

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Eastway Holdings, LLC to amend the approved B-1 SCD conditional rezoning plan for an approximately 21.50 acre site located on the southwest corner of the intersection of Eastway Drive and Central Avenue, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site").
2. The Site is comprised of Tax Parcel No. 129-091-22 and a portion of Tax Parcel No. 129-091-21.
3. The Site is an approximately 21.50 acre portion of an approximately 30.5 acre site (the "Original Rezoning Site") that was rezoned to the B-1 SCD zoning district and the R-9 (CD) zoning district by the Charlotte City Council in 1990 pursuant to Rezoning Petition No. 1989-96. The purpose of this rezoning was to accommodate the development of a maximum 293,847 square foot shopping center with outparcels on the approximately 29.56 acre portion of the Original Rezoning Site that was rezoned to the B-1 SCD zoning district (the "Original B-1 SCD Rezoning Site"), and a shopping center currently known as Eastway Crossings is located on the Original B-1 SCD Rezoning Site. Pursuant to this Rezoning Petition, the Petitioner is requesting an amendment to the approved B-1 SCD conditional rezoning plan associated with Rezoning Petition No. 1989-96 relating to the Site to accommodate the potential redevelopment of portions of the Site as more particularly depicted on the Rezoning Plan. The requested amendment applies only to the Site and not to any other portions of the Original Rezoning Site.
4. The existing use and development of the Site and any new 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 in effect as of the date that Rezoning Petition No. 1989-96 was approved by the Charlotte City Council (the "1990 Ordinance"). Accordingly, the regulations established under the 1990 Ordinance for the B-1 SCD zoning district shall govern the existing use and development of the Site and any new development of the Site.
5. 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 parking areas and internal drive network depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the 1990 Ordinance, may be altered or modified during design development and construction document phases.

PERMITTED USES

1. The Site may be devoted to any uses allowed by right or under prescribed conditions in the B-1 SCD zoning district and to any incidental or accessory uses relating thereto that are permitted in the B-1 SCD zoning district.
2. Notwithstanding anything contained herein to the contrary, a maximum of two uses located on the Site may have accessory drive-thru windows.

DEVELOPMENT LIMITATIONS

1. Under the approved B-1 SCD conditional rezoning plan relating to Rezoning Petition No. 1989-96, a maximum of 293,847 square feet of gross floor area was permitted to be developed on the entire Original B-1 SCD Rezoning Site.
2. Pursuant to this Rezoning Plan, a maximum of 225,753 square feet of gross floor area may be located on the Site.
3. Pursuant to this Rezoning Plan, the Petitioner may (but shall not be required to) demolish that existing building located on the Site that is designated as Building E on Demolition Inset A on the Rezoning Plan, and build a new maximum 16,500 square foot freestanding building (the "New Building") in the location generally depicted on the Rezoning Plan. In the event that the construction of the New Building would cause the total gross floor area on the Site to exceed 225,753 square feet of gross floor area, then the Petitioner will be required to demolish additional gross floor area on the Site to reduce the total gross floor area on the Site to 225,753 square feet in order to obtain permits and approvals to build the New Building.
4. The New Building may have an accessory drive-thru window and it may be a single tenant building or a multi-tenant building.
5. Petitioner shall not be required to demolish Building E and to build the New Building.

SETBACKS

1. Building setbacks shall be a minimum of 35 feet from all public streets, and a minimum of 25 feet from all other property lines, excluding property lines entirely internal to the Original B-1 SCD Rezoning Site.
2. Parking is permitted in the setbacks if allowed by the 1990 Ordinance, but not within any buffer areas established on the Site.

BUFFER AREAS

1. All development within the Site shall be subject to the buffer areas established by and depicted on the Rezoning Plan.
2. The buffer areas extending around the perimeter of the Site are to remain as open space, except to the extent necessary to accommodate pedestrian pathways, access points, walks, berms, grading, storm water retention ponds, signs and graphics (as permitted by the Sign Ordinance), and drainage or utility construction. Grading may be performed and slopes and berms may be installed within buffer areas. All undisturbed buffer areas will be marked and protected during grading. The Petitioner reserves the right to clear and grub the undergrowth in undisturbed areas.
3. No building, roadway or parking lot may be placed within any buffer areas.

4. In all buffer areas, except retention pond areas, where existing trees and natural vegetation have been cleared to accommodate walls, berms, grading, signs, graphics, and the installation of utility construction, the cleared unimproved areas will be landscaped and grassed in accordance with the program specified on the Rezoning Plan.

MAXIMUM BUILDING HEIGHT

No structure constructed on the Site may exceed one story and its height may not exceed 40 feet above average grade.

FIRE PROTECTION

1. Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of any building commences.
2. Fire hydrants shall be installed so that a fire truck does not have to travel more than 500 feet to the most remotely accessible point of all buildings.

ACCESS POINTS (DRIVEWAYS)/RIGHT OF WAY DEDICATION

1. Three of the existing driveways into the Site (designated as driveways 2, 3 and 4 on the Rezoning Plan) will be eliminated in the event that the New Building is constructed on the Site. These existing driveways must be eliminated prior to the issuance of a certificate of occupancy for the New Building.
2. The configuration of driveways and access points within the Site are subject to minor shifts and other modifications that may be required to accommodate final site engineering and construction plans and designs and are further subject to approval by the North Carolina Department of Transportation and the Charlotte Department of Transportation.
3. Prior to the issuance of a certificate of occupancy for the New Building, Petitioner shall dedicate and convey to the City of Charlotte right of way in the northwest quadrant of the intersection of Central Avenue and Eastway Drive as follows:

- (a) An area in size of 12 feet by 115 feet on Central Avenue; and
- (b) An area in size of 19 feet by 125 feet on Eastway Drive.

PARKING

1. The parking areas depicted on this Rezoning Plan may vary, but in all events off-street parking will meet the standards established under the 1990 Ordinance.
2. No parking shall be permitted within the designated buffer areas.

TRANSIT

Prior to the issuance of a certificate of occupancy for the New Building, Petitioner shall provide a bus shelter pad at a location to be determined with CATS along the Site's frontage on Central Avenue.

LANDSCAPING AND SCREENING

1. Buffering and/or screening shall conform to the standards and treatments specified on this Rezoning Plan and, in all instances, shall meet or exceed the requirements of the 1990 Ordinance. New trees planted within each designated buffer area shall be a minimum of 2 inches in caliper and 8 feet in height at planting. Shrubs planted within each designated buffer area shall be a minimum of 3 feet in height or 4 gallon plants at planting.
2. Landscaping areas within the Site will be planted and improved in sequences which are keyed to the development taking place in phases.
3. All dumpsters and service areas will be screened from public streets and from adjacent properties.
4. All landscaping will comply with the City of Charlotte Tree Ordinance effective as of the date of the approval of Rezoning Petition No. 1989-96.
5. Petitioner agrees to provide an irrigation system servicing the berm area behind the new development. In addition, Petitioner agrees to provide reasonable maintenance of this berm area.

ARCHITECTURAL CONTROLS

1. The Petitioner intends to achieve compatibility of visual aesthetics and architectural design of buildings constructed within the Site through the use of one or a combination of color, material, texture, architectural facades, rooflines, building mass, scale and similar criteria.
2. The rear of the shopping center is to be painted with a finish material compatible with the appearance of the front and side elevations of the center.

LIGHTING

1. A uniform lighting system will be employed throughout the Site.
2. All direct lighting will be designed in a manner that minimizes glare toward adjacent streets and properties.
3. All site lighting installed on the Site after the approval of this site plan amendment shall be "full-cut off" type fixtures. Light trespass shields shall be used on site lighting installed after the approval of this site plan amendment to avoid light spill across property lines. No new flood lights or unshielded wall-pack type lighting may be installed on the Site after the approval of this site plan amendment.

SIGNS

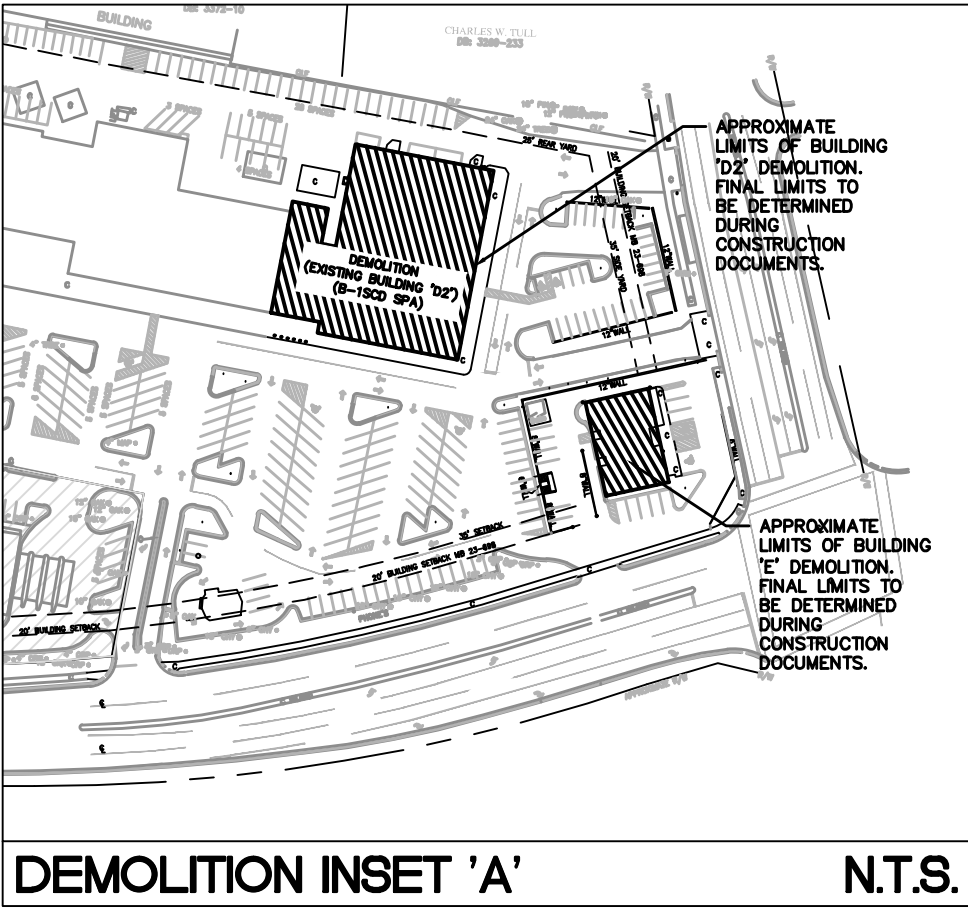
1. No more than two project identification signs may be erected on the Site.
2. All signs shall conform to the City of Charlotte Sign Ordinance.

STORMWATER

New development occurring on the Site shall comply with the Charlotte City Council approved Post Construction Controls Ordinance.

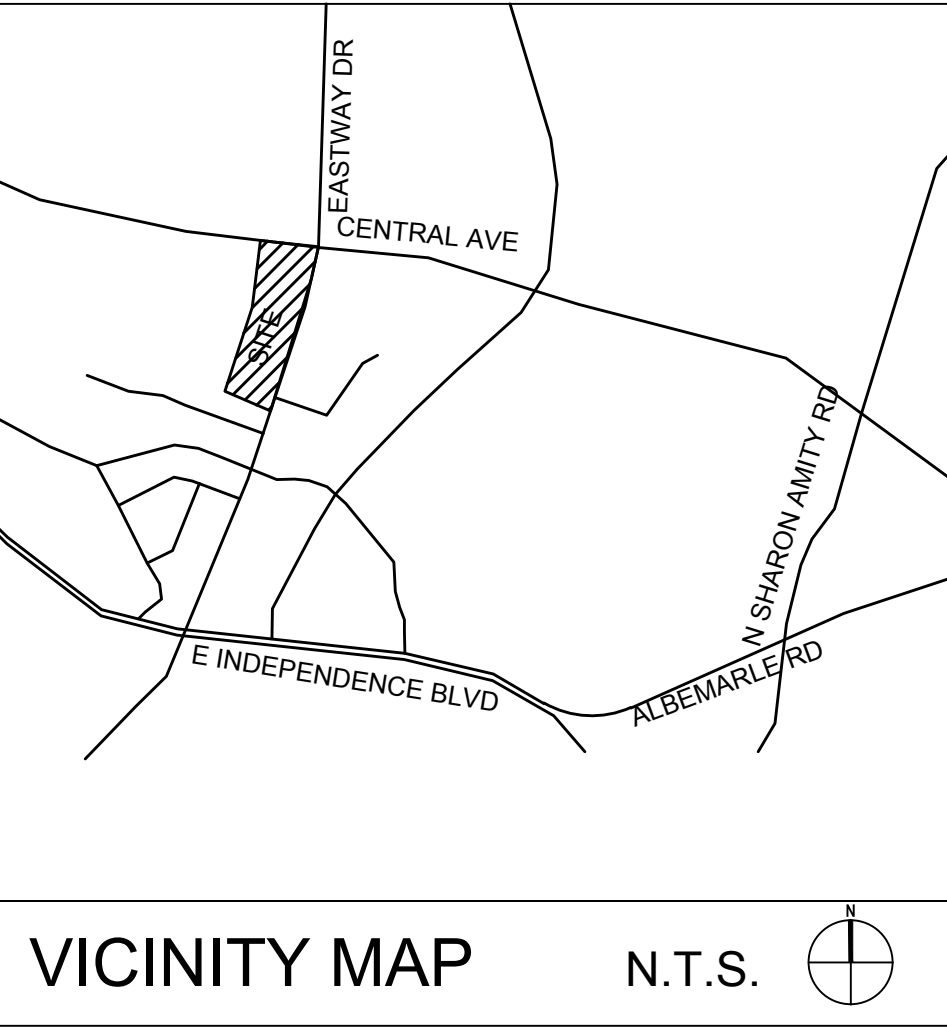
ADJACENT PROPERTY OWNERS

PROPERTY	PARCEL	OWNER	ADDRESS
1	12909144	DOUGLAS FRANKSSON SHERIDAN AND PATRICIA FALKNER	1452 CAROLYN DR. CHARLOTTE, NC 28205
2	12909143	GENE T LIVINGSTON	1458 CAROLYN DR. CHARLOTTE, NC 28205
3	12909142	MABLE IVEY	1466 CAROLYN DR. CHARLOTTE, NC 28205
4	12909141	JAMES LAMARR JR DRUMM AND EDWARD GRANT CURTIS JR	1476 CAROLYN DR. CHARLOTTE, NC 28205
5	12909140	JOHN R JR ASBURY AND CAROL W	1482 CAROLYN DR. CHARLOTTE, NC 28205
6	12909139	PAULINE J ASBURY	1490 CAROLYN DR. CHARLOTTE, NC 28205
7	12909138	MARVIN P FRANCIS AND MARCIA C FRANCIS	3621 THACKERY LN. CHARLOTTE, NC 28205
8	12909136	ROBBIE L GORDON AND JASON W BARBOSA	1510 CAROLYN DR. CHARLOTTE, NC 28205
9	12909135	ROBERT ALLEN RIGGSBEE	1518 CAROLYN DR. CHARLOTTE, NC 28205
10	12909127	LITTLE SAIGON LLC	2365 SPENCER WY. STONE MOUNTAIN, GA 30087
11	12909158	CWT PROPERTIES LLC	6401 CARMEL RD #102, CHARLOTTE, NC 28226
12	12909163	PFF ASSOCIATES INC	1127 HIGH RIDGE RD PMB 137 STANFORD, CT 06905
13	12909162	% THOMAS B MORRIS SR FIRST-CITIZENS BANK & TRUST CO	16 EAST ROWAN ST RALEIGH, NC 27609 5
14	12909120	THE SOUTH STREET GROUP LLC (C/O SOLID ROCK PROPERTIES)	436 GARRISON SUITE A, GATONIA, NC 28054
15	12909117	ELROY CLARKSON JR COX	1545 PINECREST AVE, CHARLOTTE, NC
16	12909116	MUHAMMED HUTASUHUT	807 EAST NEW ORLEANS AVE, TAMPA, FL 33603
17	12909115	HARRY R FLOKKE	1533 PINECREST AVE, CHARLOTTE, NC 28205
18	12909114	WILLIAM J RUNYAN	1527 PINECREST AVE, CHARLOTTE, NC 28205
19	12909113	JOSEPH C SOLAN	1524 PINECREST AVE, CHARLOTTE, NC 28205
20	12909112	JOSE P XAVIER	1515 PINECREST AVE, CHARLOTTE, NC 28205
21	12909111	GEORGE W HATT	1509 PINECREST AVE, CHARLOTTE, NC 28205
22	12909110	LEE BEFORD	1501 PINECREST AVE, CHARLOTTE, NC 28205
23	12909109	MORICEAU PROPERTIES, LLC	3719 ASHFORD LEIGH CT, CHARLOTTE, NC 28269
24	12909145	MARGARET FISHER	1442 CAROLYN DR. CHARLOTTE, NC 28205



LEGEND

- PROPOSED BUILDING
- EXISTING R-9(CD) ZONING (NOT ASSOCIATED WITH SPA 2012-102)
- EXISTING B-D(CD) ZONING (NOT ASSOCIATED WITH SPA 2012-102)
- EXISTING B1SCD ZONING (NOT ASSOCIATED WITH SPA 2012-102)
- 100' UNDISTURBED BUFFER AREA



<b>PETITIONER:</b>	EASTWAY HOLDINGS, LLC P.O. BOX 36799 CHARLOTTE, NORTH CAROLINA 28236
<b>ACREAGE:</b>	21.50 ±
<b>TAX PARCEL #:</b>	12909122/12909121(PORION OF)
<b>EXISTING ZONING:</b>	B-1SCD
<b>PROPOSED ZONING:</b>	B-1SCD SPA
<b>EXISTING USES:</b>	COMMERCIAL / RETAIL
<b>PROPOSED USE:</b>	COMMERCIAL / RETAIL
<b>MAX. BUILDING HEIGHT:</b>	40 FEET, AS DEFINED BY THE ORDINANCE
<b>PARKING:</b>	SEE SECTION 7 IN DEVELOPMENT NOTES FOR PARKING RATIO.
<b>EXISTING DEVELOPMENT SUMMARY:</b>	
EX. BUILDING (A1) SF (B-D):	± 49,742 SF
EX. BUILDING (F,G,H*) SF (B-1SCD):	± 18,352 SF
EX. BUILDING (A2,B,C,D1,D2,E) SF (B-1SCD SPA)**:	±212,654 SF
TOTAL EX. BUILDING SF ON-SITE:	±280,748 SF
*10,000 SF IS TO BE RESERVED FOR OUTPARCEL H BASED ON ORIGINAL APPROVED SITE PLAN AMENDMENT 1989-096.	
**THE B-1SCD SPA BUILDING SQUARE FOOTAGE IS THE EXISTING BUILDING SQUARE FOOTAGE WITHIN THE SITE PLAN AMENDMENT PETITION 2012-102. THIS SQUARE FOOTAGE ALSO INCLUDES BUILDINGS D2, AND/OR E TO BE DEMOLISHED (EXTENTS OF DEMOLITION TO BE DETERMINED SEE DEVELOPMENT LIMITATION NOTE 3). REFER TO DEMOLITION INSET 'A' FOR APPROXIMATE MINIMUM LIMITS.	
<b>PROPOSED DEVELOPMENT SUMMARY (B-1SCD SPA):</b>	
EX. BUILDING (A2,B,C,D1,D2,E) SF:	±212,654 SF
EX. BUILDING (PORTION OF D2,E) DEMOLITION:	± 3,401 SF*
PR. BUILDING ADDITION (PR. A):	± 16,500 SF
TOTAL B-1SCD SPA SF:	±225,753 SF
<b>TOTAL BUILDING SF ON-SITE:</b>	
EX. BUILDING (A1) SF (B-D):	± 49,742 SF
EX. BUILDING (G,H,I) SF (B-1SCD):	± 18,352 SF
PR. BUILDING (A2,B,C,D1, PR.A) SF(B-1SCD SPA):	±225,753 SF
TOTAL BUILDING SF ON-SITE:	±293,847 SF
*FOR DEMOLITION REQUIREMENTS REFER TO DEVELOPMENT LIMITATIONS NOTE 3.	

