

BLAKENEY SOUTHEAST QUADRANT REZONING PETITION

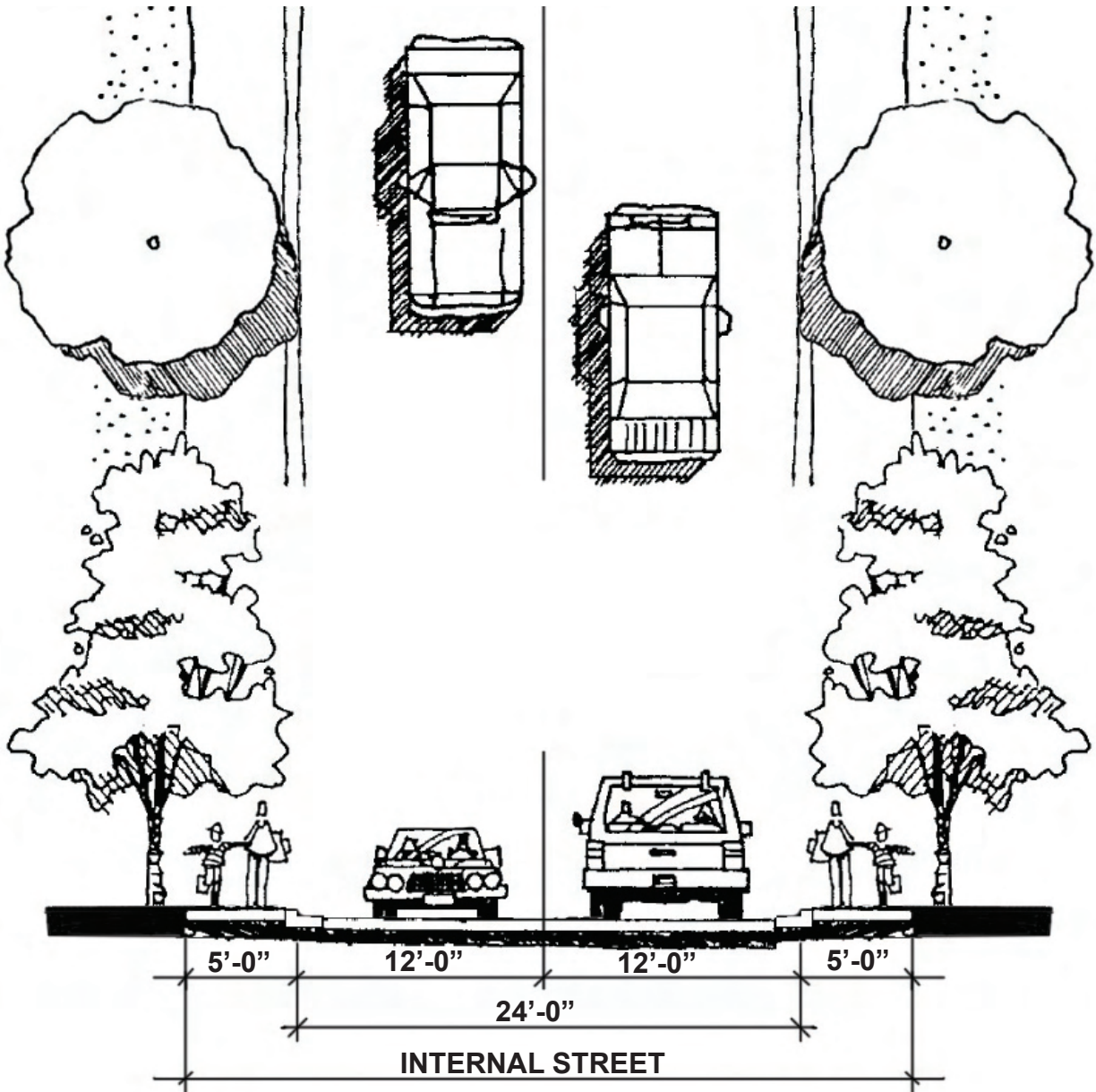
REA ROAD and ARDREY KELL ROAD
CHARLOTTE
MECKLENBURG COUNTY
NORTH CAROLINA

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T 704.529.1166 F 704.523.7110	T 704.377.0661 F 704.377.0953	T 704.343.0608 F 704.358.3093	T 704.376.7777 F 704.376.2448	T 864.370.1560 F 000.000.0000	T 704.847.0461 F 000.000.0000

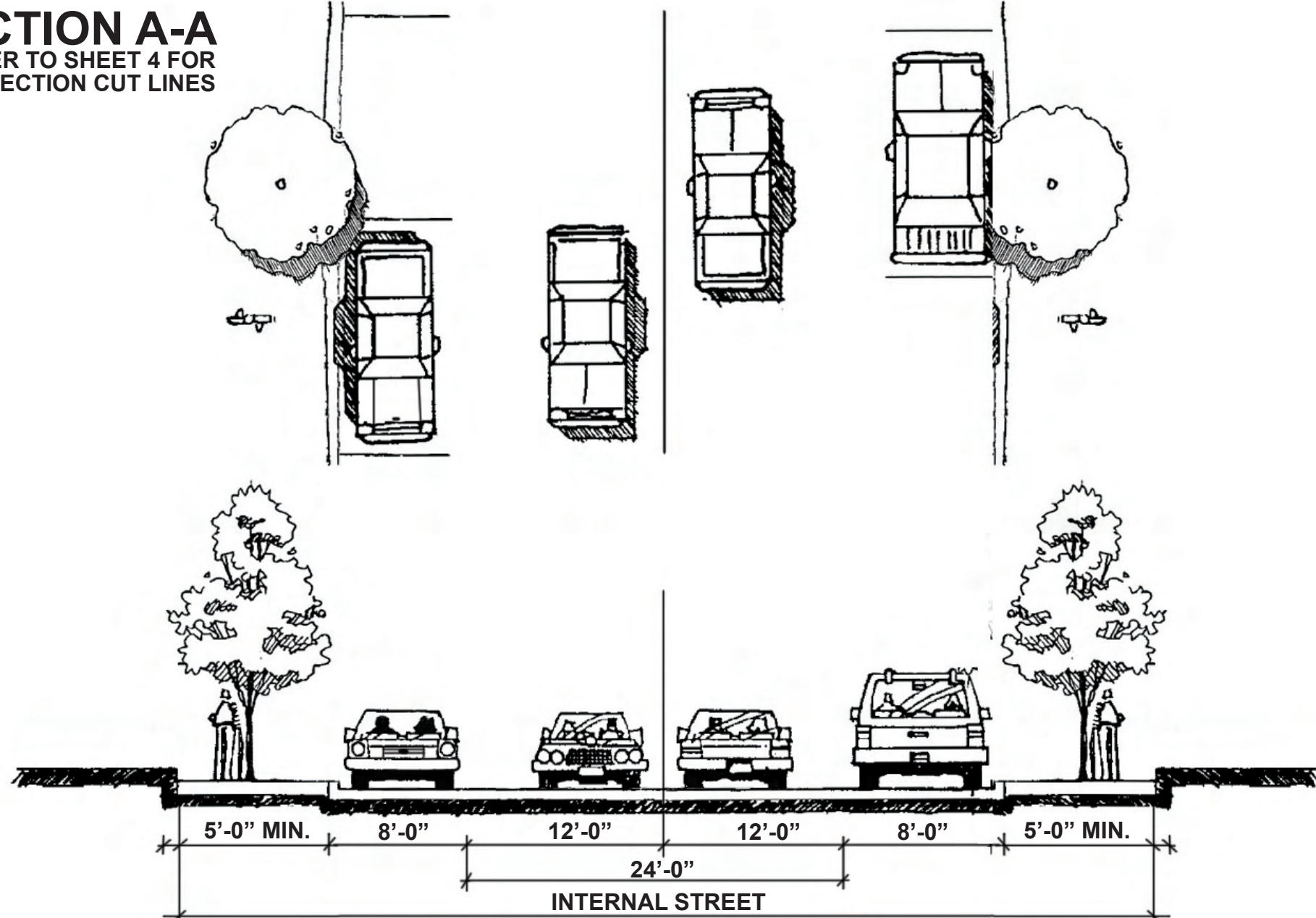
Submittal Package: Monday, February 28, 2011
Resubmittal Package: Monday, April 18, 2011



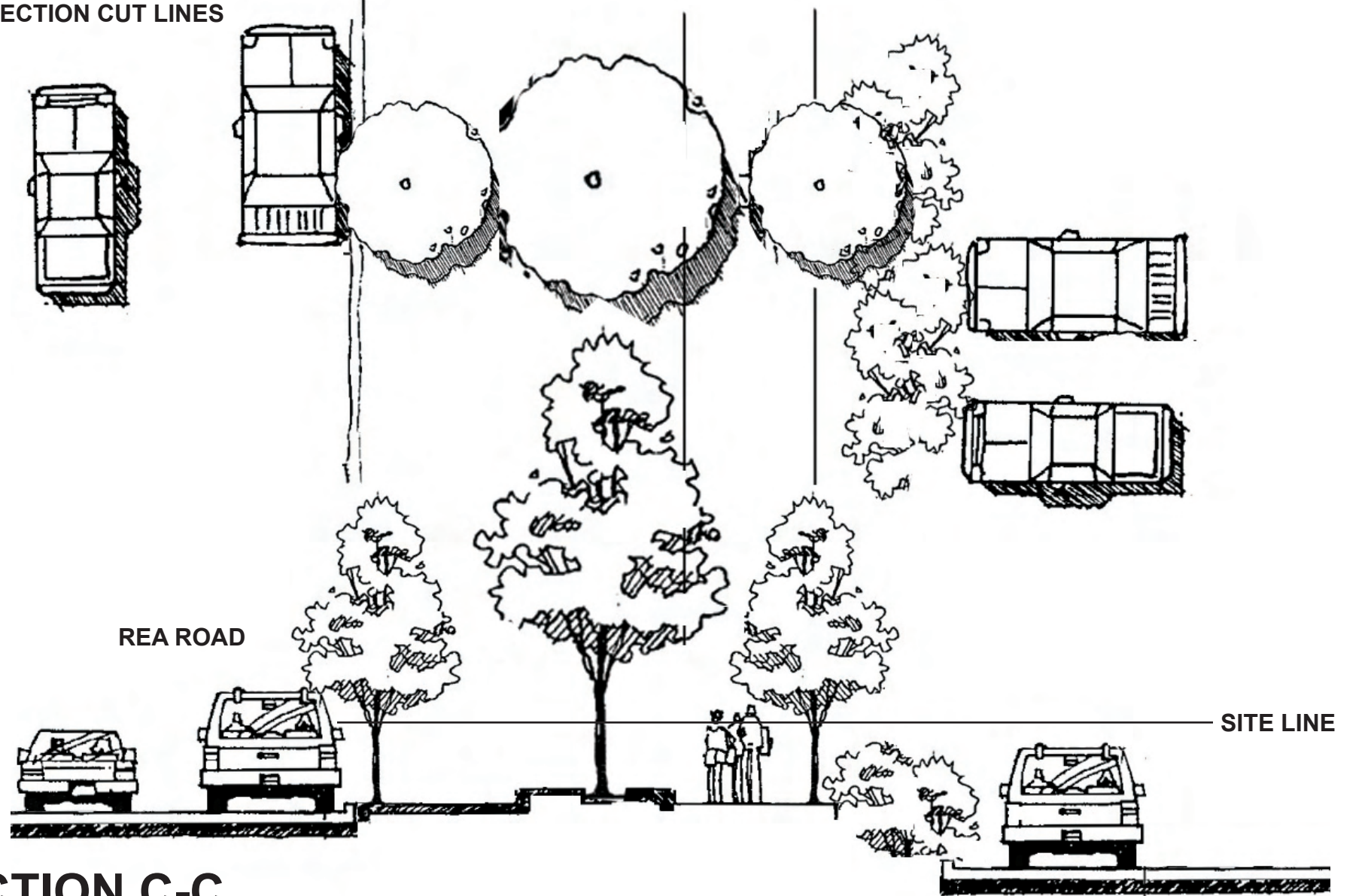
LOCATION MAP



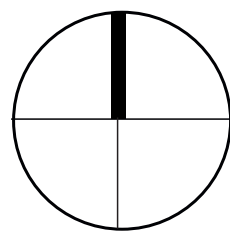
SECTION A-A
REFER TO SHEET 4 FOR
SECTION CUT LINES



SECTION B-B
REFER TO SHEET 4 FOR
SECTION CUT LINES



SECTION C-C
REFER TO SHEET 4 FOR
SECTION CUT LINES



Blakeney Southeast Quadrant Development Standards

February 24, 2011 (Revised April 18, 2011)
Rezoning Petition No. 2011-027

Site Data:

- Acreage: ± 9.0
- Tax Parcel #: 229-401-98
- Existing Zoning: CC by Rezoning Petition No. 1994-46(c)
- Proposed Zoning: NS.
- Existing Uses: Vacant
- Proposed Use: Up to 22,000 gross square feet (as defined below) of retail and business uses, restaurants (with or without accessory drive-through win dows), financial institutions, automobile service uses including minor adjustments, repairs and lubrication (excluding service stations and convenience stores) and personal service uses. As more specifically described and restricted below.
- Maximum Building Height: 40 feet not to exceed two stories as defined by the Ordinance
- Parking: Off street parking spaces will be provided for the Site at the following ratios:

- (i) Retail and automobile related uses: one space per 250 square feet;
- (ii) Restaurants uses: one space per 125 square feet;
- (iii) Financial Institutions: one space per 200 square feet
- (iv) Personal service (as defined below), business and general and medical office uses: one space per 300 square feet,
- (v) Use not specifically listed above will provide parking per the standards for uses in the B-1 district.

--Setbacks: The Petitioner will establish a 20 foot landscape setback along Rea Road and Ardrey Kell Road. Required side and rear yards will be provided along the exterior boundaries of the Site. Internal side and rear yards will not be required.

Note: provisions of the Development Standards set out below will control in the event of any conflicts between site Data and provisions of the Development Standards.

1. General Provisions:

- a. These Development Standards form a part of the rezoning plan associated with this NS petition to accommodate development on approximately 9.0 acres located at the intersection of Rea Road and Ardrey Kell Road (the "Site") as more particularly shown on the Rezoning Site Plan. Development of the Site will be governed by the attached site plan and these Development Standards (together with the site plan referred to as the ("Rezoning Plan") as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan (including these Development Standards) establish more stringent standards, the regulations established under the Ordinance for the Neighborhood Services District (NS) Zoning Classification shall govern all development taking place on the Site within the Development Areas indicated (Development Area A, Development Area B, Development Area C and Development Area D).
- b. Consequently, except as otherwise expressly specified on the Rezoning Plan, the layout of the development; the exact alignments of points of access; the numbers, the size, configuration and placements of building(s) and parking areas; and the depictions of such elements within the Development Areas on the Rezoning Plan are graphic representations of the proposed development. They may, therefore, be altered or modified subject to the accompanying Development Standards and Section 6.207 of the Ordinance. Parking layouts for surface parking may be modified to accommodate changes to the extent permitted by the Ordinance.
- c. Notwithstanding the number of buildings shown on the Rezoning Plan, up to four (4) principal buildings may be constructed on the Site within the Development Areas illustrated on the Rezoning Plan. Accessory structures will be allowed and will not be considered principal buildings for the purposes of the number of allowed buildings. The location and number of allowed accessory structures need not be shown on the Rezoning Site Plan.

2. Permitted Uses:

- a. The Site may be developed with up to 22,000 gross square feet (as defined below) of the following uses: restaurants, retail, financial institutions, automobile service uses including minor adjustments, repairs and lubrication, general and medical office uses and personal service uses (such as but not limited to spas', nail salons, beauty shops, dry cleaning establishments, gyms, indoor playgrounds, and yoga and pilates studios), along with accessory uses and structures allowed in the NS district.
- b. Service stations and/or convenience stores will not be allowed.
- c. Two (2) of the uses established on the Site may have accessory drive-through windows. However, only one (1) restaurant with an accessory drive-through window will be allowed.
- d. Automotive service uses must be located within Development Area C.

For purposes of the development limitations set forth in these Development Standards, the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface parking facilities, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces) and outdoor dining areas.

3. Transportation:

- a. Access to the Site will be from Ardrey Kell Road and Rea Road as generally depicted on the Rezoning Plan.
- b. Vehicular and pedestrian access from the adjoining multi-family development is also allowed. The construction of this access point must be completed prior to the issuance of a final certificate of occupancy for the second building constructed on the Site.
- c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns and parking layouts.
- d. A internal private drive with five (5) foot sidewalks, street trees in planting strips or tree grates and with parallel and ninety degree parking will be provided within the Site as illustrated on the Rezoning Site Plan.
- e. The Petitioner will construct in Ardrey Kell Road a west bound directional cross-over. The directional cross-over will have 150 feet of storage and will have a 12 foot wide turn lane.
- f. The Petitioner will construct an 11 foot wide east bound right turn lane in Ardrey Kell Road. The right turn lane will start at the intersection of Ardrey Kell Road and Rea Road and will end at the driveway into the Site from Ardrey Kell Road. This lane will have approximately 250 feet of storage.
- g. The Petitioner will also widen east bound Ardrey Kell Road between its intersection with Rea Road and the Site's driveway onto Ardrey Kell Road as indicated on the Rezoning Site Plan.
- h. These roadway improvements must be completed prior to the issuance of the first certificate of occupancy is for any building constructed on the Site.

4. Architectural Controls:

- a. The principle building materials will be brick and stone including simulated stone and pre-cast stone. At least 40% of each building façade exclusive of windows, doors and roofs will be constructed of brick, stone, simulated stone, or pre-cast stone (this requirement does not apply to allowed accessory buildings and structures). Stucco or EIFS accents will be allowed. Vinyl will not be allowed as a building material. Accessory buildings and structures will use similar materials as the principal buildings located on the Site.
- b. The proposed principal and accessory buildings will utilize similar building materials, colors and architectural styles as the buildings constructed throughout Blakeney.
- c. The principal buildings constructed on the Site will be subject to the review and approval of the Blakeney Town Center Owners Association Design Review Committee. The Petitioner has previously established this Design Review Committee. The Committee has responsibility for adopting and implementing guidelines for all development taking place within the Site. The Committee consists of at least three members, one member of which includes a member of the Charlotte-Mecklenburg Planning Commission Staff.
- d. All sides of all buildings will be built using four sided architecture.
- e. Meter banks will be hidden from public view.
- f. If a loading dock for the building located on Development Area C is located between the building and the internal private drive this loading dock area will be screened with a wall no less than six (6) feet high. A decorative gate will be provided at the entrance to the loading dock.
- g. New Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.

5. Streetscape; Landscaping; Screening:

- a. Trees and shrubs as required by the Zoning regulations and the Tree Ordinance will be planted within the 20 foot landscape setback along Rea Road and Ardrey Kell Road.
- b. A six (6) foot sidewalk will be constructed along Rea Road and along a portion of Ardrey Kell Road (from Rea Road to the driveway into the Site from Ardrey Kell Road) as illustrated on the Rezoning Site Plan. The six (6) foot sidewalk will be located a minimum of 8 feet behind the existing or future back of curb. See Section 15 below for option to not construct a portion of the sidewalk along Ardrey Kell Road.

- c. All roof mounted mechanical equipment will be screened from view from adjoining public streets and abutting properties as viewed from grade.
- d. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

6. Environmental Features:

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance in effect at the time of approval of this Petition.
- b. Water quality and storm water detention requirements may be met on site or off-site.
- c. It is the Petitioners understanding that the storm water detention and water quality requirements for this Site have been incorporated into the design of the existing storm water and water quality pond on the adjoining multi-family development. The Petitioner will work with City Storm Water Services and City Engineering to provide the necessary information so that these agencies can verify that the storm water detention and water quality requirements for this parcel can be met in the water quality and storm water detention structures constructed on the adjoining multi-family property.

7. Greenway and Open Space:

- a. The Petitioner will dedicate to County Parks and Recreation that portion of the Site between the eastern property boundary and the western edge of the 200 foot undisturbed wild life buffer for use as a Greenway. The area to be dedicated is illustrated on the Rezoning Site Plan.
- b. The proposed Greenway area will be dedicated to County Parks and Recreation prior to the issuance of a final certificate of occupancy for the building located within Development Area C.
- c. The area of the Site dedicated to County Parks and Recreation may be used to meet the Tree Ordinance requirements for the Site.

8. Signage:

- a. Two (2) detached ground mounted project and tenant identifications signs may be constructed on the Site. One sign will be located along Ardrey Kell Road at the entrance to the Site the other will be located along Rea Road at the entrance to the Site.
- b. These detached signs will meet the requirements of the NS zoning district for signs for shopping centers or other multi-tenant buildings.

9. Lighting:

- a. All lighting fixtures located on the Site shall be full cut-off type lighting fixtures with the exception of lower, decorative lighting that may be installed along the internal sidewalks.
- b. Detached lighting on the Site will be limited to 25 feet in height.
- c. No "wall pak" lighting will be allowed on any buildings constructed on the Site, however architectural lighting on building facades, such as sconces, will be permitted.

10. Setbacks, Side Yards, and Rear Yards:

- a. The Petitioner will establish a 20 foot landscape setback along Rea Road and Ardrey Kell Road. No new buildings or parking will be allowed in the setbacks. The setbacks will be measured from the existing right-of-way lines for Rea Road and Ardrey Kell Road as indicated on the Rezoning Site Plan.
- b. Required side and rear yards will be provided along the exterior boundaries of the Site.
- c. The petitioner reserves the right to subdivide the property without having to provide internal side and rear yards as part of a Planned Development or frontage on a public street for each parcel as allowed by Section 12.101.(5) of the Ordinance.

11. Building Heights:

- a. Building height will not exceed 40 feet or two stories as defined by the Ordinance.

12. Parking/Internal Vehicular Circulation:

- a. Off street parking spaces will be provided at the following minimum ratios for the Site:
 - (i) Retail and automobile related uses: one space per 250 square feet;
 - (ii) Restaurants uses: one space per 125 square feet;
 - (iii) Financial Institutions: one space per 200 square feet

- (iv) Personal service (as defined above), business and general and medical office uses: one space per 300 square feet,
- (v) Use not specifically listed above will provide parking per the standards for uses in the B-1 district, and;

- b. Required parking may be provided on the parcel created for the proposed use or on other parcels by a reciprocal parking easement allowing parking that serves the uses on such parcel as allowed by the Ordinance.

13. Internal Sidewalk:

- a. Sidewalks that link the proposed building to each other and to the sidewalks along Rea Road and Ardrey Kell will be provided. Sidewalks shall be five (5) feet in width.

14. Design Standards Building Edges:

- a. The building constructed with Development Area A will be located so that no parking or maneuvering for parking will be allowed between the building and Rea Road or the internal drive except for that portion of maneuvering associated with the accessory drive-through windows.
- b. The building constructed within Development Area C will be located so that only a loading and unloading area and parallel parking is allowed between the building and the internal drive. If an automotive service use is established on Development Area D, and that use contains service bays with roll up doors, the service bays must be oriented toward the Greenway Area, so as to not be visible from Rea Road or Ardrey Kell Road. The service bays may not be oriented toward the internal drive, or have direct access from the internal drive
- c. The building constructed within Development Area B may be built any where within the Development Area boundary indicated on the Rezoning Site Plan.

15. Request to Vary Chapter 19 and/or Request a Variance from Subdivision Regulations for a Portion of the Sidewalk along Ardrey Kell Road

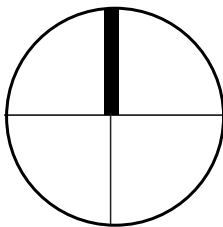
- a. Due to the existing topography along Ardrey Kell Road as it crosses Flat Branch the Petitioner reserves the right to request that the City Engineer vary the requirements of Chapter 19 to not require the construction of the portion of sidewalk between the proposed driveway to Ardrey Kell Road and the eastern property boundary. The Petitioner also reserves the right to seek a variance from the subdivision regulations to not provide this portion of sidewalk or to seek approval from the Development Review Board of an alternative compliance plan.

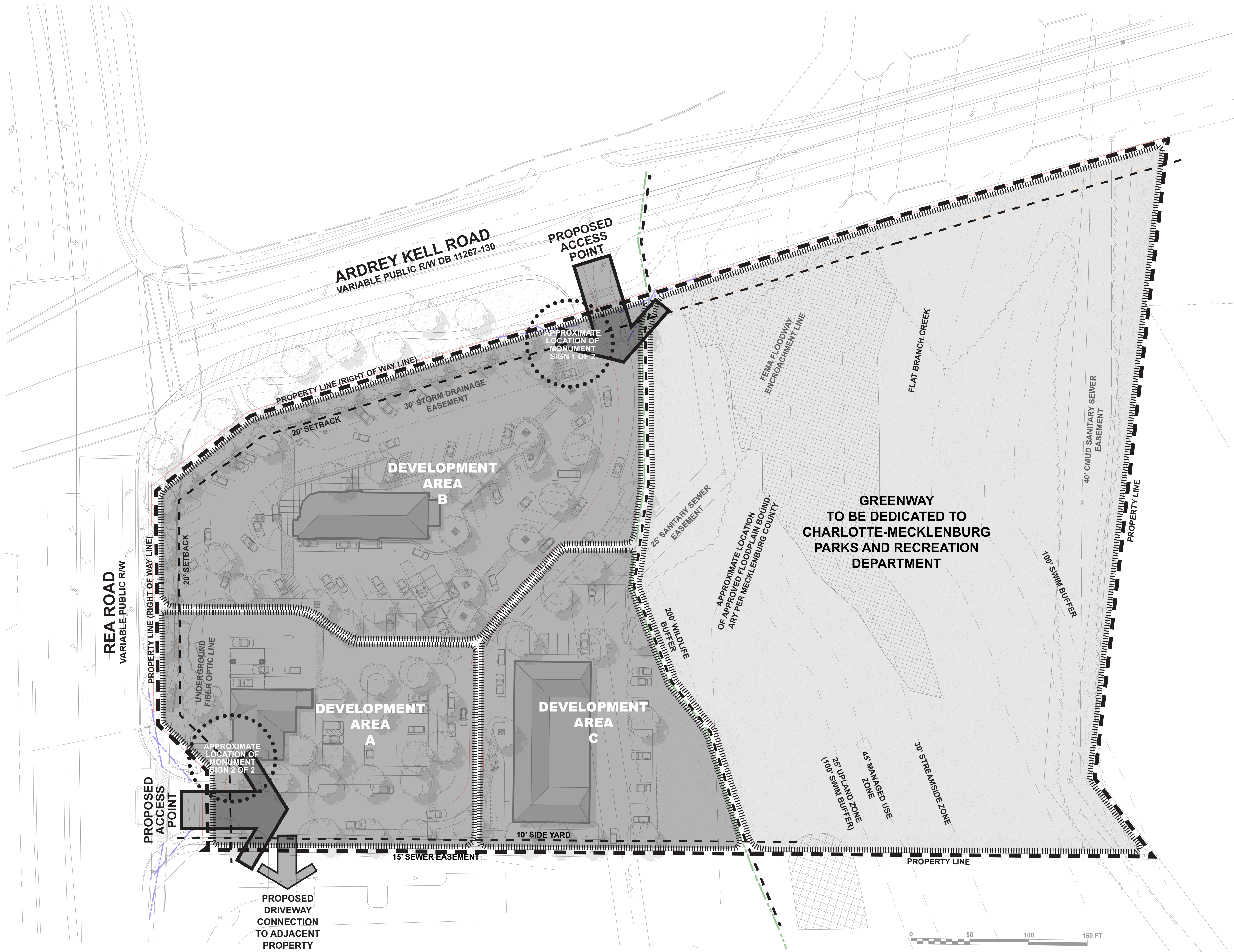
16. Amendments to the Rezoning Plan:

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

17. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the 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 the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

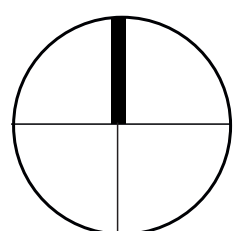


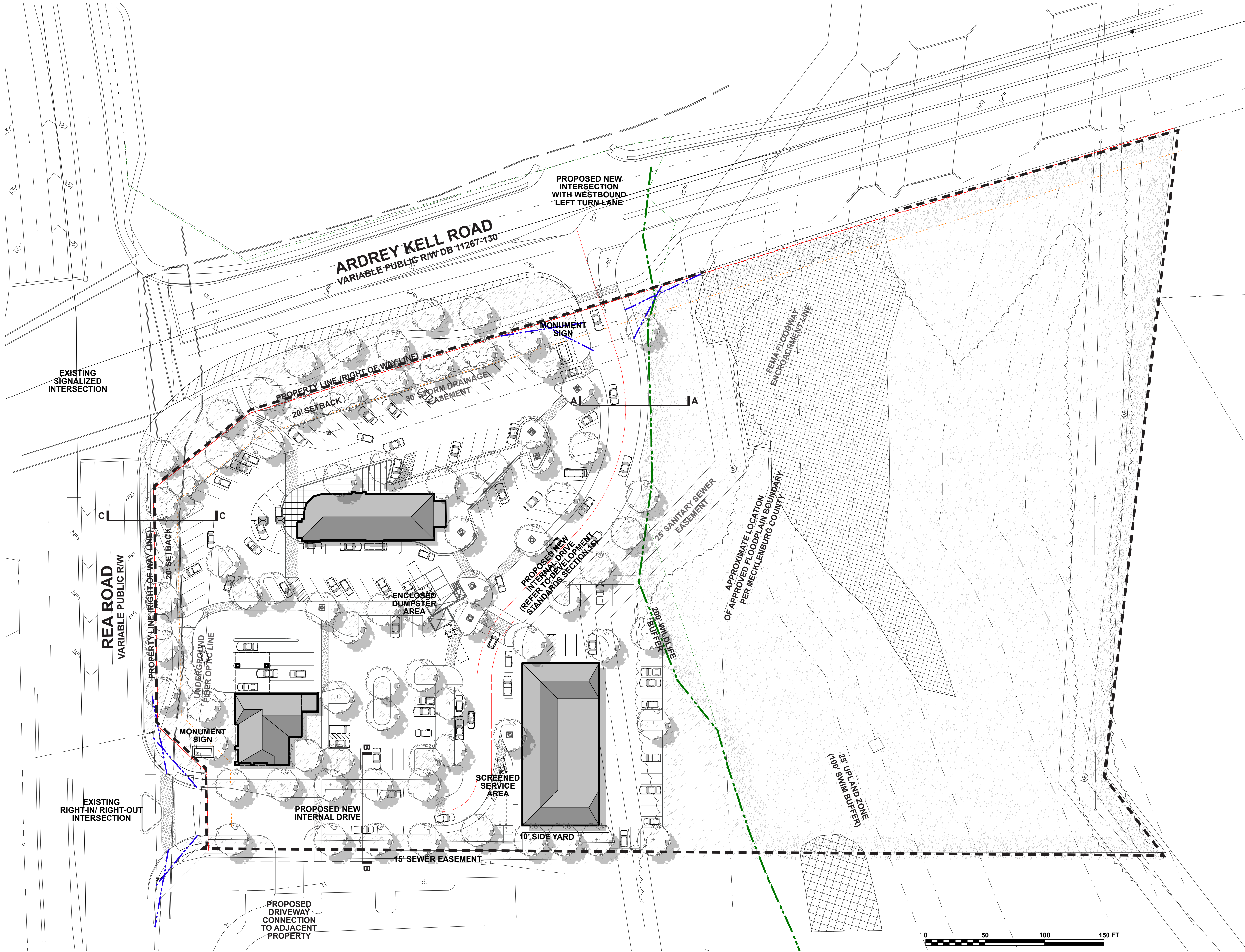


Blakeney Southeast Quadrant

GENERAL NOTES

1. Property Owner is Blakeney Retail Northeast, LLC
2. Parcel ID Number is 229 401-98
3. Deed Reference: Deed Book 6396 Page 229
4. All coordinates shown are horizontal.
5. Conventional survey methods were used in the collection of the wetland data.
6. All bearings, if shown, are NC Grid bearings, all distances are shown horizontal. Grid Distance = Horizontal Distance X Combined Grid Factor (0.999970600)
7. This rezoning plan was based upon a map prepared by LDSI (dated January 14, 2011) for purposes of showing wetlands and was not intended to be a boundary survey of the property shown hereon.
8. Site Area = +/- 9.00 acres
9. All field work was completed in January 2008.
10. Wetlands delineated by Environmental Planning Consultants.
11. Design of the proposed modifications of Ardrey Kell Road for purposes of providing an entrance to the site provided by Design Resources Group.





Blakeney Southeast Quadrant

GENERAL NOTES

1. Illustrative Site Plan is based upon a CAD file with property and topographical information and an ALTA/ASCM survey data dated January 28, 2010 provided by LDSI.
2. This Site Plan is intended to show one of several possible layouts for the proposed project on the subject property. The Development Standards (on Sheet 2) and the Zoning Site Plan (on Sheet 3) shall govern over this plan.
3. Certain utilities and easements for these utilities that cross the property may be required to be relocated by the respective utility company and/or the petitioner.
4. Perimeter and internal tree spacing and sizes shown are in general conformance with the Charlotte City Code Chapter 21 "Trees."
5. Sidewalks shown are a combination of existing and new construction. Perimeter sidewalks along Rea Road and Ardrey Kell Road are a minimum of 6' wide and internal sidewalks are a minimum of 5' wide per the Development Standards.

