



**SITE AMENDMENT NOTES**

THIS PLAN IS FOR A SITE PLAN AMENDMENT OF A PREVIOUSLY APPROVED CONDITIONAL REZONING PLAN (PETITION #2004-55, APPROVED BY CITY COUNCIL 11/15/04). THIS PETITION FOR AMENDMENT IS FOR THE ADDITION OF ELEMENTARY AND SECONDARY SCHOOL USE ON PARCELS L & K ONLY. ALL OTHER CONDITIONS SET FORTH BY THE APPROVED PLAN REMAIN IN EFFECT.

**SITE DATA  
(APPROVED REZONING 2004-55)**

EXISTING ZONING: I-1  
PROPOSED ZONING: B-1 CD, B-2 CD & O-1 CD  
GROSS SITE ACREAGE: 76.4

**SITE DATA  
(MODIFICATION PARCELS L & K)**

EXISTING ZONING: B-1 CD  
PROPOSED ZONING: B-1 CD  
GROSS SITE ACREAGE: 10.25 (PARCELS L & K ONLY)

08-114

**LEVINE PROPERTIES**

P.O. BOX 2439  
MATTHEWS, NORTH CAROLINA 28106  
PROJECT  
THE McALPINES

**SITE PLAN  
AMENDMENT**

(APPROVED PETITION 2004-55)  
REZONING PETITION # 2008-XX

DRAWING NO.  
**RZ-1 of 2**

**MULKEY**  
ENGINEERS & CONSULTANTS  
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SUITE 100,  
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(704) 557-7300 (704)  
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DATE: APRIL 28, 2008  
DRAWN BY: T. SANCHEZ  
DWG. CHECKED BY: T. SANCHEZ  
DESIGNED BY: T. SANCHEZ  
DGN. CHECKED BY: T. SANCHEZ  
SCALE: AS NOTED  
PROJECT NO. 2007224.00

| REVISIONS |         |
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| NO.       | REMARKS |
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DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Levine Properties to accommodate development of a mixed use center on an approximately 75.3 ± acre site located on McAlpine Park Road west of Monroe Road (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the Zoning Ordinance of the City of Charlotte (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance in effect at the time of this rezoning for the O-1, B-1 and B-2 zoning classifications shall govern all development taking place on the Site with respect to those portions of the Site designated for such zoning classifications.

The Technical Data Sheet sets forth the areas (Building/Parking Envelopes) within which buildings and parking areas may be located within each of the parcels located on the Site and specifies the general locations of proposed access for such parcels. All such buildings and parking on such parcels shall be located within the Building/Parking Envelopes for the applicable parcel generally depicted on the Technical Data Sheet. The number of permanent buildings located on Parcels A and B shall not exceed the greatest number shown on either of the schemes set forth on the Schematic Site Plan (as defined below); the number of permanent buildings located on each of Parcels C, D, G, H and M shall not exceed four (4); the number of permanent buildings located Parcel F shall not exceed one (1); the number of permanent buildings located on each of Parcels I, J and L shall not exceed four (4); and the number of permanent buildings located on Parcel K shall not exceed five (5).

Furthermore, the Technical Data Sheet is accompanied by two separate conceptual schemes for Parcels A and B on the Site which depict two separate potential development scenarios for such Parcels and which together are referred in these Development Standards collectively as the Schematic Site Plan for Parcels A and B. The development depicted on the Schematic Site Plan for Parcels A and B is schematic in nature, not to be considered as specific development plans but rather as preliminary graphic representations of the types of development and alignments proposed for Parcels A and B, and intended to describe the general arrangement of uses on Parcels A and B. Accordingly, subject to the Design and Performance Standards specified below, the configuration, placement, and size of the building footprints as well as the locations of the private streets outlined on the Schematic Site Plan for Parcels A and B are conceptual in nature, and, subject to the provisions set forth below under Design and Performance Standards, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet.

Parking layouts may be modified to accommodate final building locations and ancillary facilities and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

1. Maximum Building Areas and Development Limitations

(a) B-1(CD) Area - Parcel A and Parcel B

- (i) Parcel A may be developed with up to 68,000 square feet of general office, medical office and/or retail/restaurant floor area, of which no more than 40,000 square feet may be devoted to retail/restaurant use. Accessory uses as permitted under the Ordinance for the B-1 district are allowed.
- (ii) Parcel B may be developed with up to 32,000 square feet of general office, medical office and/or retail/restaurant floor area, of which no more than 15,000 square feet may be devoted to retail/restaurant use. Accessory uses as permitted under the Ordinance for the B-1 district are allowed.
- (iii) In no event shall any of the following uses be permitted on Parcel A or on Parcel B:
  - Automotive services stations, including minor adjustments, repairs and lubrication,
  - Bus and train terminals,
  - Equipment rental and leasing,
  - Convenience stores,
  - Car washes,
  - Elementary and secondary schools, and
  - Nightclubs, bars or lounges.

(b) O-1(CD) Area - Parcel C through Parcel I, Parcel K and Parcel L

- (i) Parcel C may be developed with up to 80,000 square feet of general and/or medical office floor area. Accessory uses as permitted under the Ordinance for the O-1 district are allowed.
- (ii) Parcel D, Parcel E, Parcel F, Parcel G, Parcel H and Parcel L are developed with existing office buildings, detention facilities, parking areas and a day care center, all of which may remain. Accessory uses as permitted under the Ordinance for the O-1 district are allowed. **Elementary and secondary school will be allowed on parcel L.**
- (iii) Parcel I may be developed with up to 25,000 square feet of general and/or medical office floor area. In the alternative, all or a portion of Parcel I may be devoted to expansion of the nursing home/hospice use to be developed on Parcel K. In this event, all or a portion of the office floor area permitted on Parcel I may be converted to nursing home beds at a conversion rate of 500 square feet of office floor area per nursing home bed. Accessory uses as permitted under the Ordinance for the O-1 district are allowed.
- (iv) Parcel K may be developed with up to 15,000 square feet of general and/or medical office floor area and/or a nursing home/hospice of up to 64 beds. The number of beds within the nursing home may be increased by converting some or all of the office floor area permitted on Parcel I or Parcel K to additional nursing home beds at a conversion rate of 500 square feet of office floor area per nursing home bed. Accessory uses as permitted under the Ordinance for the O-1 district are allowed. **Elementary and secondary school may be developed on parcel K with up to 15,000 square feet of floor area. School floor area may be increased by the same conversion rate as general office.**
- (v) Parcel M may be developed with up to 95,000 square feet of general and/or medical office floor area. Accessory uses as permitted under the Ordinance for the O-1 district are allowed.

(c) B-2(CD) Area - Parcel J

- (i) Parcel J may be developed with a gathering hall/meeting facility within the existing approximately 3,200 square foot building. In the alternative, Parcel J may be developed with up to 3,200 square feet of general and/or medical office floor area. Accessory uses as permitted under the Ordinance for the B-2 district are allowed. In the event Parcel J is developed with a gathering hall, temporary lighting and/or signage may be used for events.
- (ii) In no event shall any of the following uses be permitted on Parcel J:
  - Automotive services stations, including minor adjustments, repairs and lubrication,
  - Bus and train terminals,
  - Equipment rental and leasing,
  - Convenience stores,
  - Car washes,
  - Elementary and secondary schools, and
  - Nightclubs, bars or lounges.

(d) Maximum Tenant Sizes - All Parcels

The maximum tenant size for any retail use is 15,000 square feet and the maximum tenant size for any office use is 120,000 square feet.

2. Setbacks, Yards and Landscaping

- (a) All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance.

- (b) It is understood that the Site may be developed with "Zero Lot Line" standards whereby buildings and structures may be located on the lot line provided that the required building separation standards are satisfied. Buildings and parking areas may be located within the development area boundaries.

- (c) All screening, landscaping and tree save areas shall conform to the standards of the Zoning Ordinance and Tree Ordinance.

3. Design and Performance Standards

- (a) All parking lot lighting shall be limited to 30 feet in height. All lighting will be capped to prevent night sky light pollution and will be designed such that direct illumination does not extend past any exterior property line.
- (b) No wall pack light fixtures will be allowed on any structures placed on the site except where the building is separated from adjacent properties by a buffer with the exception of wall mounted luminaires with no less than a 30 degree light shield.
- (c) Use of outside loudspeakers is prohibited.
- (d) Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall of that building may be substituted for a side.

4. Parking

- (a) Off-street parking and loading areas will satisfy the standards established under the Ordinance.

- (b) The Petitioner reserves the right to utilize shared parking arrangements throughout the Site subject to the review and approval of the Zoning Administrator.

5. Storm Water Management

- (a) The Sites storm water management system is existing and previously reviewed and approved by the City. Runoff from the Site will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinances and the Charlotte Mecklenburg Storm Water Design Manual. Surface level storm water detention, if required to be provided, may be located in common areas but shall not be located in the required setback or buffer areas.

- (b) The petitioner shall abide by the S.W.I.M. Stream Buffer regulations, where applicable.

6. Vehicular Access and Roadways

- (a) Vehicular access shall be as generally depicted on the Technical Data Sheet.

- (b) The placements and configurations of these access points are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
- (c) Any future development on Parcel M shall not preclude the installation of a vehicular connection from the southerly boundary of the Site to McAlpine Park Road along the boundary of Parcel M in order to allow an extended vehicular connection from the Site to Monroe Road across adjacent property if any such connection becomes available in the future.
- (d) The Petitioner reserves the right to begin the subdivision and permitting approval process for an extension of McAlpine Park Road upon approval of the rezoning petition.
- (e) In the event a vehicular connection is established between the Site and Thermal Road by way of either a public or a private street over the adjoining R-17MF parcel, the Petitioner shall provide for a mechanism that will seek to prevent truck traffic from entering or exiting the Site on this street via Thermal Road. Such mechanism could include a height bar or other provision, any of which shall be subject to review and approval by CDOT. In addition, in the event such a connection from the Site to Thermal Road is made, Petitioner as the owner of the adjoining R-17MF parcel shall cooperate with CDOT to cause such street design to include a "round-a-bout" feature as a traffic calming device to discourage cut-through traffic.

7. Sidewalks within Public Right-of-way

Any required or non-required sidewalk and/or planting strips throughout the Site may be located inside or outside of public right-of-way. In the event a required sidewalk is located on private property, an easement in favor of the applicable governmental entity shall be established for such sidewalk.

8. Buffers

- (a) The buffer areas established on this Technical Data Sheet shall conform to the standards of Section 12.302 of the Ordinance. All required buffers can be reduced with the use of a wall or fence per section 12.302 (8) of the Ordinance. In the event the abutting residentially zoned properties should be rezoned, the required buffer for this property may be adjusted accordingly to meet the minimum requirements for buffering and screening per the Ordinance.
  - (b) Existing structures and/or parking areas that are being rezoned were constructed prior to the current zoning regulations. These structures and/or parking spaces may encroach into areas that the current zoning regulations require for buffer purposes. In this event, the existing structure and/or parking areas may remain in legal non conformance until such time as the lot upon which the non-conforming structure and/or parking areas are redeveloped with new structure(s) and/or new parking areas, at which time the property must meet the applicable buffer requirement of the Ordinance.
9. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications.

10. Signs

All signage shall conform to the Ordinance. Internal directional signage may be utilized as permitted by the Ordinance. Detached signs will be ground mounted and shall not exceed 7 feet in height.

11. Transportation Commitments  
[TO BE FORTHCOMING UPON COMPLETION OF REVIEW BY CDOT]

12. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Conceptual Master Plan, the elevation and these Development Standards may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance in existence as of the date of the approval of this Rezoning Petition.

13. Binding Effect of the Rezoning Documents and Definitions

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

- (b) 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 the Site from time to time who may be involved in any future development thereof.

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| DATE: APRIL 28, 2008        |
| DRAWN BY: T. SANCHEZ        |
| DWG. CHECKED BY: T. SANCHEZ |
| DESIGNED BY: T. SANCHEZ     |
| DGN. CHECKED BY: T. SANCHEZ |
| SCALE: AS NOTED             |
| PROJECT NO. 2007224.00      |

| NO. | REVISIONS |  |  |  |  |  |  |  |
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|-------------------|---|------------------------------|
| LEVINE PROPERTIES | P.O. BOX 2439<br>MATTHEWS, NORTH CAROLINA 28106 | PROJECT<br><br>THE MCALPINES |
|                   |   |                              |

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| SITE<br>PLAN AMENDMENT<br>TECHNICAL DATA SHEET<br>(APPROVED PETITION 2004-55)<br>REZONING PETITION # 2008-XX |  |
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