB)</u>
Telephone Number	Fax Number

keithmacvean@mvalaw.com; dujuanakeys@mvalaw.com
jeffbrown@mvalaw.com
E-mail Address

SEE ATTACHMENTS A-~~F~~
Signature of Property Owner

Spectrum Companies (Attn: Jason Fish)
Name of Petitioner

300 S. Tryon Street, Suite 210
Address of Petitioner

Charlotte, NC 28202
City, State, Zip

704.338.3212
Telephone Number

jfish@spectrumcos.com
E-mail Address

SEE ATTACHMENT G
Signature of Petitioner

SCHEDULE 1

Parcel	Property Address	Owner	Owner's Address	Date Acquired
049-242-11	N/A	Stephen Wayne Starnes Kenneth Ray Starnes Joanne Ogle Starnes	8089 Rocky River Road, Harrisburg, NC 28075	1/1/1975
049-242-10	7808 University City Blvd, Charlotte, NC 28213		7808 University City Blvd, Charlotte, NC 28213	1/1/1975
049-242-09	320 Carolyn Ln Charlotte, NC 28213	Santos Olga Rodriguez Chavez	2700 McLean Rd Charlotte, NC 28213	6/20/2016
049-242-08	328 Carolyn Ln Charlotte, NC 28213	Caldwell Family Trust Dated May 21 2014	111 Dorie Drive, Belmont, NC 28012	5/27/2014
049-242-15	N/A			5/27/2014
049-242-07	400 Carolyn Ln Charlotte, NC 28213	Steven Shawn Martin Sr. Deborah Anne Martin	400 Carolyn Ln Charlotte, NC 28213	7/11/2013
049-242-22	414 Joe Whitener Rd Charlotte, NC 28213	Steven L. Mullis II Melissa Ellen Mullis	414 Joe Whitener Rd Charlotte, NC 28213	7/11/2013
049-242-19	336 Joe Whitener Rd Charlotte, NC 28213	Louise B. Snider	336 Carolyn Ln Charlotte, NC 28213	7/10/1984

ATTACHMENT A

**REZONING PETITION NO. 2019-____
Spectrum Companies**

**OWNER JOINDER AGREEMENT
Stephen Wayne Starnes
Kenneth Ray Starnes
Joanne Ogle Starnes**

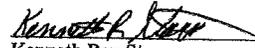
The undersigned, as the owner of the parcel of land located at

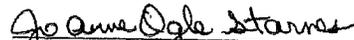
1. N/A, Charlotte, NC that is designated as Tax Parcel No. 049-242-11
2. 7808 University City Blvd, Charlotte, NC that is designated as Tax Parcel No. 049-242-10

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 R-3 zoning district to the UR-2(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 25th day of September, 2019.


Stephen Wayne Starnes


Kenneth Ray Starnes


Joanne Ogle Starnes

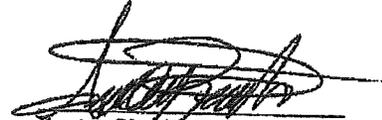
ATTACHMENT B

REZONING PETITION NO. 2019-____
Spectrum Companies

OWNER JOINDER AGREEMENT
Santos Olga Rodriguez Chavez

The undersigned, as the owner of the parcel of land located at 320 Carolyn Ln, Charlotte, NC that is designated as Tax Parcel No. 049-242-09 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 R-3 zoning district to the UR-2(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 25 day of September, 2019.



Santos Olga Rodriguez Chavez

ATTACHMENT C

REZONING PETITION NO. 2019-____
Spectrum Companies

OWNER JOINDER AGREEMENT
Caldwell Family Trust

The undersigned, as the owner of the parcels of land located at

3. 328 Carolyn Ln, Charlotte, NC that is designated as Tax Parcel No. 049-242-08
4. The termination of Joe Whitener Rd, Charlotte, NC that is designated as Tax Parcel No. 049-242-15

on the Mecklenburg County Tax Map and which are 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 R-3 zoning district to the UR-2(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 25th day of SEPTEMBER, 2019.

Caldwell Family Trust Dated May 21,
2014

By: Bruce F Caldwell
Name: BRUCE F. CALDWELL
Its: TRUSTEE

ATTACHMENT D

REZONING PETITION NO. 2019-____
Spectrum Companies

OWNER JOINDER AGREEMENT
Steven Shawn Martin Sr.
Deborah Anne Martin

The undersigned, as the owner of the parcel of land located at 400 Carolyn Ln, Charlotte, NC that is designated as Tax Parcel No. 049-242-07 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 R-3 zoning district to the UR-2(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 24 day of September, 2019.


Steven Shawn Martin Sr.


Deborah Anne Martin

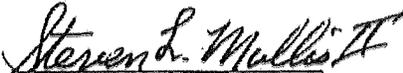
ATTACHMENT E

REZONING PETITION NO. 2019-____
Spectrum Companies

OWNER JOINDER AGREEMENT
Steven L. Mullis II
Melissa Ellen Mullis

The undersigned, as the owner of the parcel of land located at 414 Joe Whitener Rd, Charlotte, NC that is designated as Tax Parcel No. 049-242-22 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 R-3 zoning district to the UR-2(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 25 day of September, 2019.


Steven L. Mullis II


Melissa Ellen Mullis

ATTACHMENT F

REZONING PETITION NO. 2019-_____
Spectrum Companies

OWNER JOINDER AGREEMENT
Louis B. Snider

The undersigned, as the owner of the parcel of land located at 336 Joe Whitener Rd, Charlotte, NC that is designated as Tax Parcel No. 049-242-19 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 R-3 zoning district to the UR-2(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 25 day of September, 2019.


Louise B. Snider

ATTACHMENT G

**REZONING PETITION NO. 2019-
Spectrum Companies**

Petitioner:

Spectrum Companies

By: 
Name: Jason Fish
Title: VP of Development

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-153

Petition #:	_____
Date Filed:	<u>10/2/2019</u>
Received By:	<u>BH</u>

Complete All Fields (Use additional pages if needed)

Property Owner: 650 South Tryon Development LLC

Owner's Address: 4725 Piedmont Row Dr, Suite 800 City, State, Zip: Charlotte, NC 28210

Date Property Acquired: 10/17/2018

Property Address: 600 S Tryon Street

Tax Parcel Number(s): 073-032-06

Current Land Use: Vacant/Graded Size (Acres): +/- 0.644 acres

Existing Zoning: U-MUD(O) Proposed Zoning: U-MUD(O) SPA

Overlay: None Tree Survey Provided: Yes: N/A: x

Required Rezoning Pre-Application Meeting* with: Solomon Fortune

Date of meeting: 9/4/2019

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

For Conditional Rezonings Only:
Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): <u>No.</u>
Purpose/description of Conditional Zoning Plan: <u>To add an optional provision to modify the setback and streetscape to allow a valet drop off area.</u>

Collin Brown & Brittany Lins
Name of Rezoning Agent

1420 E. 7th Street, Suite 100
Agent's Address

Charlotte, NC 28204
City, State, Zip

704-200-2637
Telephone Number Fax Number

Collin.Brown@alexanderricks.com /
Brittany.Lins@alexanderricks.com
E-Mail Address

Same as Petitioner
Signature of Property Owner

(Name Typed / Printed)

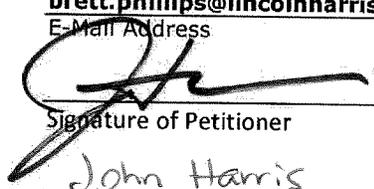
650 South Tryon Development LLC
Name of Petitioner(s)

4725 Piedmont Row Drive, Suite 800
Address of Petitioner(s)

Charlotte, NC 28210
City, State, Zip

704-714-7600 704-716-8600
Telephone Number Fax Number

brett.phillips@lincolnharris.com
E-Mail Address


Signature of Petitioner

John Harris
(Name Typed / Printed)

