

DEVELOPMENT STANDARDS

December 20, 2013

General Provisions

- The Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by The Presbyterian Home at Charlotte, Inc. to accommodate a senior living community comprised of independent living units, assisted living beds, skilled nursing beds, related common areas, medical and rehabilitation facilities, recreational facilities, dining facilities and other support facilities on that approximately 24.80 acre site located generally at the intersection of Sharon Road and Eastburn Road (the "Site"). The Site is comprised of Tax Parcel Nos. 179-032-45, 179-051-09, 179-051-07, 179-051-06, 179-051-05 and 179-051-04.
- The use and 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 Institutional (CD) zoning district shall govern the use and development of the Site.
- The exact alignments of the new internal driveways have not been determined and are subject to final design and engineering plans. Accordingly, minor modifications or alterations of these alignments may take place during design development and construction phases.
- The depiction and layout of the new buildings and building additions to be constructed on the Site that will contain apartment style independent living units, nursing and special care facilities and common areas and the associated parking and drive aisles are conceptual in nature and may be altered or modified during design development and construction phases subject to the requirements of the Ordinance and the Rezoning Plan, and provided that such improvements are located within the new building and parking envelopes depicted on the Rezoning Plan.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied by the then owner or owners of the Site in accordance with the provisions of Section 6.207 of the Ordinance.

Permitted Uses

The Site may only be devoted to a senior living community comprised of independent living units, assisted living beds, skilled nursing beds, related common areas, medical and rehabilitation facilities, recreational facilities, dining facilities and other support facilities and any accessory uses relating thereto that are permitted under the Ordinance.

A maximum of 336 independent living units may be located on the Site, which shall include apartment style independent living units and single family cottage style independent living units. A maximum of 96 skilled nursing beds and a maximum of 40 assisted living beds may be located on the Site.

Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point 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.
- Off street parking will meet the minimum standards established under the Ordinance.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- Prior to the issuance of a building permit for any new building or building addition to be constructed on the Site, Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site immediately adjacent to Sharon Road as required to provide right of way measuring 50 feet from the existing centerline of Sharon Road if such right of way does not currently exist.
- The construction entrance and exit for all construction activities conducted on Tax Parcel Nos. 179-032-45, 179-051-09 and 179-051-07 shall be located on Sharon Road. In no event shall construction traffic for such construction activities use Pendleton Avenue or any other roads in the Fairmeadows Subdivision or the Laurel Woods Subdivision. The appropriate location of the construction entrance will be determined during the driveway permitting process.
- The construction entrance for construction activities relating to the detached homes located on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 shall be the existing driveway for each such parcel, provided the existing driveways offer the most suitable location for the construction entrance to each parcel. The final construction entrance location will be subject to the final approval of Engineering & Property Management and the Charlotte Department of Transportation.
- Vehicular access to and from Tax Parcel Nos. 179-032-45, 179-051-09 and 179-051-07 by way of Pendleton Avenue, Eastburn Road and Sunnybrook Drive shall be prohibited. However, pedestrian access to and from Tax Parcel Nos. 179-032-45, 179-051-09 and 179-051-07 by way of Pendleton Avenue, Eastburn Road and Sunnybrook Drive shall be permitted, provided, however, that construction workers shall be prohibited from using such streets for pedestrian access to and from Tax Parcel Nos. 179-032-45, 179-051-09 and 179-051-07.
- Notwithstanding any other provision contained herein, all construction vehicles, including, without limitation, vehicles transporting construction workers serving the Site shall be prohibited from parking or idling on any streets located in the adjacent Fairmeadows subdivision or the adjacent Laurel Woods subdivision.
- Prior to the issuance of a certificate of occupancy for any new building or building addition to be constructed on the Site, Petitioner shall construct a concrete waiting pad for each of the two existing bus stops located on Sharon Road next to the Site. The exact locations of these two concrete waiting pads shall be determined during the development review and permitting process. Each concrete waiting pad shall be located within the existing planting strip between the sidewalk and curb, and each concrete waiting pad shall be constructed to CATS Development Standard 60.01B. Petitioner's obligation to construct each concrete waiting pad shall be subject to Petitioner's ability to obtain all approvals and permits required to construct each concrete waiting pad.
- Subject to the approval of the Charlotte Department of Transportation, Petitioner reserves the right to gate the entrances into the Site and to construct an associated guard house(s).

Architectural Standards

- Set out on Sheet RZ200 is a schematic architectural rendering of the new buildings to be constructed on the Site that will contain apartment style independent living units, and this schematic architectural rendering is intended to depict the general conceptual architectural style and character of the new buildings that will contain apartment style independent living units. Accordingly, each new building to be constructed on the Site that will contain apartment style independent living units shall be designed and constructed so that it is substantially similar in appearance to the attached schematic architectural rendering. Changes and alterations which do not (a) materially change the overall conceptual architectural style and character, (b) increase the heights of any of the buildings above the heights specified herein or (c) decrease the distance between any building and any property in the Fairmeadows subdivision or the Laurel Woods subdivision are permitted based upon final design/construction drawings.
- The maximum height in stories of the new buildings that will contain apartment style independent living units shall be three stories over a one story structured parking facility.
- The maximum height in stories of the nursing and special care building addition shall be three stories over a one story structured parking facility, and the maximum height in stories of the common areas building addition shall be two stories.
- Subject to paragraph 7 below with respect to portions of the new building that will contain apartment style independent living units that is designated as Building E on the Rezoning Plan, the maximum height in feet of each new building that will contain apartment style independent living units shall be 48 feet as measured from the finished floor elevation of the main entry level into the building to the peak of the roof.
- The finished floor elevation of the main entry level of the new building that will contain apartment style independent living units that is designated as Building E on the Rezoning Plan shall not exceed 701 feet.
- The finished floor elevation of the main entry level of the new building that will contain apartment style independent living units that is designated as Building B on the Rezoning Plan shall not exceed 706 feet.
- The maximum height in feet of the various elements of the back or rear elevation of the new building that will contain apartment style independent living units that is designated as Building E on the Rezoning Plan is more particularly set out on Sheet RZ201. The maximum height of each element is measured from the finished floor elevation of the main entry level of the building. No changes shall be made that increases the finished floor elevation of the main entry level of Building E, or that increases the maximum height of the various elements of Building E as specified on Sheet RZ201.
- The detached homes located on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 shall continue to front and address the relevant adjacent street. The driveways serving these parcels shall not serve any other parcel and they shall connect only to their current streets.

- New dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged access gate. If one or more sides of a new dumpster and recycling area adjoin a side wall or rear wall of a building, then the side wall or rear wall of the building may be substituted for the wall or fence along each such side.
- Dumpsters will not be utilized for trash service for the new buildings that will contain apartment style independent living units.
- All roof mounted mechanical equipment on the new buildings and building additions to be constructed on the Site will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- The fence currently located on the Site at the terminus of Pendleton Avenue that prevents vehicular access to and from the Site by way of Pendleton Avenue shall be replaced with an ornamental fence that matches the fence located along the frontage on Sharon Road, provided, however, that this replacement fence shall not be required to have brick piers. This replacement fence shall be installed prior to the earlier of (a) the issuance of a certificate of occupancy for any new building or building addition constructed on the Site and (b) December 31, 2015.

Streetscape and Landscaping

- Landscaping will meet or exceed the requirements of the Ordinance.
- A 50 foot Class C buffer shall be established along those portions of the Site's boundary lines that are more particularly depicted on the Rezoning Plan, which buffer shall conform to the standards of Section 12.302 of the Ordinance. Except as provided herein, the width of this 50 foot Class C buffer may not be reduced.
- Pursuant to Section 12.302(b) of the Ordinance, that portion of the 50 foot Class C buffer located along the Site's northern boundary line that is more particularly depicted on the Rezoning Plan shall be reduced in width by 25% to 37.5 feet as a result of the installation of a fence that meets the requirements of Section 12.302(8).
- In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas set out on the Rezoning Plan accordingly.
- The buffer shall not be disturbed except for required driveways, sidewalks, or other pedestrian paths, walls, fences, or required landscaping, landscaping maintenance and replacement or the installation and maintenance of utility lines in accordance with Section 12.302(12) of the Ordinance.
- Where existing trees and natural vegetation have been cleared to accommodate those items set out above in paragraph 5, the cleared unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.
- Notwithstanding anything contained herein to the contrary, the existing structures and improvements on the Site that encroach into the 50 foot Class C buffer may remain in place and shall not be required to be brought into compliance with the buffer requirements of the Ordinance as a result of a variance granted by the Charlotte Zoning Board of Adjustment on December 28, 1999 in Case No. 99-111 (the "Variance"). The Variance granted a 50 foot variance from the required 50 foot Class C buffer to allow the senior living community to remain as is without installing a buffer. A 50 foot Class C buffer was then required to be established on the Site pursuant to the approved conditional rezoning plan relating to Rezoning Petition No. 2001-007 that was approved by City Council on February 19, 2001. However, the requirement to establish the buffer was subject to the Variance, thereby permitting the existing structures and improvements on the Site that encroach into the buffer to remain in place and not be required to be removed or required to be established under this Rezoning Plan. It is likewise subject to the Variance, thereby permitting the existing structures and improvements on the Site that encroach into the buffer to remain in place. New development shall be prohibited from encroaching into the established buffer.

Attached hereto as Sheet RZ101 is a Neighborhood Entry Landscape Plan (the "Landscape Plan") that depicts the southerly portion of the Site and a portion of Tax Parcel No. 179-053-37, which parcel is owned by Fairmeadows Neighborhood Association (the "Fairmeadows Parcel"). The Landscape Plan contains a plan view and perspective, and the perspective is for illustrative purposes. Prior to the issuance of a certificate of occupancy for any new building or building addition constructed on the Site, Petitioner shall (i) install all of the new trees and shrubs depicted on the Landscape Plan in the plan view on the Site except for the new trees and shrubs located within that portion of the Site designated on the Landscape Plan as "Portion of Landscape to be Installed Upon Completion of Building B"; (ii) install a 6 foot tall black ornamental picket fence with brick piers and a 4 foot tall black ornamental picket fence with brick piers on the southerly portion of the Site as depicted on the Landscape Plan in the plan view on the relevant portion of the Fairmeadows Parcel; (v) relocate and refurbish the Fairmeadows neighborhood entry sign located on the Fairmeadows Parcel as depicted on the Landscape Plan; (vi) install a 4 foot tall black ornamental picket fence with brick piers on the Fairmeadows Parcel as depicted on the Landscape Plan; (vii) install an irrigation system on the Fairmeadows Parcel to service the trees and shrubs; and (viii) install and/or relocate existing lighting on the Fairmeadows Parcel to illuminate the relocated and refurbished Fairmeadows neighborhood entry sign. Petitioner shall not be obligated to pay the water bill associated with the irrigation system or the electric bill associated with the lighting, as these will be obligations of the Fairmeadows Neighborhood Association. With respect to the trees and shrubs, sign, black ornamental picket fence, irrigation system and lighting to be installed on the Fairmeadows Parcel, Petitioner will submit plans for these items to the Fairmeadows Neighborhood Association for review and approval, which review and approval shall not be unreasonably withheld or delayed. Upon the approval of the plans by the Fairmeadows Neighborhood Association, the Fairmeadows Parcel shall be provided to the Senior Living community with a letter addressed to the Charlotte-Mecklenburg Planning Department acknowledging such approval.

Where the 6 foot tall black ornamental picket fence with brick piers encroaches into the right of way, Petitioner's obligation to install such fence is expressly conditioned on Petitioner entering into an encroachment agreement with the Charlotte Department of Transportation. If Petitioner is unable to secure an encroachment agreement (after exerting commercially reasonable efforts to do so, including without limitation, petitioning for variances and such other customary activities in connection therewith), then Petitioner shall not be required to install the fence in the right of way. If an encroachment agreement is secured and later terminated by the Charlotte Department of Transportation, then Petitioner will be required to remove that portion of the fence that encroaches into the right of way.

Prior to the issuance of a certificate of occupancy for the new apartment style independent living unit building designated as Building B on the Rezoning Plan, Petitioner shall (i) install all of the new trees and shrubs depicted on the Landscape Plan in the plan view on that portion of the Site designated as "Portion of Landscape to be Installed Upon Completion of Building B"; (ii) install a 6 foot tall black ornamental picket fence with brick piers, the irrigation system and the lighting that it installs on the Fairmeadows Parcel. Such maintenance shall include annually planting new flowers. Petitioner shall not be obligated to replace any trees or shrubs, the neighborhood entry sign, the 4 foot tall black ornamental picket fence with brick piers, the irrigation system or the lighting in the event that any such items are damaged or destroyed. In the event that any such items are damaged or destroyed and replaced by the Fairmeadows Neighborhood Association, Petitioner shall resume the normal and routine maintenance of any such items that are replaced.

- The interior walking paths depicted on the Rezoning Plan located on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 shall be constructed and installed prior to the issuance of a certificate of occupancy for the new independent living unit building designated as Building B on the Rezoning Plan. These interior walking paths shall be constructed at the same time.

Environmental Features

- The location, size, and type of storm water management systems are subject to review and approval as part of the final development plan submittal. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- A minimum of 16% of the Site shall be devoted to tree save areas as defined in the City of Charlotte Tree Ordinance.

Signs

- All new signs installed on the Site shall comply with the requirements of the Ordinance.
- Petitioner shall not be permitted to install any signage (a) at the southeastern corner of the Site between the intersection of Eastburn Road and Sharon Road and the new apartment style independent living unit building designated as Building B on the Rezoning Plan, or (b) on Tax Parcel Nos. 179-051-09, 179-051-07, 179-051-06, 179-051-05 and 179-051-04.

Lighting

- All newly installed freestanding lighting fixtures on the Site (excluding street lights) 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.
- The maximum height of any newly installed freestanding lighting fixture on the Site shall be 25 feet.
- Any lighting fixtures attached to the new buildings and building additions to be constructed on the Site shall be decorative, capped and downwardly directed.

Planned Development/Interior Yard Requirements/Exterior Yard Requirements/Variance

- The senior living community, as expanded, will be located on multiple lots or parcels as depicted on the Rezoning Plan, all of which lots or parcels are owned and controlled by Petitioner. The senior living community, as expanded, has been and will be planned and developed as a single development project or a definitely programmed series of development operations or phases, and all of the improvements and uses on the Site will be related to the character and purpose of the senior living community. Accordingly, the senior living community is a "planned development" under the Ordinance.
- Since the senior living community is a planned development, development on the Site will not be required to meet the rear yard and side yard requirements of the Institutional zoning district with respect to the Site's lot lines or property lines that are internal to the Site. Development on the Site will be required to meet the rear yard and side yard requirements established on the Rezoning Plan with respect to all exterior lot lines or property lines.
- As depicted on the Rezoning Plan, 60 foot side and rear yards are established on the Site with respect to certain exterior lot lines or property lines. Notwithstanding the foregoing, existing structures and improvements may encroach into such 60 foot side yards and 60 foot rear yard, provided that such structures and improvements comply with the 20 foot side yard and 20 foot rear yard requirements of the Institutional zoning district. Additionally, as depicted on the Rezoning Plan, portions of the new parking lots and vehicular drives located on the northern side of the Site may encroach into the 60 foot side yard, provided that these improvements may not encroach into the 37.5 foot Class C buffer.
- Pursuant to Section 12.302 of the Ordinance, a 50 foot Class C buffer is required to be established along the northwesterly property line of Tax Parcel No. 179-051-04 immediately adjacent to Tax Parcel No. 179-051-03, and pursuant to Section 9.505(1)(c) of the Ordinance, a 20 foot side yard must be established along this property line. The establishment of the 50 foot Class C buffer and the 20 foot side yard would require the demolition and removal of the existing detached home located on Tax Parcel No. 179-051-04. To prevent the demolition and removal of the detached home located on Tax Parcel No. 179-051-04 and to preserve such detached home, the Petitioner obtained variances from the City of Charlotte Zoning Board of Adjustment (Case No. 2013-043) on November 26, 2013 that (i) eliminated the 50 foot Class C buffer requirement and (ii) reduced the required side yard from 20 feet to 11 feet. As a result of the granting of these variances, the detached home located on Tax Parcel No. 179-051-04 shall be permitted to remain in place.

Petitioner shall be required to maintain a detached home on Tax Parcel No. 179-051-04. Petitioner shall be permitted to replace the existing detached home located on Tax Parcel No. 179-051-04 with a new detached home from time to time.

At all times, Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 shall be subject to and shall comply with all of the covenants and restrictions set out in that certain Restriction Agreement recorded in Book 1992 at Page 67 of the Mecklenburg County Public Registry as if such covenants and restrictions were set forth herein in their entirety.

The detached homes located on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 are currently occupied by residents who are not associated with the continuing care retirement community located on Tax Parcel No. 179-032-45 and who are tenants of Petitioner. These detached homes may continue to be occupied by residents who are not associated with the continuing care retirement community located on Tax Parcel No. 179-032-45 as long as legal nonconforming uses until that date that is 1 year after the date on which a certificate of occupancy is issued for the new independent living unit building designated as Building B on the Rezoning Plan. After the expiration of this 1 year period, these detached homes may only be utilized as independent living units occupied by residents associated with the continuing care retirement community located on Tax Parcel No. 179-032-45.

Construction Activities

- Construction materials relating to construction activities conducted on Tax Parcel Nos. 179-032-45, 179-051-09 and 179-051-07 shall not be stored or maintained on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04.
- Construction activities may not be conducted on the Site on Sundays, and construction activities may only be conducted on the Site daily from 7 AM to 6 PM.
- The contractor(s) shall keep the construction Site in a clean and orderly condition and shall clean Sharon Road and the sidewalk located along the Site's frontage on Sharon Road as needed.
- All initial renovations of the detached homes located on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 shall be conducted simultaneously.
- No construction staging shall be permitted on Tax Parcel Nos. 179-051-06, 179-051-05 and 179-051-04 except for materials that are being installed on such parcels.

Binding Effect of the Rezoning Documents and Definitions

- 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.
- 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.
- 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.

SITE DATA :

- PETITIONER AND OWNER :** THE PRESBYTERIAN HOME AT CHARLOTTE, INC.
- REZONING SITE AREA :** 24.80 AC.
- TAX PARCEL # :** 179-032-45, 179-051-09, 179-051-07, 179-051-06, 179-051-05, 179-051-04
- EXISTING ZONING :** INST (CD), R-3
- PROPOSED ZONING :** INSTITUTIONAL (CD) SPA AND INSTITUTIONAL (CD)
- EXISTING LAND USE :** SINGLE FAMILY RESIDENTIAL, INDEPENDENT AND DEPENDENT LIVING FACILITY Δ
- PROPOSED LAND USE :** INDEPENDENT AND DEPENDENT LIVING FACILITY Δ
- YARD REGULATIONS :**
 - ALLOWABLE -** SETBACK = 40' REQUIRED
SIDE YARD = 20' REQUIRED
REAR YARD = 20' REQUIRED
 - PROVIDED -** SETBACK = 40'
SIDE YARD = EXISTING 60' TO REMAIN
REAR YARD = EXISTING 60' TO REMAIN
- MAXIMUM BUILDING HEIGHT :** SEE ARCHITECTURAL STANDARDS

EXISTING UNITS/BEDS

INDEPENDENT LIVING UNITS	209/ 236 ALLOWED UNDER CURRENT ZONING
SKILLED NURSING BEDS	96
ASSISTED LIVING BEDS	40
TOTAL UNITS/BEDS:	345/ 372 ALLOWED UNDER CURRENT ZONING

PROPOSED UNITS/BEDS

INDEPENDENT LIVING UNITS	336
SKILLED NURSING BEDS	96
ASSISTED LIVING BEDS	40
TOTAL UNITS/BEDS:	472

- PARKING**
- OPEN SPACE**

PARKING WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE

Δ MINIMUM 16% OF THE SITE WILL BE ESTABLISHED AS TREE SAVE AREA PER THE TREE ORDINANCE

Client:

Project:

Vicinity map:

Scale:

Scale: 1" = 100'

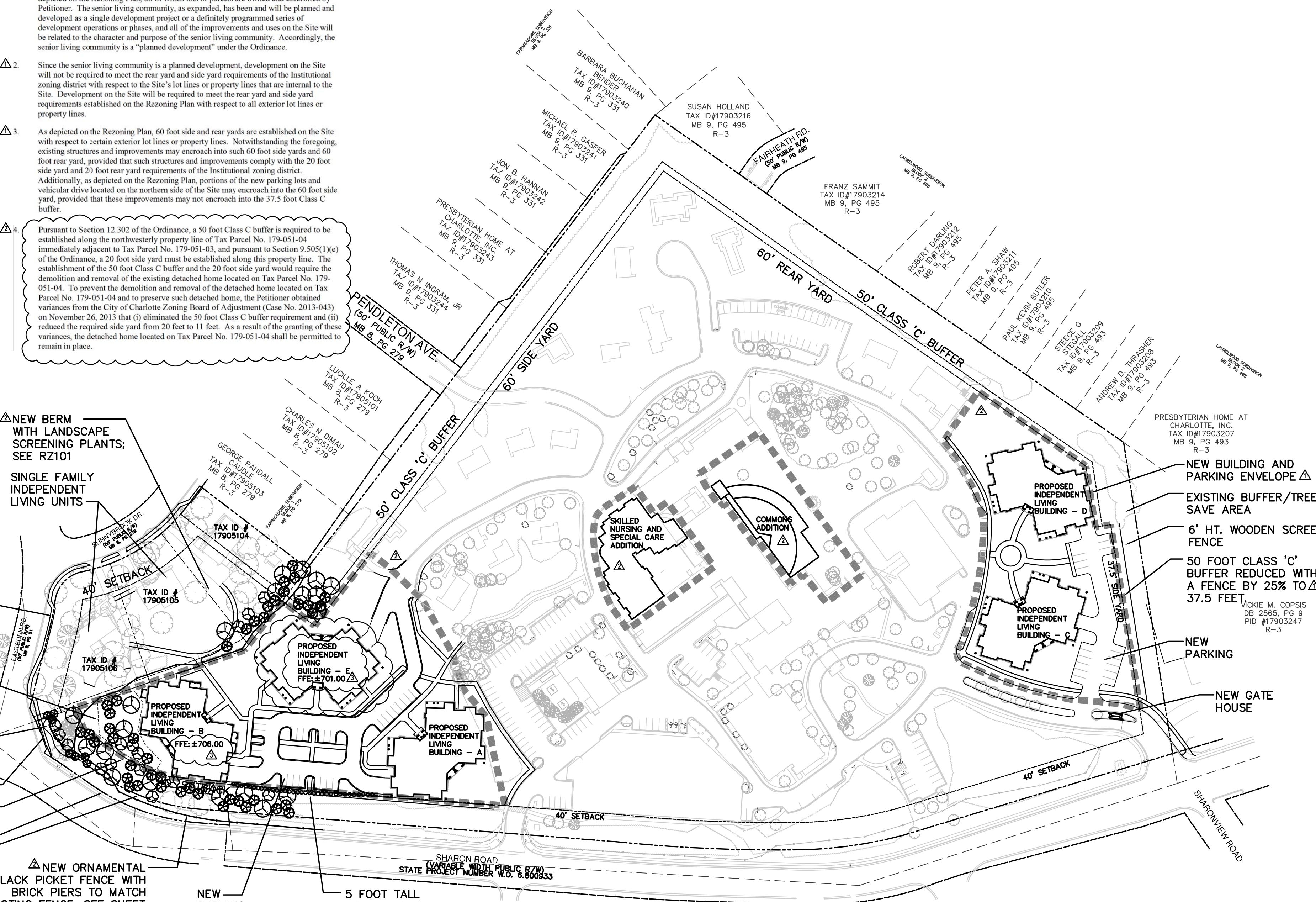
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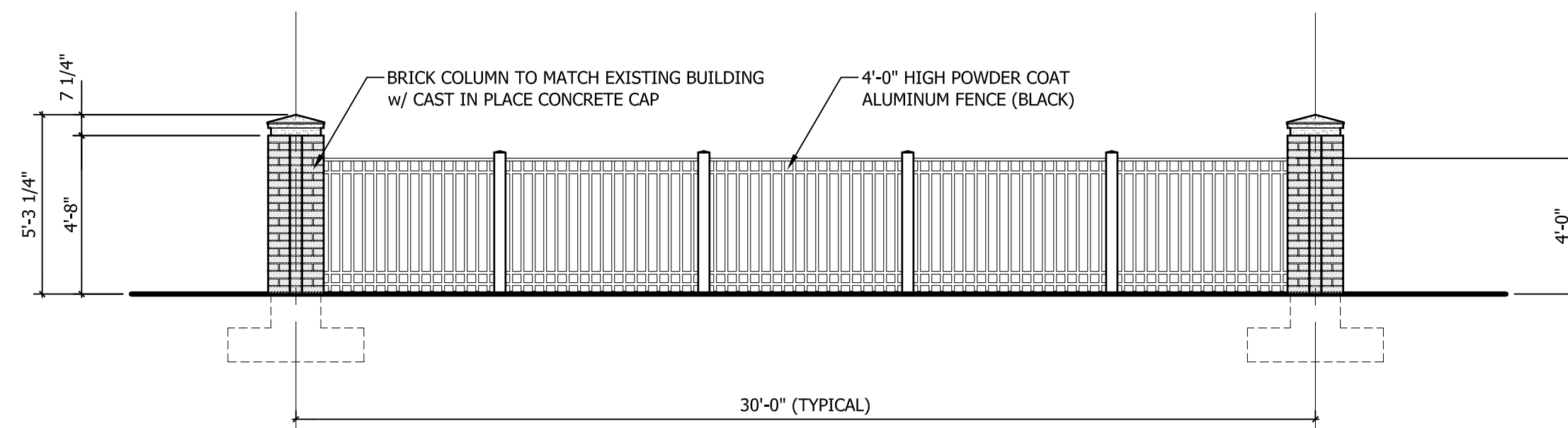
No.	Date	Description
1	08.16.13	Revised per Planning Staff Comments
2	11.15.13	Revised per Planning Staff Comments
3	12.20.13	Revised per Planning Staff Comments

Title:

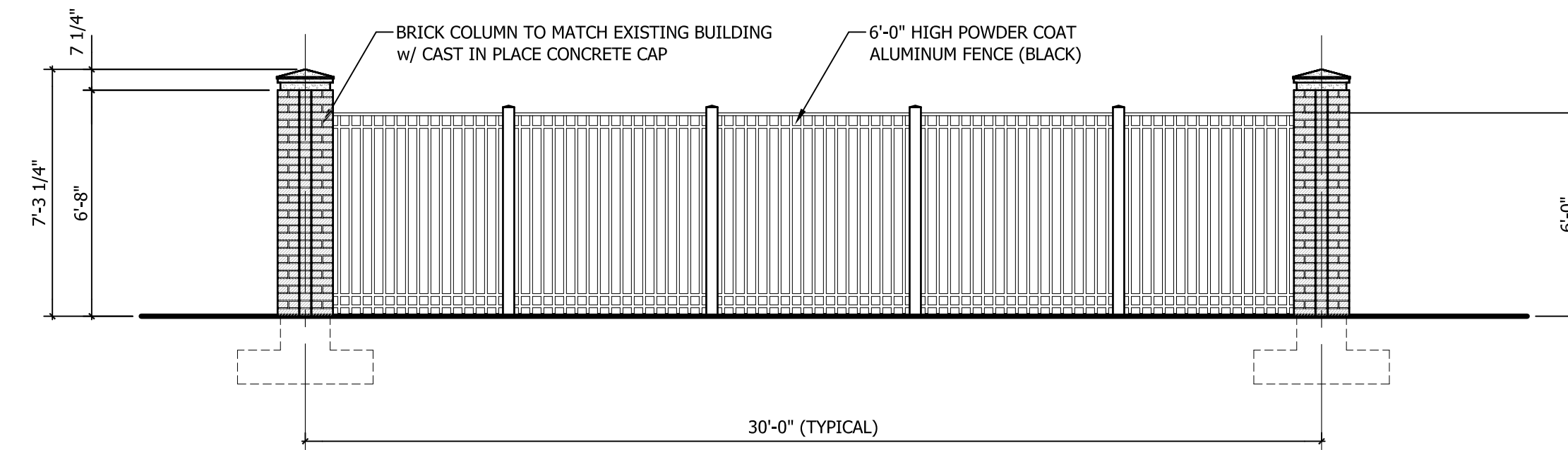
REZONING SITE PLAN

Project number: X13016.00 Sheet: RZ100
Date: 06.24.2013
Drawn by: MCKE M. COPPES DB 2565, PG 8 PFD #17903247 R-3
Approved by:





03 FENCE ELEVATION: TYPICAL 4'-0" HIGH SECTION
SCALE: 1/4" = 1'-0"



02 FENCE ELEVATION: TYPICAL 6'-0" HIGH SECTION
SCALE: 1/4" = 1'-0"



01 BACK ELEVATION: PROPOSED INDEPENDENT LIVING BUILDING (BUILDING "E" ONLY)
SCALE: 1/8" = 1'-0"



STEWART

200 S. COLLEGE ST. STE. 720
CHARLOTTE, NC 28202
7704.534.7925

FIRM LICENSE # C-1051
www.stewartinc.com
PROJECT # X13016.00

Client:

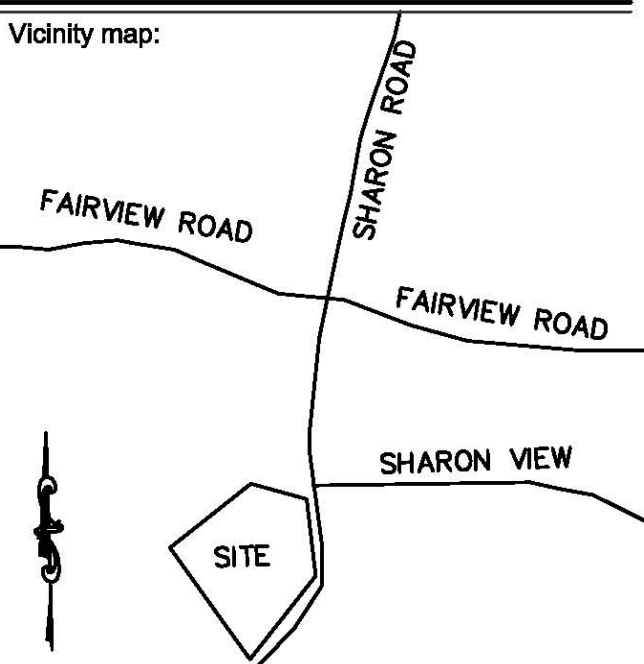


Project:

Sharon Towers

5100 Sharon Road
Charlotte, NC
28210

Vicinity map:

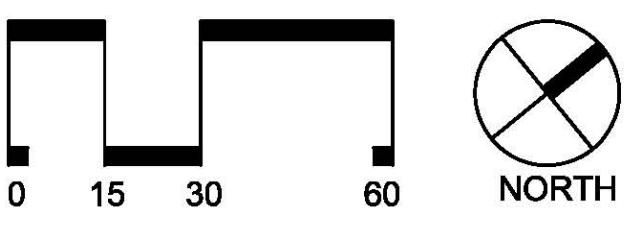


Seal:

Issued for:

No. Date Description

No.	Date	Description

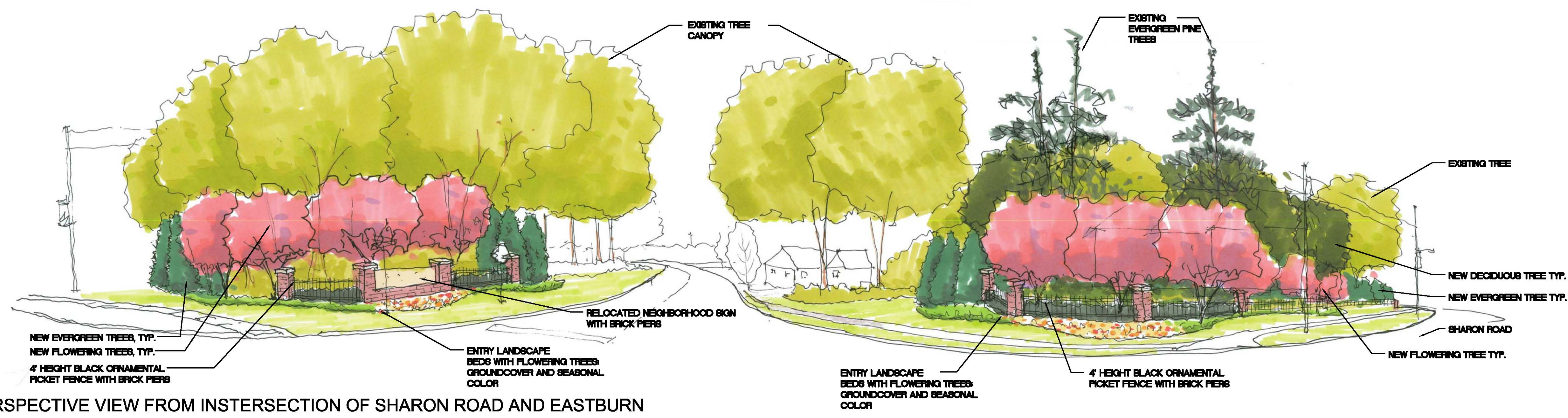


Scale: 1" = 30'

Title:

NEIGHBORHOOD
ENTRY
LANDSCAPE

Project number: X13016.00 Sheet:
Date: 11.15.2013
Drawn by:
Approved by:
RZ101



PERSPECTIVE VIEW FROM INTERSECTION OF SHARON ROAD AND EASTBURN



PLAN VIEW

Q:\PROJECTS\2013\X13016.00 Sharon Towers Villa Apartments\DWGS\X13016-RZ sketches Rev3.dwg Nov 15, 2013 - 10:13am

