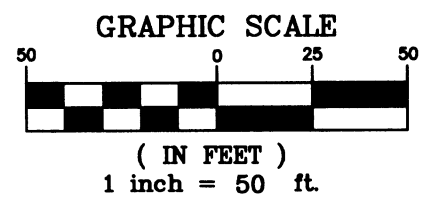
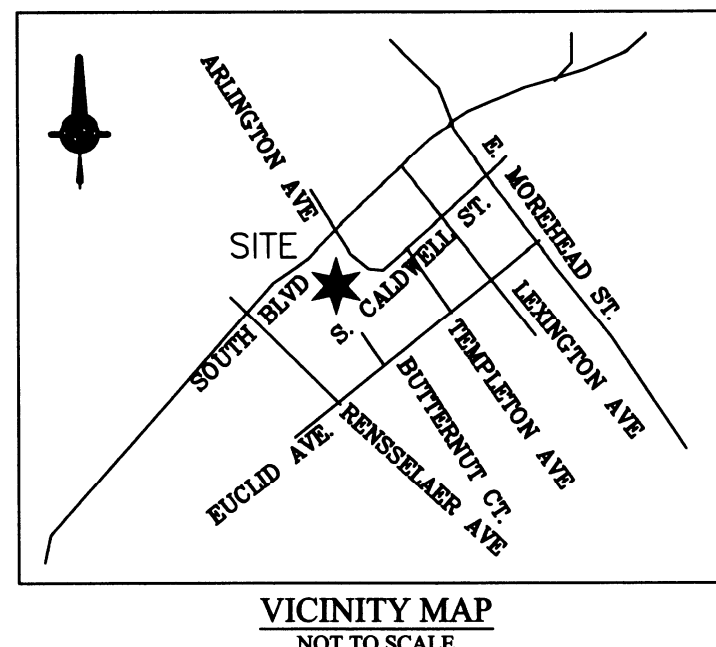
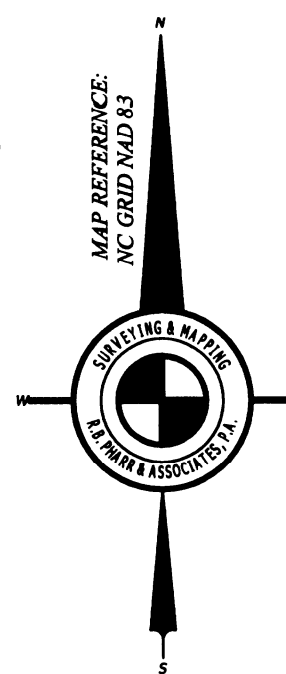


REZONING PLAT
TRACT 1 & A PORTION OF TRACT 2
OF THE PROPERTY OF
CHARLOTTE HOUSING AUTHORITY(OWNER)

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
MAP REFERENCE: 51-1
A PORTION OF DEED REFERENCE: 3189-416
36,323 SQ. FT. A PORTION OF TAX PARCEL #123-021-02 & 03
TOTAL AREA
291,741 SQ. FT. OR 6.6974 ACRES
FOR PUBLIC HEARING
PETITION # 2009-034



LINE LEGEND:

PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY (NOT SURVEYED)
RIGHT-OF-WAY (NOT SURVEYED)
EASEMENT
SETBACK
SANITARY SEWER PIPE

LEGEND:

BL - BUILDING LINE
C&G - CURB & GUTTER
CO - CLEAN OUT
(D) - DEED
D.B. - DEED BOOK
ECM - EXISTING CONCRETE MONUMENT
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EMM - EXISTING METAL MONUMENT
EN - EXISTING NAIL
EU - END UNKNOWN
(M) - MEASURED
M.B. - MAP BOOK
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
NI - NEW NAIL
OH/HG - OVERHANG
(P) - PLATTED
PIN - PARCEL IDENTIFICATION NUMBER
PP - POWER POLE
PG - PAGE
PVC - PLASTIC PIPE
(R) - RECORDED
RW - RIGHT-OF-WAY



UTILITIES:

POWER
DUKE POWER ENERGY
1-800-777-9898
TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
(704) 357-6974 NEW CONNECTIONS
(704) 357-9580 EXISTING SERVICES
WATER & SEWER
CHAR.-MECK. UTILITY DEPT. (CMUD)
(704) 399-2221
GAS
PIEDMONT NATURAL GAS CO.
(704) 525-5585 NEW CONNECTIONS
(704) 525-5585 EXISTING CONNECTIONS
CABLE TELEVISION
TIME WARNER CABLE
1-877-566-4892

NOTES:

- ALL CORNERS MONUMENTED AS SHOWN.
- NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
- THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
- PROJECT LOCALIZED AROUND NGS MONUMENT "FREEDOM" NAD 83 PC 13. WITH A COMBINED GRID FACTOR OF 0.99984812. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- SOUTH BOULEVARD IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 40' FROM CENTERLINE. THE RIGHT OF WAY MEETS OR EXCEEDS THE FUTURE THOROUGHFARE.
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAY SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- THE 15' AND 20' UTILITY EASEMENTS SHOWN HEREON, ARE SCALED FROM MB 15-19. EASEMENT BEARINGS AND DISTANCES ON COPY ARE NOT LEGIBLE. RESEARCH BEING DONE TO LOCATE LEGIBLE COPY.
- PER THE CHARLOTTE HOUSING AUTHORITY, THERE CURRENTLY EXISTS 318 UNITS ON TRACT 2. THE MAXIMUM UNITS PER ACRE ALLOWED 22. TRACT 2 HAS 21.88 UNITS PER ACRE AS SHOWN.

ZONING:

CHARLOTTE CODE PART 12:
TRANSIT ORIENTED DEVELOPMENT DISTRICTS

Section 9.1206, Development Standards.
The following requirements apply to all buildings or uses in TOD unless specified otherwise in Section 9.1206:

- Minimum setback**
 - The minimum building setbacks along particular streets shall be determined by the approved transit station area plan for each station. Because station area characteristics vary, setbacks within and between stations may vary. When a station area plan does not specify a setback the minimum setback for all uses shall be sixteen (16) feet.
 - The minimum setback shall be measured from the back of all existing or future curbs, whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line shall become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined jointly by the Charlotte Department of Transportation (CDOT), Director, or its designee, and the Planning Director or his designee.
 - If the new construction incorporates and existing structure located within the minimum setback, the CDOT Director, or his designee, and the Planning Director or his designee may allow the setback for the addition to the structure.
 - For the purposes of this section, the minimum setback applies to all frontages, not just to the street frontage toward which the structure is oriented.
 - All above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits shall be located behind the minimum setback. This includes poles, vaults, and manholes.
 - No new down shall be permitted to swing into the minimum setback, except for emergency exit doors.
 - Walls and fences are not permitted in the minimum setback, except for outdoor seating areas. Outdoor seating areas may be surrounded with walls or fences, subject to an approved encroachment agreement with CDOT. If the wall or fence will be located in the right-of-way or sidewalk, and subject to approval by the Planning Director, if located within the minimum setback.
 - No canopies or signs are permitted in the minimum setback, except as provided for Section 9.1206(e) and Section 9.1206(f).
 - Driveways may cross the setback, but shall be as near as possible to perpendicular to the street, so as to minimize intrusion into any landscaped area, and for pedestrian safety.
 - Balconies may project up to 2' into the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of 10' from grade.
 - Sidewalk arcades may be located within the sidewalk portion of the minimum setback, at sidewalk level, subject to an approved sidewalk encroachment agreement with CDOT. Sidewalk arcades shall maintain a minimum 10' clear, unobstructed space between arcade supports, and a minimum overhead clearance of 10'. No arcade support shall be located closer than 14' from the back of the existing or future curb, whichever is greater.
- Transitional setback requirements of Section 9.1203 shall not apply in the TOD-R, TOD-E, TOD-M, TOD-RD, TOD-ED, or the TOD-MO zoning districts.**
- Minimum side and rear yards**

None required, except if a side and/or rear yard is provided, the minimum width shall be five (5) feet, with the following exceptions:

 - When a lot abuts an existing residential structure or a residential zoning district, then a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet shall be required.
 - When a lot abuts a rapid transit corridor, a minimum rear yard setback shall be required, as specified in the approved station area plan. If a station area plan has not been approved, then the minimum rear yard setback from the centerline of the rapid transit corridor shall be a minimum of 35 feet, or the width of the right-of-way, whichever is greater.
- Maximum height**

The permitted maximum height shall be determined by the distance of the structure to the boundary line of the nearest single-family residential district (R-3, R-4, R-5, R-6, and R-8). This distance shall be the shortest measurable distance between the building footprint edges and nearby single-family residential district boundaries.

The base height for all TOD districts shall be 40 feet. Height increases for portions of the building that are a further distance from single-family residential zoning districts, are allowed at a rate of one additional foot of height for every 10 feet of additional distance from the edge of nearby single-family zoning districts. The intent of this standard is to allow the height of a portion of a structure to increase the further away it is from nearby single-family residential zoning districts, resulting in a building with varying heights. The maximum height shall be 120 feet. (Amended No. 2004-01 19/10/05) 10/10/05)

FOR FURTHER INFORMATION CONTACT THE CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT 704-336-1348.

Legal Description

Area to be Rezoned to TOD-M
Tract 1 and a portion of Tract 2, as shown on Map Book 51, Page 1
That certain parcel or tract of land, situated, lying and being in the City of Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:
COMMENCING at a National Geodetic Survey Monument "Freedom", having North Carolina NAD83 grid coordinates of: N: 538,589.14, E: 1,449,627.71 thence N 17°02'39" W a horizontal ground distance of 293.63 feet to a calculated point; said point lying on the centerline of Caldwell Street (a 60' Public Right-of-Way) as shown on Map Book 15, Page 19, recorded in the Mecklenburg County Public Registry and being the POINT OF BEGINNING; thence S 47°32'37" W a distance of 46.64 feet to a new rod iron, being situated on the westerly margin of the aforesaid Caldwell Street and also lying on the easterly property line of Tract 2, as shown on Map Book 51, Page 1, recorded in the Mecklenburg County Public Registry; thence over, across and through the aforesaid Tract 2 for the following five (5) courses and distances: 1) S 47°32'37" W a distance of 213.60 feet to a calculated point; 2) S 46°33'47" W a distance of 385.69 feet to a calculated point; 3) S 04°16'08" E a distance of 185.52 feet to a calculated point, said point lying on the centerline of a 20' utility easement, as shown on the aforesaid Map Book 15, Page 19. 4) along the aforesaid centerline S 85°43'55" W a distance of 119.82 feet to a calculated point; 5) departing the aforesaid centerline S 53°29'27" W a distance of 100.86 feet to a new rod iron, said point lying on the easterly margin of Cleveland Avenue (a 60' Public Right-of-Way), as shown on the aforesaid Map Book 15, Page 19; thence along the aforesaid easterly margin of Cleveland Avenue N 36°30'33" W a distance of 60.86 feet to a new rod iron, said point lying on the southerly property line of the lands of Rush, I. Shull III and Rosalind L. Shull, as described in Deed Book 599, Page 892, recorded in the Mecklenburg County Public Registry; thence along the southerly and easterly property line of the aforesaid lands of Medears and Webb, for the following two (2) courses and distances, 1) N 53°36'45" E a distance of 238.40 feet to a new rod iron; 2) N 36°12'52" W a distance of 170.00 feet to a new rod iron, said point lying in the centerline of the aforesaid South Boulevard (a variable width Public Right-of-Way); thence over, across and through the right-of-way of the aforesaid South Boulevard for the following three (3) courses and distances, 1) N 36°12'52" W a distance of 50.00 feet to a calculated point, said point lying in the centerline of the aforesaid South Boulevard; 2) along the aforesaid centerline N 53°33'02" E a distance of 139.86 feet to a calculated point; 3) continue along the aforesaid centerline N 46°28'59" E a distance of 328.16 feet to a calculated point, said point lying at the centerline intersection of the aforesaid South Boulevard with Caldwell Street; thence along the centerline of the aforesaid Caldwell Street for the following two (2) courses and distances, 1) S 35°24'11" E a distance of 286.77 feet to a calculated point; 2) with the arc of a circular curve turning to the left with a radius of 172.36 feet, and an arc length of 185.69 feet (chord: S 66°45'57" E a distance of 179.41 feet), to the POINT OF BEGINNING.
Containing all of Tract 1 being 94,420 square feet or 2.1676 acres, a portion of Tract 2 being 168,998 square feet or 3.8961 acres and a portion of land within the right-of-ways of South Boulevard and Caldwell Street being 36,323 square feet or 0.8337 acres; for a total area of 291,741 square feet or 6.6974 acres as shown on a survey by R.B. Pharr and Associates P.A., dated [February 19, 2009], (Map File W-3621RM).

TOD - M (CD) DEVELOPMENT CONDITIONS

- Petitioner commits to building a vehicular and pedestrian connection for use by the public from the Bland Street intersection to the adjacent R-22 MF property (Tract 2 of Tat Parcel 123-021-02).
- Development of this connection shall be required at such time when the TOD-M (CD) property is developed. This connection may be developed in phases, in conjunction with the development of the property.
- Notwithstanding the above, certain changes to the property which are associated with the renovation of the 12 story building shall be allowed. These changes include the following:
 - Changes to the parking and circulation which are necessary to ensure parking is provided for the 12 story apartment building, as generally represented by the interim parking envelope shown on the plan, and including reasonable access to the parking;
 - Demolition of existing structures adjacent to the 12 story apartment building;
 - Any minor modification to the grounds around the apartment building as part of its renovation.

CREW: TN
DRAWN: JH/CW
REVISED:

R.B. PHARR & ASSOCIATES, P.A.
SURVEYING & MAPPING
420 HAMTHORNE LANE CHARLOTTE, N.C. 28204 TEL: (704) 376-2186
SCALE: 1"=50' DATE: FEBRUARY 19, 2009 FILE NO. W-3621RM
REVISION: JOB NO. 74939
6 MARCH 2009 PER PC COMMENTS (DRG)